

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE – 4<sup>th</sup> April 2017

<b>Application</b>	<b>5</b>
--------------------	----------

<b>Application Number:</b>	17/00422/FUL	<b>Application Expiry Date:</b>	17 <sup>th</sup> April 2017
----------------------------	--------------	---------------------------------	-----------------------------

<b>Application Type:</b>	Full application
--------------------------	------------------

<b>Proposal Description:</b>	Proposed part change of use of ground floor office (B1) to personal fitness studio (D2)
------------------------------	---

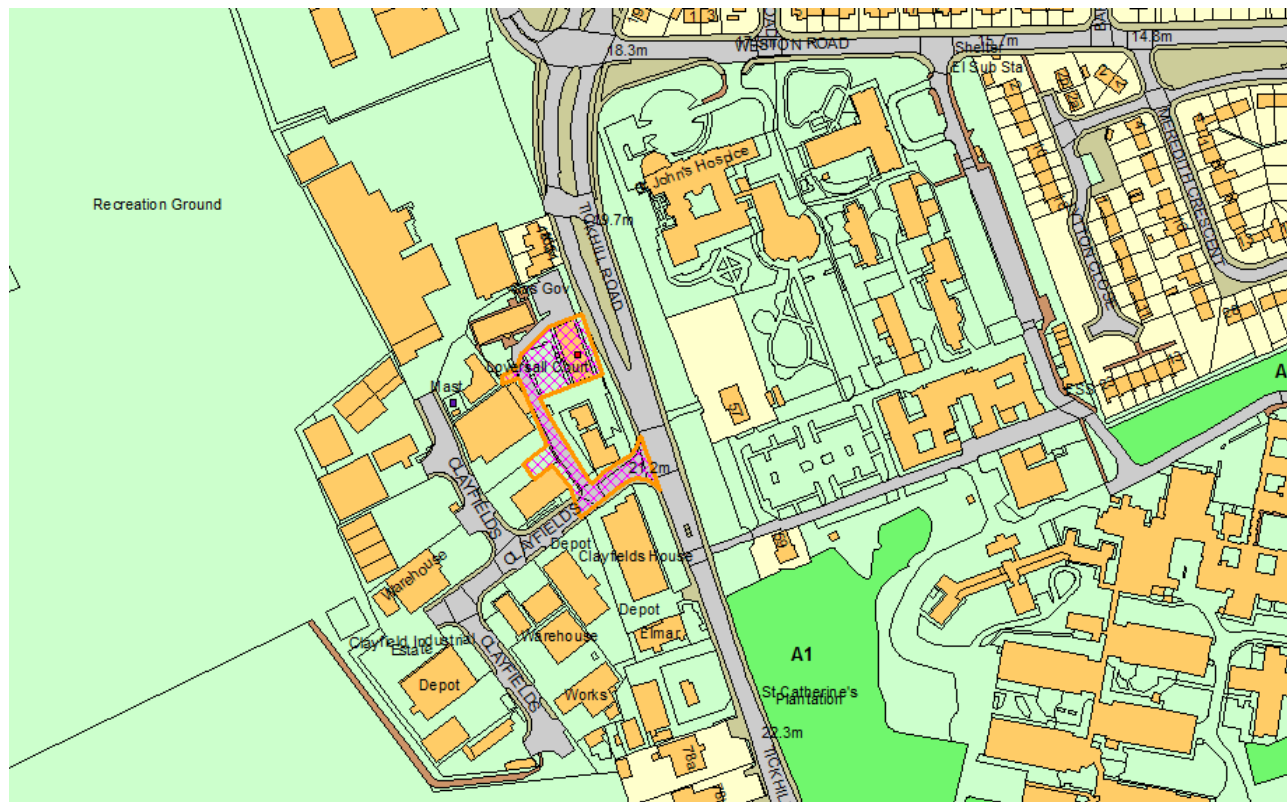
<b>At:</b>	Block A, Loversall Court, Clayfields, Tickhill Road
------------	---

<b>For:</b>	Mr John Sedgwick, C/O Diane Holgate - DCH Consulting
-------------	--

<b>Third Party Reps:</b>	1 objection	<b>Parish:</b>	N/A
		<b>Ward:</b>	Balby South

<b>Author of Report</b>	Dave Richards
-------------------------	---------------

<b>MAIN RECOMMENDATION:</b>	<b>GRANT</b> Planning Permission subject to conditions
-----------------------------	--



## **1.0 Reason for Report**

1.1 This application is being presented to Members as the planning agent is the spouse of a member of staff working in the Development and Regeneration Directorate.

## **2.0 Proposal and Background**

2.1 The application proposes the part change of use of a section of ground floor office space to a personal fitness studio (D2).

2.2 The activities would mainly promote the use of cross-circuit training equipment with one-to-one training sessions. There would be no amplified music.

## **3.0 Relevant Planning History**

3.1 03/3681/P - Erection of 2 No. two storey office blocks (each one 28.0m x 10.0m overall). Approved 06.08.2003.

## **4.0 Representations**

4.1 In accordance with the Planning Practice Guidance, statutory and local publicity stakeholders have been consulted and their comments are documented on Doncaster's Public Access website. The application was advertised by means of written notification to adjacent neighbours as well as displaying a public notice near the application site.

4.2 One representation has been received from a nearby neighbour concerned with the potential for noise and potential blocking of their access driveway.

4.3 A nearby office tenant wanted clarification of the application details; however no planning related issues were raised.

## **5.0 Relevant Consultations**

### **5.1 Highway Officer**

Having viewed all the associated information with this application, the applicant intends to train on a 1-1 appointment only basis and the office comes with adequate parking allocation. As such I have no objections to this application.

### **5.2 Environmental Health Officer (Noise)**

No objection subject to conditions restricting amplified sound and limits on numbers

## **6.0 Relevant Policy and Strategic Context**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 In the case of this application, the Development Plan consists of the Doncaster Core Strategy and Unitary Development Plan. The most relevant policies are Policies CS1 and CS5 of the Core Strategy and Policy EMP6 of the UDP.

6.3 Other material considerations include the National Planning Policy Framework (NPPF) and the subsequent planning guidance; as well as the Council's supplementary planning guidance.

6.4 Planning Permission 03/3681/P granted the erection of the office block subject to this application.

## **7.0 Planning Issues and Discussion**

7.1 The main issues are:

- Whether the use is appropriate in principle
- Whether there is any negative impact to local amenity including noise/disturbance to surrounding land uses and highway safety

### Principle of Development

7.2 Loversall Court is a designated local employment area according to the UDP. Policy EMP6 of the UDP states a preference for retaining local employment sites but does allow other uses on their own merits in accordance with other Development Plan policies.

7.3 Policy CS5 of the Core Strategy states that alternative uses can be supported at local employment sites where the use is appropriate in terms of scale, design and location or will not adversely affect the efficient operation of adjacent employment land or uses provided that:

1. it supports the employment uses located on the employment allocation;
2. is a specialist use which is appropriate to an employment site and cannot be located elsewhere; or;
3. has a mix of commercial and/or community uses that provides clear additional benefits

7.4 In light of the small scale use proposed, it is considered to be a specialist use which is appropriate to an employment area. Although the use would take away office space, the alterations and permission necessary to revert back to the prior use would be minimal. The planning agent confirmed that the office space is being marketed and has currently been without a tenant for 1 year, indicating a lack of interest. The site is within the main urban area and well located in terms of public transport provision. The use would be appropriate in terms of scale, would not adversely affect the efficient operation of adjacent office units and is appropriate to an employment area.

### Local Amenity and Highway Safety

7.5 Policy CS1 of the Core Strategy seeks to provide, amongst other things, access to new skills, jobs and good quality sport and leisure facilities. Policy CS5 of the Core Strategy and Policy EMP6 of the UDP accepts that sport and leisure uses can co-exist on employment sites provided it protects local amenity.

7.6 The proposal seeks a change of use to Class D2 to enable it to be used as a fitness studio. The use would likely involve a movable range of fitness equipment. The proposal would be a small scale operation, being appointment based and with a tutor giving one on

one tuition. Existing ancillary facilities exist in the office space to provide washing and changing rooms.

7.7 Although a nearby neighbour is concerned that the activity would be noisy and would lead to on-street parking, there would be no amplified sound and the existing employment parking available is more than sufficient to accommodate a conditioned number of visitors.

7.8 The Environmental Health Officer and Highway Officer have been consulted and no objections have been raised.

7.9 In light of the above, the proposal complies with Policy CS5 of the Core Strategy and Policy EMP6 of the UDP.

7.10 No other material issues have been raised.

## 8.0 Summary and Conclusions

8.1 For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions set out below.

RECOMMENDATION: Planning Permission **GRANTED** subject to following conditions:

### Conditions / Reasons

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

#### REASON

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. U50891            Notwithstanding any shared facilities, the use hereby permitted shall be limited to the areas 2 and 3 as defined on the approved drawing Dwg No. NGLB0015. The use must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

- Dwg No. NGLB0015 Ground Floor as existing received 20th February 2017
- Amended Planning Statement received 3rd March 2017
- Location Plan received 20th February 2017
- Further information received 20th February 2017
- Application Form received 1st March 2017

#### REASON

To ensure that the development is carried out in accordance with the application as approved.

03. U50686            The application site shall only be used as a personal fitness studio and for no other purpose within Class D2 of the Town and Country Planning Use Classes (Amendment) Order 2005 (or any subsequent

order or statutory provision revoking or re-enacting that order with or without modification). Should the use cease, the use shall revert to a B1 use unless otherwise agreed in writing by the Local Planning Authority.

REASON

The local planning authority wishes to retain control over the approved use any subsequent change of use of these premises within the D2 Use Class, in the interests of safeguarding the amenities of the area as required by Policy EMP6 of the UDP.

04. U50687

The classes provided shall be pre-arranged and limited to a maximum of 5 participants and 1 instructor with no amplified sound permitted.

REASON

To protect the residential amenity of the area as required by Policy EMP6 of the UDP.

05. U50893

The hours of opening shall be limited to between 0800 and 2000 on any given day.

REASON

To ensure that the development does not prejudice the local amenity in accordance with Policy EMP6 of the UDP.

**Informatives**

01. U11028

INFORMATIVE

The permission hereby granted shall not relate to the display of any advertisement for which express consent is required. Separate consent under the Town & Country Planning (Control of Advertisements) Regulations 1992 (as amended) is required.

**Justification**

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2010 (as amended)

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

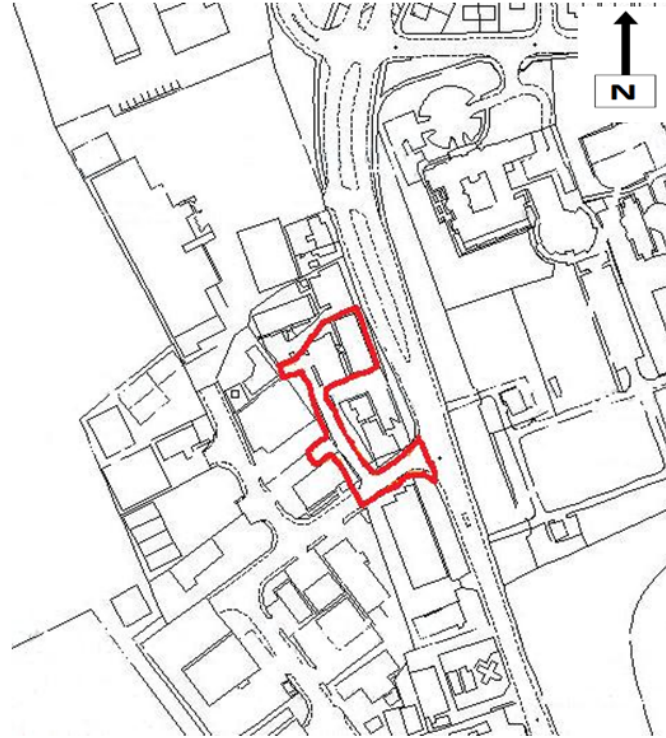
**The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence**

# APPENDICES

## APPENDIX 1 – LOCATION PLAN

### SITE LOCATION PLAN

LOVERSALL COURT, TICKHILL ROAD, DONCASTER



SCALE 1:2500

## APPENDIX 2- PART CHANGE OF USE OF OFFICE SPACE

Drawing Showing Service Points

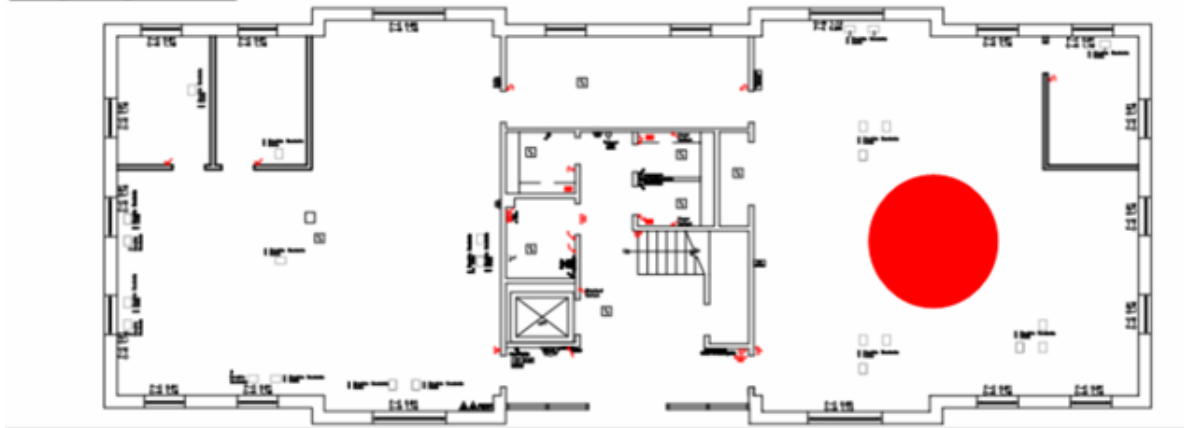


Fig 4 – Red circle shows change of use from office to fitness training centre.