

ITEM NO:Application No.
16/01122/FUL

Site Address:

Ward:
College TownDate Registered:
29 November 2016Target Decision Date:
24 January 2017**414 Yorktown Road College Town Sandhurst
Berkshire GU47 0PR**

Proposal:

Section 73 application for the removal of condition 14 (opening hours) to planning permission 00/00539/FUL for the erection of two storey side and single storey rear extensions to form enlarged gym (at ground and first floor level), new ground floor shop unit and new 2 bedroomed flat at first floor level with car parking to rear involving removal of existing detached building to rear.

Applicant:

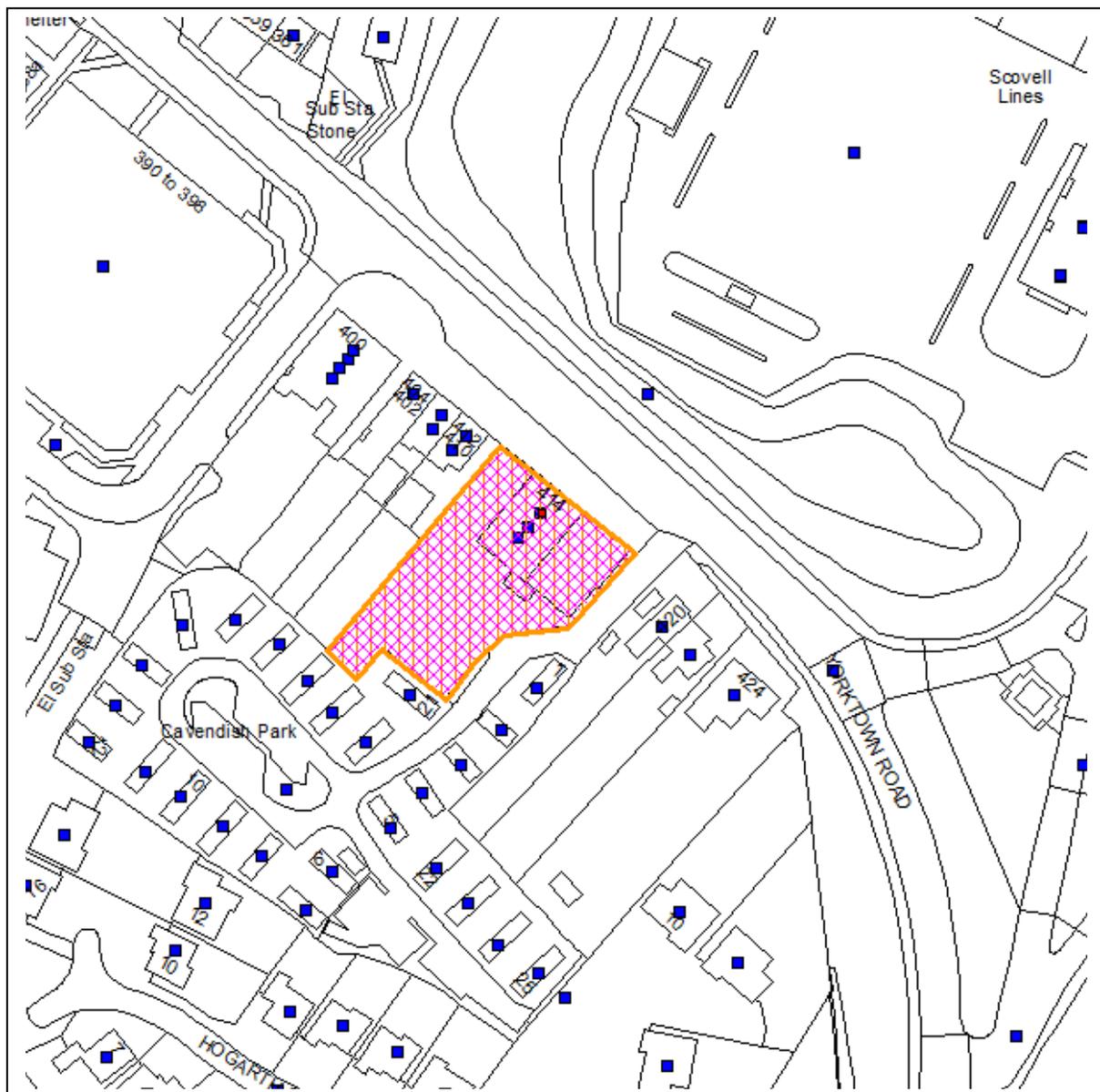
Mr Martin Weller

Agent:

Ms Susan Long

Case Officer:

Michael Ruddock, 01344 352000

development.control@bracknell-forest.gov.uk**Site Location Plan** (for identification purposes only, not to scale)

OFFICER REPORT

1. SUMMARY

1.1 The proposed development is for the removal of Condition 14 of planning application 00/00539/FUL. This condition restricts the opening hours of the gym unit, and as such its removal would allow for 24 hour opening.

1.2 The proposed development relates to a site within the settlement boundary and it would result in minimal impact on the streetscene or the character and appearance of the area. It is not considered that the development would result in an unacceptable impact on highway safety or the amenity of adjoining occupiers subject to the implementation of measures to control noise.

RECOMMENDATION
Planning permission be granted subject to conditions in Section 11 of this report

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application is reported to the Planning Committee as more than five objections have been received.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within Defined Settlement
'Town Centre' location

3.1 No.414 Yorktown Road is an approximately 30m wide building fronting Yorktown Road that consists of a two storey gym, two ground floor retail units, two first floor residential flats and a first floor dance studio. Parking is located to the rear of the building with access to the side underneath the dance studio element. Access to the site is off Yorktown Road, a classified 'C' road.

3.2 At the sides, the site is bordered to the north west by properties that have retail units at ground floor level with flats above. To the south east the site is bordered by No.420 Yorktown Road, a residential dwelling. At the rear, the site is bordered by Cavendish Park, a mobile home park consisting of twenty five park homes.

4. RELEVANT SITE HISTORY

4.1 Application 614171 - Erection of a three storey building comprising 300m2 retail and 500m2 (A2) office floor space, with car parking at rear – APPROVED 1989

4.2 Application 00/00539/FUL - Erection of two storey side and single storey rear extensions to form enlarged gym (at ground and first floor level), new ground floor shop unit and new 2 bedroomed flat at first floor level with car parking to rear involving removal of existing detached building to rear – APPROVED 2000

4.3 Application 01/00605/FUL - Retention of first floor rear extension forming office and staff room ancillary to gym, 8no. rooflights and changes to fenestration and door design from those approved under planning permission 00/00539/FUL – APPROVED 2002

4.4 Application 02/01018/FUL - Erection of two storey side extension forming dance studio at first floor level with existing access to car park, and car parking, below – APPROVED 2004

5. THE PROPOSAL

5.1 The proposal is for the removal of Condition 14 of planning permission 00/00539/FUL. The approval of this application gave permission to enlarge the gym with alterations to the car park at the rear, and Condition 14 of this approval stated 'The gym as proposed to be extended shall not be open to customers outside the following times: 1100 to 2100 hours Monday to Friday and 1100 to 1800 hours on Sunday'. The condition was imposed in the interests of the occupiers of neighbouring properties.

5.2 The removal of the condition would give the gym permission to operate for 24 hours a day, 7 days a week. The site is currently operated by Foundation Fitness, and if the application is successful the gym would be taken over by new management under the Anytime Fitness brand. No change of use is proposed under the application and no other external changes are proposed.

5.3 The application is accompanied by an acoustic report which sets out measures to control the music and noise from inside the gym. There is no intention for any classes to be run outdoors, and the occupiers would set out guidelines for members instructing them to enter and exit quietly at night. If members are found to be violating these guidelines then their memberships would be terminated.

5.4 Features that would be incorporated into the design of the gym include:

- Low volume background music rather than loud bass beats. Music levels not to exceed 71dBA within the gym and 80dBA within the studio.
- Cardiovascular equipment to have individual television screens with members required to wear headphones to listen to the sound.
- High impact resilient flooring will be used under the free weights area to absorb the impact of dropping weights onto the surface.
- Small group classes in the studio would conclude at or before 9pm.
- All windows to be fixed shut at all times, with air conditioning supplied to filter air.

6. REPRESENTATIONS RECEIVED

Sandhurst Town Council

6.1 Recommend refusal for the reason that the proposed extension of opening hours will be detrimental to those neighbouring residents who already suffer loss of amenity due to noise from the car park throughout current operating hours.

Other representations

6.2 Five letters of objection were received from residents living in Cavendish Park, and the management company for the mobile home park. The reasons for objection can be summarised as follows:

- Cavendish Park is a quiet residential park for people aged 50+. Homes are set away from Yorktown Road which enhances the peaceful environment. The proposed development would compromise the peaceful environment both from the use of the gym and the use of the car park during the currently prohibited hours.
- The acoustic report does not fully address all issues, as its primary focus is on the flats forming part of the building. Although noise from the gym building is thoroughly addressed, noise from the car park is given less attention.
- The gym as existing results in disturbance to the mobile home park both from the car park and music from the gym.

- Noise transfers through the structure of mobile homes more readily than through conventional housing. The impact of the development would therefore cause serious disruption to residents.
 - No mitigation measures for reducing noise from the car park. Vehicle activity in the car park would be distinguishable compared to the current situation.
 - It is suggested in the Planning Statement that users of a comparable gym in Wokingham live close enough to walk or cycle. However this is not supported by any data. It is unlikely that customers would walk to the gym in the dead of night.
 - Allowing the gym to operate for 24 hours may cause a knock on effect and set a precedent for other businesses to follow, such as the nearby supermarket.
- [OFFICER COMMENT: As each application is judged on its own merits, each case would have to be justified on an individual basis and a nearby approval would not make a similar application elsewhere acceptable.]
- The proposal would increase parking issues that already exist at the site.

7. SUMMARY OF CONSULTATION RESPONSES

Highways Officer

7.1 No objection.

Environmental Health Officer

7.2 No objection providing that the recommendations of the acoustic report/impact assessment are implemented in full.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The key policies and associated guidance applying to the site are:

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP.	consistent
Residential Amenity	Saved policies EN20 and EN25 of BFBLP	consistent
Highway Safety	CS23 of CSDPD, Saved policy M9 of BFBLP	consistent
Other publications	National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Parking Standards SPD,	

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of the Development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications
- v Community Infrastructure Levy

i. Principle of the development

9.2 No.414 Yorktown Road is located in a defined settlement within a 'Town Centre' location as designated by the Bracknell Forest Borough Policies Map, known as Yorktown Road, College Town. Development within a defined settlement is considered to be in

accordance with Core Strategy Policies CS1 (Sustainable Development) and CS2 (Locational Principles). Core Strategy Policy CS21 (Retail Development in Town Centres) and Bracknell Forest Borough Local Plan 'Saved' Policies E5 (Hierarchy of Shopping Centres) and E11 (Village and Neighbourhood Centres and Local Parades) are also considered relevant to this proposal.

9.3 The NPPF makes reference to ensuring the vitality of town centres, therefore Policy CS21 is considered to be consistent. The Glossary to the NPPF defines 'Town Centres'. Whilst the definition includes district centres and local centres, the term 'neighbourhood' is not included. The NPPF continues by stating that 'small parades of shops of purely neighbourhood significance are excluded'. As a result, Bracknell Forest Borough Local Plan 'Saved' Policies E5 and E11 are not entirely consistent with the NPPF and therefore the weight that can be given to these policies is reduced.

9.4 CSDPD Policy CS21 states that 'Retail development will be directed to the identified 'Town Centres'. The scale and nature of the retail uses will be consistent with the role and function of the centre.' The policy also gives guidance with regard to the scale and function of development, its impact on vitality and viability of other Town Centres, whether it is accessible by a choice of means of transport and potential environmental impacts. BFBLP 'Saved' Policy E5 defines Yorktown Road, College Town as a 'Local Parade'.

9.5 In any case, the proposal would not result in a change of use or result in the loss of any existing uses. Furthermore it is considered that an increase in opening hours would support the vitality and viability of the neighbourhood centre. As such it is considered that the proposal is acceptable in principle. This is subject to no adverse impacts upon residential amenities of neighbouring properties, character and appearance of the surrounding area, highway safety and transport implications, etc. These matters are assessed below.

ii. Impact on the character and appearance of the area

9.6 The proposed removal of a condition would not result in any additional impact on the streetscene as no additional built form is proposed. Furthermore the use of the unit would remain as existing.

9.7 An increase in opening hours would result in an increase in activity at the site at the times the site is currently not operational, however given its location in a Local Parade within the settlement boundary and accessed off a classified 'C' road it is not considered that an intensification of this site would be unacceptable, with regard to the character and appearance of the area.

9.8 As such it is not considered that the development would result in an adverse impact on the character and appearance of the area. The development would therefore not be contrary to CSDPD Policy CS7, BFBLP 'Saved' Policy EN20 or the NPPF.

iii. Impact on residential amenity

9.9 As the proposal would not result in any additional built form, it would not result in any additional impact to neighbouring properties through loss of light or overbearing.

9.10 In respect of noise, the application has been accompanied by an acoustic report from KP Acoustics. The nearest noise sensitive receptors were identified as the residential flats adjacent to the gym, and a sound insulation investigation was undertaken between the proposed gym areas and the residential units. In addition, structure borne vibration transfer has been measured between the proposed free weights area at ground floor level to ensure that this area can be sufficiently isolated.

9.11 In respect of sound insulation, the investigation showed good levels of sound insulation other than between the free weights area and the adjacent R&A Windows Unit. However the report recommends that the insulation of all the walls is upgraded to ensure that noise during the gym's 24 hour operation is non-intrusive to the adjacent spaces. Full details of the recommended upgrading are in Section 5 of the report.

9.12 Section 5 also gives recommendations with regard to the free weights area. To ensure that any physical floor vibration would be minimised as much as practically possible it is recommended that 12.55 Sylomer products are used to treat the floor in the area of the free weights.

9.13 Section 6.1 concludes that, with these upgrades and using a source level of 80dB to represent a worst case noise level of gym activity including music and machine use, noise break-in would be below the design range of BS8233 (Noise Assessments) by 10dB. As such, any break in noise from the gym would be masked by the prevailing background noise level. This would ensure that the amenity of the closest residential receiver would be protected during the 24 hour operation of the gym.

9.13 An environmental noise survey was also undertaken in order to assess noise breakout from the gym space to a position 1m from the closest residential windows which were identified as the closest static caravan within Cavendish Park. This showed a minimum daytime sound level of 49dB and a minimum night time level of 47dB.

9.14 Using a source level of 80dB to represent a worst case noise level of gym activity including music and machine use, the report concludes that noise breakout from the gym would be 34dB, taking into account the glazed external building fabric of the gym. This would be below the measured minimum background noise level during the facilities operating hours. Therefore any breakout noise from the gym at 1m from the nearest residential windows in Cavendish Park would be below the existing background noise level for the area. A condition will be imposed which will require the external noise level not to exceed the minimum background level, in accordance with the report's assessment.

9.15 The Council's Environmental Health Officer has been consulted on the proposal, and is satisfied that providing the recommendations of the acoustic report are implemented in full, the development would not result in an adverse impact on the amenities of nearby residential properties. A condition is therefore recommended to require implementation of the recommendations prior to 24 hour opening being commenced.

9.16 Concerns have been raised by residents that the gym as existing results in noise and disturbance, and this would be exacerbated. However it is considered that if the recommendations of the acoustic report are implemented in full then the impact on neighbouring properties would be less than as existing in respect of noise from the gym. The proposals include making all windows fixed shut at all times, which would improve the relationship with neighbouring properties in respect of music noise from the gym.

9.17 Concerns are also raised with regard to additional activity within the car park resulting in noise and disturbance to the properties on Cavendish Park. However the Environmental Health Officer considers that the number of customers using the gym in the sensitive hours is likely to be low, and this is supported by evidence in the noise report. Furthermore users of the gym will likely arrive and leave singly, rather than in large groups, so it is not anticipated that there would be a large increase in talking, shouting, laughter etc in the car park.

9.18 The main source of noise in the car park would be car engines, which is something already experienced in the area due to it being a mixed residential and commercial nature.

For example there will be residents arriving and leaving in cars for work at all hours, so noise from this source related to the gym is unlikely to add significantly to the existing background levels. Those customers who choose to use the gym late at night or early in the morning will need to respect the needs of the neighbours in terms of keeping the noise down, as does anyone moving around late at night, and it will be incumbent on the gym to manage this in order to keep the noise to a minimum. Although it is acknowledged that the majority of users would likely travel by car during these hours it is not considered that such activity would result in such an increase in noise and disturbance to the neighbouring properties over the existing background level that refusal of the application would be warranted.

9.19 As such it is not considered that the development would result in a detrimental effect on the amenities of the residents of the neighbouring properties. The proposal would therefore not be contrary to BFBLP 'Saved' Policies EN20 or EN25.

iv. Transport Implications

9.19 The site takes access off Yorktown Road, a local distributor road which is subject to a 30mph speed limit. The access leads to a car park to the rear which has 22 spaces. No changes are proposed to either the access or the car park.

9.20 The application seeks 24 hour opening which would extend the usage to allow use overnight and in early morning. The applicant has provided data of overnight usage from another gym in Wokingham which indicates that such usage is relatively modest in the region of 4 to 6 people per hour. The data provided also indicates that most of the members of the Wokingham gym live within 2km of the site and as such make use of non car modes.

9.21 It is considered unlikely that gym members at the application site would make use of non-car modes overnight due to buses not running, safety at night, convenience etc. However the usage level is considered likely to be comparable, and given that the gym is served by a rear car park with 22 spaces it is considered that this would be sufficient to cater for potential demand during the additional opening hours.

9.22 As such it is not considered that the development would result in an adverse impact on highway safety. The proposal would therefore not be contrary to CSDPD Policy CS23, BFBLP 'Saved' Policy M9 or the NPPF.

v. Community Infrastructure Levy (CIL)

9.23 Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

9.24 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted), including new build that involves the creation of additional dwellings. The proposed development is not CIL liable.

10. CONCLUSIONS

10.1 It is not considered that the development would result in an adverse impact on the character and appearance of the area, residential amenity or highway safety, subject to appropriate conditions. As the application is a Section 73 application, these will include any conditions imposed on permission 00/00539/FUL that remain relevant which will be updated or amended if necessary.

10.2 It is therefore considered that the proposed development complies with Development Plan Policy SALP Policy CP1, CSDPD Policies CS1, CS7 and CS23, BFBLP 'Saved' Policies EN20, EN25 and M9 and the NPPF.

11. RECOMMENDATION

11.1 **APPROVE** the application subject to the following conditions:-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990
02. The first floor windows serving toilets and changing rooms shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent).
REASON: To prevent the overlooking of neighbouring properties.
[Relevant Policy: BFBLP EN20]
03. All windows serving the gym and dance studio shall be fixed shut at all times.
REASON: To prevent disturbance to neighbouring properties.
[Relevant Policies: BFBLP EN20, EN25]
04. The areas shown for hard and soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose .
REASON: In the interests of the visual amenities of the area.
[Relevant Policy: BFBLP EN20]
05. The parking spaces shall not be used for any purpose other than parking.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, CSDPD CS23]
06. The cycle parking spaces and facilities shall not be used for any purpose other than cycle parking and shall be retained.
REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFBLP M9, CSDPD CS23]
07. The gymnasium and dance studio shall be used only as a gymnasium and dance studio and not for any other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification).
REASON: In the interests of the amenities of the area.
[Relevant Policy BFBLP EN20]
08. The development shall not be implemented until all the works and measures contained in the KP Acoustics Report dated 8 November 2016 have been implemented in full. Any subsequent alteration or repair to the building shall be in compliance with this report.
REASON: In the interests of the amenities of the residents of neighbouring properties.
[Relevant Policies: BFBLP EN20, EN25]
09. The level of noise emitted from the gym and dance studio shall not exceed the existing background noise level, in accordance with the KP Acoustics Report dated 8 November 2016
REASON: In the interests of the amenity of the residents of neighbouring properties.
[Relevant Policies: BFBLP 'Saved' Policy EN20, EN25]

10. No lighting shall be provided at the site other than that approved by the Local Planning Authority under application 00/00539/FUL.
REASON: In the interests of the amenities of the neighbouring property and the character of the area.
[Relevant Policies: CSDPD CS7, BFBLP 'Saved' Policy EN20, EN25]

Informatives:

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission subject to conditions, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to any of the above conditions; however they are required to be complied with.
03. The occupier may require registration with the Local Authority Under Article 6(2) of Regulation 852/2004 if it is a food business. The proprietor of a new business is required to register with the Environment, Culture and Communities Department 28 days before the business opens. Further information is available by contacting Environmental Health Commercial Team on Bracknell (01344) 352000.