

APPLICATION NO	PA/2011/1457
APPLICANT	Mr J Durose
DEVELOPMENT	Planning permission to change the use of a warehouse to a gym, fight club and internet café
LOCATION	142 to 144 Frodingham Road, Scunthorpe
PARISH	SCUNTHORPE
WARD	Crosby and Park
CASE OFFICER	Mark Simmonds
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Officer discretion

POLICIES

National Planning Policy Framework: No specific policies apply.

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy DS1 (General Requirements) provides general guidance in relation to all new development. Policies DS11 (Polluting Activities) and DS4 (Changes of Use in Residential Areas) also apply.

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

CONSULTATIONS

Highways: Do not wish to restrict the grant of planning permission.

Environmental Protection: Comments. Agree conditions could be imposed to control potential noise issue.

Humberside Police: Comments. The area has an above average crime rate, and there is no design and access statement with the application. Parking: there is only access from a ten-foot, no parking, the ten-foot services emergency services and other residents. Lighting: there is little lighting, the ten-foot is dark. Ten-foot: no active frontage, no surveillance. The gym could become a 'honey pot' attracting those who are not gym members trying to 'engage' with gym members.

PUBLICITY

The application has been advertised by site notice and letters have been sent to neighbouring properties.

Objections have been received on the following grounds:

- parking is restricted and is used by other businesses, there are enough parking problems on the street already
- noise from spectators to the fight club
- no proper ventilation, no fire exits
- are there adequate toilets and shower facilities?
- the signs are obscene
- the business is running without permission – flouting the law
- concerned about the sign overlooking the church car park
- opening hours – the club would be open nine hours a day, seven days a week, including bank holidays
- how will membership be monitored?

ASSESSMENT

The site is a disused warehouse building which is being used to run a gym and fight club with exercise/weight machines and a café. This use falls within Use Class D2 with ancillary café.

The issues to be considered in the determination of this application are noise disturbance, the amenity of neighbours, and highway/parking issues.

The site has been up and running for a considerable period now and has around 40 members per week visiting the gym. The use is compatible with a mixed residential/business area. There are many restaurants, shops and businesses such as taxi offices on Frodingham Road, and directly adjacent is a church. There are also residential properties nearby and the issue of noise has been raised by objectors. Environmental Protection has raised the issue of noise as of potential harm to nearby residential occupiers and refers to two specific areas – hours of opening and noise control through soundproofing. It is felt, however, that if noise is to be controlled through soundproofing then the hours of opening are not such an issue and the hours applied for by the applicant can be agreed. Conditions will need to be imposed to achieve this and to protect neighbours' amenity.

With regard to parking, Highways do not object and it is probable that a large proportion of those training regularly will walk to the gym. There is ample parking on surrounding streets and there is some parking to be found on the ten-foot itself. This is not considered a problem.

The signs referred to by objectors, whilst not directly related to this application for change of use, have been removed from the site following negotiations with the applicant.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2011/1457/01.

Reason

For the avoidance of doubt and in the interests of proper planning.

2.

Within three months of the date of this permission the building shall be soundproofed in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme shall include details of acoustic weak points, acoustically treated ventilation to allow the premises to operate with all doors closed, and management control measures to be put in place.

Reason

To avoid the unacceptable loss of amenity to local residents through noise and to comply with policies DS1, DS4 and DS11 of the North Lincolnshire Local Plan.

3.

The premises shall not be open, nor shall any equipment or machinery be operated, outside the hours of:

Monday to Friday: 9am to 9pm

Saturdays, Sundays and Public/Bank Holidays: 9am to 6pm.

Reason

To avoid the unacceptable loss of amenity to local residents through noise and to comply with policies DS1, DS4 and DS11 of the North Lincolnshire Local Plan.

4.

The premises shall only be used as a gym, fight club and ancillary café and for no other use, including any other use within Classes D2 or A3 of the Use Classes Order 2005.

Reason

To allow the local planning authority to retain control of the future use of the site to protect the amenity of neighbours and to comply with policy DS1 of the North Lincolnshire Local Plan.

Reasons for approval

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would not materially harm the character of the area nor the living conditions of neighbouring occupiers, and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are policy CS5 of the North Lincolnshire Core Strategy and policies DS1, DS4 and DS11 of the North Lincolnshire Local Plan.



Title: PA/2011/1457

Drawn by: Sue Barden

Date: 25/09/2012

Scale: 1:1250



© Crown copyright and database rights 2012
Ordnance Survey 0100023560



Director of Places
Peter Williams
BSc,DMS,CEng,MEI,MCMI,AMIMechE