

BOROUGH OF KETTERING

Committee	Full Planning Committee - 04/09/2018	Item No: 5.3
Report Originator	James Wilson Development Officer	Application No: KET/2018/0399
Wards Affected	Northfield	
Location	Vacant Garden Centre, Northfield Avenue, Kettering	
Proposal	Full Application: Change of use from garden centre to indoor gymnasium and outdoor training area. Replacement shopfront, fencing, external lighting, installation of air conditioning units and bin storage area within service yard	
Applicant	Anytime Fitness	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and documents as referenced as follows; 1102-31 and 1102-11.

REASON: In the interests of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Use of the outdoor training area shall only be used between the hours of 09:00 to 18:00 hrs Monday to Saturday excluding bank holidays with no amplified music or voices. Prior to holding public events including competitions that are open to the public or non-members approval shall be obtained in writing from the Local Planning Authority. The development shall not be carried out other than in accordance with the approved Noise Mitigation Plan and this scheme shall be fully implemented before first use of the development.

REASON: Noise protection measures are necessary prior to the commencement of development to ensure that acceptable noise levels within the dwellings and the

curtilages of the dwellings are not exceeded in the interests of residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to the first occupation of the development full details of the approved cycle parking (as depicted upon approved plan 1102-11), to include weather protection, shall be submitted to and approved in writing by the Local Planning Authority; development shall be implemented in accordance with the approved details and retained at all times thereafter.

REASON: To promote modal shift and sustainable development in compliance with Policy 8 of the North Northamptonshire Core Spatial Strategy

5. The parking area hereby approved (as depicted upon approved plan 1102-11) shall be provided prior to the first occupation of the building hereby permitted and shall be signed as dedicated parking for the facility and permanently retained and kept available for the parking of vehicles thereafter.

REASON: To ensure adequate on-site parking provision for the approved building(s) and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0399

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

KET/2003/0098,, Garden Centre canopy, APPROVED, 26.03.2003

KET/2018/0184,, Redevelopment of Petrol Filling Station, APPROVED, 14.06.2018

Site Description

Officer's site inspection was carried out on 05/06/2018.

The site is located to the rear of the Asda Superstore car park adjacent to the petrol filling station (east). The petrol station includes a retail store, vacuuming, jet wash station and car wash tunnel, however, planning application KET/2018/0184 has recently been approved permitting its refurbishment and redevelopment. Sole access is provided to the site is via a spur road from the roundabout on Northfield Avenue and Dyson Drive. To the north and west of the site are mature trees, approximately 15 metre to the north beyond the trees is a small development of new residential properties accessed from Malham Drive. Opposite this development and to the Northeast of the site is Thorndale-Shaw Healthcare assisted living accommodation. Access through trees is provided by a cut-through to the superstore. To the west of the site beyond the tree belt is the Midland Mainline railway line and to the south is the Asda superstore and car parking area.

Proposed Development

The proposal is for a change of use of the vacant garden centre to an indoor gymnasium and an outdoor strongman training area. The gym is to be opened 24hours a day, 365 days of the year. This will usually be staffed on Monday to Friday 09:00 – 20:00, Saturday 09:00 – 17:00 and Sunday 10:00 – 16:00 and will accommodate health and fitness stations, studio, Cardio machines and changing rooms. The outdoor strongman training area will be opened every day during staffed hours only. The proposals also include the renewal of external lighting, replacement of broken shop front, renewal of external fencing, installation of air conditioning and outdoor bin storage area within the enclosed service yard and the inclusion of 26 car parking spaces, 3 of which will be dedicated for blue badge customers.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Highway Authority: No objections subject to various considerations/conditions in respect of dedicated car parking spaces, cycle parking location and a financial contribution towards a controlled pedestrian crossing on Rockingham Road west of the roundabout with Northfield Avenue

to increase sustainable access from local residential areas to the site.

However, further response received from LHA regarding the contribution they are seeking toward the controlled crossing stating that the contribution would be justified and CIL compliant whereas the Planning Officer considers it not to be CIL compliant. LHA maintain that the requirement for a financial contribution is needed.

Environmental Health: No objections subject to a condition on the use of the outdoor area and time restrictions.

Police: The use of replacement doors and windows security rated to LPS1175sr2 or STS 202 Br2 and replacement glazing benefiting from being P2A standard if implemented will reduce the likelihood of crime, disorder and anti-social behaviour occurring. This is in the interest of the security and quality life of future occupants of the development.

Third Parties: Existing gym operator within Kettering – consider that there are too many gym’s within Kettering for the population. Consider that this gym will have a negative impact on all gyms within the area in relation to lay off of staff and potentially gym closures. Request to consider the financial impact on the locally run gyms serving the community in Kettering. [This response was submitted after the consultation period ended].

5.0 Planning Policy

National Planning Policy Framework 2018

Section 6. Building a strong, competitive economy

Section 7. Ensuring the vitality of town centres

Section 9. Promoting sustainable transport

Section 12. Achieving well-designed places

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1: Presumption in Favour of Sustainable Development

Policy 8: North Northamptonshire Place Shaping Principles

Policy 11: The Network of Urban and Rural Areas

Policy 12: Town Centres and Town Centre Uses

Policy 22: Delivering Economic Prosperity

Policy 23: Distribution of New Jobs

Local Plan

33. Environment: Advertisements, Signs And Shop Fronts

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Access and Highway Safety
3. Design
4. Residential Amenity
5. Crime Prevention
6. Other matters

1. Principle of Development

The site is located within the town boundary of Kettering and the scheme relates to the redevelopment of a former garden centre (either sui generis or A1 use class) to a gymnasium (D2 use class). The site is not within the defined town centre boundary (it is approximately 1km from the boundary) and the proposed use would be considered to be a health and fitness centre which is categorised as a '*main town use*' within Annex 2 of the NPPF. These uses are directed towards town centres by paragraph 86 of the NPPF and Policy 12 of the North Northamptonshire Joint Core Strategy (NNJCS). Where proposals are outside of the town centre area a sequential test should be applied to demonstrate that there are no preferable alternative sites or premises that would be suitable for the proposal either in the town centre, then in the edge of the town centre location and finally in an out of centre location. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) does allow for up to 200sqm of A1 (shops) to be changed to D2 without planning permission however in this case the floorspace would be in excess of this limit.

A retail sequential test is therefore required; however, as the floorspace for the development is 582 sqm and less than the 2,500sqm threshold, a retail impact assessment is not necessary. The applicant has supplied a sequential test within the submitted Planning Statement that concludes there are no properties which were available, suitable and viable in a town centre of edge of town centre location.

The applicant has identified 2 additional potential premises, aside from their proposed site, within their criteria of 400 to 700 sqm size range from Co-Star, a listing company for commercial properties. The business model for Anytime Fitness is that their facilities are accessible 24/7 365 days of the year through a membership and key fob system. The properties that were identified were discounted as being unsuitable as it is considered that they would be unlikely to obtain permission for 24 hour opening in one location and the other is located on a primary shopping parade and a change of use to D2 would be resisted. The upper floors may be able to be converted however it is argued that it would be unviable to create the required floor loading and the disable

access and dedicated parking would not be achievable.

The Council has undertaken a sequential test search for properties and sites within the Town Centre on property listings such as Rightmove and PrimeLocation and there were no further properties or sites which were sequentially preferable that could provide the accommodation required and that were available and viable to create into a gymnasium and outdoor training area. Therefore, it is considered that the sequential test has been satisfied.

Policy 11 of NNJCS provides support for the proposals in that it supports development that strengthens the network of settlement within the Borough. The location of proposal within Kettering's boundary would achieve this and would also go towards support Policy 23 which supports the growth in non-B Class jobs on sites within or adjoining the Growth Towns in locations that are capable of being accessed by a choice of means of access.

In conclusion, therefore, it is considered that the principle of development for the change of use of the Garden Centre (Sui Generis/A1) to a gymnasium (D2) would be acceptable subject to the assessment against other policies within the Development Plan.

2. Access and Highway Safety

Policy 8 of the NNJCS requires development to make safe and pleasant streets by ensuring a satisfactory means of access and provision for parking, serving and manoeuvring.

It is recognised that the site is located relatively close to the town centre and a busy arterial route and would be accessible by walking, cycling and buses, although the facility is likely to be accessed mainly by cars.

The access to the public highway is via the spur road which provides access to the Asda Superstore petrol filling station. The level of traffic that is likely to be generated by the facility, considered to be no more than 20 members at the peak, will be no greater than that generated previously by the Garden Centre and therefore there will not be an impact on the highway network or highway safety.

A Transport Statement has been submitted with the planning application which states that the facility is within a 10 minute walking distance of 3 bus stops making it accessible by public transport. The site already benefits from 7 bicycle racks capable of accommodating up to 12 cycles and 2 motorcycles. It is intended that employees would store their cycles inside the gym area and there are onsite showers making this a feasible mode of transport for travel to work.

It is proposed that the parking arrangements will be altered to increase the amount of disabled parking while reducing the standard vehicular parking by 4 spaces. This still accords with Northamptonshire Highway parking standards.

The Local Highway Authority has commented that it has no objections subject

to a condition dedicating the usage of the car parking to the fitness centre, a requirement for the cycle storage to have a cover and be overlooked from the office and that a financial contribution be provided towards a controlled pedestrian crossing on Rockingham Road to increase sustainable access from local residential areas.

It is considered that the proposed conditions are reasonable and meet the tests set out in the NPPG guidance, however, the contribution to the pedestrian crossing is not considered to be CIL compliant. Therefore, the Council would struggle to justify such a contribution. The legal test set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 state that any obligation must be (a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

It is considered that the proposed obligation would not meet criteria a) and c) and therefore cannot be requested.

With respect to access and highway safety, therefore, the proposed redevelopment of the garden centre and change of use would comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Design

Paragraph 11 of the NPPF places a presumption in favour of sustainable development at the heart of planning; good design forms a key element of this. Local Planning Authorities must seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Policy 8 of the NNJCS states that new development should be high quality in design and respect and enhance the character of its surroundings.

The proposal is to refurbish and renovate a former Garden Centre within the wider car park area of a food superstore into a gym/fitness centre. The proposals include the replacement of broken shop front, renewal of external lighting and renewal of external fencing. It is not proposed to alter the structure of the building and the refurbishment to the frontage of the building will be in keeping with the surrounding retail environment and adjacent petrol filling station.

It is proposed to reinstate the shopfront with powder coated aluminium panels and shopfront glazed units with vents above. Corporate signage is likely to be incorporated within these panels to identify the function of the building. Saved policy 33 of the Kettering Local Plan states that consent for the display of advertisements will be granted where the proposed advertisements or signs are integral and subsidiary to the use of the building which they promote and are sympathetic in style, materials and illumination to the building to which they are displayed. It is considered that the proposed design will be sympathetic and appropriate to the location and therefore will accord with save policy 33.

4. Residential Amenity

Policy 8 of the NNJCS requires new development to not have an unacceptable

impact upon the amenities of neighbours or the wider areas as result of noise, smell, loss of light or overlooking among other factors.

The nearest residential neighbours to this site are approximately 15m away to the north of the property across a small tree belt on Malham Drive. A residential care home, Thorndale Shaw Healthcare is approximately 50m away to the north east.

The main issue to consider regarding residential amenity is the impact of noise from the proposed development as it is intended that this will operate 24 hours a day. There is also an outdoor fitness area where any noise will travel further and may have an impact on adjacent neighbours.

The operation of the facility and access to the gym is to be based on membership scheme. The gym will be opened and staffed on Monday to Friday 09:00-20:00, Saturday 09:00-17:00 and Sunday 10:00-16:00. Outside of these hours the outside area will not be available to be used by members. The indoor gym will contain health and fitness stations, studios, cardio machines and changing rooms. The outdoor area will be covered in artificial grass and will accommodate strongmen activities and group classes, this will usually include training consisting of pushing/pulling sleds, flipping large tires and conditioning with ropes etc.

A Noise Mitigation Plan has been submitted by the applicant which identifies how noise will be minimised and reduced for the internal areas, the outdoor area and for the air conditioning units. Noise mitigation for internally generated noises for example from the dropping of free weights, and weight machines will be achieved by sound control underlay and mats which are purpose designed for gyms to absorb these types of noises. The refurbishment of the building will also include a new inner skin 100mm brick work up to the existing roof structure. This will help to deaden internal sounds and help them to be retained within the building. The roof will also be upgraded and new PVC coated steel cladding will be added over the existing roof and 200mm insulation add underneath. In relation to music control, Anytime Fitness, operate a policy that background music of a low level will be played so that it is possible to converse without raising your voice. Louder music will be played for training classes and these will be within times that the gym is staffed. The music controls are operated by the staff.

The area of greatest concern is the outdoor area. The Noise Mitigation Plan states that an objective noise report could not be prepared for the outdoor area as the number of customers vary and noise emitted from these activities varies from person to person. Therefore it could be acceptable to agree a condition which would limit these activities and mitigate the potential impacts. If such a condition were imposed it is considered that this could adequately protect residential amenity.

The proposed air conditioning units will be wall mounted and exposed to the outdoor training area directed away from the nearest noise receptors.

It should be noted that the adjacent Asda Petrol Filling Station which has recently been granted planning permission for refurbishment as the existing use has a 24 hour operation.

The Council's Environmental Health team has assessed the Noise Mitigation Report and the proposals and has commented that there are no objections subject to the condition limiting the activity and noise from the outside training area.

Therefore, with this in place, it is considered that this proposal will not impact the amenity of any residential neighbours and the proposed development would be in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Crime Prevention

Policy 8 e) of the NNJCS requires that development should seek to design out anti-social behaviour and crime creating safe environments benefitting from natural surveillance and other security measures having regard to the principles of the 'Secured by Design'.

It is proposed that the gym will be monitored inside and out by CCTV cameras at an Alarm Retrieval Centre (ARC). The ARC is staffed 24 hours a day 7 days a week and the ARC has audio and visual access to the facility. The gym will be accessed outside of staffed times by a key fob device activating a proximity reader which will open the door automatically. A tailgate detection system sets off an alarm if more than one person enters the club and the ARC can speak through a loudspeaker system to alert members or to warn potential intruders.

The Police has responded to the application and commented that the use of particular specification replacement doors and glazing would reduce the likelihood of anti-social behaviour occurring. Although the property is adjacent to the Asda Petrol Filling Station which is operated on a 24 hr basis they are both in an isolated location and the vacant garden centre was extensively vandalised. The outdoor training area is to be secured by reinstating a 2.5m metal chain link fence which will be suitable to create a secure boundary for this area. However, given the extensive use of CCTV both externally and internally for the facility it is not considered justified in imposing a condition to require this specification for glazing and replacement doors and therefore an informative note will be added to any planning permission that may be granted. This would ensure that the proposals would be in accordance with policy 8e) of the NNJCS.

6. Other matters

An objection was received by the Council from an existing gym operator within Kettering outside of the consultation period. However, it has been included within the report for the sake of completeness. The objection relates to the impact of this new gym on the financial position of existing gyms within the

local area. However, the determination of this planning application cannot take account of issues of competition as this is not a material planning matter. It has therefore not been taken to account in formulating a recommendation for this application.

Conclusion

The proposed development would not be to the detriment of the vitality and viability of Kettering Town Centre, would help to deliver economic prosperity and create jobs, would safeguard residential amenity and would not prejudice highway safety in compliance with Policies 1, 8, 12 and 22 of the North Northamptonshire Joint Core Strategy and the policy guidance contained within the National Planning Policy Framework.

Background Papers

Title of Document:

Date:

Contact Officer:

James Wilson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: