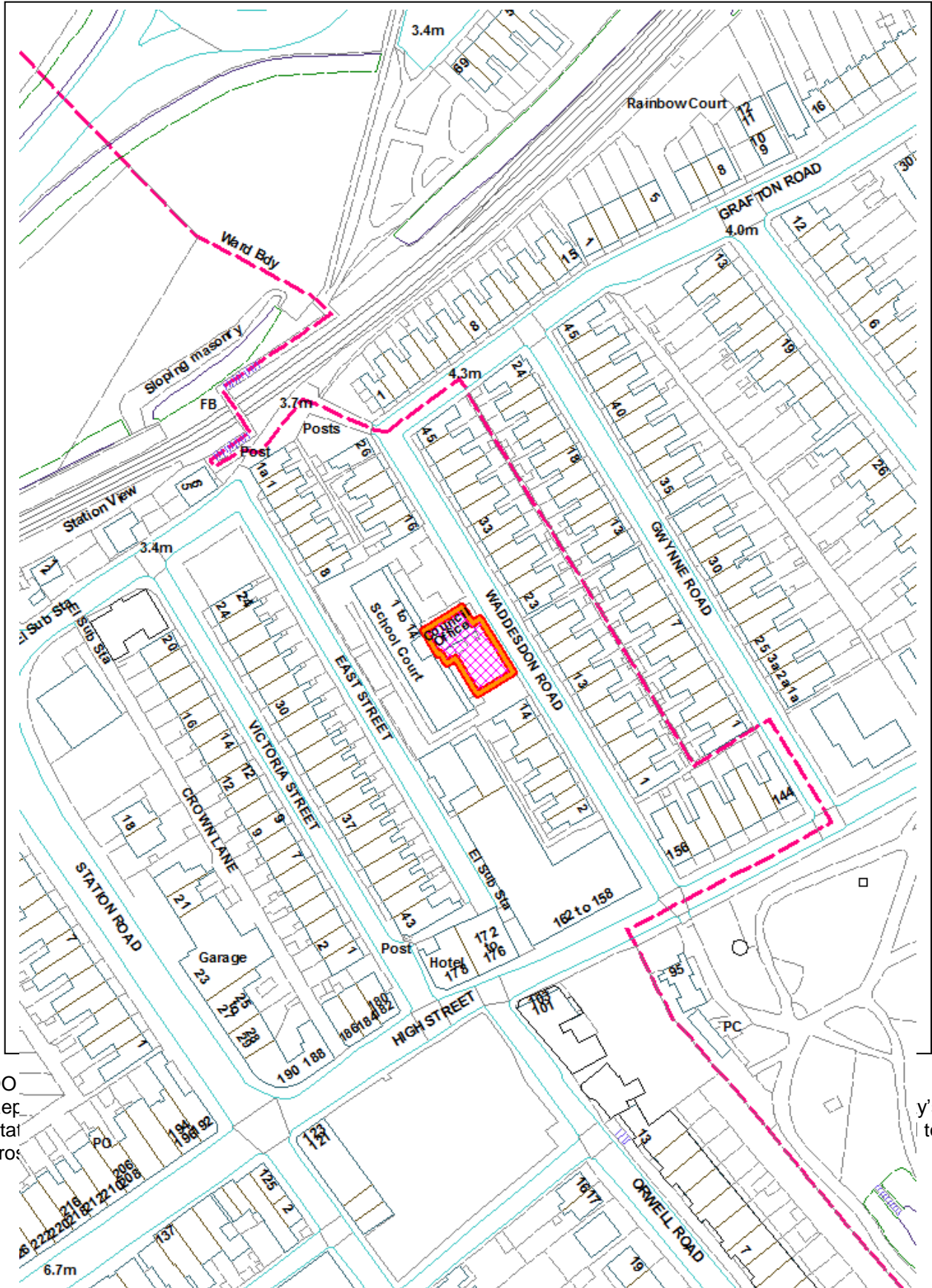


PLANNING COMMITTEE

15TH DECEMBER 2015

REPORT OF THE HEAD OF PLANNING

A.11 PLANNING APPLICATIONS - 15/01638/COUNOT - COUNCIL OFFICES 14A WADDES DON ROAD, DOVERCOURT, HARWICH, CO12 3BA



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Application:	15/01638/COUNOT	Town / Parish: Harwich Town Council
Applicant:	Mr Matthaeus Rozier	
Address:	Council Offices 14A Waddesdon Road Dovercourt CO12 3BA	
Development:	Change of use from cash office (A2) to a fitness class and personal training studio (D2).	

1. **Executive Summary**

- 1.1 This application has been referred to Planning Committee as Tendring District Council is the landowner.
- 1.2 The proposal is to change the use of a building from Use Class A2 (cash office) to Use Class D2 (fitness class and personal training studio) under the permitted development allowances as set out in Schedule 2, Part 3, Class J of The Town and Country Planning (General Permitted Development) (England) Order 2015. The applicant is seeking the Council's determination as to whether its "prior approval" is required for the change of use from A2 use to D2 use subject to the restricted considerations detailed in the report below.
- 1.3 The considerations are restricted solely to the impacts of noise; opening hours; transport and highways; and whether the change of use is undesirable in terms of impact on the adequate provision of that existing use and on the sustainability of the shopping area.
- 1.4 The report concludes that the proposal would be acceptable in terms of these specific impacts and therefore that the change of use from A2 (cash office) to D2 (fitness class and personal training studio) does not require Prior Approval.

Recommendation: Prior approval not required

Conditions:

1. Development under Class J must begin within a period of 3 years starting with the prior approval date.

2. **Planning Policy**

Not applicable to a prior approval application.

3. **Relevant Planning History**

04/01271/FUL Provision of disabled access ramp Approved 25.08.2004

4. **Consultations**

- 4.1 TDC Regeneration: Fully support this redevelopment as it will bring an empty building back into use, provide employment for 4 people and provide a service that is missing in Dovercourt.

5. Representations

- 5.1 One letter of objection has been received and is summarised as follows (with response in brackets where not addressed in the report below):
- Proposal will exacerbate the existing on street parking problems.
 - Already two gyms in Harwich (not a material planning consideration as there is no requirement to demonstrate need for the proposed use).

6. Assessment

- 6.1 The proposal is to change the use of a building from Use Class A2 (cash office) to Use Class D2 (fitness class and personal training studio) with no external changes proposed. As an application for prior approval under Schedule 2, Part 3, Class J of The Town and Country Planning (General Permitted Development) (England) Order 2015 the Council is restricted to only those considerations set out under the Order as detailed below.

- 6.2 Part 3, Class J states development is not permitted if:

(a) the building was not used solely for a use falling within Class J(a) (A1 or A2) or (b) (betting office or pay day loan shop).

(i) on 5th December 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, on the date it was last in use, or .

(iii) in the case of a building which is brought into use after 5th December 2013, for a period of at least 5 years before the date development under Class J begins;

(b) the cumulative floor space of the existing building changing use under Class J exceeds 200 square metres;

(c) the development (together with any previous development under Class J) would result in more than 200 square metres of floor space in the building having changed use under Class J;

(d) the building is on article 2(3) land;

(e) the land or the site on which the building is located is or forms part of:

(i) a site of special scientific interest;

(ii) a safety hazard area; or

(iii) a military explosives storage area;

(f) the land or building is, or contains, a scheduled monument; or

(g) the land or building is a listed building or is within the curtilage of a listed building.

- 6.3 None of the above apply and the proposal meets all the relevant criteria. Development is therefore permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

(a) Noise impacts of the development

- 6.4 It is stated music will be played at a respectable volume and windows will be closed before 9am and after 7pm.

- 6.5 The site is surrounded by dwellings however it lies on the edge of the Town Centre of Dovercourt, around 75 metres from the railway line and 70 metres from the High Street. It is not therefore considered that the small fitness class and personal training studio proposed (measuring 6.2 metres by 5.3 metres internally) would be likely to result in any material harm in terms of noise disturbance from people using the building and entering and leaving the premises.

(b) Impacts of the hours of opening of the development

- 6.6 The stated opening hours are 7am to 9pm. Given the edge of Town Centre location and the small scale of the use it is not considered that these opening hours would result in any material harm to residential amenity.

(c) Transport and highways impacts of the development, and

- 6.7 The site has off street parking and turning for four vehicles and lies in a sustainable edge of Town Centre location in walking distance of many dwellings, public car parks and public transport links. The parking standards require a maximum of 1 space per 10 square metres of public area for gym type uses. The floor space involved would therefore generate a maximum requirement of 4 parking spaces excluding the lobby and changing room area, or a maximum of 6 parking spaces including all public areas. The level of parking provision is therefore considered acceptable in this sustainable location.

(d) Whether it is undesirable for the building to change to a use falling within Class D2 (assembly and leisure) of the Schedule to the Use Classes Order because of the impact of the change of use (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or (ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

- 6.8 The existing Council Cash Office falls within use class A2 as a financial and professional service. The site lies on the edge of the Town Centre where there are numerous existing A2 uses such as banks and estate agents. It is not considered that the proposal would affect the provision of A2 uses in the area, and the previous use as a Council Cash Office has been removed from the area with no direct equivalent service.
- 6.9 In relation to (d)(ii) the site lies outside of any protected shopping frontage or designated Town Centre and would not therefore adversely affect the sustainability of the main shopping area.

Conclusion

- 6.10 The proposal is considered to comply with all of the above criteria and it is therefore concluded that the change of use from A2 (cash office) to D2 (fitness class and personal training studio) does not require Prior Approval.

Background Papers

None.