



PLANNING COMMITTEE

- MEETING** : Tuesday, 1st August 2017
- PRESENT** : Cllrs. Taylor (Chair), Lewis (Vice-Chair), Lugg, Hanman, Morgan, D. Brown, Dee, Toleman, J. Brown, Fearn, Finnegan and Walford

Officers in Attendance

Mella McMahon, Development Control Manager
Nick Jonathan, Solicitor, One Legal
Adam Smith, Planning Officer
Tony Wisdom, Democratic Services and Elections Officer

- APOLOGIES** : Cllr Hansdot

17. DECLARATIONS OF INTEREST

No declarations were made on this occasion.

18. MINUTES

The minutes of the meeting held on 4th July 2017 were confirmed and signed by the Chair as a correct record.

19. LATE MATERIAL

Late material in respect of Agenda item 5, application 17/00196/COU had been circulated.

20. 133, BRISTOL ROAD - 17/00196/COU

The Principal Planning Officer presented the report which detailed an application for change of use of land and building from non-residential institution (use class D1) to 24 hour gym (use class D2) and installation of external air conditioning units on rear elevation of building at 133, Bristol Road.

Councillor Pullen, Ward Member for Moreland, addressed the Committee in opposition to the application.

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Councillor Pullen stated that he was representing the other Ward Members, Councillors Hampson and Stephens and many local residents who were opposed to the application for the following reasons:-

- There was a more than adequate number of gyms within one mile of the site and he cited Fit Gym, The Gym and the 24/7 Gym.
- The area was residential with many elderly people and families with small children.
- Parking in the area was a nightmare as no houses had off-street parking and the situation was aggravated by the Shanghai restaurant and take away outlets in the locality.
- There was concern over noise as the proposal was for a twenty four hour operation and noise would be generated by people coming and going and slamming doors and also from the air conditioning units.
- Light pollution.
- Security issues.

He referred Members to the issues raised on Page 16 of the report and suggested, that should the Committee be minded to grant consent, the following issues could be addressed by condition:-

- Operating hours be restricted to 07.00 - 23.00 hrs.
- The car park should remain open during the above hours.
- Staff should always be present during operating hours.
- The proposed air conditioning units should be repositioned to the Bristol Road end of the Linden Road elevation facing the church.

Ms Harriet Ouroussoff, an immediate neighbour, addressed the Committee in opposition to the application.

Ms Ouroussoff stated that she lived directly adjacent to the car park and the area was residential not mixed use. There was concern over the proposed twenty four hour operation and noise from the air conditioning, from music and from people coming and going and slamming car doors. She advised that bedrooms of the adjacent dwellings were only 20 -30 feet away and there was little general noise in the vicinity at night.

She stated that parking was extremely difficult and the busiest expected time for the gym was between 16.00 and 18.00 hrs which was the time when many residents returned home from work.

She expressed concerns regarding security, that the gates should be closed, and noted that many residents enjoyed sitting in their gardens.

They were happy for the business to be there but not to be operating for twenty four hours. She noted that the air conditioning units at Shanghai were turned off at 23.00 hrs and on Mondays. She asked that the proposed units be relocated to the Linden Road elevation and that the car park gates be closed out of hours. She also advised that the residents of St Stephen's Court had not been notified of the application.

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Susan Long, of Anytime Fitness, addressed the Committee in support of the application.

Ms Long stated that the applicants wished to work with neighbours. She realised that a twenty four hour gym was a new concept and the franchise was successfully operating 123 other twenty four hour gyms in the United Kingdom. She stated that a trickle of customers was expected at night (although this was part of their business model) and measures to manage the impact included:-

- Low volume music only.
- Acoustic flooring.
- Windows closed and not openable.
- Doors close automatically and softly.

She stated that the applicants would be happy to relocate the air conditioning units and the proposed rear location had been suggested by the Planning Officer on visual grounds. They had agreed the fence and the units could be turned off automatically.

She noted that any tenant of the building would have car parking requirements and the parking would be adequate for clients and staff. They would be happy to close the car park at night and she confirmed that the applicants were willing to work with Officers and wanted to be good neighbours.

Councillor Lugg noted that the local parking was worse at night when residents were home. She expressed concern that the premises would not be staffed at all times and she believed that the car park should be open when the gym was operating.

The Chair agreed that the air conditioning units should be relocated and was pleased that the windows were closed and not openable. He understood why the car park would be closed at night.

The Vice-Chair agreed that the air conditioning units should be relocated and believed that car park should be closed at 23.00 hrs. He applauded the applicants' wish to work with neighbours and the neighbours for not wishing to deter the business. He noted that the Committee had to protect the residents' amenities but it would be difficult otherwise to refuse the application on planning grounds.

Councillor Morgan stated that he would not want such an application next to his home. He questioned who would be there to supervise should there be an incident after 21.00 hrs.

He believed that the application would have a significant detrimental effect on the amenity of residents and called for the application to be refused.

Councillor Hanman believed that the application would be better suited to an industrial estate.

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Councillor Finnegan expressed concern that the premises would be unstaffed after 21.00hrs. She believed that there was a duty of care to anyone with health problems.

The Principal Planning Officer advised that proposed health and safety measures included remote video and audio surveillance, an emergency telephone and a defibrillator. He advised that less than five per cent of the usage was anticipated between 22.00 and 05.00 hrs and most of the users were expected to live within a 2 km radius of the premises.

Councillor Joanne Brown asked if twenty four hour gyms were necessary.

The Chair believed that the change of use was acceptable generally and it appeared that Members only needed to discuss the impact on amenity further. He did not consider that the low volume of users at night was such that significant harm would be caused but jnoted that other members considered otherwise.

Councillor Finnegan noted that the target response time for the ambulance service was eight minutes and lack of oxygen caused irreparable damage after four minutes.

Councillor David Brown believed that the Committee had to protect the amenity of residents and he could not support the twenty four hour operation of the premises.

Councillor Toleman believed that there would not be significant numbers of clients to cause a noise nuisance and should Members refuse the application the applicant would go to appeal and be successful.

The Chair noted the low volume of usage expected out of hours and he did not believe that this would cause significant harm to residents.

Councillor Morgan moved that the application be refused due to the adverse impact on the amenity of residents and the motion was seconded by Councillor Finnegan

The Development Control Manager asked for further clarity on the reasons for refusal and the Chair advised noise and disturbance.

The motion was carried and it was

RESOLVED that the application be refused due to the adverse impact on the amenity of residents in terms of noise and disturbance.

21. DELEGATED DECISIONS

Consideration was given to a schedule of applications determined under delegated powers during the month of June 2017.

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RESOLVED that the schedule be noted.

22. DATE OF NEXT MEETING

Tuesday, 5th September 2017 at 6.00pm.

Time of commencement: 6.00 pm

Time of conclusion: 6.40 pm

Chair