

Minutes

NORTH PLANNING COMMITTEE

6 October 2015

Meeting held at Committee Room 5 - Civic Centre,
High Street, Uxbridge UB8 1UW



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors John Morgan (Vice-Chairman), Peter Curling (Labour Lead), Jem Duducu, Raymond Graham, Carol Melvin, John Morse and John Oswell and Brian Stead.</p> <p>LBH Officers Present: James Rodger (Head of Planning and Enforcement), Adrien Waite (Major Applications Manager), Manmohan Ranger (Transport Consultant), Tim Brown (Legal advisor) and Jon Pitt (Democratic Services Officer).</p>
76.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Cllr. Eddie Lavery, with Cllr. Ian Edwards substituting and from Cllr. Duncan Flynn, with Cllr. Brian Stead substituting.</p>
77.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no Declarations of Interest made.</p>
78.	<p>TO SIGN AND RECEIVE THE MINUTES OF THE MEETING HELD ON 15 SEPTEMBER 2015 (<i>Agenda Item 3</i>)</p> <p>The minutes of the meeting held on 15 September 2015 were agreed as a correct record.</p>
79.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>It was confirmed that in the absence of the Committee Chairman, Cllr Eddie Lavery, the Committee Vice-Chairman, Cllr John Morgan, would be the Chairman for the meeting.</p>
80.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND THAT THE ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 5</i>)</p> <p>It was confirmed that the meeting would be held in public, with the exception of agenda items 7 and 8, which related to planning enforcement. Items 7 and 8 would be heard in private.</p>

81. **WINDMILL COURT (FORMER WINDMILL PH), WINDMILL HILL - 11924/APP/2015/2299** (*Agenda Item 6*)

Variation of condition 3 (Opening Hours) of planning permission to allow use of the property as a 24 hour 7 days gym (Change of use from A1 (shops) to flexible use permitting A1(Shops), A2 (Financial and professional services) or use as a Gymnasium, Dental Clinic or Health Centre).

Officers introduced the report and referred Members to the addendum sheet that had been circulated. The application sought to extend previously approved opening hours in order to enable the proposed gym to trade 24 hours a day, 7 days per week.

It was noted that an additional objection had been raised, since agenda dispatch, in relation to the use of the gym as a 24 hours facility. This objection also objected to the lack of parking facilities in the area and that there were already other gyms trading in the area. Officers confirmed that noise related issues had been addressed in the report and could be conditioned accordingly. It was noted that the applicant had provided more information in relation to noise mitigation than in their previous application. It was also confirmed that the existence of other gyms in the area was not relevant to the determination of the application before the Committee.

It was proposed that four additional conditions in relation to noise mitigation be imposed. These had not been included in the grant of the previous application as this had not included 24 hour opening. Officers, having consulted with the Council's Environmental Protection service, considered that the proposals would not cause an unacceptable noise impact and therefore, recommended that the application be approved.

In accordance with the Council's constitution, a representative of the petitioners objecting the proposals addressed the meeting.

The petitioner objecting to the proposals made the following points:

- A survey had been undertaken of 100 gym users to find out whether they would be prepared to pay for parking. All 100 had said 'no'.
- The proposed increase in operational hours of the gym would lead to an increase in vehicles looking for parking in the area. This would result in parking overspill into neighbouring roads and would exacerbate existing parking difficulties caused by the station and local schools.
- The Transport Statement used in association with the original application was out of date and a parking survey that targeted gym users should be undertaken.
- The proposed gym was 7,000 sq ft in size. This was significant and the company behind the gym would have the marketing resources to attract a significant number of customers

Representatives of the applicant raised the following points:

- The proposed gym was, in fact, 4,500 sq ft in size, rather than the 7,000 sq ft. stated by the petitioner.
- The gym operator was a global fitness brand with gyms in 22 countries and within 50 local communities in UK. The business was expanding.
- The application submitted was seeking to vary a previous submitted application, with the requested change being to permit 24 hour opening. All the firm's existing gyms were open 24 hours a day. This was essential to the brand and

refusal of the request would result in the firm not proceeding with the opening of the gym.

- There had not been significant objections to the proposals.
- It was estimated that there would be between 0 to 5 users of the gym per hour between the hours of midnight and 4am.
- The proposed planning conditions would ensure that noise emittance from the gym was kept to a minimum.
- The gym's core target market was middle income working people aged 35 to 50. Parking in the area was free at night. Therefore, resulting parking issues would be minimal, especially as it was anticipated that many of the customers would walk to the gym or use public transport.
- The gym would implement control measures to encourage users to behave responsibly. These would include remote monitoring and covering user responsibility during user inductions.
- The company was passionate about the gyms it operated and was keen to rejuvenate a premises that had been vacant for six years

The Committee asked how many gyms the company operated in similar locations. It was confirmed that gyms were operated in 50 such premises. These were within 51 Council areas, with each gym having neighbouring residential properties. There had not been any significant concerns raised in any of these locations and it was noted that the company had 3,000 gyms globally. No exercise classes would take place at night and it was anticipated that night time footfall would be low.

In response to Member concerns about noise associated with the use of weights and parking availability for local church goers on Sunday mornings, the representatives of the applicant made reference to the submitted Acoustic Assessment Report. This set out how noise would be mitigated and it was noted that this would include insulation to reduce sound emitted by the premises. The applicants advised that times of peak use for the gym were expected to be 6am to 9am Monday to Friday and after normal office hours. Use of the premises at the weekend was expected to be more evenly spread throughout the day. Some Committee Members remained concerned that the sound proofing to be installed may not be sufficient and were unhappy about the gym operating all night

Officers advised that the Committee should only consider the impact of the proposed additional night time opening in determination of the application. In response to a question from the Chairman, officers further advised that granting of the application would normally allow other use classes covered by the application e.g. class A1 (shops) to also trade 24 hours a day. However, such use could be restricted through the addition of a planning condition.

It was questioned how long enforcement activity was likely to take in the event that planning permission was granted and there was a subsequent breach of conditions. Officers advised that enforcement was covered by condition 6 within the officer's report. This specified that sound monitoring equipment would be installed during the first year of operation and that details of sound levels and any action taken to reduce them should be recorded and made available to the local planning authority on request. In the event that unacceptable noise nuisance was experienced, then this would be dealt with accordingly, including through the use of an out-of-hours enforcement team.

Committee Members felt that the bringing back into use of the premises by the gym would be welcome and that a gym, as opposed to other possible uses, would be a good fit for the area.

The recommendation for approval was moved, seconded and on being put to the vote was approved by five votes for to three votes against.

RESOLVED - That the application be approved as per the officers' Recommendation and the addendum sheet circulated, subject to the following:

- **Delegated authority be granted to the Head of Planning and Enforcement to add an additional condition to ensure that use of the premises for other use classes would not be permitted 24 hours a day.**

82. **ENFORCEMENT REPORT** (*Agenda Item 7*)

RESOLVED: That:

1. That the enforcement action as recommended in the officer's report was agreed.

2. That the Committee resolved to release their decision and the reasons for it outlined in this report into the public domain, solely for the purposes of issuing the formal breach of condition notice to the individual concerned.

This item is included in Part II as it contains information which a) is likely to reveal the identity of an individual and b) contains information which reveals that the authority proposes to give, under an enactment, a notice under or by virtue of which requirements are imposed on a person. The authority believes that the public interest in withholding the Information outweighs the public interest in disclosing it (exempt information under paragraphs 2 and 6(a) of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).

83. **ENFORCEMENT REPORT** (*Agenda Item 8*)

RESOLVED: That:

1. That the enforcement action as recommended in the officer's report was agreed.

2. That the Committee resolved to release their decision and the reasons for it outlined in this report into the public domain, solely for the purposes of issuing the formal breach of condition notice to the individual concerned.

This item is included in Part II as it contains information which a) is likely to reveal the identity of an individual and b) contains information which reveals that the authority proposes to give, under an enactment, a notice under or by virtue of which requirements are imposed on a person. The authority believes that the public interest in withholding the Information outweighs the public interest in disclosing it (exempt information under paragraphs 2 and 6(a) of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).

The meeting, which commenced at 7.25 pm, closed at 8.05 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Jon Pitt on 01895 277655. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.