

## Report of the Head of Planning, Sport and Green Spaces

**Address** 53-55 THE BROADWAY JOEL STREET NORTHWOOD

**Development:** Change of use of the 1st and 2nd floors to a 24 hour gym (Class D2).

**LBH Ref Nos:** 5564/APP/2016/3908

**Drawing Nos:** Planning, Design and Access Statement Northwood Hills 090916 D2 1st-2nd  
FLU.387.5.02  
FLU.387.5.04  
FLU.387.5.06  
FLU.387.5.03  
FLU.387.5.07  
FLU.387.5.05  
FLU.387.5.08  
FLU.387.5.10  
FLU.387.5.12  
FLU.387.5.09  
FLU.387.5.13  
FLU.387.5.11  
FLU.387.5.01  
Environmental Noise Assessment 103305.ph.Issue3

**Date Plans Received:** 24/10/2016

**Date(s) of Amendment(s):**

**Date Application Valid:** 24/10/2016

### 1. SUMMARY

Planning permission is sought for the change of use of the upper floors from offices (Use Class B1a) to a 24 hour gym (Use Class D2). With regards to land use matters, it is considered that the proposed town centre location is appropriate, that the use will positively contribute to the creation of healthy, liveable and sustainable neighbourhoods and the use would complement adjoining town centres uses. There are no external modifications proposed, therefore the development would have no impact on the visual amenity of the area. Conditions are proposed which would satisfactorily mitigate the generation of noise from the proposed 24 hour gymnasium use, and ensure that there is no disturbance to the rest periods of neighbouring occupiers. The site is located in close proximity to modes of public transport and 16 no. car parking spaces are available. It is therefore considered the proposal would not result in harm to the local highway network. The application is therefore recommended for approval.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 HH-T8 Time Limit - full planning application 3 years

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

#### REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

**2 OM1 Development in accordance with Approved Plans**

The development shall not be carried out otherwise than in strict accordance with the plans:

FLU.387.5.08 Proposed Basement Plan  
FLU.387.5.10 Proposed First Floor Plan  
FLU.387.5.12 Proposed Front Elevation  
FLU.387.5.09 Proposed Ground Floor Plan  
FLU.387.5.13 Proposed Rear Elevation  
FLU.387.5.11 Proposed Second Floor Plan

hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

**REASON**

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13/BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**3 COM5 General compliance with supporting documentation**

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Planning, Design and Access Statement Northwood Hills 090916 D2 1st-2nd  
Environmental Noise Assessment 103305.ph.Issue3

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence

**REASON**

To ensure that the development complies with the objectives of Policies contained within the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**4 COM12 Use Within Same Use Class**

The premises shall be used for a gym and for no other purpose (including any other purpose in Class D2) of the Schedule to the Town and Country Planning (Use Classes) Order 1987(as amended).

**REASON**

To allow the Local Planning Authority to consider the amenity, highways and other impacts of any potential alternative use of the site.

**5 NONSC Non Standard Condition**

The 24 hour gym use allowed by this permission shall take place subject to the following restrictions:

- a) no classes or events are to take place within the hours of 22:00 - 08:00 Mondays - Sundays
- b) the gym shall be available to members only within the hours of 20:00 - 08:00 Mondays - Sundays.

**REASON**

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**6 NONSC Non Standard Condition**

No development shall take place until full particulars of the external and internal security measures including but not restricted to CCTV and controlled entry system have been submitted to and approved in writing by the local planning authority.

The security measures thus approved shall be implemented prior to occupation of the first floor of the development and retained in perpetuity.

**REASON**

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**7 NONSC Non Standard Condition**

No development shall take place until a Facility Management Plan has been submitted to and approved in writing by the local planning authority.

The Management Plan shall include but is not restricted to:

- safety and security measures;
- membership criteria and policies;
- personnel and customer code of conduct (this should include details of how potential customer noise, including the unreasonable dropping of free weights or resistance weights, is to be controlled);
- minimum staffing levels; and
- emergency procedures.

The gym use shall not take place otherwise than in accordance with the Facility Management Plan thus approved.

**REASON**

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**8 NONSC Non Standard Condition**

No access or egress is permitted otherwise than as means of escape in the event of emergency or for servicing via the doors to the car park on Ferndown between 22:00 - 07:30.

**REASON**

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**9 COM16 Scheme for site noise control**

The development shall not commence until details of sound insulation measures, administrative measures and limitation measures to be implemented are agreed in writing. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

**REASON**

To safeguard the amenity of the surrounding area in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**10**      B24            **Amplified Noise**

No music and/or other amplified sound shall be audible at the boundary of any residential premises either attached to or in the vicinity of the premises to which this application refers.

**REASON**

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**11**      NONSC        **Non Standard Condition**

Notwithstanding the details of sound insulation measures, administrative measures and limitation measures agreed in writing, for the first 12 months of operation, a sound level monitor shall be installed to measure sound levels within the premises. During the 12 month period any abnormal noise levels shall be investigated by the centre management and corrective measures documented. Details of the sound levels, including management actions to address abnormal noise levels, shall be recorded on a monthly basis and made available to the local planning authority at request.

**REASON**

To safeguard the amenities of adjoining residential occupiers in accordance with Policies OE1, OE3 and S6 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**12**      H8                **Surfacing and marking out of access/parking/servicing areas**

The development shall not be occupied until the 16 parking spaces shown on the approved plans have been drained, surfaced and marked out in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter these areas shall be permanently retained and used for no other purpose.

**REASON**

To ensure that the vehicular access, servicing and parking areas are satisfactorily laid out on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 6 of the London Plan (2016).

**13**      A21            **Parking for Wheelchair Disabled People**

2no. of the parking spaces (with dimensions of 4.8m x 3.6m to allow for wheelchair transfer to and from the side of car) shall be reserved exclusively for people using wheelchairs and clearly marked with the Universal Wheelchair Symbol both vertically and horizontally. Such parking spaces shall be sited in close proximity to the nearest accessible building entrance which shall be clearly signposted and dropped kerbs provided from the car park to the pedestrian area. These parking spaces shall be provided prior to the occupation of the development in accordance with the Council's adopted car parking standards and details to be submitted to and approved by the Local Planning Authority. Thereafter, these facilities shall be permanently retained.

**REASON**

To ensure that people in wheelchairs are provided with adequate car parking and convenient access to building entrances.

**14**      H14            **Cycle Storage - details to be submitted**

No part of the development hereby permitted shall be commenced until details of covered and secure storage for 60 cycles for users of and visitors to the development have been

submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied or brought into use until the approved cycling facilities have been implemented in accordance with the approved plan, with the facilities being permanently retained for use by cyclists using the facility.

#### REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (2016).

#### **15 DIS2 Access to Buildings for People with Disabilities**

Development shall not commence until details of access to building entrances (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

#### REASON

To ensure that people with disabilities have adequate access to the development in accordance with Policy/ies AM13/R16 [refer to the relevant policy/ies] of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (2016) Policies 3.1, 3.8 and 7.2

### INFORMATIVES

#### **1 I52 Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

#### **2 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.

OE1	Protection of the character and amenities of surrounding properties and the local area
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
R2	Provision of recreation, entertainment and leisure facilities in Town Centres
R3	Indoor sports, leisure and entertainment facilities

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site is located on the east side of The Broadway, Joel Street, immediately to the north of Northwood Hills Tube Station. A mainly residential street, Ferndown, runs along the back of the Broadway parade. The site consists of a mid 1980's red brick three storey building with basement/lower ground level. A public house occupies the ground level from Joel Street, which is listed as an Asset of Community Value (ACV). The upper floor levels were previously used as offices, but are currently vacant. The upper floors are not affected by the ACV designation. There are significant differences in ground levels between the front and rear of the site with Ferndown approximately 3m lower than Joel Street. The site includes undercroft parking at lower ground floor level with more parking to the rear of the main building with access from Ferndown. The existing building is neither listed nor located within a conservation area. The site has a Public Transport Accessibility Level (PTAL) of 3 (Moderate).

The site is located within the Northwood Hills Town Centre and is a designated Secondary Shopping Area. The Broadway is characterised by mainly three storey terrace properties with commercial/retail at ground floor level. Ferndown to the rear of the site is much more residential in nature and comprises mainly two storey semi detached and terrace residential properties. To the south, the Metropolitan line abuts the site and beyond, there are three and four storey mixed use buildings on Joel Street, but the streets that branch off either side of the main road are characterised by mainly two storey residential properties.

#### 3.2 Proposed Scheme

The proposal seeks to change the use of the first and second floors from offices (Use Class B1a) to a 24 hour gym (Use Class D2).

#### 3.3 Relevant Planning History

5564/APP/2015/3770      53-55 The Broadway Joel Street Northwood

Change of Use of first and second floor from offices (Use Class B1) to 6 x 1-bed and 4 x 2-bed flats (Prior Approval)

**Decision:** 03-12-2015      PRN

5564/APP/2016/3439      The William Jolle Ph, 53 The Broadway Joel Street Northwood

Change of use of ground floor to Class D1 (Doctor or Dentist Practice) and installation of a

replacement shopfront

**Decision:** 10-01-2017 Withdrawn

5564/APP/2016/3468 The William Jolle Ph, 53 The Broadway Joel Street Northwood  
Change of use of ground floor to Class A1 and installation of a replacement shopfront

**Decision:** 10-01-2017 Withdrawn

5564/APP/2016/3469 53-55 The Broadway Joel Street Northwood  
Change of use of 1st and 2nd Floors to Class D1 (dentist or doctors).

**Decision:** 10-01-2017 Withdrawn

#### **Comment on Relevant Planning History**

5564/APP/2016/3468 (11/01/2017) WITHDRAWN Change of use of ground floor to Class A1 and installation of a replacement shopfront.

5564/APP/2016/3469 (11/01/2017) WITHDRAWN Change of use of 1st and 2nd Floors to Class D1 (dentist or doctors).

5564/APP/2015/3770 (03/12/2015) PRIOR APPROVAL Change of Use of first and second floor from offices (Use Class B1) to 6 x 1-bed and 4 x 2-bed flats.

There have been several applications at the site in the recent past, this application differs to the previous application as this application applies to the change of use of the first and second floors.

11924/APP/2015/2299 Concerned a 24 hour gym approved at 50 Windmill Hill, Ruislip. This is considered to have very similar site characteristics to the proposed site.

#### **4. Planning Policies and Standards**

##### **UDP / LDF Designation and London Plan**

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.EM5 (2012) Sport and Leisure

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -

- (i) Dial-a-ride and mobility bus services
  - (ii) Shopmobility schemes
  - (iii) Convenient parking spaces
  - (iv) Design of road, footway, parking and pedestrian and street furniture schemes
- AM14 New development and car parking standards.
- BE13 New development must harmonise with the existing street scene.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- LDF-AH Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
- AM15 Provision of reserved parking spaces for disabled persons
- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- R2 Provision of recreation, entertainment and leisure facilities in Town Centres
- R3 Indoor sports, leisure and entertainment facilities

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **24th November 2016**

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

Neighbouring residents were consulted on the application between 1 November 2016 and 22 November 2016.

18 residents were consulted on the application and 2 objections and 1 petition was received.

I object in relation to the impact on parking within the residential roads of Briarwood Drive, Ferndown and Oakdale Avenue and also on Joel Street. Supporting information shows that the second floor of this development will contain some 65 items of Gym equipment and that there will be 10 full time plus 4 part time employees. Therefore this building could be occupied at anytime by up to 80 or more people (customers and employees). The building itself has only 10 parking spaces which may be for employees, and so raises the issue of customer parking with the available options being the streets I have mentioned above. The residential streets mentioned already are subject to commuter parking for Northwood Hills Station particularly from Monday to Friday from 7am to 7pm. This additional parking of gym customers will occur beyond these commuter times and also into Saturday and Sundays depending on the opening hours of the Gym. On the latter I also note there is no proposal given on the opening hours and I would express further objection if these were beyond 11pm at night on weekdays and included Sundays.

### NORTHWOOD HILLS RESIDENTS ASSOCIATION

Object to the planning application for the following reasons:

A) On the 3 December 2015 an application to change the use of the 1st and second floors from Offices (Class B1) to 6 x 1 bed and 4 x2 bed flats under the prior Approval rules was confirmed by



London Borough of Hillingdon Reference 5564/APP/2015/3770.

Recent comments made by Mayor Khan indicated that the GLA wish to see surplus Commercial Space converted into residential accommodation rather than the other way around.

B) Conversion to Class D1 or Class D2 will have severe impacts on parking in Joel Steet, Ferndown and other surrounding roads in an area already blighted with major parking issues. These issues are so severe that the Council (Please refer to the Cabinet Member for Transport) is currently considering the introduction of Residents only Parking zones. In the area. There is insufficient available parking to support either the D1 or D2 proposal.

C) Northwood Hills an official PTAL rating of 2 which is poor.

D) The increased vehicular traffic will undoubtedly have a major impact on residential neighbours, in particularly noise from a Gym if the premises are to remain open after 18:00 Monday to Friday and at weekends. Residential flats adjoin to the 1st and second floors.

E) The Hillingdon Local Plan (Development Management Policies) section 8.12 states "the Council will not support development which will unacceptably contribute to traffic movements, deleteriously impact on the highways network or road user safety (including pedestrian), or affect residential amenity including noise, congestion or inadequate parking provision". These applications fail this test and should therefore be declined.

F) NHRA deem applications 5564/APP/2016/3469 and 5564/APP/2016/3098 multiple and as such suggest that the Council is entitled to reject these under section 70c of The Town and Country Planning Act (as amended).

#### PETITION

A petition with 20 signatures was received requesting that the application should be decided by the planning committee.

#### LUL

London Underground Infrastructure Protection made no comment to make on this planning application.

#### **Internal Consultees**

##### HIGHWAYS

The proposals would preserve current access arrangements. As the proposed use of the site does not entail any specific access requirements, no comments are therefore raised with reference to vehicular access.

It is not considered that trip generation would increase significantly as a result of the proposed change of use. Car trips generated by the proposed use are therefore unlikely to have a severe impact on existing traffic operations in the surrounding road network.

Car parking spaces need to be clearly marked on the submitted plans, both in the undercroft and courtyard area. 10% of the total parking spaces need to be designed for use by blue badge holders.

The applicant needs to justify that the number of provided parking spaces is adequate to meet the parking demand generated by the proposed development, though an analysis of the staff levels and the number of customers that are expected to travel by private transport.

The parking spaces within the site boundary shall be used for the sole use of staff and customers of the proposed facility and for no other purpose for the duration of the development. This requirement needs to be secured through an appropriate condition on the planning permission.

The applicant needs to provide 1 secure bicycle storage space per 15sqm of floor space. Details of the type, location and number of the proposed bicycle storage spaces shall be shown on the submitted drawings.

The submitted Transport Statement in support of the proposals estimates that the proposed gym would generate some 2 - 4 trips during AM and PM peaks. The document is rather incomplete and does not provide an accurate assessment of the proposals however, even if we multiplied the estimated figures by a factor of 4, the number of hourly trips generated by the gym would be below the stated parking provision (16 vehicles).

It should be noted that the application site is very close to a London Underground station and within short distance of local buses. Also, this type of facilities tends to attract local residents within walking distance from the site.

Two conditions are proposed:

- That at least 16 parking spaces be provided and a detailed car park layout be provided with all spaces clearly marked (at least 2 suitable for blue badge holders);
- Storage for at least 60 bicycles should be provided; these could include both short and long term storage.

The first conditions will ensure that sufficient parking space is provided; the second will further reduce the reliance on private cars for the future gym customers, as these are likely to be fit, relatively and health conscious people, who are more likely to consider bicycles as a means of transport.

For all the reasons stated above, I feel that the proposed development will not have a severe impact on the local highway network.

## ENVIRONMENTAL PROTECTION UNIT

The potential noise from this type of development is an issue. For instance Music noise will need to be controlled as will potential impact noise from equipment or exercise classes. This will require improved sound insulation and other measures to control the potential noise.

(Officer Comment: It is considered that through appropriately worded conditions all of the above concerns could be addressed).

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

Strategic Objective 18 of the Hillingdon Local Plan: Part 1 (November 2012) seeks to improve access to local services and facilities, including health, local shopping, community, cultural, sport and leisure facilities, especially for those without a car and for those in more remote parts of the borough through well planned routes and integrated public transport.

The National Planning Policy Framework, policies 3.16 and 4.7 of the London Plan seek to

locate gyms within town centre and edge of town centre locations within easy reach by walking, cycling and public transport. This is because town centre and edge of town centre locations are most accessible but also because gyms are considered a use which through generation of activity and footfall can contribute to the vitality and viability of the borough's town centres and commercial areas.

Map 5.3 refers to Northwood Hills as a Minor Centre and Policy EM5 of the Hillingdon Local Plan: Part 1 seeks to direct appropriate use to town centres.

Policy R2 of the Local Plan: Part 2 (November 2012) seeks to enhance the vitality of the town centre and encourages the provision recreation and leisure facilities in such locations.

Policy R3 of the Local Plan: Part 2 (November 2012) considers sports and leisure facilities appropriate provided they cater for the needs of people living within a 1.6km radius of the site, are accessible by public transport and will not be detrimental to the amenity of the surrounding area.

It is considered the a gym (Use Class D2) would be an appropriate use within the town centre. The site is located conveniently in the centre of Northwood Hills and is easily accessible by public transport. The applicant has submitted a Needs Assessment setting out that there is a demand for the proposed gym in this location. Therefore, the principle of the proposal accords with the local and national planning policies.

#### **7.02 Density of the proposed development**

Not applicable to this proposal.

#### **7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

No external alterations are proposed as part of the application, this is not applicable to this proposal.

#### **7.04 Airport safeguarding**

Not applicable to this proposal.

#### **7.05 Impact on the green belt**

Not applicable to this proposal.

#### **7.07 Impact on the character & appearance of the area**

No external alterations are proposed as part of the application, as such the application would not result in harm to the street scene or the appearance of the area.

#### **7.08 Impact on neighbours**

The National Planning Policy Framework identifies sustainable development as the main purpose of the planning system and specifies three main dimensions: the economic, social and environmental. These roles are mutually dependant and should not be undertaken in isolation. Of particular relevance to the protection of amenity as part of sustainable development are Paragraphs 123 and 125 of the NPPF which require planning to:

- avoid adverse impacts on health and quality of life which could arise from noise;
- mitigate and reduce other amenity impacts, including through the use of conditions; and
- limit the impact of light pollution on local amenity.

Policy 3.2 of the London Plan acknowledges the impact of the environment on health of the population and requires new developments to be designed, constructed and managed in ways that improve health and promote healthy lifestyles. Policy 7.3 aims to ensure creation of safe and secure environments where crime and disorder and the fear of crime do not undermine quality of life. This policy also acknowledges that daytime and managed night

time uses can positively contribute to safety of an area through creation of a level of natural surveillance resulting from the activity generated in and around the site.

Policies OE1, OE3 and S6 of the adopted Hillingdon Local Plan Part 2 Saved Policies (November 2012) require a consideration of potential changes of use on the amenity enjoyed by adjoining and neighbouring residential properties. There is the potential of noise from the proposed use on neighbouring residents as a number of the buildings within the Broadway include residential accommodation on the floors above. Nevertheless, the site is located within the town centre and Northwood Hills and the Metropolitan Line station is located to the south of the site and therefore moderate footfall and is expected during peak hours and less so overnight. To the rear of the site Ferndown is residential in character. The applicant has supplied information noting that 5% of visitors would visit the gym overnight between 11pm and 6am. The noise assessment has considered the impact of noise generated by amplified music, classes and equipment on the adjoining properties both during the day and at night. EPU has considered the noise assessment and are satisfied that the proposed sound proofing is sufficient to mitigate against the proposal noise impact of the proposal on neighbouring residential units. Several conditions are attached including noise mitigation and sound insulation measures, including details of how potential customer noise, such as the unreasonable dropping of free weights or resistance weights, is to be controlled. Conditions are also proposed for the control of classes and events, control of amplified music and a restriction on the comings and goings from the entrance at Ferndown. Finally a condition is proposed that, for the first 12 months of operation, a sound level monitor shall be installed to measure sound levels within the premises. During the 12 month period any abnormal noise levels shall be investigated by the centre management and corrective measures documented. Details of the sound levels, including management actions to address abnormal noise levels, shall be recorded on a monthly basis and made available to the local planning authority at request.

It is noted that safety and security measures are likely to significantly reduce the likelihood and/or intensity of nuisance caused by people arriving or leaving the premises. The proposal is expected to incorporate a number of security features including a secure entry system utilising secure entry pods and requiring personal identification numbers, staffing and extensive CCTV coverage. It is expected that, between the hours of 20:00 and 8:00 the gym will be accessible only to members, this would be controlled by way of a condition.

In order to reduce any possibility of antisocial behaviour and other adverse amenity impacts resulting from uncontrolled or unsupervised access a bespoke Facility Management Plan will be secured by condition and retained in perpetuity. The Facility Management Plan shall detail all safety and security measures, membership policies, personnel and customer code of conduct, minimum night-time staffing, management and emergency procedures. This is considered necessary to prevent adverse amenity and safety impacts resulting from 24 hour operation.

The D2 'Assembly and Leisure' Use Class, among others, allows the following uses: Cinemas, Dance and Concert Halls, Sport Halls, Bingo Halls, Casinos and other Leisure Uses such as conferencing and banqueting suites. The amenity and highways impact of most of the other uses within the D2 Use Class is considered to be disproportionately higher than that of a gym. It is therefore considered necessary to impose a condition restricting the use under this application to a gym and no other use within the D2 Use Class.

As such, with regards to disruption from comings and goings, it is considered that, subject

to the above conditions, the use will not result in disruption to the amenity of adjoining residential occupiers.

**7.09 Living conditions for future occupiers**

Not applicable to this proposal.

**7.10 Traffic impact, car/cycle parking, pedestrian safety**

Policies AM2 and AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) require development proposals to be assessed against their traffic generation and the availability of public transport and the capacity and functions of principal roads. Policy AM9 seeks to ensure that adequate provision for cyclists is made in development proposals. Policies AM14 and AM15 require parking to be provided in accordance with standards, including provision for disabled persons.

16 car parking spaces are available for users of the premise to the rear of the site which is accessed via Ferndown. The site is located next to a train station and is served by several bus routes. Concerns raised by residents within the local area have duly been considered by Officers. The Highways Officer considers that the proposal would not result in a detrimental impact to the local highway network due to its proximity to public transport nodes. The likely traffic impact would be comparable to the existing use of the car park and it is not anticipated that the proposed use would result in adverse impact to the local highway network. A condition is included which seeks details of cycle parking and a further conditions require the applicant to clearly mark the car parking spaces and to secure 2 no. disabled car parking bays.

**7.11 Urban design, access and security**

No external changes are proposed. The first and second floors of the building, currently vacant office accommodation will be converted to use as a gymnasium of approximately 840 sqm. The ground floor access from Joel Street/Ferndown and lower ground floor access to the parking level will be as existing. The existing lift access will be retained. Level access is provided to the lifts.

Any signage required will be the subject of a separate application for advert consent.

**7.12 Disabled access**

Conditions are recommended to ensure the internal layout is fully wheelchair accessible.

**7.13 Provision of affordable & special needs housing**

Not applicable to this proposal.

**7.14 Trees, Landscaping and Ecology**

Not applicable to this proposal.

**7.15 Sustainable waste management**

As the proposal is for a change of use, the waste management arrangements are to remain as existing.

**7.16 Renewable energy / Sustainability**

Not applicable to this proposal.

**7.17 Flooding or Drainage Issues**

Not applicable to this proposal.

**7.18 Noise or Air Quality Issues**

See section 7.08 of this report.

**7.19 Comments on Public Consultations**

The objections relating to car parking have been considered by the Highways Officer and appropriate conditions have been secured to mitigate against the impact of the proposal on

the local highways network.

An objector raised the point about declining the determination of an application under Section 70c of the Town and Country Planning Act (as amended). Whilst a local planning authority can decline to determine a similar application if there has been no significant change in a re-submitted application, in this case, there were no grounds on which the Council could decline to determine this application, this scheme differs from the previous cases which have been lodged at the site.

#### **7.20 Planning Obligations**

It is not considered that Planning Obligations would be required for this proposal.

#### **7.21 Expediency of enforcement action**

Not applicable to this proposal.

#### **7.22 Other Issues**

No other issues.

### **8. Observations of the Borough Solicitor**

#### General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

#### Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

#### Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

#### Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of

opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

#### **9. Observations of the Director of Finance**

None

#### **10. CONCLUSION**

The development seeks the the change of use of the upper floors from offices (Class B1a) to a 24 hour gym (Class D2). There are no external modification proposed, as such the development would have limited impact on the visual amenity of the area. Subject to the addition of conditions, the scale, intensity and location of the proposed 24 hour gymnasium use are such that the gymnasium use would not result in the generation of unacceptable noise and disturbance on neighbouring residential occupiers.

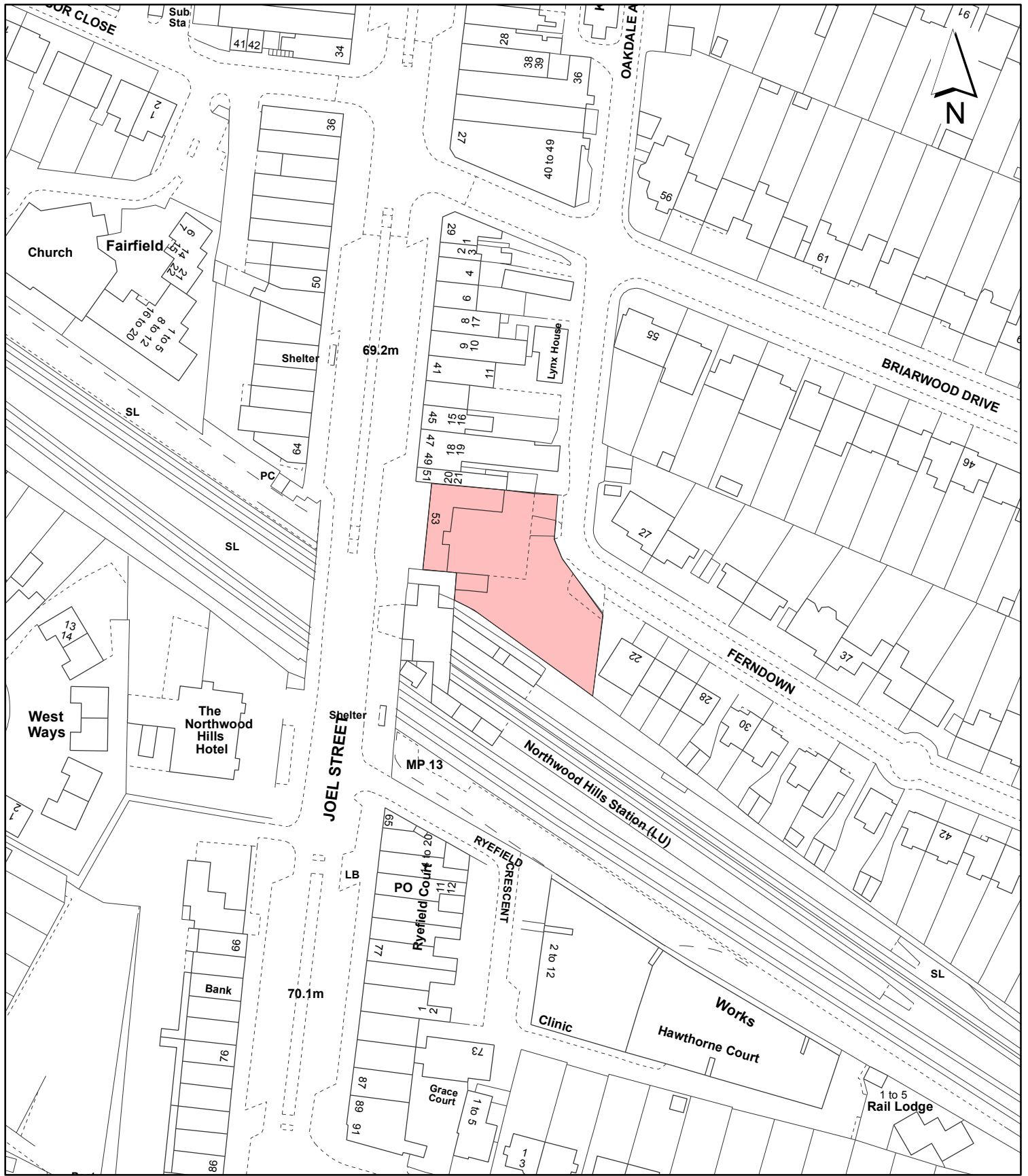
The site is located in close proximity to modes of public transport and 16no. car parking spaces would be made available and clearly marked for users of the gym facilities. It is therefore considered the proposal would not result in harm to the local highway network and approval is recommended.

#### **11. Reference Documents**

Hillingdon Local Plan Part 1 - (November 2012)  
Hillingdon Local Plan Part 2 - (November 2012)  
The London Plan (2016)  
Supplementary Planning Document 'Accessible Hillingdon'  
National Planning Policy Framework (2012)

**Contact Officer:** Zenab Haji-Ismael

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**Notes:**

 Site boundary

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Site Address:

**53-55 The Broadway  
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**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 250111

Planning Application Ref:

**5564/APP/2016/3908**

Scale:

**1:1,250**

Planning Committee:

**North**

Date:

**June 2017**



**HILLINGDON**  
 LONDON