



**Application No:** 150583

**Location:** Unit B1, Peartree Road, Stanway, Colchester

**Scale (approx):** 1:1250

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# Committee Report

Agenda item

7

To the meeting of **Planning Committee**

on: **11 June 2015**

Report of: **Head of Professional/Commercial Services**

Title: **Planning Applications**

## 7.1 Case Officer: Carl Allen

**MAJOR**

**Site:** Unit B1, Peartree Road, Stanway, Colchester

**Application No:** 150583

**Date Received:** 7 April 2015

**Agent:** Ms Erin Keenan

**Applicant:** Mr Marc Platter

**Development:** Change of use from existing A1 use to a mixed A1 & D2 use to form a Gymnasium.

**Ward:** Stanway

**Summary of Recommendation: Conditional Approval**

## 1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the item is classed as a Major and has attracted objections.

## 2.0 Synopsis

- 2.1 The key issues explored below are the principal of the proposal, parking, amenity and need. In these regards the proposal is viewed as being acceptable and approval with conditions is recommended.

### **3.0 Site Description and Context**

- 3.1 Unit B1 is the former Lewis's A1 retail unit and occupies the eastern unit of Queensway Warehouse. The other units that form the building are Conway Furniture and Topps Tiles on the Peartree Road elevation whilst there is another retail unit to the rear. There is a small amount of parking to the front/north of the unit and a larger parking area to the rear/south. Peartree Road is to the north.

### **4.0 Description of the Proposal**

- 4.1 A change of use from A1 (retail) to mixed A1 and D2 (gym) that would be open 24 hours a day, seven days a week. The floor space is 1,222 sq.m.. 15.5 full-time equivalent jobs would be created.

### **5.0 Land Use Allocation**

- 5.1 Urban District Centre.

### **6.0 Relevant Planning History**

- 6.1 LEX/679/71 – Class 10 warehouse with retail outlets. Approved.  
F/COL/03/1823 – Variation of Condition 1 of planning permission LEX/679/71. Refused.  
97/1120 – Installation of new shop front to the rear of the premises. Approved.  
Various advertisement consents.

### **7.0 Principal Policies**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:  
CE2b - District Centres
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):  
DP1 Design and Amenity  
DP19 Parking Standards
- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:  
N/A

- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:  
Vehicle Parking Standards

## **8.0 Consultations**

- 8.1 Highways – Should provide secure cycle parking.  
Colchester Cycling Campaign – Cycle parking should meet ECC standards.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

## **9.0 Parish Council Response**

- 9.1 The Parish Council have stated that they have no objection.

## **10.0 Representations**

- 10.1 Forty two objections have been received and concern:
- There is no need for a another gym in the area
  - Already have three other gyms near-by
  - No need for another gym
  - Will not be a successful venture
  - Not fair to open so close to existing gyms
  - Will have a negative effect on the business of the existing gyms as it would be too close to them
  - Proposed gyms low rates mean that they will need 4,000 members to sustain itself
  - The unit does not have access to all of the 207 parking spaces
  - Will result in congestion problems
  - Customers will not walk or cycle to the gym
  - Will not benefit the area
  - Loss of a retail unit from the area
  - Will result in anti-social behaviour

The full text of all of the representations received is available to view on the Council's website.

## **11.0 Parking Provision**

- 11.1 The applicant states that 207 shared parking spaces are available.

## **12.0 Open Space Provisions**

- 12.1 N/A

## **13.0 Air Quality**

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

## **14.0 Development Team and Planning Obligations**

- 14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

- 15.1 The main issues for consideration are the principal of the use, highways/parking, amenity and need.

- **Principal**

The site is in an Urban District Centre where Policy CE2b supports a diverse mix of uses, such as community facilities, services, offices etc., so the loss of a sole retail unit from such an area does not result in any policy concerns, and the Council’s Policy team have not raised any concerns over the proposal. The proposal is therefore considered to comply with Policy CE2b.

- **Highways/Parking**

Many of the objectors have raised concerns over the car parking and traffic issues at the site. The applicant has stated that there are 207 shared spaces available at the site. It is noted that none of the car parking areas are inside the applicant’s red line plan and that the parking areas that are shown on the plan are shared with other units at Peartree Road. Of these 207 spaces approximately half appear to be for the use of Peartree Road Leisure Park units and there are parking control notices in place at these areas. There are 44 parking spaces immediately behind Unit B1, with a total of 98 spaces behind the Queensway Warehouse and approximately 10 spaces to the front. All of these spaces are unallocated and appear to be for the use of these units. The maximum parking standard for D2 (gym) use is one space per 10 sq.m. of public area. With Unit B1 having 1,222 sq.m. of floor space this equates to a maximum of 122 parking spaces. In this case the Highways are satisfied that there are bus routes, existing car parks and retail units all in close proximity and have no objection to the proposal falling short of the Parking Standard. They have however, requested that secure cycle parking is provided and it is noted that the applicant has shown that 30 cycle spaces would be provided. Highways have not raised any concern regarding highway safety or increase congestion, which is unsurprising given the number of retail units in the area and the permitted use of the unit as retail could attract more vehicle movements than the proposed gym. For these reasons the proposal is considered to accord with DP19.

- **Amenity**

The proposal is for a 24 hour gym, open seven days a week. The site has no residential neighbours close to the site that could be disturbed by either vehicle movements or activities inside the gym. The proposal would not therefore have any detrimental amenity impacts. No external changes are proposed and the proposal complies with DP1 and UR2. Whilst the gym would be a 24 hour operation it is difficult to see how this would result in anti-social behaviour when only gym members would have access to the building.

- **Need**

By far the majority of objections received concern the need for another gym in the area and how it may impact on the existing gyms in the immediate area. That the applicant has applied for the change of use means that they consider that their business is viable at the location and it is not the Local Planning Authority's role to protect or limit competition in a commercial marketplace – especially when the proposed use is acceptable in principal. If the proposal means that the existing gyms in the area have to adapt their business to retain or attract customers then that is something that they need to address themselves rather than to rely on the Local Planning Authority to restrict competition to enable their businesses to operate. In these regards the impact on existing businesses is not a planning consideration. The proposed gym would be the only gym business to have a frontage onto the main Peartree Road with the neighbouring gyms being accessed from other roads that fed onto Peartree Road. The lack of visibility of these existing gyms means that users of Peartree Road would not be confronted with a monoculture of gyms and the area would retain an acceptable mix of uses.

## **16.0 Conclusion**

- 16.1 The principal of the proposal is acceptable, there are no amenity concerns about a 24 hour operation and whilst the car parking provision falls short of the Standard a lower provision is considered acceptable due to the proximity of public transport and existing car parks. The impact on existing gym businesses is not a planning consideration.

## **17.0 Recommendation**

APPROVE subject to the following conditions

## **18.0 Positivity Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **19.0 Conditions**

### **1 - Non-Standard Condition/Reason**

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

### **2 - Non-Standard Condition/Reason**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Number 6492/PA/JF/03 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

### 3 - Non-Standard Condition/Reason

Prior to the commencement of the development, details of the number, location and design of cycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be secure, convenient and covered and shall be provided prior to occupation and retained for that purpose at all times thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

## 20.0 Informatives

- (1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.
- (2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.
- (3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**  
PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.