

Application Number	Date of Appln	Committee Date	Ward
114188/FU/2016	1st Nov 2016	6th Apr 2017	Chorlton Park Ward

Proposal Change of use of existing office (Class B1) to Gym (Class D2)

Location 136 St Werburghs Road, Manchester, M21 8UQ

Applicant Miss Sarah Morrison , Little Box Gym, 16 Wood Road North, Old Trafford, Manchester, M16 9QG,

Agent Mr Mark Kitson, Kitson Architecture Ltd, Carlton Place, 28-32 Greenwood Street, Altrincham, WA14 1RZ,

Description

This application relates to a two storey double fronted 18th Century former farm house with a single storey extension on the western gable, the building is currently vacant and was last used as offices, class B1. The property, known as Rowthorne House is Listed grade II as being of Architectural or Historic interest. Both the principle facades are symmetrical with two large windows on the ground floor either side of a door and three windows at first floor level. On the front (north) elevation is a 20th Century porch. On the rear (south) elevation facing the car park the door has been bricked up. There is a small window at ground floor level in the east gable, whilst there are two ground floor windows in the west gable of the single storey extension. There are also an arched and two small round windows in the south elevation of the single storey extension. The property sits at right angles to St Werburghs Road and has a car park on its southern side. Along the other three sides are narrow strips of land. There are separate gates entrances into the site for the car park and front door both from St Werburghs Road.

The site sits between St Werburghs Road and Park Brow Close, a short residential cul de sac. To the south is the gable elevation of a short terrace of residential properties fronting Park Brow Close. Facing the gable wall of the application site are the front elevations of houses across Park Brow Close to the north is another Listed building, this time a former barn now converted to residential. There are residential properties facing the other gable to the property across St Werburghs Road.

A short distance to the north of the site is the St Werburghs Road Metrolink station. There is also a north bound bus stop outside of the property. There are double yellow lines outside the property on St Werburghs Road.



Since the submission of the application the use has commenced and the applicant has been made aware that this is at their own risk and could potentially face enforcement action if permission was refused. Permission is sought to use the whole of the premises as a gym within Class D2 of the Use Classes Order. The gym would be a small boutique operation with a maximum of 9 members using the facilities at any one time. There will be two full time members of staff. The hours of operation are 7.45am to 10.00pm Monday to Friday, 8.30am to 4.00pm Saturdays and noon to 6.00pm Sundays. The submitted drawing shows the car park accommodating six spaces. It is not proposed to carry out any changes to the Listed Building.

Consultations

Local residents

Eighteen letters have been received objecting to the proposed development. The grounds for objecting are summarised below.

- The proposed use will generate excessive amounts of noise particularly music which will detract from the amenity of the area. Noise cannot be effectively controlled through conditions.
- This is not an appropriate use for a residential area.
- Parking in the area is a problem and the proposed use would exacerbate the existing problems to the detriment of local residents. Both Metrolink and Chorlton High School generate inconsiderate parking.
- There is a potential highway safety issue as the car park entrance is located close to an entrance to Chorlton High School. There is blind junction nearby and motorists often ignore the 20 mph speed limit.

- The use could generate up to 252 additional car movements per day which would impact on the amenity of residents.
- The change of use to D2 would allow other uses within the class to operate in the premises such as a cinema and music or dance hall.
- There is no on-street parking available in the immediate area.
- When the property was last in use as offices it was rare for the car park to be used with staff and visitors preferring to park on street.
- Inconsiderate parking in the area forces those in wheelchairs, pushchairs and with young children to use the road.
- The double yellow lines will mean that parking is displaced to other areas.

Highways

The site is accessible by both buses and Metrolink.

Given the modest size of the gym and in comparison with the former use as offices it is likely that the trip generation will be similar or less.

If the courtyard is to be used for parking the bays should accord with the Councils standards.

It is however likely that the car park cannot accommodate all the parking requirements which may lead to some demand for on street parking.

It is recommended that provision is made for cycle parking.

The proposed waste storage collection arrangements are acceptable.

Strategic Area and Citywide Support

Have assessed the acoustic report and are satisfied that provided the windows remain close there should be no noise issues.

The proposed operating hours are considered to be acceptable and a condition is requested requiring the approval of the refuse storage arrangements.

Policy

Core Strategy

The relevant Core Strategy policies are SP1, EN3, T1 and DM1

Policy SP1 is relevant to this proposal as it establishes the spatial principles that will guide development in the City. In particular the creation of neighbourhoods of choice. The policy also says that new developments should make a positive contribution to the health, safety and wellbeing of residents.

Policy EN3 is relevant as this application relates to a Grade II Listed Building. The policy seeks to protect the City's heritage assets from the adverse impact of development.

Policy T1 is relevant as it relates to reducing the reliance on private cars.

Policy DM1 is a general development management condition that seeks to protect the amenity of residents from the adverse impact of development. In particular the policy states that effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise will be a consideration as will parking and transportation issues.

Unitary Development Plan

The relevant saved Unitary Development Plan policies are DC19 and DC26.

Policy DC19 is relevant as the application relates to the use of a listed building. The policy seeks to ensure the future of listed buildings whilst protecting them from inappropriate development.

Policy DC26 is relevant to this application as it relates to noise sensitive developments. In particular the policy states that developments likely to result in unacceptably high levels of noises will not be permitted in amongst others residential areas.

National Planning Policy Framework

Paragraph 134 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 140 requires local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Issues

Principle

This application relates to a vacant commercial property located within a residential area, with good public transport links and easy access to a wide client base. It is recognised that this type of use could have implications for both the amenity of residents and the fabric of the listed building and these are addressed in more detail in the following sections. On balance it is considered that the principle of the gym in this location is acceptable.

Sequential Test

As this is an out of centre site it is necessary to conduct a sequential test to identify if there is a more appropriate site for a gym of this type within a centre.

The applicant identified three potential sites for the proposed use. One on Oswald Road which Members will recall was granted planning permission, however, it was subsequently found to be unsuitable due to the condition of the building. 166 Manchester Road was considered unsuitable due to the size of the property and there being residential above and 430A Barlow Moor Road was considered to be too small. The applicant adds that this is a one off business not part of a chain and runs a model based on its location to its small client base. The proposed property at less than 200 square metres is adequate for the needs of the business. There is no scope or plans to increase the size of the gym, any business growth will be using the same model on other sites.

It is considered that the sequential test carried out is proportionate to the development applied for and that the use of a site that is not located within the centre is appropriate.

Scale

This is a small scale operation that is limited by the size of the property. The applicants have indicated that there will be two instructors and up to 9 members at any one time. Given the restrictions imposed on the use by the size of the building and the restrictions on changes that can be made to it due to its Listed status it is considered that there is little scope for the use to intensify and that on balance such a small scale operation is acceptable.

Hours

The use the subject of this application is proposing to operate within the following times 7.45am to 10.00pm Monday to Friday, 8.30am to 4.00pm Saturdays and noon to 6.00pm Sundays. It is considered that these hours are reasonable for the use and should not significantly impact on the amenity of nearby residents subject to an appropriate condition.

Management

The applicant has been asked to prepare a management plan for the gym. However, given the location of the premises within a predominantly residential area it is considered that in order to ensure that any impact is kept to a minimum the gym operates an appointment system only. An appropriate condition is proposed.

Parking

The development would provide six parking spaces within the curtilage of the site. The Council parking standard published in the Core Strategy for a D2 use is one space per 22 square metres (Standards for car parking are maximums and may be subject to a further reduction when consideration is given to accessibility of the particular site). In this particular case the relationship to its potential catchment area, its access to public transport links and the small scale of the proposed operation, it is considered on balance that the six spaces are adequate and that the development therefore accords with Core Strategy policy DM1.

Cycle parking

There is space within the curtilage of the site to provide secured parking which could be designed in such a manner as to not impact on the character of the Listed building or its setting. A condition is included to ensure an appropriate number of spaces are provided.

Traffic

Highways have indicated that the proposed use should generate similar or fewer trips than the lawful use of the property. Residents have expressed concern about the potential issues from the use generating excess traffic, however, this is a sustainable location that is easily accessible to a large residential area but is also on a bus route, close to a Metrolink station and also the Fallowfield Loop footpath cycle way. Whilst the Metrolink Station and school undoubtedly generate traffic there is no evidence to support residents concerns and on balance it is therefore considered that the proposed development accords with Core Strategy policies DM1 and T1. A condition is proposed to require the application to provide facilities for the safe storage of cycles.

Noise

In response to concerns raised about noise the applicant has submitted an acoustic report in relation to the proposed use. The report concludes that “during visits to the site while gym classes were in progress, there was no audibility of noise from the gym noted by the surveyor at the measurement position.

An assessment of potential noise emissions based on measured internal noise levels during a class demonstrates that gym noise emissions at the nearest residential property would be significantly below the existing background noise level and would therefore have no impact.

It is concluded that the Little Box Gym will have no adverse noise impact on the amenity of surrounding residents.”

Strategic Area and Citywide support have indicated that as long as the windows remain closed these should be no issues and a suitable condition is therefore proposed.

Impact on the Listed Building

The application site is a grade II listed building that is currently vacant. The proposed use will bring the property back into use thus ensuring its economic future. The applicants have indicated that there is no need to insulate the building or to alter in any way. On balance it is therefore considered that the development accords with Core Strategy policy EN3, saved Unitary Development Plan policy DC19 and the guidance contained in the National Planning Policy Framework.

Residential amenity

It is recognised that the use of the premises as a gym could give rise to amenity issues in terms of noise, traffic and parking.

In respect of noise the residential properties facing the site across St Werburghs Road are facing a gable with a single small window thus the impact of noise breakout from that elevation will be limited as well as being separated from the site by a busy road. The windows in the west elevation are screened from the residential properties by a brick wall which would act as an acoustic barrier and the width of park Brow Close and again any noise issues should not be significant. To the south of the gym the dwelling presents its gable to the car park and again any noise break out should be controlled. The properties most likely to be impacted upon by any noise breakout are those to the north which face the front elevation of the property which contains several windows. However, these properties are set behind a court yard and it is considered there is sufficient gap approximately 12 metres to minimise this impact. Strategic Area and Citywide Support have raised no issues with noise breakout as long as the windows remain closed, on balance, therefore it is considered that there are no significant noise impacts from the development.

With regard to traffic generation Highways have indicated that traffic generation would be similar or less than the existing use of the property and consequently it is on balance considered that there will be not significant impact particularly give the busy nature of St Werburghs Road.

There are parking restrictions in the vicinity of the property and only limited space on street in the wider area. As already mentioned it is considered that there is sufficient parking available for the use on site to meet the needs of the development. As the use is targeted at the local area it is considered members will come to know at which times parking is available and plan their sessions accordingly. Alternatively the site is accessible by other means.

Having considered the representations of residents it is considered that on balance there would be no significant loss of amenity for residents and that the development accords with Core Strategy policy DM1 and saved Unitary Development Plan policy DC26.

Limitations on the scope of the use

The proposed use is within class D2 of the Use classes order and consequently should consent be granted the premises could in the normal course of events, be used for any of the following uses without applying for planning permission. The uses are cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used).

In cases where the local planning authority is minded to approve a change of use but is concerned that future uncontrolled changes of use could adversely impact on the amenity of an area the options exist to either, make the permission personal to the applicant or to remove the permitted change of use by condition.

By issuing a personal permission should the applicant withdraw from the business the planning permission would lapse and the premises revert to its previous use, in this case offices within class B1.

The removal of the permitted change by condition would prevent changes to other uses within Class D2 however, a different operator would be able to use the premises as a gym without further reference to the local planning authority.

Should members be minded to approve the application it is considered that a personal condition would be more appropriate as it gives more control to the Council in this particular instance and prevents the future operation of the premises as a gym by a different operator in a more intensive or noisy manner.

Highway Safety

Residents have expressed concern about highway safety, however, the premises and its car park could return to office use without planning permission and given Highways expression that traffic generation would be similar to the existing use it is not considered that the use would result in an increase in risk.

Refuse Storage

No details of refuse storage have been supplied with the application. The use of the property as a gym should not generate significant amounts of refuse and material for recycling. It is considered that suitable arrangements could be made within the curtilage of the site and an appropriate condition is proposed.

Conclusion

Having considered the issues raised in respect of the use of the property as a gym it is considered that an approval personal to the applicant represents an acceptable way forward that will bring back into use and therefore preserve a listed building, whilst protecting the amenity of residents.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Head of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the approval of the application is proportionate to the wider

benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation APPROVE

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to issues arising from the consideration of this application, in particular the impact on residential amenity.

Reason for recommendation

Conditions to be attached to the decision

1) The use hereby permitted shall be carried on only by Sarah Morrison. When the premises cease to be occupied by Sarah Morrison the use as a Gym within Class D2 hereby permitted shall cease and the premises revert to its previous use as offices Class B1.

Reason - In granting this permission the City Council as local planning authority has had regard to the special circumstances of the applicant.

- 2) The premises shall not be open outside the following hours:-
7.45am to 10.00pm Monday to Friday
8.30am to 4.00pm Saturdays and
12 Noon to 6.00pm Sundays and Bank Holidays

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

3) The development hereby approved shall be carried out in accordance with the following drawings and documents:
233-201 stamped as received on 12th October 2016 and the Waste Management Strategy reference 233-DOC002 dated 21st October 2016 stamped as received on 21st August 2016.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

4) The car parking shown on drawing 233-201 stamped as received on 12th October 2016 shall be demarcated within three months of the date of this permission and made available for use by staff and clients at all times whilst the Gym is open for business.

Reason - To ensure that there is satisfactory parking for the development pursuant to Core Strategy policy DM1.

5) All the windows shall be kept closed whilst sessions/classes are in progress and external doors shall not be fixed in the open position at any time.

Reason - to prevent the break out of noise from the premises pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC26

6) Within three months of the date of this permission a scheme for the parking/storage of bicycles shall be submitted to and approved in writing by the City Council as local planning authority. The approved space and facilities shall then be retained and permanently reserved for bicycle parking for as long as the use is in operation.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

7) Notwithstanding the approval hereby granted, operation of the premises shall be carried out by appointment system only.

Reason: To limit the number of people on the premises and safeguard the amenities of the occupiers of nearby residential properties pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC26.

8) Within 3 months of the date of this permission a scheme for the storage (including segregated waste recycling) and disposal of refuse shall be submitted to the City Council as local planning authority. The details of the approved scheme shall be implemented in full and shall remain in situ whilst the use or development is in operation.

Reason -To ensure that there are satisfactory arrangements for the storage of refuse pursuant to core strategy policy DM1

9) Notwithstanding the approval hereby granted, operation of the premises shall be carried out by appointment system only.

Reason: To limit the number of people on the premises and safeguard the amenities of the occupiers of nearby residential properties pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC26.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 114188/FU/2016 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Highway Services
Environmental Health
Greater Manchester Police
Environmental Health

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

8, 26 Nell Lane,
87, 93, 95, 97, 120 St Werburgh's Road,
130, 132, 134, 136 Sandy lane,
4 Park Brow Close
107 Caddington Road

Relevant Contact Officer : Dave Morris
Telephone number : 0161 600 7924
Email : d.morris@manchester.gov.uk



 Application site boundary  Neighbour notification
© Crown copyright and database rights 2017. Ordnance Survey 100019568