

**Application Number:** 2014/1360

**Location:** 294 Spring Lane, Lambley, Nottinghamshire, NG4 4PE.



**NOTE:**

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## **Report to Planning Committee**

**Application Number:** 2014/1360

**Location:** 294 Spring Lane, Lambley, Nottinghamshire, NG4 4PE.

**Proposal:** Change of use at Aspect Court from B1 office unit to D2 Personal Training Studio.

**Applicant:** Mr James Woodford

**Agent:**

**Case Officer:** Alison Jackson

### **Site Description**

The application site relates to 294, Spring Lane, which is also known as Aspect Court. The building is a barn conversion which was undertaken in 2006. The building was previously occupied as a B1 (a) office. The access to the site is via Spring Lane, there is an in and an out access arrangement to the site. There is an existing car parking area serving the building. The building sits some distance to the rear of 300, Spring Lane, a residential property. There are other residential properties adjacent to the site along Spring Lane. The site is situated within the Green Belt for Nottingham.

### **Relevant Planning History**

Planning permission was granted in August 2014, 2014/0579 reference for the change of use of the 294, Spring Lane from an office use falling within Class B1 (a) (Business Use) to a children's day nursery falling within a Class D1 (Non Residential Institution) use. The D1 use of the building has not been implemented to date.

### **Proposed Development**

Planning permission is sought for the change of use of the building from the existing authorised use of the building as a B1 office use to a personal training studio (gym) falling within a class D2 (Assembly and Leisure) use.

No external alterations are proposed to the building.

### **Consultations**

Lambley Parish Council – no objections.

Nottinghamshire County Council Highway Authority – no objections.

Neighbours have been notified by letter and the application has been advertised on site and in the local press – I have received no letters of representation as a result.

### **Planning Considerations**

The main considerations in the determination of this planning application are whether the proposal is appropriate development within the Green Belt, the impact of the proposal on the open character of the Green Belt, the suitability of the proposed use in this location, the sustainability of the use, the impact on neighbouring properties and the area in general and whether there are any highway safety implications arising from the proposal.

As such the following policies are relevant to the proposal:

- NPPF Paragraphs 18 - 22 (Building a strong, competitive economy)
- NPPF Paragraphs 23-27 (Ensuring the vitality of town centres)
- NPPF Paragraphs 79 to 92 (Protecting Green Belt land)

Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014)

- Policy ENV1 (Development Criteria)

Gedling Borough Aligned Core Strategy

Gedling Borough adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10<sup>th</sup> September 2014 and this now forms part of the Development Plan along with certain policies saved contained within the Gedling Borough Council Replacement Local Plan referred to in Appendix E of the GBACS. The GBACS is subject to a legal challenge under section 113 of the Planning and Compulsory Purchase Act 2004 to quash certain parts. The challenge to the GBACS is a material consideration and must be taken account of. The decision maker should decide what weight is to be given to the GBACS. In this instance significant weight has been given to the GBACS however, should the GBACS be quashed I do not consider that a different recommendation would be reached given that the policies mirror the guidance contained within the NPPF.

It is considered therefore that the following policies are relevant:

- ACS Policy 3 (The Green Belt)
- ACS Policy 6 (Role of Town and Local Centres)

### **Appropriateness of the proposal in the Green Belt**

I am satisfied that the proposed change of use of the building, given that the proposal relates to the re-use of a building and the building is of a permanent and substantial construction and has no adverse impact on the openness of the Green Belt, the proposal constitutes appropriate development within the Green Belt and therefore very special circumstances are not required to be demonstrated in an attempt to justify the proposal.

I am also mindful that as the roadway and the car parking area into the site are

existing, the proposal does not relate to a change of use of the surrounding land and therefore these areas do not need to be assessed as part of this planning application as being inappropriate development, for which special circumstances would need to be demonstrated.

#### Impact on the open character of the Green Belt

In my opinion given that the proposal relates to the use of the existing building, the proposed use of the building will result in no greater impact on the open character of the Green Belt than the existing use of the premises.

I note that the site is served by an in and out access road to the premises and a car parking area also serves the building. In my opinion, as these elements are existing, the use of these areas will result in no greater impact on the open character of the Green Belt than the existing use of these areas for access and car parking purposes.

#### Suitability and sustainability of the proposal

I appreciate that the proposed use of the building as a gym would be considered as a main town centre use and the application site does not fall within a designated town centre.

The NPPF at paragraphs 23-27 states that the vitality of town centres should be protected and therefore town centre uses which are not proposed within a designated town centre should demonstrate compliance with the sequential test. This ensures that proposals do not result in demonstrable harm to the vitality or viability of designated shopping centres.

To this end the applicant has provided additional information in support of the application which confirms that alternative sites with designated town centres were assessed for the proposal and were found to be inadequate for reasons of the premises being too small, too large, inadequate internal arrangements to the building for personal training sessions.

I am satisfied following the receipt of this information, from the applicant, that a sequential approach has been undertaken in an attempt to identify suitable premises within or on the edge of town centres for the proposed use. The sequential approach in my opinion therefore has been satisfied and I consider that the proposed use of application site can be considered an acceptable use.

Whilst, the applicant has demonstrated that a sequential approach has been undertaken, I am mindful that paragraph 25 of the NPPF states that a sequential approach does not need to be applied to small scale rural development which I consider a proposal of this nature could be justifiably categorised as, given the number of clients expected to attend the premises and the staffing levels proposed.

I am also satisfied given the scale of the proposal an Impact Assessment of the proposal on local town centres, as required under paragraph 26 of the NPPF, is not required in this case.

The NPPF places emphasis on supporting sustainable economic growth and both the NPPF and ACS Policy A refer to a presumption in favour of sustainable development.

The site is located on Spring Lane which is served by a frequent bus service and a bus stop is within walking distance of the site. The site is also close to the urban area of Arnold and to a significant amount of new housing development which has taken place on the Ashwater Drive/Spring Lane which is almost opposite on the other side of Spring Lane.

I would therefore consider that the site is reasonably accessible by bus and that the site being in close proximity to a sizable residential area is within walking/cycling distance of its likely catchment area.

Given the above therefore I am satisfied that the site is suitable for the proposed use as a gym and the site is located within a sustainable location.

#### Impact on neighbouring properties

I am satisfied given the location of the building in question and the fact that the proposal relates to the internal use of the building only and its proximity to neighbouring properties, there will be no undue impact on neighbouring properties as a result of the internal use of the building.

In respect to the potential impact of the proposed comings and goings to and from the site on neighbouring properties I note that the applicant has confirmed in greater detail exactly how the premises will operate and how many clients are expected to attend the premises during the morning and afternoon/evening sessions.

The applicant has confirmed that the expected levels of attendance at the premises would be a maximum of twelve clients in the morning and an equivalent number of clients in the afternoon/evening period. These numbers would exclude staff at the premises, which is specified to be three full time staff and two part time staff.

On the basis of the above information, I am satisfied that the proposed activity associated with the comings and goings to and from the site will result in no undue impact on neighbouring properties or the area in general.

I consider however, that should planning permission be granted a condition is attached to restrict the number of clients visiting the site to a maximum of twelve clients in the morning periods and a maximum of twelve clients in the afternoon/evening period. This will ensure that the activity at the site does not result in any undue impact on neighbouring properties or the area in general.

However, should the business intensify at any time, the applicant could submit an application to increase the number of expected clients to visit the site over the course of the day and this application would be considered on its own merits.

I also note that the applicants has stated that the opening hours of the premises would be 7 am to 9 pm Mondays to Fridays inclusive and 9 am to 12 (noon) on

Saturdays. I am satisfied that these opening hours are acceptable in terms of any potential noise and disturbance to neighbouring properties.

Given the number of expected clients to visit the site together with the proposed staffing levels, I am satisfied that the use of the existing access roadway and the parking area serving the site will result in no undue impact on the amenity of neighbouring properties.

#### Impact on Highway Safety

I note that the Highway Authority has raised no objections to the proposal and agree given the levels of clients attending the site together with the proposed staffing levels the proposed use of the site will result in no undue impact on highway safety.

I am therefore satisfied, given the above, that there would be no highway safety issues arising from the proposal.

Accordingly for the reasons outlined above I recommend that planning permission be granted.

#### **Recommendation:**

**To GRANT PLANNING PERMISISON subject to the following conditions:**

#### **Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The proposal shall be undertaken in accordance with the details as set out within the application forms received on the 2nd December 2014, the plans received on the 2nd December 2014, the letter from the applicant dated the 1st December 2014 and the e-mail received on the 2nd February 2015 which clarifies in precise details the number of clients expected to attend the premises within the morning and afternoon/evening periods.
3. The maximum number of clients visiting the site in the morning period shall not exceed twelve and the number of clients visiting the site in the afternoon/evening period shall not exceed twelve, this excludes the staffing levels at the site at any one time.

#### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To protect the amenity of neighbouring properties and the area in general in accordance with the aims of Policy ENV1 of the Gedling Borough

Replacement Local Plan (Certain Saved Policies 2014).

### **Reasons for Decision**

The proposal is appropriate development within the Green Belt, results in no undue impact on the open character of the Green Belt or neighbouring properties and the proposal is acceptable from a highway safety viewpoint. The proposal therefore accords with policies contained within the Aligned Core Strategy, the National Planning Policy Framework and policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

### **Notes to Applicant**

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.