



Delegated Report

Householder Planning Application

Planning Application No: 20211246

Location: 256 Singlewell Road Gravesend Kent DA11 7RE

Description: Application for variation of condition 3 attached to planning permission reference no 20130959 to allow the gym outbuilding to be used for a personal trainers business, Mon - Fri 8am - 8pm.

Applicant: Mr Mun Dhariwal

Site Visit Date: Desktop assessment including reference to GBC Planning Enforcement photographs

Submitted Documents/Plans

Application form for removal or variation of condition;
Drawing no. 001 Rev. A Original and existing layout and elevations and red line site boundary plan; and
Planning Statement 05 October 2021.

Relevant Planning History

<u>Application No.</u>	<u>Description</u>	<u>Status</u>	<u>Decision</u>
20130959	Erection of detached outbuilding with canopy in rear garden to replace existing to provide gym, play room/games room and shed.	Permitted	11.12.2013
20140597	Application for a non-material amendment to planning application reference 20130959 for the erection of detached outbuilding with canopy in rear garden to replace existing to provide gym, play room/games room and shed; to allow roof height and footprint increase, alteration to the pitch of the canopy incorporating installation of roof lights, installation of two roof lights to outbuilding and also to allow deeper windows which will be frosted.	Approved	22.07.2014
20150026	Erection of front and side boundary walls with railings and vehicular entrance gates and the widening of the two existing vehicular	Permitted	20.08.2015

accesses.

20211033	Extension and raising part of the roof of existing summer house.	Refused	05.10.2021
20211273	Erection of a single storey rear extension to existing summer house.	Pending consideration	

It is noted that the application site is subject to an ongoing enforcement investigation (reference 21/00147/EN) regarding the unauthorised commercial use of the outbuilding, which is the subject of this application.

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS11 – Transport
- CS12 – Green Infrastructure
- CS13 – Green Space, Sport and Recreation
- CS18 – Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places

Supplementary Planning Guidance

- SPG2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide SPD (2021)

Consultations, Publicity and Representations

GBC - Environmental Protection Team (Regulatory Services)

The following to be considered:

Noise Control - Due to the potential for noise nuisance from the business we recommend the following conditions are applied;

- The hours of operation for the business are restricted to 8am to 8pm Monday to Friday, this includes customers not being on site before 8am or after 8pm.
- The business must not operate on Saturdays or Sundays.
- There are to be no more than two clients on site at any one time and no more than 4 clients on site in total per day.
- Music and amplified sound systems must not be use at any time during business hours.

GBC – Commercial Team (Regulatory Services)

No objection in principle. The following comments are made for the information of the applicant.

Health and Safety:

In these premises the Health and Safety Executive (HSE) will be the enforcing Authority for all health and safety matters as it is located in a domestic premises. Should you require further advice and information check out the HSE website www.hse.gov.uk

GBC Highways Officer

It would appear this application is not straight forward. Whilst the application states all training will be 1 to 1, the web site refers to the following information. However the 'U'tube film does refer to 1-2-1 training.



1-2-1 Training in a Private Studio, based in Gravesend, Kent:
Costs to training sessions are non negotiable and are set at £60 each for single 1-2-1 sessions. £40 each for doubles group session and £35 each for tripple group session.

Single Client Booking :	£ 60 each session: [per 1 hour session]
Two Client Booking :	£ 40 each client: [per 1 hour session] @ £ 80 total
Three Client Booking :	£ 35 each client: [per 1 hour session] @ £ 105 total

<https://www.personaltrainermun.co.uk/33/1-2-1-PRICES/1-2-1-Client-Bookings.html>

Also another web link shows three people using the gym.



Therefore it would be necessary to ensure compliance with any permission, which should limit the number of clients to one, to ensure adequate parking is available at all times.

In terms of traffic generation, a single client would be insignificant.

Looking at Google Street view (9 images, from October 2008 to April 2021 are provided but these are not included in this report), pavement parking is not uncommon, which is detrimental to the passage of pedestrians, particularly those with a mobility impairment and most importantly the blind or partially sighted. I would therefore consider it imperative that adequate on site parking is available and readily accessible. For a single client this would be a clearly defined space that is readily accessible from the public highway, which does not obstruct the spaces or access requirements for the residential dwelling. The gates to the property would have to be left open during trading hours to ensure the access to the parking space is readily available. Additional clients would require additional parking spaces and suitable provision for the secure parking of cycles, not just bicycles, but adaptive cycles that could be used by clients.

My recommendations are, the applicant needs to submit a parking plan that shows the parking for both the residential dwelling and the business use. Neither should impinge on the other or the access/egress arrangements and the client's space needs to be readily identified on site by appropriate signage. Secure and ideally weather proof cycle parking needs to be provided within the property boundary for one cycle. Any increase in clients would require a review of the situation.

To ensure that there is always a parking space for the next client, it is recommended that there should be a minimum of 30 minutes between clients, although it may be possible to review this once information becomes available on how early people arrive or late when they leave.

KCC Heritage

I have no archaeological comments to make with respect of this application.

Neighbouring properties

The application was publicised to seven neighbouring properties by letter. Four representations have been received (three objections (one sent twice) and one neither in support or objecting to the proposal) and are summarised as follows;

- The outbuilding has been used as a gym business since it was first constructed not just since Covid.
- There are more than four clients per day (pre and post Covid) and more than one client at a time.
- Refers to various websites that show information that contradicts the applicant's statements regarding the use of the outbuilding.
- Adverse noise impacts, very loud music is heard practically every day and the gym is being used outside of the hours of 8am - 8pm, sometimes at 6am and 10pm and on weekends.
- If the proposed noise levels are lower than current levels, then no objection.
- Adverse parking impacts, gym clients park on the road/pavement causing difficulties to traffic and pedestrians.
- There is likely to be an increase in road traffic.
- The applicant intends to construct a boxing ring within the building (under 20211273). This contradicts his claim that the building layout would not be altered.
- There must be numerous vacant commercial premises in Gravesham that would welcome this facility.
- The area is residential and not suitable for businesses.
- The market value of surrounding properties will be diminished.
- By breaching planning rules and operating the gym without permission, the applicant shows complete disregard to this neighbours.
- The outbuilding is too tall for a garden building within two metres of the boundary and is a breach of building regulations.
- If granted, this would set the wrong precedent and encourage further businesses in a residential area.

Officer's Analysis

Background

The outbuilding at the application site was constructed in summer 2014, following a grant of planning

permission and a non-material amendment approvals (references 20130959 and 2014597). Condition 3 of planning permission 20130959 states that the outbuilding should only be used for purposes incidental to the dwelling at the application site.

In June 2021 GBC Planning Enforcement were made aware of an alleged commercial use of the outbuilding (as a gym/for personal training). As a result of an enforcement investigation, this application has been submitted in an attempt to regularise the unauthorised commercial use.

It should be noted that there are numerous sources of information that illustrate the extent and history of the existing commercial use of the outbuilding, for example the applicant's own website and Facebook page, as well as personal reviews set out on Google Maps. This information shows that the applicant operates his business seven days a week, between 05.00 and 22.00 and has been doing so for a significant number of years. Much of this information is corroborated by neighbour representations and is directly contradictory to the information set out in the planning statement submitted with this application.

Appropriateness of the development in principle

Policy CS02 of the Gravesham Local Plan Core Strategy (September 2014) prioritises development in the urban area as a sustainable location for development. It states that this will be achieved by (amongst other things) revitalising the Gravesend Town Centre Opportunity Area as a focal point for retail, leisure, cultural and tourism facilities and by bringing forward a range of suitable sites in other parts of the urban area for residential and employment development.

Policy CS08 of the Gravesham Local Plan Core Strategy (September 2014) sets out that proposals for leisure uses will be directed towards Gravesend Town Centre in the first instance followed by edge of centre sites and then out of centre sites.

Policy CS13 of the Gravesham Local Plan Core Strategy (September 2014) seeks to make adequate provision for sports facilities, in accordance with an adequate, up to date and relevant evidence base.

This policy approach means that leisure uses, such as the proposed commercial gym would be broadly welcomed but that they should be located in accessible and sustainable locations, such as the town centre. The application site is a significant distance from the town centre or any local centre and would be a stand-alone commercial use in an entirely residential area, which does not comply with the main thrust of the development plan policy approach.

However some commercial activities can operate successfully in residential areas. Successful operation is dependent on the nature of the use and adequate mitigation of any adverse impacts associated with the use. As a small commercial gym, it is possible that the proposed use could be appropriate in this location. Therefore the main considerations in this application will be assessing the impacts of the proposal on the character of the area, the residential amenity of surrounding occupiers and on highway safety.

It is acknowledged that this proposal would allow the applicant to continue working from home, which can have positive impacts (such as reducing the need to travel, improved quality of life etc), but it is considered that these benefits must be weighed carefully against any adverse impacts of the proposed development.

Design, Character and Appearance

The proposed development would not involve any alterations to the building physically but the proposed commercial use could not be in keeping with the surrounding residential area. The use would result in additional visits to the property above that which would be associated with a residential use, increasing the level of activity around the site and in the surrounding area.

It is noted that it is proposed to restrict the number of clients (to four per day) and the hours of operation (08.00 to 20.00, Mondays to Fridays) and that only one client at a time would use the proposed gym. As such, the extent of the proposed commercial activities would not be so significant as to be detrimental to the residential character of the area.

Overall the proposed development would be appropriate in character and appearance and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Amenity of Future Occupiers

The proposed development would not result in a reduction in the amount of amenity space at the application site and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and SPG2 Residential Layout Guidelines.

Neighbouring Amenity

The closest residential properties to the application site are nos. 248 and 258 Singlewell Road (located to the north and south respectively) and nos. 40 and 42 Windsor Road (located to the east). Nos. 265, 267 and 269 Singlewell Road are located across the roadway to the west.

Due to the design of the outbuilding (obscure glazed windows) and the screening provided by boundary treatments, there would be no adverse overlooking impacts to the occupiers of any surrounding dwellings.

As a commercial activity, the use of the gym would have increased potential to cause adverse noise and disturbance impacts in the surrounding area, above that of a residential use. These impacts would be generated by additional visitors and vehicle movements and activities/music associated with the use of the gym. It is noted that local residents have outlined that the existing unauthorised use of the outbuilding involves very loud music practically every day and the gym being used from 06.00 up to 22.00 hours and on weekends. It is also noted that one local resident does not raise an objection to the proposal, provided that the existing noise levels are reduced.

It is proposed to restrict the number of clients (to four per day) and the hours of operation (08.00 to 20.00, Mondays to Fridays) and that only one client at a time would use the proposed gym. The GBC Environmental Protection Team have not raised an objection to the proposal and recommend a number of conditions which would mitigate adverse noise impacts. It is considered that restricting the opening hours and the number of clients would be justifiable but that restricting music and amplified sound systems would be too onerous. Instead it would be more appropriate to utilise environmental legislation to ensure that no adverse noise impacts from music can occur.

In addition, it would be appropriate to use planning conditions to ensure that there are no classes or training activities outside of the building; that windows/doors remain closed during working hours; and that sufficient refuse storage provision is available at the application site. These conditions would ensure that there would be no adverse impacts to the residential amenity of surrounding occupiers.

Due to the adverse noise impacts associated with the existing unauthorised use and with reference to the discrepancies between the submitted details and the applicant's online advertising for his business, it is considered that granting planning permission for a temporary change of use (for a 12 month period) would be justified. This approach would allow the Borough Council to monitor the operation of the gymnasium and any adverse impacts arising from its use. If, following this initial period and the restrictions impose, the gymnasium use is considered acceptable, then a permanent planning permission can be applied for.

Overall it is considered that the proposed development would cause no significant adverse residential amenity impacts subject to conditions and as such, the proposal would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy September 2014.

Parking and Highways issues

The application property has at least four bedrooms and provides off-road parking on the site frontage with an 'in and out' access arrangement and in an integral garage.

Local residents have raised concerns that the proposal would increase road traffic and that at present, gym clients park on the road/pavement causing obstructions to traffic and pedestrian flows.

The proposed development would result in additional visits to the property above that which would be

associated with a residential use and as such, there would be an increase in vehicle movements at the application site. The applicant proposes that a maximum of four clients would visit the gym per day between Mondays and Fridays and that only one client at a time would use the proposed gym.

The GBC Highways Officer has set out that, in terms of traffic generation, a single client per session would be insignificant and that sufficient parking must be provided to accommodate the needs of the dwelling and the needs of the proposed gymnasium. He highlights that the proposed parking layout should not impinge on the access/egress arrangements for the application site; that the gymnasium parking (one space) would need to be identified on site by appropriate signage and that it should be readily available for each client. In addition, he requires the provision of one secure and weather proof bicycle parking space within the application site.

The Borough Council's adopted Vehicle Parking Standards require a maximum of three on-site parking spaces for dwellings with four or more bedrooms. In this instance, it would be appropriate to require the maximum amount to be provided. This is because the application property can accommodate at least eight persons.

Therefore overall the application site would need to provide four car parking spaces and the proposed gymnasium use would need to be managed to ensure that its dedicated parking space would be readily available for each client. The submission and approval of a car and bicycle parking plan/strategy should be the subject of a condition attached to any planning permission granted.

Overall the proposed development would provide sufficient car and bicycle parking and would not be detrimental to highway safety and would be in line with Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policies T1 and P3 of the Gravesham Local Plan First Review November 1994.

Issues raised by local residents

A number of concerns have been raised by local residents, some of which have been discussed above. The outstanding issues are set out and commented upon as follows;

- The outbuilding has been used as a gym business since it was first constructed not just since Covid – this is noted.
- Refers to various websites that show information that contradicts the applicant's statements regarding the use of the outbuilding – this is noted. The conditions attached to any planning permission granted would ensure that the proposed use would be operated in line with the submitted details and not the information shown on these websites. If these conditions are breached, then the Borough Council would have the option to take appropriate enforcement action.
- The applicant intends to construct a boxing ring within the building (under 20211273). This contradicts his claim that the building layout would not be altered – as part of the current application, there is no proposal to alter the building physically. Application 20211273 will be considered on its own merits with regard to the development plan and any other material considerations.
- There must be numerous vacant commercial premises in Gravesham that would welcome this facility – it is acknowledged that the proposed development would be better located within a town centre, commercial location. However the application must be determined as it has been submitted.
- By breaching planning rules and operating the gym without permission, the applicant shows complete disregard to this neighbours – this is noted. The conditions attached to any planning permission granted would ensure that the proposed use would be operated in line with the submitted details and mitigate any adverse impacts to neighbours.
- The outbuilding is too tall for a garden building within two metres of the boundary and is a breach of building regulations – the proposed building already has planning permission and any building regulations issues are not planning matters and therefore are not relevant in the determination of this application.
- If granted, this would set the wrong precedent and encourage further businesses in a residential area – any future proposals for commercial activities would be considered on their own merits with regard to the development plan and any other material considerations.

- The market value of surrounding properties will be diminished – this is not a planning matter and therefore is not relevant in the determination of this application.

Suggested Conditions

Temporary permission for 12 months

Development in accordance with the approved plans

Within 3 months submit details of car and bicycle parking provision for approval

Within 3 months refuse storage facilities to be provided

Use as a gymnasium only Class E(d)

Hours of operation

One client at a time and a maximum of four clients per day

No classes or training outside the building and all windows should be shut whilst the gym is in operation

As the outbuilding has been constructed, conditions 1 and 4 attached to planning permission 20130959 are no longer relevant. The relevant previously approved plans/documents should be listed in a replacement to condition 2. It is noted that following non-material amendment application 20140597 the layout and elevations of the outbuilding were altered. Therefore these amended plans should also be listed in the replacement to condition 2.

Conclusion & Recommendation

The proposed development complies with local and national planning policies and subject to the conditions set out above, temporary planning permission can be granted.

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	2 nd December 2021	Dated:	03 December 2021