



Appeal Decision

Site visit made on 1 November 2017

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: Friday, 24 November 2017

Appeal Ref: APP/R5510/W/17/3179261

53-55 The Broadway, Joel Street, Northwood, HA6 1NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Kamal Pankhania (on behalf of Dholak Ltd) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 5564/APP/2016/3908, dated 22 October 2016, was refused by notice dated 27 June 2017.
 - The development proposed is the change of use of 1st and 2nd floors to a 24 hour gym (Class D2).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of 1st and 2nd floors to a 24 hour gym (Class D2) at 53-55 The Broadway, Joel Street, Northwood, HA6 1NZ, in accordance with the terms of the application, Ref. 5564/APP/2016/3908, dated 22 October 2016, subject to the conditions set out in the Annex.

Main Issue

2. The main issue is whether the proposed development makes adequate provision for car parking, having regard to the safety and convenience of users of the adjacent highway network, including pedestrians.

Reasons

3. The appeal site is occupied by a three-storey red brick building with basement/lower ground floor, located within Northwood Hills Town Centre. The appeal site is immediately adjacent to Northwood Hills London Underground Station, and has a Public Transport Accessibility Level (PTAL) of 3 (Moderate). The ground floor accommodation (accessed from Joel Street) comprises a public house, with the upper floors previously occupied as offices but appearing to be vacant at the time of my visit. The 1st and 2nd floors the subject of this appeal possess a Gross Floor Area (GFA) of 908 m². To the rear of the appeal site is a predominantly residential area, with vehicular access to parking on the site and within the undercroft for a total 16 cars, gained from Ferndown at a lower level to the street frontage onto Joel Street.
4. The Council has contended that the proposed 24 hour Gym would result in unacceptable car parking stress during the period of 17:00 – 23:00. The reason for this is cited as being as a consequence of the provision of an inadequate level of parking, with the resultant increase expected to exacerbate parking stress within the immediate vicinity of the appeal site. There would be an

alleged consequent adverse impact on highway safety for road users, including pedestrians.

5. The appellant submitted a Traffic Report (Transport Statement) in support of the proposed change of use, which included a Trip Assessment, and also undertook an assessment of parking demand as a consequence of initial concerns over the possibility of a shortfall of parking proposed for the site, with the scope also agreed by the Council. The Report utilised an assessment of the proposals against the TRICS database, with the most appropriate sites and data sets to use agreed with the Council, the results of which were submitted in a revised Report submitted during the course of the planning application.
6. The highway submissions concluded that the new use is likely to generate a small increase in the level of daily trips, but that this would not amount to a significant increase in traffic movements. In respect of parking demand, during a typical weekday it would not exceed the available 16 spaces, but with a modest level of excess demand expected during the day on a Saturday. Furthermore, the parking survey indicated that at no time did observed parking levels exceed 76%, leaving a minimum of 61 spaces on-street spaces available within a 200 metre walk of the appeal site. The survey and assessment are indicated as identifying that the use of on-street car parking will not cause undue parking stress.
7. It is evident from both the appellant's statement and the Council's submissions, that a significant amount of discussion and negotiation has taken place on highway matters between the appellant and the Council's Transport Engineers. I note that the Transport Engineers concluded that the overall trip generation would not increase significantly as a result of the proposal, and that there would not be a severe impact on existing traffic operations on the surrounding road network. I am also mindful that the access arrangements to the appeal site would not alter.
8. It has been indicated that the parking spaces on the appeal site should be clearly laid out, including a proportion of spaces for blue badge holders. Furthermore, whilst the Transport Engineers highlighted some shortcomings in the Traffic Report, it was concluded that even if the trip generation figures were multiplied by a factor of 4, the number of hourly trips generated would be less than the parking provision. For this reason, and having regard to the location of the appeal premises close to Northwood Hills London Underground Station and local bus services, the Transport Engineers did not raise a technical objection to the proposed change of use on highway grounds.
9. In light of the technical submissions and response, I have carefully considered the concerns of the Council and interested parties, particularly in respect of parking. Whilst I have had regard to the concerns over whether the on-site parking would be able to cope with the level of traffic generated by the Gym, I have not been provided with any contrary technical analysis or evidence to rebut that submitted by the appellant and, as I have noted, accepted by the Council's Transport Engineers. There is also no compelling evidence that the proposed change of use would result in an adverse impact on the operation of the retail premises within the area due to an increased demand for the Pay & Display Car Parking on Joel Street, and in particular during the highlighted period of parking stress between 1700 – 2300.

10. I accept that the likely modes of transport assessed for users of such a facility places a reasonable expectation on many members and users being attracted within walking distance, and I am also satisfied that up to a 200 metre walking distance for parked vehicles on-street would be within reasonable parameters. Whilst I accept that there is likely to be a degree of reliance upon on-street parking at busy times, on the basis of the submitted evidence and my observations at the site visit, I am satisfied that there would be sufficient on-street capacity to accommodate the additional demand.
11. I also note that despite not being explicitly set out within the reason for refusal, the Council's Statement reflects upon concerns that a 24 hour Gym would operate at times when no nearby public transport services would be available, with the period 0100 – 0550 explicitly recognised. However, whilst I have noted the expectation that the nearby Metropolitan Underground line will benefit from 24 hour services from 2018, I am nevertheless content that sufficient parking both on the appeal site and in the surrounding area, including within the Pay & Display bays on Joel Street would be available to meet the anticipated levels of demand.
12. With respect to the provision of certainty over the layout of the car park, whilst I have noted the concerns over the ability to provide 16 parking spaces, on the basis of my observations of the appeal site I see no reason that such a provision would not be achievable. I am satisfied that securing the layout by a planning condition would be appropriate and would provide some certainty.
13. I am therefore satisfied that the proposed development makes adequate provision for car parking, having regard to the safety and convenience of users of the adjacent highway network, including pedestrians. The proposal would accord with Policies AM14 and AM16 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (2012), which seek to ensure development accords with the Council's adopted parking standards, including the provision of disabled spaces.
14. Whilst I have also had regard to Policy AM17, I am satisfied that it is not of specific relevance to the proposed development as it seeks to promote additional short stay off-street parking space for town centres, whereas the parking provided in this instance would be limited to use by customers and members of the gym.

Other Matters

15. Interested parties have raised other issues and concerns, which principally relate to the potential for noise and disturbance, with concerns over noise from the use of gym equipment, the slamming of car doors and noise from car radios, as well as the transmission of noise to adjoining residential flats.
16. I have carefully considered the issues raised in respect of noise and disturbance, and have also had regard to the Council's assessment of the issue as set out within the Committee Report. I have noted the conclusions of the submitted Environmental Noise Assessment in respect of the levels of noise expected to be generated by the activities within the gym, as well as the suggested mitigation, and I am satisfied that these measures would be adequately addressed through the imposition of conditions as suggested. I have also noted the restrictions over the accessibility of the building from the rear on Ferndown, and that a Facility Management Plan would be secured and retained in perpetuity in order to reduce the potential for anti-social behaviour

effecting nearby residents. Taken in combination with a 12 month period for the monitoring of any abnormal noise levels, I am satisfied that a sufficient level of control can be exercised by the Council to ensure that the proposed change of use would not result in an adverse impact on the living conditions of neighbouring occupiers.

Conditions

17. Turning to the proposed conditions, I note that the Council has only suggested a few conditions within the submitted appeal statement, whereas the recommendation to the Planning Committee included a full suite of conditions. On the basis of the recommendations made within the submitted technical reports, and also the issues which have been raised, I have principally utilised the conditions which were proposed as part of the recommendation to the Committee.
18. In addition to conditions relating to timeliness and the identification of plans, a condition securing the development in accordance with the conclusions and recommendations of the Environmental Noise Report would be in the interest of the living conditions of neighbouring occupiers, albeit that I have removed the reference to the Design & Access Statement which is not approved as a technical document. Further conditions controlling the timings of classes/events and access for members, the provision of security measures, implementation of a Facility Management Plan, restriction on timing of access from Ferndown, and a scheme of sound insulation and mitigation, as well as monitoring, would also all be required in the interests of the living conditions of neighbouring occupiers.
19. The implementation of surfacing and marking out of parking spaces, including disabled spaces, would be in the interest of highway safety, the provision of adequate parking, and access for all. The submission of details of access arrangements to the building to meet the needs of people with disabilities would also be in interests of access for all. The provision of cycle parking would promote and provide for sustainable transport, whilst the suggestion of a workplace Travel Plan would also seek to promote sustainable transport modes. A condition restricting the use to that of gym only within Class D2 is necessary in the interests of allowing further assessment of the impacts of an alternative use.
20. I have considered the appropriateness of the condition proposed by the Council restricting the hours of operation to between 0700 – 2300 only. However, this would conflict with the fundamental principle behind the proposed development (i.e. its availability on a 24 hour basis) and in light of my conclusions on the impacts of the proposed change of use, such a condition would be both unreasonable and unnecessary.

Conclusions

21. For the reasons given above and subject to the conditions listed, the appeal should be allowed.

M Seaton

INSPECTOR

Annex

Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.
- 2) Unless otherwise required by the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 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, and FLU.387.5.11 Proposed Second Floor Plan.
- 3) The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Environmental Noise Assessment 103305.ph.Issue3.

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

- 4) 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).
- 5) 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.
- 6) 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.

- 7) 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.

- 8) 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.
- 9) 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.
- 10) 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.
- 11) 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.
- 12) 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.
- 13) 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.
- 14) 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 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.
- 15) 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.

- 16) Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented in accordance with an agreed programme and the development shall thereafter be carried out and operated in accordance with the Travel Plan.