

**Report to** Planning applications committee  
**Date** 14 March 2013  
**Report of** Head of planning services  
**Subject** 12/02361/F Tempus Works 2A Ladysmith Road Norwich  
NR3 4TN

**Item**  
**5(11)**

## SUMMARY

<b>Description:</b>	Change of use from B1 to mixed use (C3) dwelling and (D2) Gymnasium, plus landscaping, erection of timber gates; shelter; window and door replacement works and demolition of existing sheds.
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Sewell
<b>Contact Officer:</b>	Jo Hobbs Planner 01603 212526
<b>Valid Date:</b>	24th December 2012
<b>Applicant:</b>	Mr Stephen Fisher
<b>Agent:</b>	Mr Stephen Fisher

## INTRODUCTION

### The Site

#### Location and Context

1. The site is located on Ladysmith Road in the ward of Sewell to the north east of the city. The site was formerly used as a light industrial use by a clock and watch maker.
2. Ladysmith Road is a private, unmade road located off Silver Road. There are a number of residential units located on this road.
3. The surrounding area is predominantly residential in character, although there are some commercial uses in the local centre to the north of the site on the Silver Road/Sprowston Road junction.

#### Planning History

4. There are some previous applications on the site for the redevelopment of the site for residential purposes.
  - 09/00354/O - Erection of a pair of semi detached houses with garden and parking spaces. Approved 05 August 2009.
  - 88/1368/F – Demolition of existing building and erection of two dwellings at site of Parker Catering, Ladysmith Road. Approved 9 January 1989.
5. Prior to these applications there was also one previous application relating to the

former use of the building as a bakery:

- 78/0495/F – Extension to bakery at The Bakery, Ladysmith Road. Approved 16 June 1978.

## **Equality and Diversity Issues**

6. There are some equality and diversity considerations. These are addressed further in the report below.

## **The Proposal**

7. The application is for the conversion of the existing building from a light industrial use to a dwelling and personal training/gymnasium use. External alterations to replace windows and doors and provide cycle stands are proposed.

## **Representations Received**

8. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received citing the issues as summarised in the table below.

9.

<b>Issues Raised</b>	<b>Response</b>
Land ownership indicated incorrectly	See paragraph 24.
Resurfacing needs to take account of drainage away from neighbouring garage	See paragraph 30.
Other gyms already in area	See paragraph 40.
Road and area not suitable for business use	See paragraph 20.
Planning gain from gym should be used to maintain road	See paragraph 20.
Parking	See paragraph 32.
Weekend and late evening use not appropriate	See paragraphs 25-27.
Noise from gym activities	See paragraphs 26-27.
Boundary treatment not clear	See paragraph 31.
Water run-off and guttering	See paragraph 32.

## **Consultation Responses**

10. Environmental Health – no objection in principle, subject to conditions on hours of use, amplified music and fixing shut of windows on west elevation.

# **ASSESSMENT OF PLANNING CONSIDERATIONS**

## **Relevant Planning Policies**

### **National Planning Policy Framework:**

Statement 2 – Ensuring the vitality of town centres

Statement 4 – Promoting sustainable transport

Statement 6 – Delivering a wide choice of high quality homes  
Statement 7 – Requiring good design  
Statement 8 – Promoting healthy communities  
Statement 10 – Meeting the challenge of climate change, flooding and coastal change  
Statement 11 – Conserving and enhancing the natural environment

**Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011**

Policy 1 – Addressing climate change and protecting environmental assets  
Policy 2 – Promoting good design  
Policy 3 – Energy and water  
Policy 4 – Housing delivery  
Policy 6 – Access and transportation  
Policy 9 – Strategy for growth in the Norwich Policy Area  
Policy 12 – Remainder of Norwich area  
Policy 19 – The hierarchy of centres  
Policy 20 - Implementation

**Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004**

NE9 – Comprehensive landscaping scheme  
HBE12 – High quality of design  
EP16 – Water resource conservation  
EP17 – Water quality re. treatment of runoff from car parks  
EP18 – Energy efficiency in development  
EP22 – Protection of residential amenity  
EMP3 – Loss of small business units  
HOU15 – Criteria for conversion of other uses to housing  
TRA3 – Modal shift measures in support of NATS  
TRA5 – Sustainable design to reduce car use to a minimum  
TRA6 – Parking standards  
TRA7 - Cycle parking provision  
TRA8 – Provision in development for servicing

**Other Material Considerations**

The Localism Act 2011 – s143 Local Finance Considerations  
Written Ministerial Statement: Planning for Growth March 2011

**Principle of Development**

**Policy Considerations**

11. The proposal entails the loss of an existing small business unit and the creation of a mixed use of residential and a gymnasium. The nature of the gymnasium use is that it would be a personal training studio that offers tuition on a one to one basis.
12. As such the key considerations for the proposed use are the loss of the existing small business, the location of the proposed gym use, the principle of residential use, residential amenity for existing neighbours and future residents of the dwelling, appearance of the site, car parking, cycle storage, refuse storage and water efficiency.

### **Loss of small business**

13. The proposed use will enable the retention of a use that provides employment on site. Therefore there would not be a complete loss of a business on site. The requirements of policy EMP3 of the local plan to protect small businesses is therefore considered to be met in this instance.

### **Location of proposed leisure use**

14. The proposed use entails a leisure use that would be considered to be a main town centre use under national policy. National policy seeks to locate such uses in centres where sites are more accessible through means of public transport.
15. However, national policy only defines more intensive sport facilities as a main town centre use. The proposed use would not be highly intensive due to the proposed use of one to one training, with sessions of only up to two people at one time.
16. The site is also located within 115m of a local centre, which is served by bus routes into the city centre. The site therefore is within a fairly accessible location.
17. The location of leisure uses is also a consideration in relation to traffic movements. Uses that lead to a large number of people needing to access the site should be located in accessible locations to enable public transport use to be maximised and private car use to be reduced. In this instance the number of vehicles that could access the site would be directed by the number of clients visiting the site.
18. It is intended that only six sessions will be run per day of up to three clients at any one time. This would reduce the amount of cars that could potentially access the site to three, for which there is space to park on the forecourt of the property.
19. A condition is recommended to limit the number of clients that could attend a session to only three. Further to this, a condition is recommended to ensure the gym is only used in conjunction with the residential dwelling. If it was not used in conjunction with the residential dwelling then additional parking pressures may be required for staff.
20. When considering the suitability of the site the previous use must also be considered. The previous use entailed an employment use where a number of staff could have accessed the site and parked on the front forecourt or by agreement on the private road. The principle of a more intensive use than residential has therefore already been established at this site. The quality of the surface on the road has been raised in a letter of representation. It would be unreasonable to now refuse the application based on increase in traffic to the site given its previous use. The previous use of the site and small size of the unit would also make it unreasonable to require an improvement to be made to the road surfacing on this private road.
21. Given the small scale and intensity of the use along with the accessibility of the site and previous use of the building, the proposed town centre use is considered to be acceptable in this location in this instance.

### **Principle of residential use**

22. The surrounding area is predominantly residential, and adjacent to a local centre with public transport routes into the city centre. The site also forms previously developed land and so the location is therefore considered to be suitable for

residential use.

23. The provision of adequate amenity space, cycle and refuse storage and car parking for the residential unit is considered further below.

### **Other Material Considerations**

24. In a letter of representation the matter of land ownership was raised. The applicant has confirmed that all the land they own is within the red line plan. It came to light through the course of the application that the position of the garage on the neighbouring plot had been misrepresented. The site layout plan was amended to indicate precisely which land was in the applicant's ownership.

## **Residential amenity**

### **Existing neighbouring dwellings – noise and overlooking**

25. The site is closely bound by existing residential units. There are no new windows proposed, and given the fact the building is single storey with existing screening around the site there would be no loss of privacy.
26. The noise generated from the gym use on the site needs to be carefully considered to ensure there is no disturbance to adjoining residents. There are windows facing dwellings at 191 to 195 Silver Road. A condition is recommended that these are secured shut to prevent noise from the gym escaping the building.
27. A condition is also recommended for the opening hours to be limited to 09:00 to 21:00 Mondays to Saturdays and 10:00 to 18:00 Sundays and Bank Holidays. The level of any amplified music is also proposed to be set through condition in agreement with Environmental Health services. This will ensure appropriate noise levels do not emanate through the building structure to disturb adjacent residential occupiers.

### **Future residents – noise and amenity space**

28. To ensure noise does not adversely impact the adjoining residential use proposed within 2A Ladysmith Road a condition is recommended to ensure no separate occupation and use of the gym to the adjoining residential unit. The shower and bathroom facilities are also shared, but some of the lounge for example could be partitioned off to create additional bathroom facilities.
29. Private amenity space has been provided in the rear garden of the site. This would provide adequate space for clothes drying, refuse storage and general outdoor amenity space.

## **Appearance of site**

30. There are minimal changes proposed to the exterior of the site. The surface materials of the front forecourt are proposed to be changed. A condition has been recommended for the surface treatment and levels of this ground to be submitted and agreed to ensure the surfacing is permeable and does not drain water into the neighbouring properties.
31. Boundary treatments have been suggested for the site, specifically along the east boundary with 4 Ladysmith Road. A condition is recommended to agree these details.
32. A letter of representation also raised the provision of gutters and run-off to neighbouring properties. As the building already exists with guttering on it would be unreasonable to request any further details of water drainage. No changes are proposed to the roof or extensions to the walls and so the drainage from the roof does not need to change due to the proposed change of use.

## **Car parking, cycle storage and refuse storage**

### **Road and Car parking**

33. The front forecourt provides off-road parking spaces for two cars. There is space for one of these cars to be a wider parking bay for disabled parking. The parking provided is within the parking standards for this type of use. To ensure the amenity of surrounding residents and to control the amount of cars likely to access the site the number of visitors to the gym has been recommended to be restricted as identified above.

### **Cycle storage**

34. Cycle storage for visitors is to be provided behind the locked gate to the west of the building. This would provide secure cycle parking in a relatively sheltered location. Cycle parking for the residential use would be in the rear courtyard area to the dwelling. A condition is recommended that cycle storage is provided on site as indicated on the plans.

### **Refuse storage and servicing**

35. Refuse for the residential component will be stored in the rear courtyard and brought to the forecourt on collection days. The gym component is unlikely to generate waste. A small amount of refuse from drinks bottles or snacks that could be generated could easily be disposed of in the residential waste. Should a commercial waste collection be needed bins could be stored adjacent to the visitor cycle storage area and brought to the forecourt on collection days. A condition is recommended for the residential refuse storage to be laid out as shown on submitted plans.

## **Water and energy conservation**

### **Energy Efficiency and Renewable Energy**

36. As the proposal is only for one dwelling there is no policy requirement for renewable energy to be provided on site.

### **Water Conservation**

37. Under local policy the only requirement would be for the new dwellings to meet Code for Sustainable Homes Level 4 for water, which is water usage of only 105 litres per person per day. A condition is recommended to ensure this is achieved.

## **Equality and diversity**

38. The gym component of the building will be publically accessible. The safe access and egress from the building therefore needs to be considered. The main access to the building has been detailed within the Design and Access Statement to ensure level access from disabled parking spaces to the front entrance. Ladysmith Road is an unmade road and so access from the main highway would not be ideal for wheelchair users. However, given the small scale of the proposals it is considered unreasonable to request financial contributions to upgrade the road to enable level access. There is also parking along the edges of Ladysmith Road which would prevent access along the edge of the road, pushing any paths into the road where cars manoeuvre which would not be ideal.
39. Internally a disabled changing room, shower and WC facilities have been provided. It is proposed to provide a level access into the building from the front entrance and a portable ramp for access from the rear garden area into the dwelling for residents or visitors to the dwelling. A condition is recommended to ensure level access into

the building.

### **Other matters raised in letters of representation**

40. A letter of representation identified that there are already a number of other gyms within the area. There is no policy restriction on the number of such facilities within an area, the location of the use and impact on the surrounding uses would be the key considerations.

### **Local Finance Considerations**

41. Under Section 143 of the Localism Act the council is required to consider the impact on local finances, through the potential generation of grant money from the New Homes Bonus system from central government. The completion of new dwellings would lead to grant income for the council. This is a material consideration but in the instance of this application the other material planning considerations detailed above must be fully considered.

### **Conclusions**

42. In determining this application regard has been given to policies NE9, HBE12, EP16, EP17, EP22, EMP3, HOU15, TRA3, TRA5, TRA6, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan (November 2004), policies 1, 2, 3, 4, 6, 9, 12 and 19 of the adopted Joint Core Strategy (March 2011) and paragraph 14 and statements 2, 4, 6, 7, 8, 10 and 11 of the National Planning Policy Framework (March 2012).
43. The change of use would provide a new dwelling and employment opportunity and would not have an adverse impact on the local community by virtue of the presence of an existing commercial use on site, the fixing shut of windows to prevent noise escape and appropriate conditions restricting hours of use, number of clients and the playing of amplified music.

## **RECOMMENDATIONS**

To approve Application No 1202361/F at Tempus Works, 2A Ladysmith Road and grant planning permission, subject to the following conditions:-

- 1) Standard time limit
- 2) In accordance with plans
- 3) Details of:
  - hard landscaping, including fences, land levels and falls, which should be permeable paving
  - external lighting measures – siting and hours of use
- 4) Cycle parking and refuse storage provided prior to first occupation and use
- 5) A maximum number of clients to any given gym session of three
- 6) Gym to be used in association with dwelling
- 7) Hours of use 09:00 to 21:00 Mondays to Saturdays and 10:00 to 18:00 Sundays and Bank Holidays
- 8) West facing windows on west elevation to be fixed shut
- 9) Amplified music restriction
- 10) Rear garden only to be used incidental to residential use on site
- 11) Water resource conservation for residential component

## 12)Level access into building

(Reasons for approval: In determining this application regard has been given to policies NE9, HBE12, EP16, EP17, EP22, EMP3, HOU15, TRA3, TRA5, TRA6, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan (November 2004), policies 1, 2, 3, 4, 6, 9, 12 and 19 of the adopted Joint Core Strategy (March 2011) and paragraph 14 and statements 2, 4, 6, 7, 8, 10 and 11 of the National Planning Policy Framework (March 2012. The change of use would provide a new dwelling and employment opportunity and would not have an adverse impact on the local community by virtue of the presence of an existing commercial use on site, the fixing shut of windows to prevent noise escape and appropriate conditions restricting hours of use, number of clients and the playing of amplified music.)





© Crown Copyright and database right 2013. Ordnance Survey 100019747.

Planning Application No 12/02361/F

Site Address Tempus Works 2A Ladysmith Road

Scale 1:500



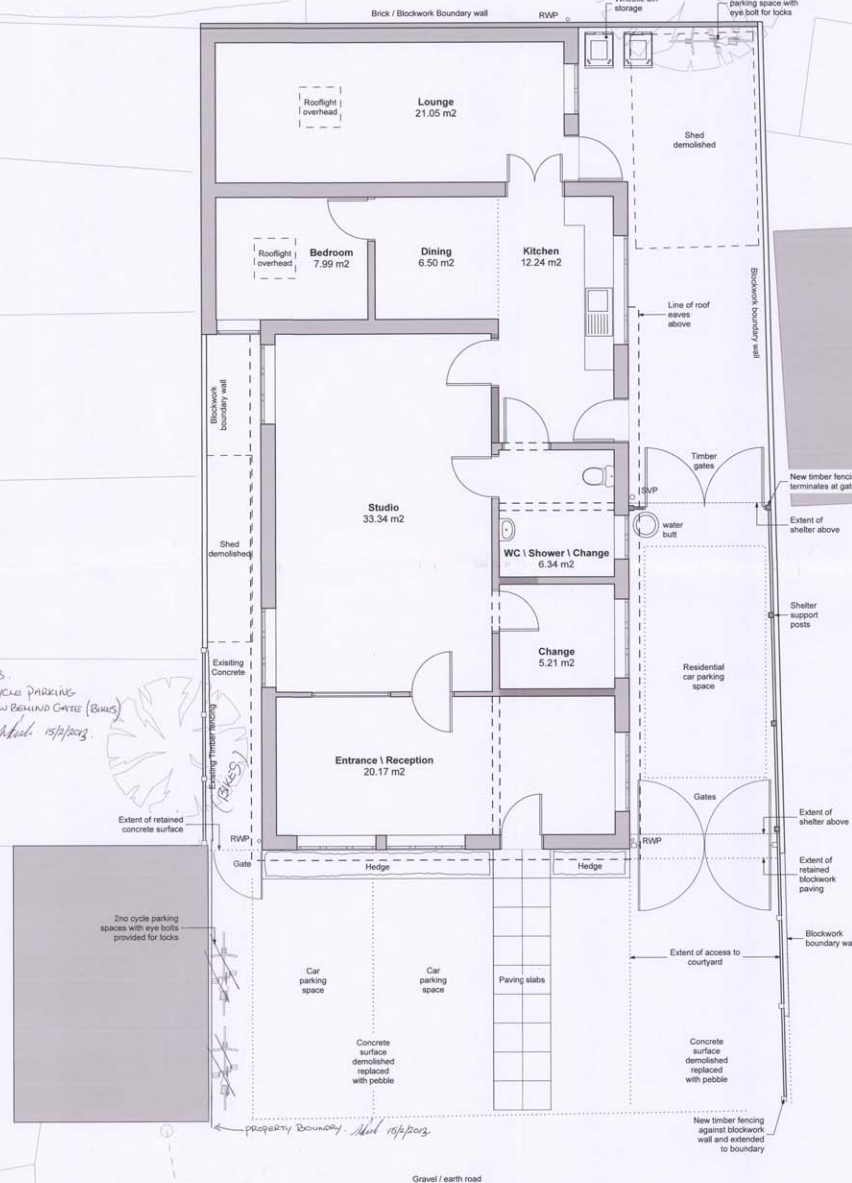
**NORWICH**  
City Council

PLANNING SERVICES





N.B.  
CYCLE PARKING  
NOW BEHIND GATE (Bikes)  
Mark 15/1/2013

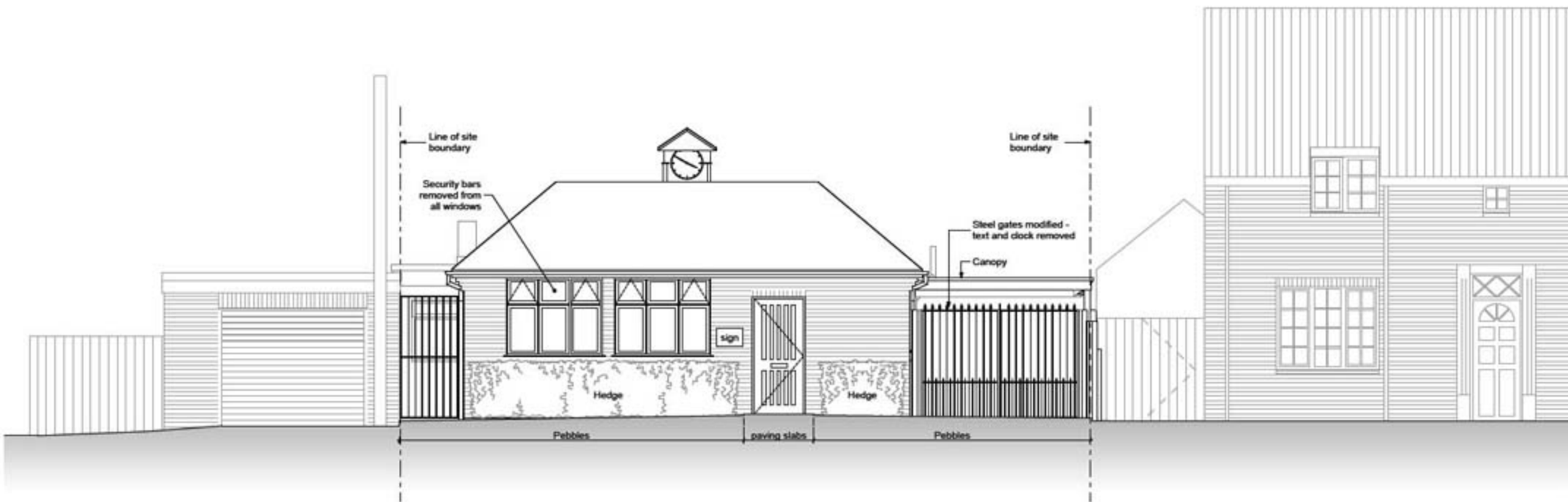


1202361F

**Revised**  
Norwich City Council  
15 FEB 2013  
Planning Services

Organisational Development  
01 DEC 2012  
Planning Reception

**The Bodyworks**  
Drawing Name  
Proposed Ground Floor GA Plan  
1012 / 120  
Scale  
1:100



Proposed South Elevation