

Item No 07:-

17/02488/FUL

**Forum House
South Way
Cirencester
Gloucestershire
GL7 1LJ**

Item No 07:-

Change of use from a vacant job centre (Class A2) to a gym (Class D2) to be open from 0600 - 2300 hours daily; installation of compressors and other external alterations at Forum House South Way Cirencester Gloucestershire GL7 1LJ

| Full Application 17/02488/FUL | |
|--|----------------------------|
| Applicant: | N/A |
| Agent: | Pegasus Planning Group Ltd |
| Case Officer: | Andrew Moody |
| Ward Member(s): | Councillor Joe Harris |
| Committee Date: | 13th September 2017 |
| RECOMMENDATION: | PERMIT |

Main Issues:

- (a) Principle of the Change of Use
- (b) Impact upon the character of the area including heritage assets
- (c) Residential amenity
- (d) Highway safety and parking

Reasons for Referral:

The application has been referred to Committee by Cllr Joe Harris, for the following reason: -

'Having read through your report I'm content with the recommendations that you've made and the mitigation measures taken.

However due to the considerable public interest and number of representations against this application I feel it appropriate that it is brought before the planning committee for consideration in the interests of transparency.'

1. Site Description:

The application site is the former job centre located on South Way in Cirencester Town Centre, opposite The Forum car park, with a mix of neighbouring uses including residential and commercial uses.

The building dates from the mid-20th Century and is two storeys in height built from reconstituted stone. There is a car park to the northern and western sides, containing 18 spaces.

The site is within the defined Town Centre and a Conservation Area.

2. Relevant Planning History:

No relevant history

3. Planning Policies:

NPPF National Planning Policy Framework
LPR05 Pollution and Safety
LPR15 Conservation Areas
LPR18 Develop within Development Boundaries

LPR25 Vitality & Viability of Settlements
 LPR38 Accessibility to & within New Develop
 LPR39 Parking Provision
 LPR42 Cotswold Design Code

4. Observations of Consultees:

Environmental and Regulatory Services: No objection subject to conditions recommended

Highway Authority: No objection

5. View of Town/Parish Council:

Comments upon original proposal: -

Members had no objection to the change of use from a vacant job centre (Class A2) to a Gym (Class D2). However, members were concerned about the Gym being open 24hrs (with or without staff) and strongly recommended the closing time should be no later than 11pm to reopen fully staffed at 7 or 8am the following morning. Also that the air conditioning compressors should have a noise limitation condition put in place on them due to the close proximity of the gym to residential dwellings.

Comments upon amended proposal: -

Members noted the change of the opening/closing times from 24hrs to 6.00 a.m. until 11.00 p.m. daily. Members therefore had no objection provided a noise limitation is placed on the air conditioning compressors.

6. Other Representations:

21 letters of objection have been received raising the following points: -

- objection to 24 hour opening, request reduced hours be considered
- insufficient car parking on site
- parking / turning will block existing residents from leaving
- noise from compressors at night
- other gyms are available
- people will not park in the overcrowded Forum car park
- impact upon residential amenity
- disagree with the Highway Authority's comments

A petition objecting to the proposal with 25 signatures has also been received

3 letters in support of the application has been received, raising the following points: -

- the loss of Simone's gym means there is a need for this development
- most use will be off-peak when the Forum is less busy, i.e. mornings and evenings
- there should be no noise impact from the AC units
- welcome the investment in the town centre making use of a vacant building

7. Applicant's Supporting Information:

Design and Access Statement
 Plant Noise Assessment

8. Officer's Assessment:

(a) Principle of the Change of Use

The site lies within Cirencester's defined commercial centre. Policy 25: Vitality and Viability of Settlements requires that development within such areas will only be permitted if it would help to maintain the vitality and viability of the settlement, and provided that the proposal:

- a) is appropriate in terms of use, size, scale and function to the settlement and is consistent with the strategy for the settlement;
- b) helps to maintain an appropriate mix of uses in the commercial streets;
- c) is accessible by public transport, walking and cycling; and
- d) contributes to the quality, attractiveness and character of the settlement and the street frontage within which the site is located.

Policy EC8 of the emerging Cotswold District Local Plan 2011-2031 contains similar criteria, although only minimal weight can be applied to this policy at the present time for decision-making purposes.

The building is currently vacant having been previously been used as a job centre, which is Class A2 use. The proposed use would be as a gym, which falls within Class D2, and is considered to be an acceptable re-use for the building in principle, and therefore in accordance with the policies in the Development Plan.

(b) Impact upon the Character of the Area including Heritage Assets

The site is within the Cirencester Town Centre Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character, appearance and setting of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

The proposal includes the installation of 5 new AC condensers, as well as limited alterations to the fenestration. The building is, however, from the mid-20th century and does not contribute positively to the character of the Conservation Area. The 5 AC condensers would be sited to the side (north) and rear (west) elevations of the building, being at ground level. The external apparatus would be sited within acoustic enclosures, and there is not considered to be harmful impact upon the character or appearance of the Conservation Area arising from this.

The proposal is therefore considered to accord with Policy 15 of the Local Plan and Section 12 of the NPPF.

(c) Residential Amenity

Objections have also been received with regard to the opening hours and to the impact of the AC units upon the amenities of local residents, specifically from noise. The application as submitted proposed 24-hour opening, however following concerns expressed by Officers this has been reduced to 0600 - 2300 hours each day.

In addition, a Plant Noise Assessment report has been submitted to details the impact of the proposed AC units. Attenuation measures are proposed, for example the A/C units would be contained within an acoustic enclosure, whilst the noise levels are stated to be 30 dBA. The external plant would also be switched off at night, although the report states that the noise levels in the town centre are such that they would be able to operate continuously without impact upon the amenities of nearby residential properties.

Therefore, on the basis of the revised opening hours and the additional noise report, no objection has been raised to the application subject to the conditions recommended. Subject to this, the proposal accords with Policy 5 of the Local Plan and paragraph 17 of the NPPF.

(d) Highway Safety and Parking

Objections have been received to the development with regard to the impact upon parking, and that there would be insufficient space provided within the site for visitors and staff to use.

The plans and application form state that the 18 existing parking spaces would be retained, including 1 disabled space. It should also be noted that the site is directly opposite the 203 space Forum car park, and within easy walking distance of other public car parks. There is a bus stop directly outside the site, whilst the site is readily accessible by foot / cycle.

No objection has been raised by the Highway Authority, and this is considered to clearly be a sustainable location for such a use. It should also be highlighted that the test within the NPPF for refusal on highway grounds is that there should be a 'severe' impact (para. 32), and considering the above, as well as the traffic generated by the former use as a job centre, there would not be any such residual impact.

The proposal therefore accords with Policies 38 and 39 of the Local Plan, and Section 4 of the NPPF.

9. Conclusion:

The proposal is considered to accord with the policies in the Development Plan and the NPPF, which are not outweighed by other material planning considerations.

The recommendation is for planning permission to be granted.

10. Proposed conditions:

The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby approved shall be implemented in accordance with the following drawing numbers: DB411-BP; EL04-B; GA03-A.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

The use hereby permitted shall not be open to customers outside the following times: 0600 to 2300 hours.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy 5 and the National Planning Policy Framework.

External plant shall not be operated between 2300 hours and 0600 hours on any day.

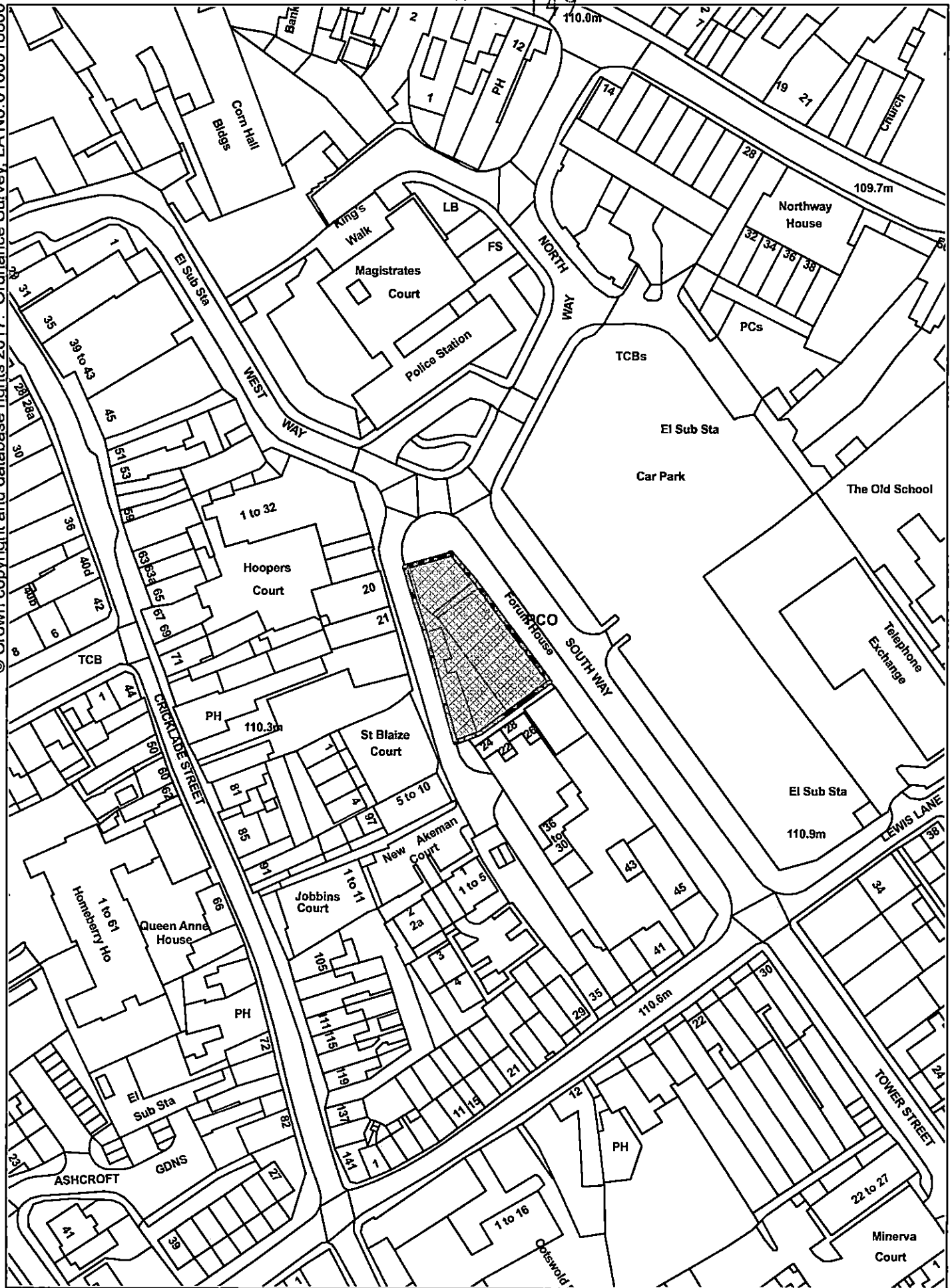
Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy 5 and The National Planning Policy Framework.

Prior to bringing the condensers into use, acoustic enclosures to all air conditioning units shall be installed in accordance with the specification contained within the Plant Noise Assessment (Report 17/0455/R1 by Cole Jarman). The development shall only be carried out in accordance with the approved details.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Council Plan Policy 5 and the NPPF.

The air conditioning units installed shall be accordance with the specification contained within the Plant Noise Assessment (Report 17/0455/R1 by Cole Jarman). The development shall only be carried out in accordance with the approved details unless approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Council Plan Policy 5 and the NPP



FORUM HOUSE SOUTH WAY CIRENCESTER

Scale: 1:1250

Organisation: Cotswold District Council

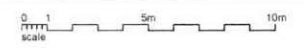
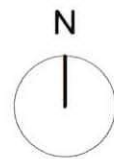
Department:


Date: 31/08/2017



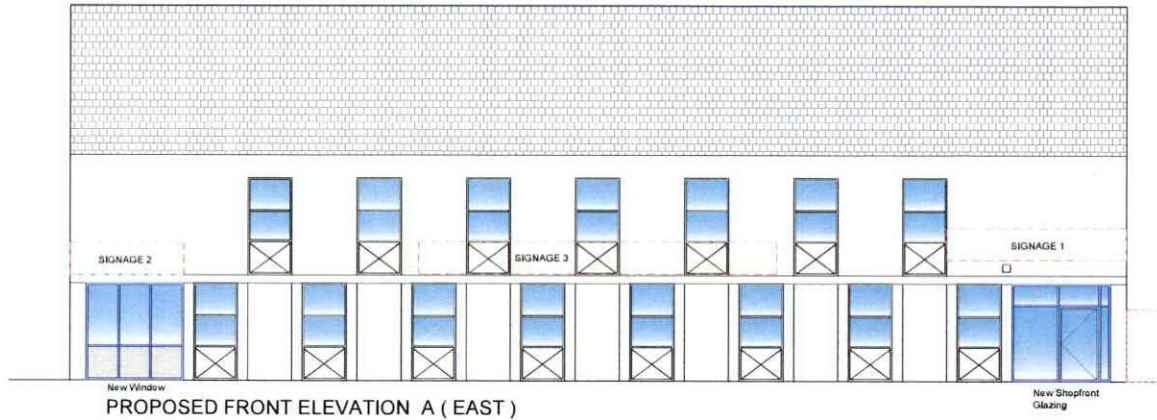
COTSWOLD
DISTRICT COUNCIL



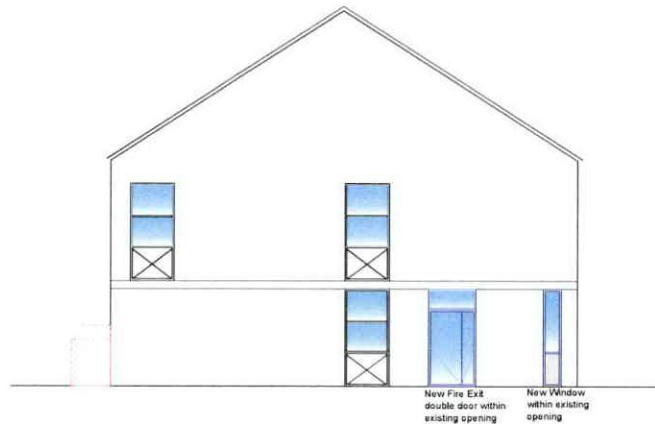


| | | |
|---|-----------------|------------------|
| REV | AMENDMENT | DATE |
| <p>NOTES</p> <p>CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCEMENT OF ANY WORK OR PREPARING MANUFACTURING DRAWINGS. DO NOT SCALE FROM THIS DRAWING. ANY DISCREPANCIES ON THIS DRAWING ARE TO BE NOTIFIED TO THE DESIGNER IMMEDIATELY.</p> | | |
|  | | 150 |
| <p>DELTABRAVO LIMITED</p> <p>DESIGN • CONSTRUCTION • SHOPFITTING • PROJECT MANAGEMENT</p> <p>Academy House London Road Camberley Surrey GU15 3HL</p> | | |
| <p>CLIENT SNAP FITNESS</p> | | |
| <p>PROJECT Forum House, South Way, Cirencester, GL7 1LJ</p> | | |
| <p>TITLE BLOCK SITE PLAN</p> | | |
| SCALE @ A3 1:200 @A3 | DRAWN BY M W | DATE 26.05.17 |
| DRAWING No DB411-BP | | REVISION |

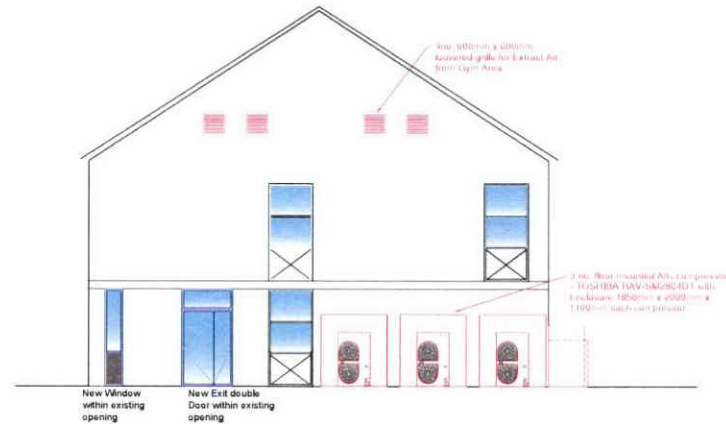
PLAN AND ELEVATIONS REPRODUCED FROM DAK GREEN'S DRAWINGS PROVIDED TO DELTA BRAVO LTD BY THE SNAP FITNESS. ON THE UNDERSTANDING THAT THEY ARE TO BE USED FOR THIS PURPOSE, DELTA BRAVO LTD ACCEPTS NO RESPONSIBILITY FOR ANY ERRORS, INACCURACIES OR OMISSIONS IN THE INFORMATION SHOWN ON THE ORIGINAL DRAWINGS OR FOR ANY PROBLEMS THAT MAY ARISE FROM THE SUBSEQUENT USE OF SUCH INFORMATION. FUTURE REVISION OF THE LANDLORD'S OR DEVELOPER'S ARCHITECT'S DRAWINGS MAY AFFECT THE INFORMATION SHOWN ON THIS DRAWING. AS-BUILT UNIT MUST BE CHECKED AGAINST THE DRAWINGS PRIOR TO ORDERING MATERIALS, OR COMMENCING FABRICATION OR CONSTRUCTION.



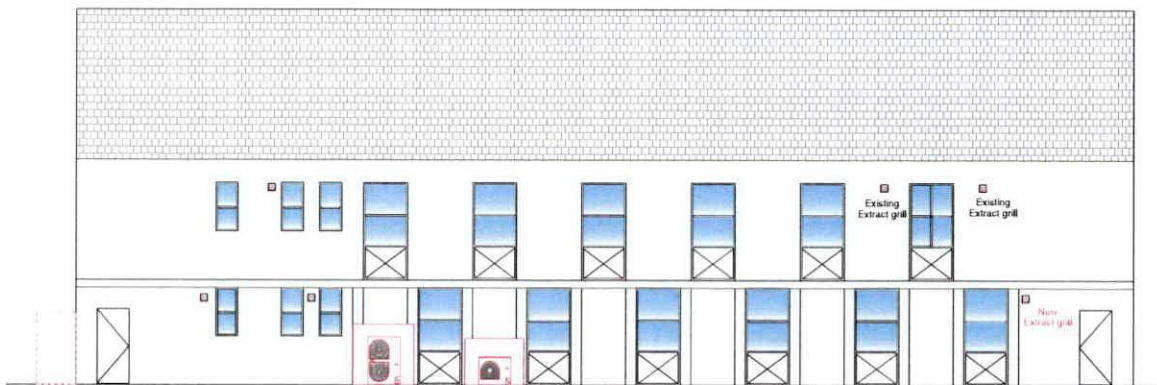
PROPOSED FRONT ELEVATION A (EAST)



PROPOSED SIDE ELEVATION B (SOUTH)



PROPOSED SIDE ELEVATION D (NORTH)



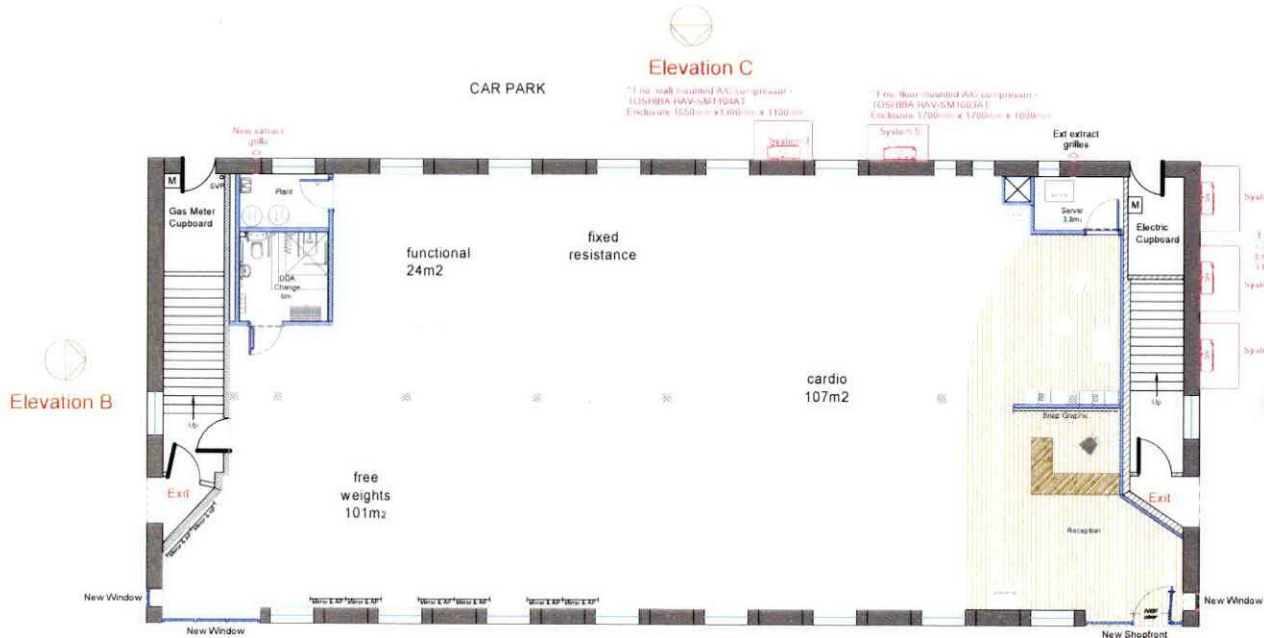
PROPOSED REAR ELEVATION C (WEST)

1 no. Wall mounted A/C compressor - TOSHIBA NAV-SM1603A1
Enclosure 1790mm x 1790mm x 1000mm
1 no. wall mounted A/C compressor - TOSHIBA NAV-SM1103A1
Enclosure 1050mm x 1300mm x 1100mm

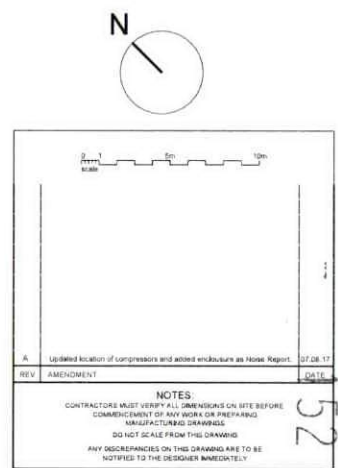
| | | |
|--|--|-------------------------|
| | | |
| B | Update compressors location and add enclosure as issue report sugg | 07.08.17 |
| A | Revised Issue | 07.06.17 |
| REV | AMENDMENT | DATE |
| <p>NOTES</p> <p>CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCEMENT OF ANY WORK OR PREPARING MANUFACTURING DRAWINGS.</p> <p>DO NOT SCALE FROM THIS DRAWING</p> <p>ANY DISCREPANCIES ON THE DRAWING ARE TO BE NOTIFIED TO THE DESIGNER IMMEDIATELY.</p> | | |
| <p>DELTA BRAVO LIMITED DESIGN • CONSTRUCTION • SHOPFITTING • PROJECT MANAGEMENT</p> <p>Academy House London Road Comptonley Surrey GU15 3HL</p> | | |
| CLIENT SNAP FITNESS | | |
| PROJECT Forum House, Southway, Cirencester, GL7 1LJ | | |
| TITLE PROPOSED ELEVATIONS | | |
| SCALE @ A2 1:100 @ A2 | DRAWN BY M W | DATE 12.05.17 |
| DRAWING No: DB411-EL04 | | REVISION B |

PLAN AND ELEVATIONS REPRODUCED FROM OAK GREEN'S DRAWINGS PROVIDED TO DELTA BRAVO LTD BY THE SNAP FITNESS, ON THE UNDERSTANDING THAT THEY ARE TO BE USED FOR THIS PURPOSE. DELTA BRAVO LTD ACCEPTS NO RESPONSIBILITY FOR ANY ERRORS, INACCURACIES OR OMISSIONS IN THE INFORMATION SHOWN ON THE ORIGINAL DRAWINGS OR FOR ANY PROBLEMS THAT MAY ARISE FROM THE SUBSEQUENT USE OF SUCH INFORMATION. FUTURE REVISION OF THE LANDLORD'S OR DEVELOPER'S ARCHITECT'S DRAWINGS MAY AFFECT THE INFORMATION SHOWN ON THIS DRAWING - AS-BUILT UNIT MUST BE CHECKED AGAINST THE DRAWING PRIOR TO ORDERING MATERIALS OR COMMENCING FABRICATION OR CONSTRUCTION.

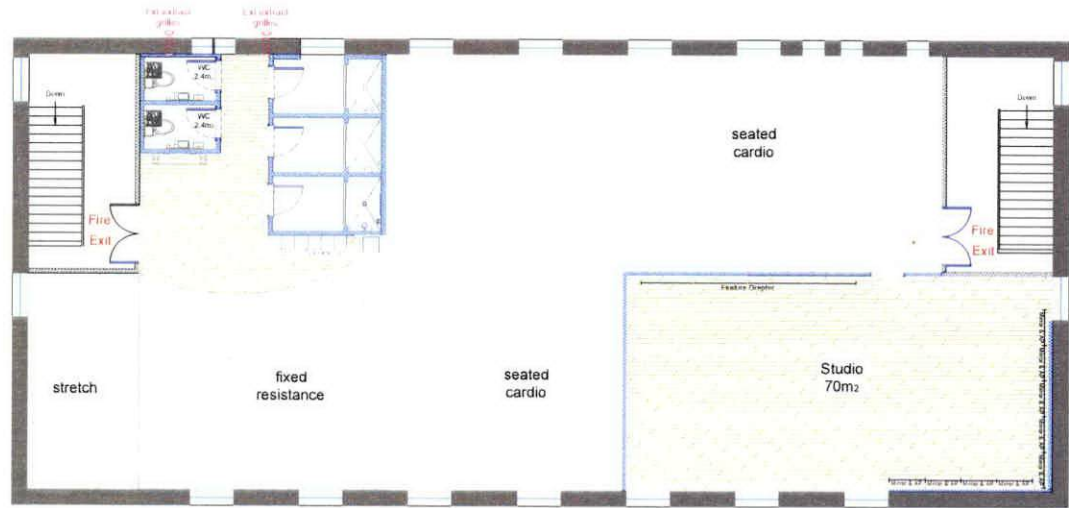
GROSS INTERNAL AREA
700 sq.m (GF & FF)
7534.74 sq.ft



| External Air Conditioning Condenser Legend | |
|--|----------------------|
| Toshiba System 1, 2 Y 4 | |
| MODEL | RAV-SM2804DT |
| WEIGHT | 134 KG |
| DIMENSIONS | 1540H x 900W x 320 D |
| dB(A) | 58 |
| POWER | 3 PHASE AND N |
| FUSE | 20AMP |
| PIPES | 3/4 & 3/8 |
| Toshiba System 5 | |
| MODEL | RAV-SM1603AT |
| WEIGHT | 99 KG |
| DIMENSIONS | 1340H x 900W x 320 D |
| dB(A) | 53 |
| POWER | 1 PHASE AND N |
| FUSE | 20AMP |
| PIPES | 5/8 & 3/8 |
| Toshiba System 3 | |
| MODEL | RAV-SM1104AT |
| WEIGHT | 66 KG |
| DIMENSIONS | 890H x 900W x 320 D |
| dB(A) | 54 |
| POWER | 3 PHASE AND N |
| FUSE | 25AMP |
| PIPES | 5/8 & 3/8 |



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

| | | |
|---|---|----------------|
| REV | AMENDMENT | DATE |
| A | Updated location of compressor and added enclosure as Hose Report | 07.08.17 |
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| <p>DELTA BRAVO LIMITED DESIGN • CONSTRUCTION • SHOPFITTING • PROJECT MANAGEMENT</p> <p>Academy House London Road Camberley Surrey GU15 3HL</p> | | |
| CLIENT: SNAP FITNESS | | |
| PROJECT: Forum House, Southway, Cirencester, GL7 1LJ | | |
| TITLE: PROPOSED PLAN | | |
| SCALE: @ A2 | DRAWN BY: M W | DATE: 12.05.17 |
| DRAWING No: DB411-GA03 | REVISION: A | |



23/06/2017



23/06/2017

23/06/2017

155



NO
SMOKING
OR
OPEN FLAMES