

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 13/02936/FULL2

Ward:
Orpington

Address : 313 High Street Orpington BR6 0NN

OS Grid Ref: E: 546133 N: 165923

Applicant : Anytime Fitness (Mr Chana Dhaliwal) **Objections :** YES

Description of Development:

Change of use from approved restaurant use (Class A3) to gymnasium use (Class D2) within part of ground floor.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Local Cycle Network
Flood Zone 2
Flood Zone 3
London City Airport Safeguarding
Open Space Deficiency

Proposal

The proposal relates to the use of ground floor premises to accommodate a 24-hour gym. The premises form part of a five storey block comprising restaurant (Class A3) on ground floor; a community hall (Class D1) at first floor level; and 19 flats within the upper floors. The ground floor remains partly occupied with part of this area being occupied by a learning centre (Class D1) and the remaining approved restaurant area being vacant.

The application is supported by a Planning Statement and a marketing statement. This advises that the gym will not be staffed 24 hours a day; security access system will be used when the building is unstaffed.

This advertisement consent application accompanies this proposal (ref. 13/02939/ADV)

Location

The premises are situated within south-eastern corner of Orpington High Street (within the Secondary Frontage) and forms part of a five storey block comprising

restaurant (Class A3) on ground floor; a community hall (Class D1) at first floor level; and 19 flats within the upper floors. It replaced the former Orpington Halls which were demolished to accommodate this existing building.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- proposal could accentuate noise disturbance
- sound disturbance
- proposal could increase anti-social behaviour in the area
- gym should close at 10pm

Comments from Consultees

No technical Highways objections have been raised.

No objections have been raised by the Environmental Health division, subject to conditions.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan (UDP) and the London Plan:

- BE1 Design of New Development
- S2 Secondary Frontages
- S6 Retail and Leisure Development
- S10 Non-Retail Uses in Shopping Areas

The National Planning Policy Framework is also relevant

Planning History

Under ref. 07/04544, outline permission was granted for the five storey block comprising the application unit. Permission was granted for a restaurant (Class A3) at ground floor level; a replacement community hall (Class D1) at first floor level; and 19 flats on upper floors.

Under ref. 12/01682, planning permission was granted for a change of use of part of the ground floor from the approved restaurant (Class A3) use to an "explore learning centre" (Class D1), including alterations to the shopfront.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

As noted above the site is situated within the Secondary Frontage of Orpington High Street and the existing unit appears to have remained vacant since the building was completed.

Policy S6 of the UDP concerning Retail and Leisure Development advises that proposals for retail or leisure development on sites identified in the Schedule of Proposal Sites or within town centres, district centres, local centres or neighbourhood centres and parades will be permitted provided that:

- (i) the scale of the proposal will be appropriate to the size of the centre within which it is to be located, and;
- (ii) it will not harm the viability or vitality of other nearby centres, either by itself or in conjunction with other proposals.

Policy S10 of the UDP regarding Non-Retail Uses in Shopping Areas advises that in retail frontages the Council will not normally permit uses that do not offer a service to visitors unless:

- (i) there has been long term vacancy and a lack of demand for a retail or service use can be proven; and
- (ii) the proposed use is in premises where it would not undermine the retail viability of the centre.

In view of the above policies the proposal is, in principle, considered acceptable. The site in question has historically comprised a community facility (this having now been relocated to the first floor). Although there is an extant permission for a restaurant to operate at ground floor level, this area has remained vacant (apart from the part-use of this floor to form a learning centre), and it is not considered that the provision of a gym at this location will adversely affect the retail character of Orpington Town Centre. It is considered that the proposed use could complement the shopping function of the town centre.

With regard to neighbouring amenity, it is not considered that this use will generate additional disturbance over and above what may be considered acceptable in this town centre location. Information provided by the Agent suggests that the number of patrons will be substantially reduced outside peak hours. Subject to conditions restricting noise emissions from within the building this proposal is considered acceptable from an amenity perspective.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on files refs. 07/04544, 12/01682 and 13/02936, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 ACJ01 Restriction on use (2 inserts) a gymnasium D2
ACJ05R J05 reason S2
- 3 Details of the design and acoustic properties of the wall between the application site and the adjoining learning centre shall be submitted to the Local Planning Authority for written approval prior to the use commencing and once approved shall be permanently maintained as such thereafter.
ACJ05R J05 reason S2
- 4 A fixed in-line noise limitation device shall be installed, set and sealed so as to ensure that music levels do not exceed 70dB(A) internally within the application site.
ACJ05R J05 reason S2
- 5 No music shall be played (excluding through personal headphones) during hours when the Gym is unstaffed.
ACJ05R J05 reason S2
- 6 All equipment shall be mounted in such a way as to prevent structural transmission of sound through the building.
ACJ05R J05 reason S2
- 7 No sound system shall be used at the premises between 23:00 and 06:00 on any day.
ACJ05R J05 reason S2

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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