

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

REFERENCE: HW/FUL/24/00096

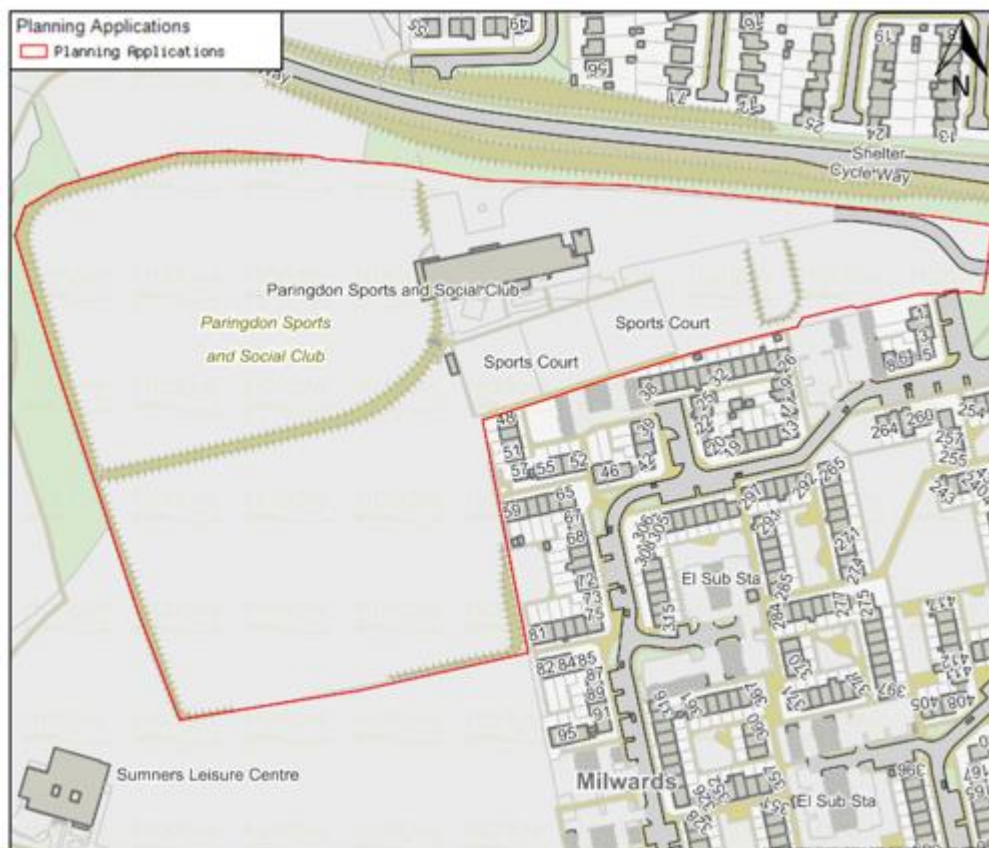
OFFICER: Mick Gavin

APPLICANT: Mr Ozcan Aksu

LOCATION: New Frontiers Leisure Club
Paringdon Road
Harlow
Essex
CM19 4QT

PROPOSAL: Refurbishment of the existing building with a replacement double storey extension to the front elevation and new single and double storey extensions to the rear elevation, and additional storey added to the west side and part rear elevation and new fenestration and existing brickwork to receive rendered finish.

LOCATION PLAN



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PROPOSED DEVELOPMENT: Refurbishment of the existing building with a replacement double storey extension to the front elevation and new single and double storey extensions to the rear elevation, and additional storey added to the west side and part rear elevation and new fenestration and existing brickwork to receive rendered finish.

Reason brought to Committee

More than two objections to the application have been received.

Summary

The proposal is for extensions to an existing sport and leisure facility to facilitate use as a gym. The extensions are relatively modest and are acceptable. The car parking requirement is largely unchanged from the existing facility and adequate on-site parking is available. The proposal includes removal of existing unsightly car storage at the site. It also includes cessation of existing non-sport activities such as social events which have in the past resulted in neighbour nuisance.

It is considered that the proposal accords with National and Development Plan policies, and it is recommended to the Planning Committee for approval, subject to appropriate conditions.

Site and surroundings

The site is a sports and leisure facility located to the south of Southern Way with access from Paringdon Road on its east side. The site comprises a substantial two-storey building set back from Paringdon Road with an extensive tarmac parking between it and the access. There are tennis courts and a five-a-side pitch south of the building, a basketball court on the north side and playing fields/ football pitches on the west side. The tennis courts are currently used as car storage.

The site including the playing fields extends over a substantial area, such that it falls within both a Green Wedge and an adjoining Green Finger. The building and parking areas fall within the Green Finger and the playing fields/ pitches to the west fall within the Green Wedge.

The site is not within a conservation or the setting of a listed building.

Details of the Proposal

The application seeks permission for additions to the existing building to provide a gym over two floors with necessary ancillary accommodation. The applicant explains that the middle part of the building needed overhauling and upgrading which requires replacement of the front and rear facades.

The proposed development comprises the following:

A two-storey addition to the existing central front entrance façade. This would extend across the existing entrance area (14.5m) and be 2.7m deep,

At the rear, the central part of the building would have a ground floor extension of 6 m depth and 25m width, to provide female and male changing rooms (an existing extension would be

removed), and a first-floor extension above this of 2m deep and 14m wide to provide a largely glazed increased mezzanine space.

A black mesh enclosure would be added to the roof of the existing single storey projection at the west end of the building to provide a basketball cage.

The building would have extensive additional fenestration added to provide better natural lighting for the gym and upgrade its appearance.

The applicant has explained:

over the last few decades its sporting use has been diluted considerably by parts of the building being converted or rented out for office, event and social club (non-sports) use. This has also attracted undesirable elements in and around the facility, with the sale of alcohol exacerbating this. The squash courts are no longer used for sports and the main hall is rarely booked for sports, but rather hired out as an event venue. There is a small gym, but it is awkwardly spread out over a small space on one upper level.

The proposed use of the building would remain unchanged as a sports facility.

RELEVANT PLANNING HISTORY

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/FUL/79/00258	Alteration and extension to existing sport and leisure club, including squash court hall, and changing and bar facilities.	APP	16.10.1979
HW/FUL/19/00426	Use of former tennis courts and small area in north of site for the storage of 9 storage containers in association with function of the sports and community facility, and 2 in association with other incidental uses on the site (Amended description)	APPCO N	13.07.2022
HW/FUL/22/00011	Construction of hand car wash to be sited on the car park area within the sports centre facility	RF	16.03.2022
HW/PL/86/00336	Erection of Cricket Score Box and Sheltered Area	GTD	26.11.1986
HW/PL/86/00064	Floodlighting of Two Existing Tennis Courts (FORMERLY KNOWN AS B.P. HARLOW CLUB, PARINGDON ROAD	GTD	29.04.1986
HW/PL/89/00061	Installation of Car Park and Entrance Roadway Lighting	GTD	19.04.1989
HW/PL/88/00075	External Metal Fire Escape Staircase	GTD	12.05.1988

CONSULTATIONS

Internal and External Consultees

HDC Environmental Health Services

EH have received a number of noise complaints in the past in relation to loud music coming from the venue but no formal action was required. Environmental Health have no significant reason to object to the development plans.

HDC - Consultant Arborist

No objection subject to compliance condition to ensure works carried out in accordance with the submitted Arboricultural Method Statement (AMS) that follows the recommendations of BS 5837:2012 - Trees in relation to design, demolition and construction.

Essex County Council – Highways

No objection. No alterations are proposed in terms of the existing access and/or parking layout and there are no other implications expected from a highways view point.

Neighbours and Additional Publicity

Number of Letters Sent: 75

Total Number of Representations Received: 6 – 5?

Date Site Notice Expired: 2 May 2024

Date Press Notice Expired:

Summary of Representations Received

Four objections on grounds summarised below:

- parking overspill occurs from existing site to surrounding streets particularly at peak times and weekends, causing congestion and inconvenience for residents; obstruction and danger to accesses and pedestrians; damage to hedges; the proposal would worsen this situation; imperative extended proposal has adequate parking;
- existing noise nuisance, disturbance and anti-social behaviour late at night; waste and pest issues; proposal would worsen these problems; 24 hour use is inappropriate due to increased adverse impact on living conditions of local residents;
- area is residential not commercial; well-being and safety of local residents should be preserved;
- existing illegal storage containers should be removed and illegal car storage cease.

Officer comment: These issues are addressed in the Assessment below.

One representation in support summarised below:

- as local resident and user of facility, there is a lack of sports facilities in this area of the town;
- changes have been made over last 18 months to reduce noise and traffic, and the plans do not include bars or event spaces as at present;
- parking overspill has occurred when heavy rain made half the site's parking unavailable during a football tournament;
- support preservation of football pitches which are used for youth football.

PLANNING POLICY

National Planning Policy Framework (NPPF) (2023) sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise".

The Local Plan in this instance is the Harlow Local Development Plan (2020).

Harlow Local Development Plan 2020

Planning law requires that proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for the site consists of the Harlow District Council (HDC) Harlow Local Development Plan 2020 (HLDP), Essex County Council (ECC) Essex and Southend-on-Sea Waste Local Plan 2017 and ECC Essex Minerals Local Plan 2014.

The part of the Development Plan applicable to the proposal is the HDLP. The HDLP is prepared in the context of the National Planning Policy Framework (NPPF) – see 'Planning Standards' below. It is important to note that this is a very recently adopted and therefore 'up to date' plan in terms of NPPF Para.12.

Policies of most relevance to the proposal are:

WE2: Green Belt, Wedges and Green Fingers
PL1 Design Principles for Development
PL2 Amenity Principles for Development
PL3 Sustainable Design, Construction and Energy Usage
PL5 Green Wedges and Green Fingers
PL7 Trees and Hedgerows
PL8 Green Infrastructure and Landscaping
PL9 Biodiversity and Geodiversity Assets
PL10 Pollution and Contamination
PL11 Water Quality, Water Management, Flooding and Sustainable Drainage Systems
PL12 Heritage Assets and their Settings
L2 The Provision and Loss of Recreational, Sporting, Cultural and Community facilities
L4 Health and Wellbeing
IN1 Development and Sustainable Modes of Travel
IN2 Impact of Development on the Highways Network including Access and Servicing
IN3 Parking Standards

National Planning Policy Framework (NPPF) (2023)

The Development Plan is prepared taking account of the National Planning Policy Framework (NPPF) (as extant at the time - the NPPF is regularly updated; currently in its 2023 version) and the associated Planning Practice Guidance (PPG) (first published in March 2014 but also regularly updated with the NPPF). The NPPF is a material consideration in the determination of applications.

HDC Design Guide SPD (2011)

Design Guide Addendum SPD (adopted December 2021).

Essex Parking Standards (2009)

ECC Development Management Policies (2020 - living document with regular updates).

HGGT Guidance

Harlow and Gilston Garden Town (HGGT) is a designated 'Garden Community' under the Government's Garden Communities Programme.

NPPF Para.72 provides the national policy context for Harlow and Gilston Garden Town (HGGT) as a location for larger scale (housing) development. Of particular note is the emphasis on; existing or planned investment in infrastructure, the areas economic potential and the scope for net environmental gains..... plus; clear expectations for the quality of development and how this can be maintained (such as by following garden city principles).

The HGGT (Local Authorities) Partnership has published a series of documents that set the standards expected for developments in the Garden Town and are therefore relevant to this application.

The HGGT Vision elaborates on the HGGT's interpretation of garden city principles and sets expectations for high quality development to accord with the principles.

The HGGT Design Guide requires consideration of design quality in a garden city principles sense and draws attention to specific local issues.

ASSESSMENT

Main considerations

- Principle of development
- Design, character and appearance
- Residential amenity
- Parking and highways
- Biodiversity

Principle of development

Paragraph 85.of the NPPF states: *Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.* The NPPF also supports a positive approach to decisions to retain and develop existing recreation and sports facilities.

The site falls partly within a Green Wedge and partly within a Green Finger. Policy PL5 is relevant, which is set out below.

Development on land designated as Green Wedge or Green Finger must meet one or more of the following criteria:

- (a) it is for small-scale development;*
- (b) it is for infrastructure, including local transport infrastructure, which demonstrates a requirement for a Green Wedge or Green Finger location and demonstrates it is of benefit to the wider community;*
- (c) it is for the alteration, extension or replacement of buildings.*

The proposal is for modest extensions to the existing building and thereby meets criteria (a) and (d) above.

Additionally, development must meet both the following criteria:

- (d) it demonstrates that the roles and functions and historic significance of the Green Wedges and Green Fingers (as set out in policy WE2) are preserved, enhanced and not adversely affected; and*
- (e) it demonstrates that the wider landscape and setting is preserved, enhanced, promotes biodiversity and integrates with existing Green Infrastructure.*

The proposed extensions to the building are modest and the increase in its footprint marginal. The existing wider, open setting of the building would be unaffected, including the playing fields and pitches. The proposal would also result in removal of cars and containers from the site (see below) and would thereby enhance the openness *and appearance of the site. The proposal complies with criteria (d) and (e) above.*

Where development includes replacement uses, redevelopment, extensions or alterations, it must meet all the following criteria:

- (f) it does not result in a greater negative impact on the roles and functions of the Green Wedges and Green Fingers than the existing development;*
- (g) it does not result in disproportionate additions to the original building(s); and*
- (h) any replacement buildings must be in the same use.*

The proposed additions are modest and no additional impact on the Green Wedge/ Finger would result over the existing. Criteria (f) and (g) are met. The proposal is not for a replacement building.

Therefore, in summary the principle of development accords with National and Development Plan policies and is supported.

Design, character and appearance

Policy PL1 requires that all development meet a high standard of urban and architectural design.

In the context of the large size of the existing building, the additions are relatively modest in scale. The replacement of the existing entrance facade would be an upgrade over the existing building's somewhat tired appearance. Existing unsightly car storage and shipping containers would be removed from the site and a condition is proposed to secure this.

The proposal is considered to be acceptable in design and appearance and complies with policy PL1.

Residential amenity

Policy PL2 of the Local Plan seeks to protect the amenity of existing neighbours.

It appears that issues of noise and disturbance have mainly arisen from use of the site for non-sport uses, including social events, parties, alcohol consumption and such like, and

inadequate management of the premises. The applicant is clear that the proposed new use has no need of these elements and are agreeable to a condition to ensure such activities including alcohol sales no longer occur.

The application form indicated 24 hour use of the gym. The applicant has subsequently explained that this is no longer thought necessary and the opening hours are proposed to be 6am to 11pm. A condition is proposed to secure this.

Subject to these conditions and taking account of the parking comments below, it is considered that the proposal is unlikely to result in any significant adverse impacts on the living conditions of nearby residents and it would comply with policy PL2.

Parking and highways

Policies IN2 and IN3 require that vehicle parking be provided in accordance with the Essex Parking Standards and that highway safety is preserved.

The area of existing parking is extensive, providing space for up to 200 cars. It is not considered that any enlargement of this parking area is required or would be appropriate. From the evidence of officer site visits the existing parking appears excessive for the needs of the existing occupier. It is understood that a large new gym under new management may attract more trips, but parking overspill problems appear to have occurred mainly at times of non-sporting events. The new use would exclude non-sporting events and alcohol consumption on the premises. Given these activities would cease it is considered that the existing parking provision is adequate for the proposed new gym.

A condition is proposed to secure provision of 20 cycle spaces to encourage active travel.

The proposal is considered to accord with policies IN3 and IN2.

Biodiversity

The proposal was submitted prior to the mandatory requirement for Biodiversity Net Gain. There is in any case a relatively minor proportionate increase in floorspace and this extends over existing developed surfaces. The proposal is acceptable in this respect.

CONCLUSION

Subject to appropriate conditions the proposal is considered to accord with the Development Plan and is supported.

RECOMMENDATION

That Committee resolve to grant permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The external surfaces of the building shall accord with the details provided on approved drawing number TDC084/PL/230 RevB.

REASON: To protect the appearance of the building and its setting and to accord with Policy PL1 of the Harlow Local Development Plan 2020.

3. The facility hereby permitted shall not be open other than between the hours of 0600 hrs and 2300 hrs.

REASON: To ensure the living conditions of local residents are not harmed and to comply with Policy PL2 of the Harlow Local Development Plan 2020.

4. Prior to commencement of use of the facility hereby approved the existing cars stored on the site shall be permanently removed from the site and the use of the site for car storage shall cease permanently, and the existing shipping containers on the site shall be removed from the site permanently.

REASON: To enhance the appearance of the site and prevent over development of the site and to comply with Policies SD1 and PL1 of the Harlow Local Development Plan 2020.

5. The development hereby approved shall be completed in full accordance with the following document:

Andrew Belson report with Ref: 5493.Paringdon.TD.AIA and Arboricultural Impact and Protection Plan: 5493.Paringdon.TD.TPP.

Any alterations to these approved details shall not be implemented unless details of the work have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that damage to vegetation identified for retention is avoided and to comply with Section 197 of the Town and Country Planning Act 1990 and policies PL7 and PL8 of the Harlow Local Development Plan 2020.

6. Prior to commencement of use of the building hereby approved details of secure and covered cycle parking shall be submitted to and approved in writing by the local planning authority and the cycle parking shall have been provided. The cycle parking shall be retained as approved for the lifetime of the development unless agreed in writing by the local planning authority

REASON: To encourage active travel and to comply with Policies IN3 and IN1 of the Harlow Local Development Plan.2020.

7. The development hereby permitted shall at no time accommodate uses which are not ancillary to the recreation/ sport use of the building including separate use as an event facility, and at no time shall alcohol sales occur at the premises.

REASON: To ensure the living conditions of local residents are not adversely affected and to comply with Policy PL2 of the Harlow Local Development Plan 2020.

8. The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.

REASON: For the avoidance of doubt and in the interests of proper planning.

<u>Plan and Document Reference</u>	<u>Date Received</u>
TDC084/PL/001 Location Plan	06.06.2024
TDC084/PL/100 Existing Block Plan	18.03.2024
TDC084/PL/200 Proposed Block Plan	18.03.2024
TDC084/PL/110 Existing Ground Floor Plan	18.03.2024

TDC084/PL/210 Proposed Ground Floor Plan	18.03.2024
TDC084/PL/120 Existing First Floor Plan	18.03.2024
TDC084/PL/220 Proposed First Floor Plan	18.03.2024
TDC084/PL/130 Existing Front, Rear & Side Elevations	18.03.2024
TDC084/PL/230 Rev B Proposed Front, Rear & Side Elevations	24.07.2024

INFORMATIVES

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote delivery of sustainable development and to approach decision taking in a positive way.

