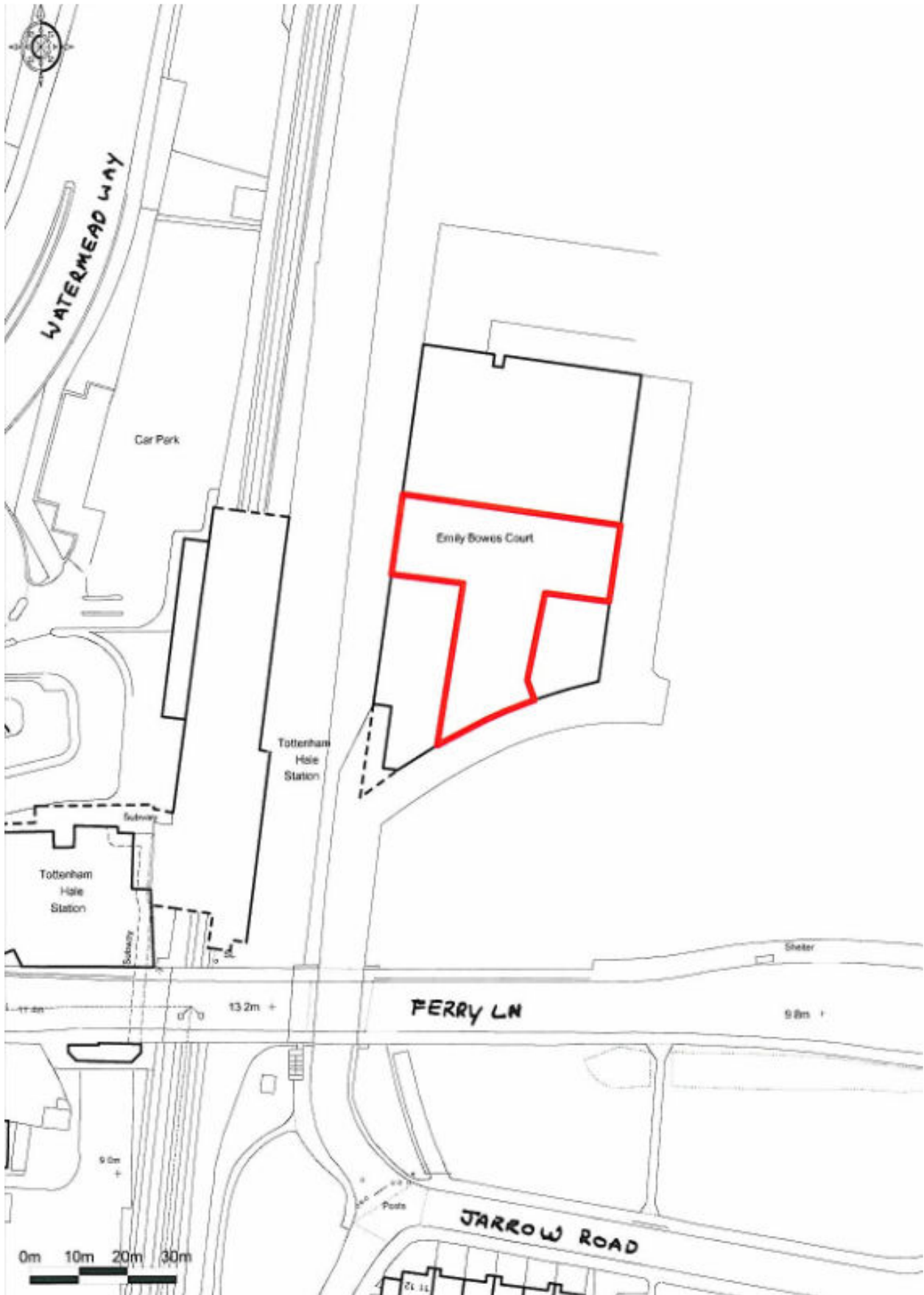


**REPORT FOR CONSIDERATION AT PLANNING COMMITTEE**

<b>Reference No:</b> HGY/2011/2190	<b>Ward:</b> Tottenham Hale
<p><b>Address:</b> Units 2, 3 (part) &amp; 4 Block W, Hale Village Ferry Lane N17</p> <p><b>Proposal:</b> Change of use from A1/2/3/4/5/B1 to gym (D2)</p> <p><b>Existing Use:</b> Vacant (A1-5/B1 permitted use)</p> <p><b>Proposed Use:</b> Gym D2</p> <p><b>Applicant:</b> The Gym Ltd</p> <p><b>Ownership:</b> Private</p>	
<p><b>Date received:</b> 24/11/2011 <b>Last amended date:</b> 23/02/2012</p> <p><b>Drawing number of plans:</b> Z331-01-101.</p>	
<p><b>Case Officer Contact:</b> Jeffrey Holt</p>	
<p><b>PLANNING DESIGNATIONS:</b></p> <p>Road Network: Borough Road</p>	
<p><b>RECOMMENDATION</b></p> <p>GRANT PERMISSION subject to conditions</p>	
<p><b>SUMMARY OF REPORT:</b></p> <p>The application proposes the change of use of part of the ground floor of Block W, Hale Village from its current permitted use of A1/2/3/4/5 and B1 to gym (D2).</p> <p>The proposed gym is considered to be an appropriate use for the site as it is within an emerging local centre and in a highly accessible location. It will complement the existing and future services provided in Tottenham Hale and Hale Village. The use will include measures to minimise noise disturbance and maintain security. The site benefits from high public transport accessibility and will not harm public and private transport networks and highway conditions.</p> <p>The proposed development is considered to be in compliance with Haringey Planning Policies UD3 'General Principles', TCR1 'Development in Town and Local Shopping Centres', TCR4 'Protection of Local Shops' and CW1 'New Community/Health Facilities' of the Unitary Development Plan 2006.</p> <p>In determining this application, officers have had regard to the Council's obligations under the Equality Act 2010.</p>	

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# 1.0 PROPOSED SITE PLAN



## **2.0 SITE AND SURROUNDINGS**

- 2.1 The subject site consists of Units 2, 3 (part) and 4 of Block W of Hale Village, N17. These units are vacant commercial units with a flexible A1/2/3/4/5 and B1 permission. The total site area is 1,124 sqm. A Tesco supermarket is in the process of occupying an adjacent unit. The upper floors of the block are occupied by student accommodation.
- 2.2 Block W is located in the west of the Hale Village site and the application site is bounded by Daneland Walk to the south, Lever Street to the east and a mainline railway to the west.
- 2.3 Within walking distance of the site is Tottenham Hale underground, main line and bus station is within walking distance to the west, Tottenham Hale retail park to the south-west and Ferry Lane Estate to the south.

## **3.0 PLANNING HISTORY**

- 3.1 The subject site forms part of the comprehensive Hale Village development approved in outline under ref: HGY/2006/1177. The details of Block W were later approved under ref: HGY/2007/2203.
  - HGY/2006/1177 - Demolition of all structures and remediation for the development of a mixed use scheme comprising up to 1210 residential units (Use Class C3), student accommodation (C2), office (B1), hotel (C1), retail (A1, A2, A3, A4 ,A5 and B1) uses, a health centre (D1), a health club (D2), crèche (D1) and a primary school, with provision for underground and on-street car parking, to be comprised within separate building blocks ranging in height from 1 to 18 storeys, incorporating public open space, an unculverted watercourse and Combined Heat and Power (CHP) with associated renewable energy systems (outline application) – GRANTED
  - HGY/2007/2203 - Details pursuant to outline planning permission dated 9/10/07 Ref No. HGY/2006/1177 comprising of 7 and 12 storey blocks containing 687 student rooms and associated facilities, retail units on the ground floor split-level courtyard and linking the entrance to the building with internal circulation and communal spaces.

## **4.0 PROPOSAL DESCRIPTION**

- 4.1 Permission is sought for the change of use of Units 2, 4 and part of Unit from existing consented use of “A1/2/3/4/5 or B1” to gym (D2).
- 4.2 “The Gym” chain of gyms is focusses on providing low-cost 24 hour access to fitness equipment and space on flexible memberships.

## **5.0 RELEVANT PLANNING POLICY**

- 5.1 The planning application is assessed against relevant planning policy and guidance, including:

### Unitary Development Plan 2006

UD3	General Principles
UD4	Quality Design
TCR1	Development in Town and Local Shopping Centres
TCR4	Protection of Local Shops
CW1	New Community/Health Facilities

### Supplementary Planning Guidance

SPG6a	Shopfront, Signage and Security
SPG7a	Vehicle and Pedestrian Movement
SPG8a	Waste & Recycling

Hale Village Design Code 2007  
Tottenham Hale SPD 2006

## **6.0 CONSULTATION**

- 6.1 The Council has undertaken consultation including internal Council services, Ward Councillors, local residents and businesses. A list of consultees is provided below.

### 6.1.1. Internal Consultees

Transportation  
Waste Management/Cleansing  
Food and Hygiene  
Environmental Health – Noise and Pollution

### 6.1.2. External Consultees

Ward Councillors  
Ferry Lane Estate Residents Association  
Ferry Lane Action Group (FLAG)  
GLS Stakeholder Group

### 6.1.3. Local Residents

Residents of 29 properties were consulted

6.2 Objections were received from Cllr Lorna Reith and P. G. Patel a local business owner.

6.2.1. Cllr Lorna Reith objected on grounds of:

- Loss of retail units and reduction of the amenities available to residents of both Hale Village and neighbouring estates.
- Likelihood of proposed 24/7 opening times causing parking and disruption to residents on the Ferry Lane estate (there being no parking on Hale Village).
- The absence of classes at the gym - these usually appeal to women and without classes it is likely the gym will be dominated by men.

6.2.2. P. G. Patel raised concerns of access to his/her news kiosk at Tottenham Hale.

6.3 Supportive responses were received from the Chief Executive of North London Business and a local resident. The following points were raised:

- Provision of jobs and health facilities to local residents and business
- Will attract more visitors to the area and encourage local spending
- Will complement existing retail offer in the area

6.4 The Council's Transportation team do not object to the proposal. Their response is below:

*The application site has a high PTAL level of 5 and is within easy walking distance of Tottenham Hale underground and rail stations. It is considered likely that the development would attract individuals from the immediate vicinity and those using public transport to travel to the site.*

*The change in use is unlikely to result in any increase in traffic generation above that already expected in connection with the sites current use class. Therefore, there are no highway and transportation objections.*

6.5 The Council's Waste Management Team have responded as follows:

*This proposed development / change of use from Retail (A1) to gym (D2) requires storage or waste & recycling either internally or externally, arrangements for scheduled collections with a Commercial Waste contractor will be required.*

## **7.0 ANALYSIS / ASSESSMENT OF THE APPLICATION**

7.1 The main issues of this planning application are:

- Principle of Development and Retail Impact
- Impact on amenity
- Transport, Access and Security
- Design
- Waste and Recycling

## 7.2 Principle of Development and Retail Impact

- 7.2.1. The application site is not within a designated town or local shopping centre as defined under the Unitary Development Plan 2006. In instances of commercial development in out of centre locations, Policy TCR2 would normally apply. However, the Hale Village development is intended to create a new mixed use development and the outline permission for the whole Hale Village site describes a mixture of proposed uses which would normally be found within a town or local shopping centre. Furthermore, the Hale Village design code, which was published after the outline consent, seeks a retail character for Daneland Walk. As such, there is strong intention for this part of Hale Village to function as a local centre. It would therefore be more appropriate to assess the development against Policy TCR1 'Development in Town and Local Shopping Centres'.
- 7.2.2. Policy TCR1 states that proposal in town and local shopping centres which seek to
- (a) is appropriate to the scale, character and function of the centre;
  - (b) does not harm the vitality and viability of the centre or other centres;
  - (c) does not cause an unacceptable increase in disturbance from noise, smell, fumes or other environmental harm;
  - (d) does not have an adverse impact on transport; and
  - (e) complies with policies TCR3 and TCR4
- 7.2.3. The proposed gym is laid out in a 'T' shape with the bottom of the 'T' forming the frontage onto Daneland Walk. This frontage is retains the shopfront appearance of the unit by being fully glazed and serving as the only public entrance to the gym. As such, it will provide an active frontage to Daneland Walk that will complement the intended character of the street.
- 7.2.4. The change of use will affect only part of the available units and frontage on Daneland Walk. There remain large units designated for retail use on blocks C and SE.
- 7.2.5. The application site benefits from a flexible permission for A1/2/3/4/5 and B1 uses which encompass retail, financial and professional services, restaurant, drinking establishment, take-away and offices respectively. So it is intended that a wide offer of services and facilities be permitted on Daneland Walk. It is considered that a gym would fall comfortably within this intended range and with the proposed design, the development would present a stronger and more active frontage to the street in comparison to a potential B1 office occupier.
- 7.2.6. Furthermore, the outline permission for the whole Hale Village development makes specific reference to the provision of a health club (D2) use somewhere within the development. So the principle of a D2 use has been accepted at an early stage.
- 7.2.7. It should also be noted that the site has been marketed since its completion in 2009 and no tenant has been found. It is therefore considered that the bringing the unit into active use will be beneficial for the emerging local centre as it will attract visitor to the area.

- 7.2.8. The objection from Cllr Reith raises concerns over the impact on the retail services and amenities available to local people however, on balance, it is considered that the proposed change of use to a gym would satisfy criteria (a) and (b) of Policy TCR1 and would be an appropriate development on this site.
- 7.2.9. Later sections of this report deal with the requirements of criteria (c) and (d). In respect of criteria (e), Policy TCR3 only applies to restaurant, take-aways and drinking establishments. Policy TCR4 seeks protection of local shops. The proposal does not result in the loss of an existing shop but entails only the change of use of space a shop could occupy (along with a variety of other uses). As discussed above, the proposed gym use is considered to be appropriate and complementary to the intended function of Daneland Walk as a local centre.
- 7.2.10. In addition, Policy CW1 'New Community/Health Facilities' should be given consideration. The policy states that new community or health facilities will be supported provided that:
- (a) the facility is appropriate to its location having regard to its size, purpose, use characteristics, and its relationship with adjoining and nearby development.
  - (b) the facility will meet a local need.
  - (c) the building is designed so that it can be used for more than one community purpose, where possible.
  - (d) the facility is located where it can be easily reached by walking or by public transport
- 7.2.11. For reasons explained above, the proposed gym is considered to be appropriate to its location having regard to criteria (a). Although the proposed gym is a commercial enterprise, the development is considered to complement the retail and service offer to local people in Tottenham Hale. Criterion (c) is not considered relevant in this instance but the design of these modern commercial units in Hale Village allows for flexible change of use with minimum operational works. As discussed elsewhere in this report, the site benefits from high accessibility, satisfying criterion (d).

### **7.3 Amenity and Security**

- 7.3.1. Policy UD3 requires development proposals to not have any significant adverse impact on residential amenity or other surrounding uses in terms of loss of daylight or sunlight, privacy, overlooking, aspect and the avoidance of air, water, light and noise pollution.
- 7.3.2. The gym is proposed to operate 24 hours a day and 7 days a week. This is a key element of the operation of this chain of gyms. To mitigate any potential noise impacts, audio/visual equipment is mounted on anti-vibration mounts with volume limiters on all equipment to provide low-level background noise only. The applicant states that members prefer to use personal music players. Audio equipment will be separated around the premises to avoid noise 'hot spots'. Control of audio/visual equipment is restricted to staff only.
- 7.3.3. Acoustic gym flooring will be placed where needed, such as the free weights area, to minimise noise transfer to the building's structure.



- 7.3.4. Access to gym will be strictly controlled. Between 8am and 8pm the front door will be open to provide access to a lobby area. To gain access to the gym, members are required to enter a PIN code open a specially design portal door which allows only 1 member to gain entry at a time. Between 8pm and 8am the next day, the front door is locked and members must enter their PIN code to gain initial entry to lobby.
- 7.3.5. An extensive CCTV system will be installed covering all internal and external areas. CCTV will be monitored constantly and allow for immediate response to any incident.
- 7.3.6. Research at other branches shows that despite 24 hour access peak usage is at lunch and late afternoon/evenings. Only 9% of visits are made between 10pm and 6am. The gym does not operate classes so it is unlikely that large groups of members will arrive or leave at the same time or congregate outside the premises.
- 7.3.7. The objection from Cllr Lorna Reith raises a concern over the lack of classes and the risk that the gym will be dominated by men as a result. The applicant has stated that at other branches operating in the same way, there has not been any significant disparity in membership levels between the sexes.
- 7.3.8. It is therefore considered that the proposed use will not result in excessive noise or disturbance to nearby occupiers, in compliance with Policy UD3 of the Unitary Development Plan 2006.

#### **7.4 Transport and Access**

- 7.4.1. Policy UD3 requires development proposals to have no significant impact on public and private transport networks, including highways or traffic conditions.
- 7.4.2. Cllr Lorna Reith has objected to the scheme on grounds of increased parking pressure and congestion at the Ferry Lane Estate. However, the Council's Transportation Team have assessed the proposal and do not object.
- 7.4.3. The application site has a high PTAL of 5 and is within easy walking distance of Tottenham Hale underground and rail stations. It is considered likely that the development would attract individuals from the immediate vicinity and those using public transport to travel to the site. The change in use is unlikely to result in any increase in traffic generation above that already expected in connection with the site's current wide range of permissible uses.
- 7.4.4. An objection has been received from the owner of a news kiosk at Tottenham Hale stating concerns over access for deliveries. The kiosk is located next to Tottenham Hale station and the proposal does not alter delivery arrangements to that site.
- 7.4.5. The proposal is therefore considered to cause no harm to public and private transport networks or highway conditions in compliance with Policy UD3.

## **7.5 Design**

- 7.5.1. The proposal does not make any alterations to the external appearance of the property. The existing glazed frontage will be maintained. Should permission be granted and implemented, a separate application will be made for signage.

## **7.6 Waste and Recycling**

- 7.6.1. As the proposed use is commercial, the operator will be responsible for arranging their own waste and recycling collection through a commercial contractor.

## **8.0 HUMAN RIGHTS**

- 8.1 All applications are considered against a background of the Human Rights Act 1998 and in accordance with Article 22(1) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 where there is a requirement to give reasons for the grant of planning permission. Reasons for refusal are always given and are set out on the decision notice. Unless any report specifically indicates otherwise all decisions of this Committee will accord with the requirements of the above Act and Order.

## **9.0 EQUALITIES**

- 9.1 In determining this application the Committee is required to have regard to its obligations under the Equality Act 2010. Under the Act, a public authority must, in the exercise of its functions, have due regard to the need to:-

- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 9.2 The duty covers the following eight protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status.

- 9.3 Although a concern has been raised about the risk of the gym being dominated by men, this has not been the case at established branches of this particular chain of gyms. The proposed gym is open to all and fully accessible for disabled users. The proposed development is considered to have no equalities implications and a full Equalities Impact Assessment is not considered necessary.

## **10.0 SUMMARY AND CONCLUSION**

- 10.1 The application proposes the change of use of part of the ground floor of Block W, Hale Village from its current permitted use of A1/2/3/4/5 and B1 to gym (D2).
- 10.2 The proposed gym is considered to be an appropriate use for the site as it is within an emerging local centre and in a highly accessible location. It will complement the existing and future services provided in Tottenham Hale and Hale Village. The use

will include measures to minimise noise disturbance and maintain security. The site benefits from high public transport accessibility and will not harm public and private transport networks and highway conditions.

- 10.3** The proposed development is considered to be in compliance with Haringey Planning Policies UD3 'General Principles', TCR1 'Development in Town and Local Shopping Centres', TCR4 'Protection of Local Shops' and CW1 'New Community/Health Facilities' of the Unitary Development Plan 2006.

## **11.0 RECOMMENDATION**

GRANT PERMISSION subject to conditions

Applicant's drawing No.(s) Z331-01-101.

Subject to the following condition(s)

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

3. The construction works of the development hereby granted shall not be carried out before 0800 or after 1800 hours Monday to Friday or before 0800 or after 1200 hours on Saturday and not at all on Sundays or Bank Holidays.

Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.

4. No noise shall, in the opinion of the Chief Environmental Health Officer cause a nuisance to any occupier of property in the vicinity of the premises to which this application relates.

Reason: In order to ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their property.

## REASONS FOR APPROVAL

The proposed development is an appropriate use of the site and would support the function of the emerging local centre and cause no harm to the amenities of nearby occupiers or to public and private transport networks and highways. The proposed development is considered to be in compliance with Haringey Planning Policies UD3 'General Principles', TCR1 'Development in Town and Local Shopping Centres', TCR4 'Protection of Local Shops' and CW1 'New Community/Health Facilities' of the Unitary Development Plan 2006.