

ITEM: 06

Application Number: 10/01431/FUL

Applicant: Plymouth Judo Club

Description of Application: Develop land at south end of Rocky Park Road by erection of building for use as martial arts club, including rooms in roofspace

Type of Application: Full Application

Site Address: ROCKY PARK ROAD PLYMOUTH

Ward: Plymstock Radford

Valid Date of Application: 17/08/2010

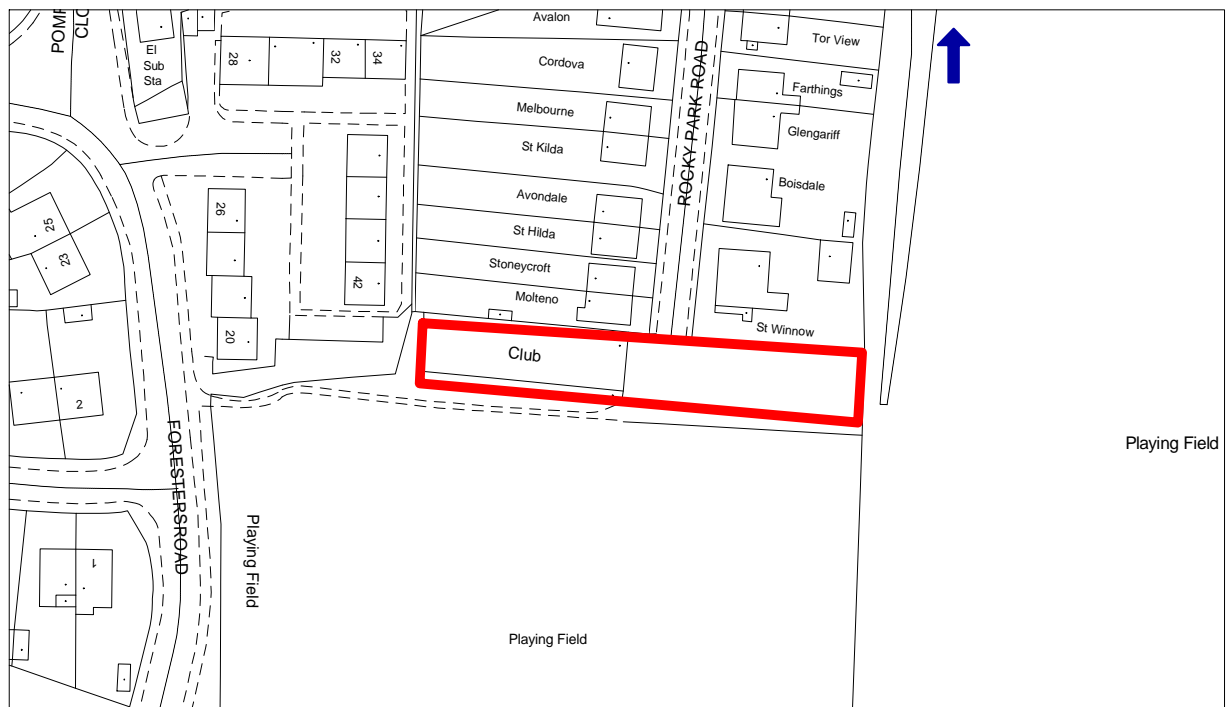
8/13 Week Date: **12/10/2010**

Decision Category: Member Referral

Case Officer : Stuart Anderson

Recommendation: Grant Conditionally

Click for Application Documents: www.plymouth.gov.uk



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2010 Scale 1:1250

OFFICERS REPORT

This application is being reported to committee due to referral by Councillor K Foster, Ward Member, whose concerns include the height of the building, overdevelopment of the site and parking problems.

Site Description

The site of the proposed development is at the south end of Rocky Park Road, a residential street in the Plymstock area of the city. To the south and east of the site are playing fields. To the north and west of the site are residential properties. One of these properties (St Winnow, Rocky Park Road) is used as a care home.

The eastern part of the site, where the martial arts club would be built, is currently made up of rough ground and is used for car parking. The western part of the site, where car parking is proposed, used to be the site of a gym, which it is understood recently burned down, and is also made up of rough ground.

Proposal Description

Develop land at south end of Rocky Park Road by erection of building for use as martial arts club with rooms in the roofspace.

The proposed building would measure 29.2 metres by 13.4 metres, with a 7 metre height to the ridge of the pitched roof. It would be single-storey, with a room being housed in the roofspace. The ground floor of the building would have a large area of mats used for Judo, with a public viewing area. An office, store, toilets and changing rooms, and kitchen would be provided. With regard to the roofspace, the main area is labelled 'function room' on the plans, but the applicant has explained that it is actually intended to be used by the Judo club as ancillary space for use for training, mat storage, etc, with additional toilets, store and kitchen areas.

The proposed use would operate from 18:00 to 23:00 hours on Mondays to Fridays and from 12:00 to 23:00 on Saturdays.

On the opposite side of the site there would be a car parking area for 20 cars, and an area reserved for turning.

An additional plan and accompanying Transport statement were received at a later stage, and neighbours, objectors and consultees have been notified of this. Any further representations and responses received in respect of these will be reported to committee in an addendum report.

Relevant Planning History

10/00997/FUL – Positioning of shipping container, for storage of sports equipment (pending consideration)

Consultation Responses

Devon and Cornwall Constabulary – no objections

Public Protection Service – recommending Construction Phase Management Plan condition

Transport Officer – recommended refusal on the grounds of lack of turning provision and lack of information; further comments awaited following receipt of additional information and plan

Representations

26 letters of representation have been received, all of which object to the proposal. A further letter of representation has been received in response to the additional plan that has been submitted. A petition of objection, with 65 signatures, has also been received.

Briefly summarised, the objections are on the grounds of:

1. Poor road access,
2. Lack of visibility when exiting Rocky Park Road,
3. Lack of car parking,
4. Lack of access for emergency vehicles,
5. Additional traffic up and down a road which is already congested with cars,
6. Lack of turning facilities,
7. Proposed site for car park is contaminated,
8. Noise and disruption,
9. Restriction of access to the Dean Cross football field,
10. Cedar cladding is out of character with surrounding buildings,
11. Proposed building is larger than the old Foresters gym – large and unsightly,
12. Not in keeping with the building line,
13. Would shatter the peace and quiet of people in St Winnow care home,
14. Would cast St Winnow house and garden into shadow,
15. Function room would cause annoyance to residents,
16. No need for function room,
17. Upstairs function room does not cater for wheelchair access,
18. Rocky Park Road properties are all on cess pits/septic tanks, but the plans state that the building will connect to external drainage,
19. Youths congregating,
20. Anti-social behaviour,
21. Would affect view,
22. Loss of value to properties.

Points 1 – 20 are addressed in the following report. Point 21 is not a material planning consideration as the view in question is from a private dwelling, not a public viewpoint. Point 22 is also not a material planning consideration.

Analysis

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First

Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

The relevant policies are CS22, CS28, CS30, and CS34 of the Core Strategy. The relevant issues are discussed below.

HIGHWAYS/PARKING ISSUES

The Transport Officer notes that Rocky Park Road is narrow and constrained by the presence of vehicles parked along its length; the access to the site is therefore poor. Also, there is poor visibility upon exiting Rocky Park Road. Access for emergency vehicles might be slightly restricted (points 1, 2, and 4 of the letters of representation).

However, it is important to note that a similar use existed here previously (the gym). The gym is likely to have had similar characteristics to the proposed Judo club in terms of the amount of trips generated, and level of required car parking. The Judo club have stated that 'traffic would be at a maximum probably 10-15 cars', and that they only operate between 7 and 10pm, whereas the gym was used from 9.30am until 9pm 'and there was considerably more traffic'. The Judo club believe that the football club uses the car park all day Saturday and some of Sunday and generates much more traffic than the Judo club would. It is noted that there is a free car park accessed off Dean Cross Road, which is larger than the site which is the subject of this planning application, and is more conveniently placed for users of the football club.

It is also understood that there would be limited deliveries to the Judo club, and post would go to the home address of the proprietor of the Judo club.

From observation it appears that the existing site functions as both a public car park for users of the playing field, as well as providing turning space for residents and service vehicles etc. The proposal would not result in the loss of these facilities, as an alternative parking and turning area would be provided on the opposite part of the site. It is recommended that a condition is used in order to secure the provision of this parking and turning area prior to the use of the club, with a further stipulation that the car parking/turning area is kept open for public use, and not solely for the use of the Judo club. This would prevent any loss of parking/turning from occurring.

As required by policy CS30, the site is accessible by sustainable transport modes. The number 2 bus runs a frequent service, stopping at nearby Foresters Road, which is approximately 2 minutes walk from the site.

VISUAL IMPACT

Points 10-12 of the letters of representation are noted. The use of Cedar cladding is considered to be an attractive feature, which would add visual

interest to the building. It is not agreed that the building would be unsightly. The proposed building comes forward of the building line on the east side of the road to a small extent, but the site is at the end of the road and the effect on the streetscene would be acceptable. Although the building is large in length and width, the first floor has been created in the roofspace in order to lessen the overall height of the building. The height to eaves would be just 3 metres. It is considered that the proposed building would be acceptable in its visual impact.

IMPACT ON RESIDENTIAL AMENITY

Many of the letters of representation refer to the proposed function room in the roofspace as being unnecessary and detrimental to residential amenity (points 8, 13, 15 and 16 of the letters of representation). There are concerns that the club might apply for an alcohol licence, leading to noise and disturbance. The club have provided written information to address this issue. They state that 'function room' is actually a misnomer, as there is no intention to have parties, wedding receptions etc there. The room is needed for training of officials and for storage of mats which are used to run the club's annual open Judo championships at the Kitto Centre. In the words of the club 'as for trying to apply for a liquor licence this is a complete nonsense as we have survived since 1955 with tea, coffee and soft drinks for the youngsters. We are a sports organisation intent on the development and well being of young people which does not include alcohol'.

It is recommended that the use of the rooms in the roofspace is controlled by a condition, prohibiting the use of the rooms for parties etc, and restricting their use to the Judo club.

A Judo club falls within Class D2 of the Use Classes Order. It is recommended that a condition is added restricting the use of the premises to a Judo club, and not allowing the building to change to any other D2 use. This is needed in order to prevent the building from being used for any other D2 use, which could be more harmful to residential amenity. The use of the building for any other use would have to be made the subject of a further planning application.

With regard to the issue of youths congregating and anti-social behaviour (points 19 and 20 of the letters of representation) the Judo club have explained that if youths were to congregate outside the club they would encourage the youths to come into the club and join in with the Judo sessions. On this issue it is noted that the police have no objections.

The proposed building would come close to the neighbouring property to the north 'St Winnow'. The proposed building would be within the line of sight of two south-facing windows on this property (point 14 of the letters of representation). However, the single-storey nature of the proposed building and the pitch of the roof would mean that the loss of light would not be severe.

A restriction on the hours of operation of the club is also recommended, in the interests of residential amenity. Although the applicants intend to restrict their

use to evenings on Mondays to Fridays and afternoon and evening on Saturdays, there would be no planning justification for preventing use from 09:00 hours onwards and the recommended condition reflects this.

OTHER ISSUES

It is important to note the community benefits that would arise as a result of this proposal. The Judo club have a policy of equal opportunities, and are committed to the development and well being of young people. The proprietor/applicant has said that the club would encourage local youths and residents at the St Winnow care home to join in with the Judo sessions. It appears that the club would be positive and useful to the community. These community benefits should be given weight accordingly.

With regard to point 7 of the letters of representation (that the proposed car park site is contaminated), it is understood that the writer's concern is that asbestos could become airborne. This is noted, but Public Protection Service has not raised an issue in this respect and there is alternative legislation for dealing with any asbestos problem.

Point 9 of the letters of representation (restriction of access to the football field) is noted. There is an existing gap in the hedge that would be restricted by the proposed building. However, there is an alternative gap in the hedge nearby, so the proposed development would not prevent access to the football field.

With regard to point 17 of the letters of representation (that the upstairs room does not cater for wheelchair access), planning permission could not be refused for this reason and the whole ground floor area will be accessible.

Point 18 (sewerage/drainage) of the letters of representation is noted. However, the application states that foul sewage is to be disposed of by mains sewer, with surface water being disposed of by a soakaway. There is no reason to doubt that this can be achieved.

Due to the site's proximity to residential properties, it is recommended that the construction phase management plan condition recommended by the Public Protection Service is added.

Section 106 Obligations

None

Equalities & Diversities issues

As stated above, the Judo club have a policy of equal opportunities, and are committed to the development and well being of young people.

Conclusions

It is recommended that planning permission is granted, with conditions, subject to the consideration of any further issues arising from the later additional plan and Transport Statement.

Recommendation

In respect of the application dated **17/08/2010** and the submitted drawings, **drawing number 2, site plan showing car park and turning area, Transport Statement, and accompanying Design and Access Statement**, it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

CONSTRUCTION PHASE MANAGEMENT PLAN

(2) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reasons:

In the interests of highway safety, and to protect the residential and general amenity of the area from any harmfully polluting effects during construction works, in accordance with policies CS22, CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SPECIFIED USE RESTRICTION

(3) The premises shall be used as a martial arts club only, and for no other purposes including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

USE RESTRICTION (ANCILLARY)

(4) The use of the rooms in the roofspace of the building shall be ancillary to the use of the ground floor and such uses shall not be exercised independently of one another, i.e. the rooms in the roofspace shall only be

used for purposes ancillary to the martial arts club use and shall not be used for any other activities.

Reason:

Whilst the proposal for such ancillary use is acceptable to the Local Planning Authority, the independent use of different parts of the premises would be likely to produce conditions unacceptable to the Local Planning Authority and contrary to Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, namely noise and disruption and impact on residential and general amenity.

HOURS OF OPERATION

(5) The martial arts club use hereby permitted shall not operate outside the following hours of opening: 09:00 to 23:00 hours Mondays to Fridays inclusive and 09:00 to 23:00 hours on Saturdays. There shall be no operation of the use at all on Sundays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING AND TURNING PROVISION

(6) The building shall not be occupied until the car parking and turning area shown on the approved plans has been drained and surfaced in accordance with the details submitted to and approved by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles. The parking spaces and turning area shall be kept available for general public use at all times.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONSTRUCTION PHASE MANAGEMENT PLAN

(1) With regard to condition 2 of this grant of planning permission, the management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

a) Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;

b) Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access

points, hours of deliveries, numbers and types of vehicles, and construction traffic parking.

c) Hours of site operation, dust suppression measures, and noise limitation measures.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: highways/parking, visual impact, and impact on surrounding residential amenity, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS22 - Pollution

CS30 - Sport, Recreation and Children's Play Facilities

SPD1 - Development Guidelines