

AGENDA ITEM NO: 8/2(a)

Parish:	Downham West	
Proposal:	Completion and retention of conversion of gym into dwelling (amended design to 13/01149/F approval) and continued use of associated extended health and leisure facilities including eco unit for clinic	
Location:	Shining Tree Healthy Living Centre Ltd Downham Road Salters Lode Norfolk	
Applicant:	Shining Tree Healthy Living Centre Ltd	
Case No:	17/00294/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 13 April 2017 Extension of Time Expiry Date: 9 June 2017

Reasons for referral to Planning Committee - The views of Downham Market Town Council are contrary to the Officer recommendation

Case Summary

The Shining Tree Healthy Living Centre lies on the north-western side of the A1122 in Salters Lode, midway between its junctions with Kemp's Close (to the north) and Waterman's Way (to the south). The settlement is categorised as a Smaller Village and Hamlet in the Settlement Hierarchy of the Core Strategy, and it lies approximately 2.3km southwest of Downham Market. The site lies in Flood Zone 3 and a Hazard Zone as depicted in the Local Authority's Strategic Flood Risk Assessment.

Permission is sought for the completion and retention of conversion of gym into dwelling (amended design to 13/01149/F approval) and continued use of associated extended health and leisure facilities including eco-unit for clinic purposes.

Key Issues

Principle of development
Impact upon appearance of the countryside
Impact upon amenities of adjoining properties
Flood risk and
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The Shining Tree Healthy Living Centre lies on the north-western side of the A1122 in Salters Lode, midway between its junctions with Kemp's Close (to the north) and Waterman's Way (to the south).

17/00294/F

Planning Committee
5 June 2017

The settlement is categorised as a Smaller Village and Hamlet in the Settlement Hierarchy of the Core Strategy, and it lies approximately 2.3km southwest of Downham Market. The site lies in Flood Zone 3 and a Hazard Zone as depicted in the Local Authority's Strategic Flood Risk Assessment.

Permission is sought for the completion and retention of conversion of gym into dwelling (amended design to 13/01149/F approval) and continued use of associated extended health and leisure facilities including eco-hab unit for clinic purposes.

Permission was granted in October 2013 for the conversion of the buildings containing the leisure facility into a dwelling – the high vaulted gym building to the rear of the complex being converted into two storey accommodation to negate flood risk issues (4 bedrooms created at first floor level). The dwelling retained the swimming pool and the restaurant/dining area became a gym for domestic use – this was prevented from commercial use by condition in the interests of residential amenity.

This application seeks to complete and retain the gym conversion with modifications to windows and continue using the swimming pool, other gym and extended relaxation area (enclosing decked area leading off the pool) plus the relocated eco-hab unit (sited within the wildlife meadow area) for commercial purposes.

SUPPORTING CASE

The applicant's agent raises the following comments in support of the proposed development:

"This application is to regularise the buildings and associated work at The Shining Tree Healthy Living Centre Ltd at Salters Lode.

The owner of the site is Mr James Wong and over the past 13 years has developed the site and built up a successful business which is both an asset to the village of Salters Lode and the surrounding area.

Shining Tree has some 90 full time members, 40 students and has clinic open to the general public for 5 days a week.

The thought behind the covered area built off the patio is for members & patients to sit and relax after the various activities & treatment they have had during their visit.

The patio was adequate on sunny & warm days but an area was needed for use throughout the year, hence the covered area has evolved.

The pod was moved after criticism of its appearance & is now situated in the wildlife meadow & surrounded by mature trees.

The planning permission for its new location is being sought as part of this planning application.

The use of the pod is similar to the use of the covered patio, that is somewhere for relaxation out of the inclement weather.

I have enclosed another copy of the signatures of member & clients who fully support the Shining Tree Healthy Living Centre."

PLANNING HISTORY

15/00693/F: Application Withdrawn: 26/06/15 - Retrospective application for the standing of an eco-pod building in wild life meadow for use as shelter

14/00249/F: Application Permitted: 14/04/14 - Widening of existing access

13/01149/F: Application Permitted: 02/10/13 - Conversion of business premises to dwelling

11/00293/F: Application Permitted: 20/04/11 - Retention and completion of Eco-Hab unit

09/01506/F: Application Permitted: 02/11/09 - Erection of eco hab unit

04/00953/F: Application Permitted: 07/09/04 - Creation of overflow car park- new vehicular access and 2 clinic/reception buildings

2/04/0474/F: Application Permitted: 14/04/04 - Construction of reception area additional toilets and dining room

2/04/0135/F: Application Permitted: 20/04/04 - Siting of portable building for conference seminar room and standing of caravan

2/03/2464/F: Application Permitted: 20/01/04 - Extension to create swimming pool cover

2/02/2022/F: Application Permitted: 14/01/03 - Construction of detached building as treatment centre (revised proposal)

2/02/0611/F: Application Permitted: 20/06/02 - Construction of detached building as treatment centre

2/01/1718/CU: Application Permitted: 20/12/01 - Change of Use of premises from residential to residential and health clinic including alterations to outbuildings and construction of gymnasium pool and jacuzzi

CONSULTATIONS

Parish Council: OBJECT - To date this Council has not seen or commented on a planning application for a change of use or re-siting of the 'pod'. Clarification is therefore needed as to when the plan was originally received and approval given for the re-siting of the pod.

It should also be noted that the pod is outside of the current development area and therefore is felt should be seen as a separate planning application.

Local Highway Authority (NCC): NO OBJECTION

Environment Agency: No response to consultation received at the time of writing this report, but **NO OBJECTION** expected as per earlier application for change of use to a dwelling, subject to conditions relating to mitigation measures

Emergency Planning Officer: NO OBJECTION subject to conditions relating to signing up to EA's 'Floodline' and an evacuation plan being produced

Downham & Stow Bardolph Internal Drainage Board: NO OBJECTION subject to compliance with Byelaws

CSNN: NO OBJECTION – suggest foul water drainage condition

Environmental Health & Housing – Environmental Quality: No Comments regarding contaminated land or air quality

REPRESENTATIONS

The application is accompanied by a **NINETY EIGHT** signature petition expressing **SUPPORT** for the continued operation of the centre.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM9 - Community Facilities

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

OTHER GUIDANCE

Downham Market by Design

PLANNING CONSIDERATIONS

The main issues in considering this application are as follows:

- Principle of development
- Impact upon appearance of the countryside
- Impact upon amenities of adjoining properties
- Flood risk and
- Other material considerations

Principle of Development:

It will be noted from the planning history of the site, that permission was granted for the conversion of the entire business premises into a single dwelling, including conversion of the large gym into two storey accommodation. This has been commenced and works of conversion have been undertaken.

This application effectively seeks to authorise a mixed residential and leisure use and continued use of an eco-hab unit sited within the wildlife meadow and woodland area in connection with the health and leisure centre, plus retention of an extended relaxation area (enclosing decked area leading off the pool).

With the adoption of the Site Allocations & Development Management Policy Plan (SADMPP), Salters Lode effectively lies within the countryside and there is no longer a village development area due to the settlement being classed as a Smaller Village or Hamlet.

The principle of a mixed use accords with the provisions of both Policy CS06 conversion of existing buildings and Policy CS10 which states that the Council will seek to retain land or premises currently or last used for employment uses. Policy DM9 of the SADMPP also encourages the retention of existing community facilities.

It will also be noted that there is support from current patrons to continue the use of the health and leisure facility.

Impact upon appearance of the countryside:

The existing buildings are to be retained with minor alterations to the fenestration on the converted gym element. The extended relaxation area, enclosing a decked area leading off the pool, is discretely positioned and not open to public view. It is in light-weight materials complimentary to the existing buildings and maintains the rustic character of this collection of buildings.

The eco-hab unit was considered to be acceptable and previously approved adjacent to the farmhouse at the front of the complex. It is now discretely positioned within the wildlife meadow and woodland. It is surrounded by established trees and mature landscaping and is considered to not have a significant, nor adverse effect upon the character and appearance of the countryside.

The proposal therefore accords with Core Strategy Policies CS06 & CS08.

Impact on amenities of adjoining properties:

The inter-relationship between the adjoining properties and the proposed mixed use is considered to be acceptable. There are no overlooking issues given that the rear of the site adjoins agricultural land and buildings.

In terms of the amenities to be afforded to the new dwelling, this would have to share the parking and garden facilities with the health and leisure centre. It is therefore considered to be necessary to tie the accommodation with the associated business. This course of action has been agreed with the agent.

The eco-hab unit is sited some distance (35m) away from the unrelated dwellings on Downham Road, with intervening mature trees and landscaping. It will be noted that there are no local objections to this application.

Flood Risk:

The site lies within Flood Zone 3 and a Hazard Zone and the application was accompanied by an appropriate flood risk assessment. At the time of writing this report, the Environment Agency has not responded to consultation. However it is anticipated, as with the earlier approval, there will be no objection as long as any permission granted is conditioned to be carried out in accordance with the mitigation proposed, plus an additional condition, preventing sleeping accommodation on the ground floor of the development plus none in the eco-hab unit.

The proposed development is not considered to increase the risks of flooding elsewhere.

Other Material Considerations:

The Local Highway Authority raises no concerns in regards highway safety. There is adequate parking associated with the mixed use and the new access arrangement off Downham Road.

The Emergency Planning Officer recommends certain conditions but these will be addressed as informative notes added to any permission, as there are enforceability issues with those recommendations.

Our CSNN team suggest a condition relating to foul water drainage details, however there are no significant changes to that approval for use of the whole facility as a dwelling where this was not required. An advisory note would cover this matter to be attached to any planning consent.

There are no significant Crime and Disorder issues raised by this proposed development.

CONCLUSION

The application has been referred to committee for decision in light of the concerns of the Parish Council. Their views are slightly confusing regarding the eco-hab unit in that this is a retrospective application effectively seeking to regularise its retention and use in conjunction with the centre. There is no requirement, as they suggest, that this should be dealt with as a separate planning application.

Reference is also made to the 'pod' being "outside of the current development area". As stated above, with the adoption of the SADMPP there is no longer a village development area, however if they mean that the unit lies outside the authorised site for the commercial use and in 'countryside' the development plan encourages the expansion of existing facilities and businesses providing they are not detrimental to the natural environment - this has been addressed in the main body of this report.

In light of the above it is concluded that the proposed development accords with the provisions of the NPPF & NPPG, Core Strategy Policies CS06, CS08, CS10 & CS11 and policies DM9, DM15 & DM17 of the SADMPP. It is therefore recommended that the application be approved subject to the following conditions.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be carried out in accordance with the following approved plans: 17/2/2032/1 Revision A, 17/2/2032/2 Revision A, 17/2/2032/3 Revision B & 17/2/2032/5.
- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 Condition The residential accommodation hereby approved shall be held and occupied in conjunction with the leisure use, currently known as Shining Tree Healthy Living Centre, and not used as a separate dwelling unit.
- 2 Reason The residential accommodation does not have adequate/separate private amenity space and parking facilities as they are shared with the leisure use; in order to accord with the provisions of Policy DM15 of the SADMPP.
- 3 Condition The eco-hab unit shall be used in association with the leisure facility presently known as Shining Tree Healthy Living Centre and shall not be used as a separate commercial unit or for residential purposes.
- 3 Reason To define the use of the building as ancillary to the associated leisure use on the site and avoid flood risk implications to accord with the provisions of the NPPF and Core Strategy Policy CS08.
- 4 Condition The development hereby permitted shall be carried out in accordance with the mitigation proposed in the Flood Risk Assessment and Flood Contingency Plan that accompanied the application.
- 4 Reason To reduce the risks associated with flooding in accordance with the NPPF, the Technical Guidance to the NPPF and Development Plan Policies CS01 and CS08.
- 5 Condition No sleeping accommodation shall be provided on the ground floor of the development hereby approved.
- 5 Reason To reduce the risks associated with flooding in accordance with the NPPF, the Technical Guidance to the NPPF and Development Plan Policies CS01 and CS08.