

Planning Committee  
20 August 2015

Reference:  
**APP/15/00843**

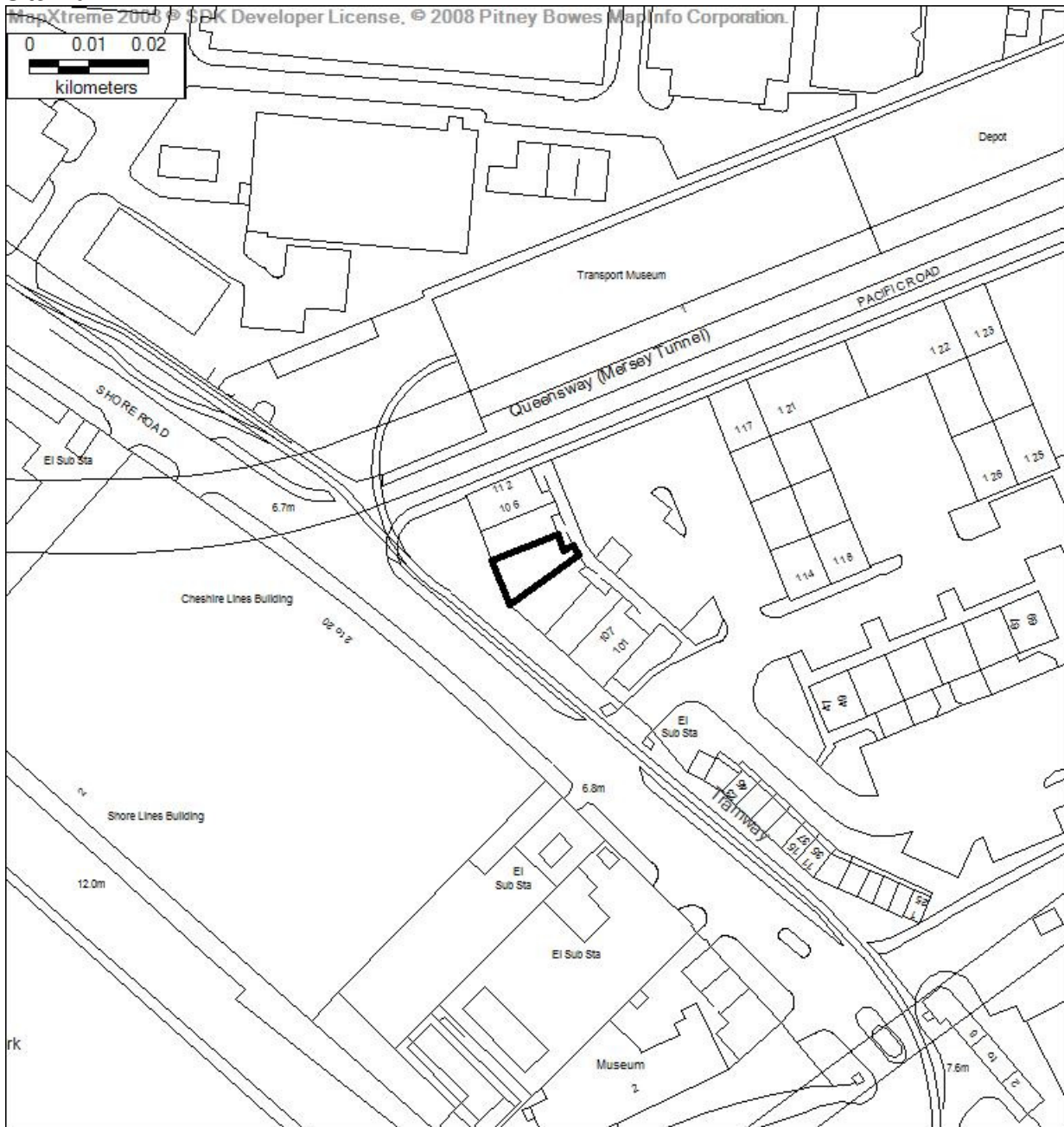
Area Team:  
**South Team**

Case Officer:  
**Mr N Williams**

Ward:  
**Birkenhead and  
Tranmere**

**Location:** 104 Woodside Business Park, SHORE ROAD, BIRKENHEAD, CH41 1EP  
**Proposal:** Change of use from office (B1) to leisure (D2) to enable the opening of a pilates studio  
**Applicant:** Wirral Pilates & Movement Centre  
**Agent :** Legat Owen

**Site Plan:**



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**Development Plan allocation and policies:**

Coastal Zone  
Primarily Industrial Area

**Planning History:**

There is no relevant planning history for this site.

**Summary Of Representations and Consultations Received:**REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications, 16 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing, there had been no objections received.

CONSULTATIONS

**Head of Environment & Regulation (Pollution Control Division)** - No objection

**Head of Environment & Regulation (Traffic and Transportation Division)** - No objection

**Director's Comments:****REASON FOR REFERRAL TO PLANNING COMMITTEE**

The proposed use as a pilates studio would be a departure from the Unitary Development Plan and as such under the current scheme of delegation must be heard at planning committee.

**INTRODUCTION**

The application is for the change of use of a vacant office (B1) to leisure (D2) to enable the opening of a pilates studio.

**SITE AND SURROUNDINGS**

The site is a vacant office unit located within the Woodside Business Park. The site is designated within Wirral's Unitary Development Plan (UDP) as being within a Primarily Industrial Area.

**POLICY CONTEXT**

As the proposal is within a designated Primarily Industrial Area, it will be assessed against Wirral's UDP Policy EM8 and the National Planning Policy Framework.

Policy EM8: Development within Primarily Industrial Areas states that within Primarily Industrial Areas, proposals for uses falling within Classes B1, B2 or B8 will be permitted, as well as proposals for the reconstruction, extension or expansion of existing businesses.

The National Planning Policy Framework (NPPF) is a material consideration that sets a presumption in favour of sustainable development through which the Government wants the planning system to do all that it can to support sustainable economic growth, but also recognise that businesses should not have unreasonable restrictions put on them because of changes in nearby land use. Planning policies are expected to avoid long term protection of employment premises where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect, applications should be treated on their merits having regard to market signals and relative need for different uses to support sustainable communities (NPPF paragraphs 18-22 & 123 refer). The applicant has submitted details to demonstrate that the site has been marketed as employment premises with no interest having been shown or secured for such use(s).

The Council also resolved that the Core Strategy Local Plan Proposed Submission Draft (2012) will be material in the determination of planning applications. Draft Policy CS17 will continue to safeguard designated employment areas, but it makes provision for compatible alternative uses where a site is not suitable for one of the priority sectors, there has been continuous marketing, there is no reasonable prospect of the site being re-used for employment purposes, and the proposal has been subject to the national sequential test for town centre uses.

NPPF, Annex 2 identifies 'Health and fitness centres' as a main town centre Use. Local Planning

Authorities are expected to support town centre viability and vitality and ensure a sequential test is applied which requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should also demonstrate flexibility on issues such as format and scale. The applicant has submitted a sequential assessment based on an intensive search for a suitable premises, over a six-month period. The sequential assessment is based upon the applicant's business plan which has been used to determine the financial viability of the proposal and the size requirements of the business. These requirements are that the premises are approximately 100 square metres (to accommodate 4-6 Reformer beds and other specialised equipment), in a square or rectangular shape (for fit the required equipment whilst allowing safe supervision), has level access and sufficient parking (a large number of clients will be medical referrals so will require this) and is within approximately 15 minutes of the applicant's current work at Willaston (which it is anticipated will be the source of a large percentage of business through referrals). The applicant claims that there is no other fully-equipped Reformer and equipment-based pilates studio in Wirral.

The applicant has identified a total of 14 sites, and has indicated that there were a large number of other premises visited. The location of these sites is mixed, with both retail and industrial units considered.

Of the sites investigated, they were each discounted on the following grounds:

1. Retail Unit, New Chester Road, Bromborough - Irregular-shaped room requiring extensive refurbishment;
2. Retail Unit, 2A St John's Road, Wallasey - Insufficient size;
3. Suite F Candy Park, Bromborough - Landlord refused after initially agreeing - although this site was also within a Primarily Industrial Area;
4. First floor of Sunlight Lounge, Bebington - Landlord did not consider it a suitable use above a restaurant;
5. Carrock Road Industrial Estate, and Unit 20, Late Enterprise Park (both Bromborough) - Insufficient size with no windows or other means of heating/ventilation;
6. Bar/Workshop, Leverhulme Estate - Insufficient structure, no heating, poor location;
7. Retail Unit, 38 Market Street, Hoylake - Irregular-shaped unit which would not suit the requirements of the proposal and would also require extensive refurbishment;
8. Price Street Business Centre - Unsuitable location, also a Primarily Industrial Area;
9. Retail Unit, 282 Claughton Road - Irregular shape which would require extensive refurbishment;
10. Retail Units, 4 and 13 The Rake Precinct, Bromborough - Extensive refurbishment required, unsuitable shaped rooms;
11. Tower Quays, Dock Road - No windows, refurbishment required, limited parking;
12. Unit 72, Woodside Business Park - Little ventilation, no heating, insufficient.

Should members be minded to approve the application and with regard to flexible use permitted development rights, a condition should be imposed for the duration of 10 years that the premises, following the 10 year period of use between the grant of planning permission for D2 use the applicant will need to reapply for planning permission in order to maintain the character of the industrial area.

#### **APPEARANCE AND AMENITY ISSUES**

The proposed change of use does not seek to alter the appearance of the building.

#### **SEPARATION DISTANCES**

Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no Highway Implications relating to this proposal.

#### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no Environmental/Sustainability issues relating to these proposals.

#### **HEALTH ISSUES**

There are no health implications relating to this application.

## **CONCLUSION**

Having regard to the sequential test set out in the NPPF, it is considered that the proposed change of use would be acceptable, subject to a condition to ensure that the applicant will need to reapply for planning permission, in order to maintain the character of the industrial area.

### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

Having regard to the sequential test set out in the NPPF, it is considered that the proposed change of use would be acceptable, subject to a condition to ensure that the applicant will need to reapply for planning permission, in order to maintain the character of the industrial area

**Recommended Decision:**                      **Approve**

### **Recommended Conditions and Reasons:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The premises shall be only be used as pilates studio as described and set out in the documents submitted with the planning application, including for no other purpose within D2 of the schedule to the Town and Country Planning Use Classes Order 1987, or any subsequent Order or statutory provision revoking or re-enacting that Order.

**Reason:** In order to protect the character of the area and to accord with Policy EM8 of the Wirral Unitary Development Plan.

3. This permission shall be for a limited period of 10 years only expiring on 20/08/2025 when (unless a further application has been submitted to and approved by the Local Planning Authority) the use hereby approved shall be discontinued and/or works hereby approved shall be removed and the original B1 use of the property reinstated to the satisfaction of the Local Planning Authority.

**Reason:** The application premises are situated in an area designated for primarily industrial use under Council's policies and permission for a longer period would prejudice the land use designation.

4. Any amplified voices or music played within the premises must be inaudible outside of the premises and within adjacent units

**Reason:** In the interests of amenity

### **Further Notes for Committee:**

**Last Comments By:** 23/07/2015 08:59:38  
**Expiry Date:** 05/08/2015