

Planning Committee

18 January 2018

Reference:
APP/17/01274

Area Team:
North Team

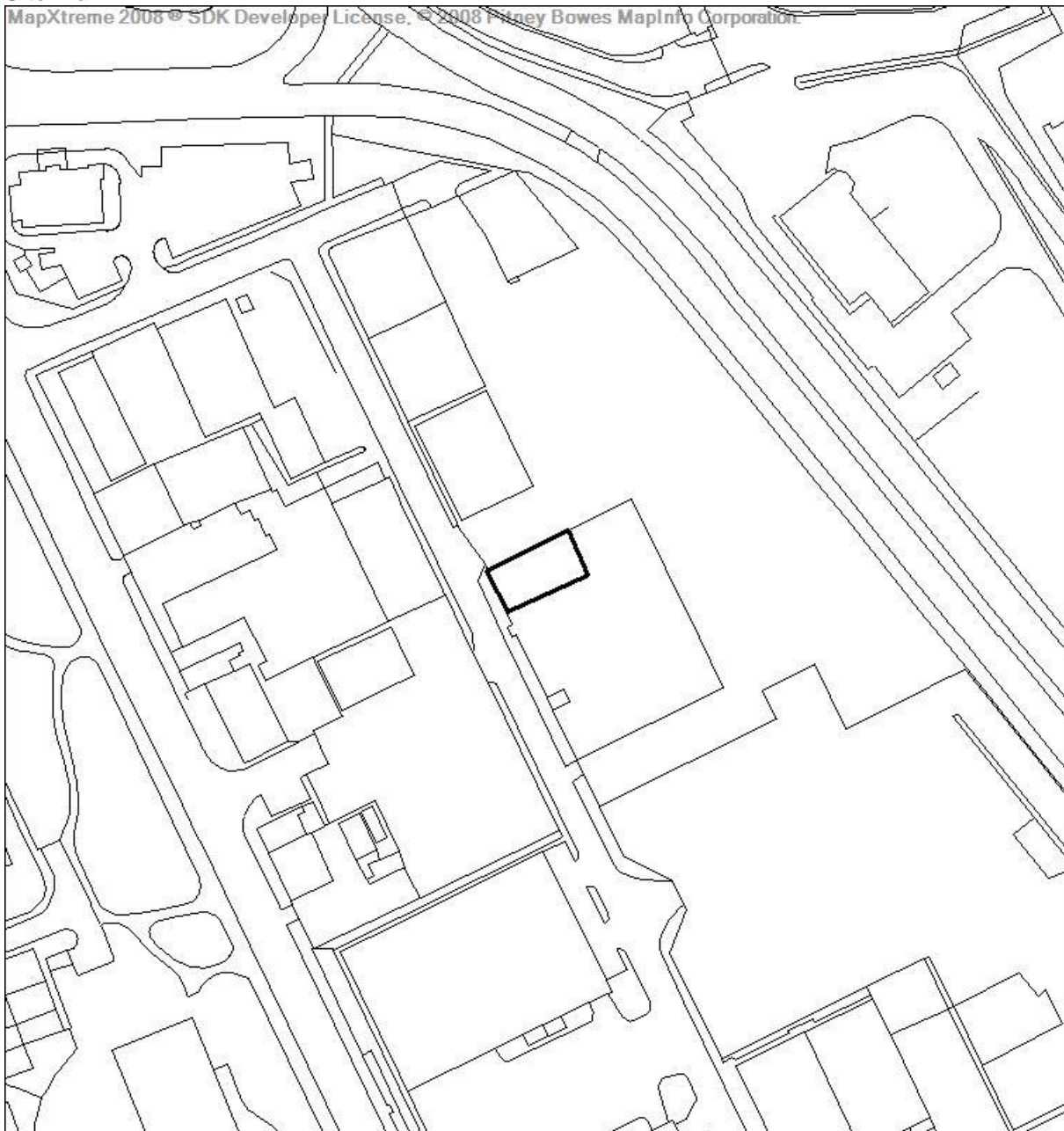
Case Officer:
Mrs C Parker

Ward:
Rock Ferry

Location:
Proposal:

9 RUSSELL ROAD, ROCK FERRY, CH42 1LU
The proposed area will be used for a personal training studio with a small area (which is already separated and was previously offices) for a beauty and makeup room. The majority of the area will have equipment Solely for Personal Trainers to use for their clients for 1-2-1 sessions, JS Fitness

Applicant:
Agent :
Site Plan:



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Development Plan Designation:

Primarily Industrial Area

Planning History:

Location: Kirkham Buildings, Russell Road, Rock Ferry. L42 1LU
Application Type: Full Planning Permission
Proposal: Change of use from pallet manufacture to fastenings storage and installation of window shutters.
Application No: APP/95/06014
Decision Date: 05/09/1995
Decision Type: Approve

Location: Turner Buildings, Russell Road, Rock Ferry. L42 1LV
Application Type: Full Planning Permission
Proposal: Installation of fire exit doors and elevational alterations.
Application No: APP/96/05423
Decision Date: 13/05/1996
Decision Type: Approve

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

Having regard to the Council Guidance on Publicity for Applications, 5 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report no objections have been received.

CONSULTATIONS:

Highways - No Objections
Environmental Protection - No Objections

DIRECTORS COMMENTS:**REASON FOR REFERRAL**

The proposal is a departure from the development plan.

INTRODUCTION

The proposal is for the change of use from

PRINCIPLE OF DEVELOPMENT

The proposed development is a departure from the statutory development plan, there being no provision for a mixed use comprising a personal fitness training studio and a beauty and make-up room within the Primarily Industrial Area under UDP Policy EM8. Planning law requires that the planning application be determined in accordance with the Wirral Unitary Development Plan unless material considerations indicate otherwise.

SITE AND SURROUNDINGS

The site is a small industrial unit located within an existing building, which is part of Russell Road Business Park. There are varying sizes of buildings within the immediate area and some units are vacant. The units within the business park are located alongside the Rock Ferry By-Pass but accessed via Russell Road. The majority of the units are located within medium to large industrial/warehouse buildings that are mainly portal frame construction clad with brick elevations and corrugated sheet roofs. The area is characterised as industrial, however, there are a number of retail and office units close by and a hot food take-away located close to the junction with the Rock Ferry By-Pass.

POLICY CONTEXT

UDP Policy EM8 Development within Primarily Industrial Areas states; Within the Primarily Industrial Areas indicated on the Proposals Map, proposals for the following uses will be permitted, uses falling

within Classes B1, B2 or B8 of the Town and Country Planning (Use Classes) Order 1987 and proposals for the reconstruction, extension or expansion of existing businesses, including those involving the introduction of a notifiable hazardous substance above its controlled quantity subject to Policy PO8. In which, case material considerations that outweighs the adopted UDP must be identified if approval for the proposed use is to be granted.

Material Considerations

The National Planning Policy Framework (NPPF) states that 'health and fitness centres' are Main Town Centre Uses (Annex 2) and that Local Planning Authorities should 'ensure the vitality of town centres' and recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. Paragraph 24 goes on to state that; Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require 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 demonstrate flexibility on issues such as format and scale.

In terms of building a strong competitive economy the Government wants the planning system to do all that it can to support sustainable economic growth, but expects planning policies should to avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. NPPF paragraphs 18-22 refer). This is taken into account in Policy CS17, in the emerging Core Strategy Local Plan, which enables alternative uses to be considered where:

- the site is not suitable for one of the priority sectors set in Policy CS14 such as greener growth industries, flexible business space for start ups and SME's ; and
- there has been continuous 12 month* marketing of the site for employment purposes at realistic prices and there is no reasonable prospect of the site being re-used for employment purposes;
- an ongoing supply of available, suitable, developable employment land would be retained; and
- the uses are compatible with the character of the surrounding area, would not restrict operation of other employment uses, contribute to more sustainable patterns of development and meet Development Management Policy CS42; or,
- the development is necessary to secure employment development that would not be otherwise viable.

(*amended in Proposed Modifications published in July 2013 to reduce the marketing period from 24 to 12 months).

Priority will be given to the protection of sites that score highly against the criteria set out in the Wirral Employment Land and Premises Study and are able to provide employment and training for people in areas of greatest need.

POLICY & AMENITY ISSUES

The industrial unit has been vacant since December 2015. The nature of the business is health and fitness and utilising the vacant unit will operate as a client only membership as opposed to a commercial gym. The business plan is to provide a range of health and fitness services within the unit, including sports therapy, beauty therapist and this would require a changing room, office and consultation room. The unit is 3,000 sq ft and the submitted details show that the unit will be divided into 2 parts: a floor area of 2,000 sq ft will be used as a gym space with weights and a functional area for exercise classes and group training. The remaining 1,000 sq ft area will be used for sports and beauty therapist, changing room and office and consultation areas.

New premises are required within the local area due to the existing client base and certain requirements due to the nature of the gym and equipment.

A sequential assessment of more central locations including existing centres based on the applicant's requirements has been submitted which addresses the discounting of other sites within the Borough, including New Ferry, Birkenhead Town Centre, Oxton, Upton and Bromborough. Twenty six premises have been identified, considered and discounted based upon the applicant's requirements. The use is for a gym and fitness studio that requires high ceilings to and large floor areas to accommodate equipment. The sequential assessment concludes that the alternative sites did not meet the applicant's requirements. This was due to various reasons: floorspace was too small, restricted to B2 and B8 uses, ceiling too low for hanging ropes, insufficient parking, expensive rent, unit for sale only, insufficient floorspace, insufficient location of client base and floorspace too large.

The applicant has submitted a marketing document from the site owners to confirm the occupational and marketing history of the unit. Active marketing for two years has been undertaken of the unit, since 2015 including marketing boards, bespoke marketing brochure and circulars to local and regional agents and advertising on letting agents' websites, Zoopla Commercial and social media advertising. The building was subdivided into 5 smaller units as marketing the larger building found that prospective tenants wanted smaller units. Three out of the five units are let with two remaining vacant despite the marketing exercise since 2015.

The applicant has outgrown the current location within a gym and needs their own premises in order to not only maintain their business but to grow within the local area. The applicant has pursued eligibility for a business grant but found that grants are available for a particular industry, focussing on research and development with only investment for a business use "as usual", for example to run an existing gym and equipment and not for growth and investment.

It is considered that given the level of information and evidence regarding the limited demand for these units for industrial purposes, the proposed use of the unit for health and fitness purposes would accommodate the only industrial units available within this area and would not therefore result in a material change to the character of the area.

SEPARATION DISTANCES

Separation distances do not apply in this instance.

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.

CONCLUSION

The application is contrary to UDP Policy EM8, there being no provision for health and fitness centres which are identified as a town centre use in NPPF. Evidence of unsuccessful marketing since 2015 and the unavailability of grant funding in this particular case can be accepted as material considerations that indicate there is currently no reasonable prospect of a site being used for the designated employment purposes in the near to medium term, The applicant has also demonstrated there are currently no other sequentially preferable sites for accommodating the proposal in the locality.

Having regard to the sequential test set out in the NPPF and the evidence on the prospects of securing the employment uses for the site it is considered that the proposal would be acceptable on a temporary basis in this particular case, as the proposed use of this building is unlikely to result in harm to

neighbouring businesses or the viability of nearby retail centres.

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 and Policy CS17 in the emerging Core Strategy Local Plan. In reaching this decision the Local Planning Authority has considered the following:-

The application is contrary to UDP Policy EM8, there being no provision for the proposed health, fitness centre which are identified as a town centre use in NPPF. Evidence of unsuccessful marketing and the unavailability of grant funding for the application site can be accepted as material considerations that indicate there is currently no reasonable prospect of a site being used for the designated employment purposes in the near to medium term, The applicant has also demonstrated there are currently no other sequentially preferable sites for accommodating the proposed use. It is, therefore, considered that the proposal can be accepted on a temporary basis in this particular case.

Recommended Decision: Approve

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on the 2 November 2107.

Reason: For the avoidance of doubt and to define the permission.

3. The premises shall be used for a Personal Fitness Training Studio (incorporating Beauty Therapy, Sports Massage and ancillary consultation room) and for no other purpose (including any other purpose in D2 of the schedule to the Town and Country Planning Use 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 the National Planning Policy Framework.

4. The use hereby permitted shall be discontinued and the land restored to its former condition on or before ten years of the approval date in accordance with a scheme of work(s) to be submitted to and approved in writing by the Local Planning Authority.

Reason: To enable an assessment of the effect(s) of the development on the amenities of the character of the area, having regard to Policy EM8 of the Wirral Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 04/12/2017 14:20:42

Expiry Date:

28/12/2017