

Planning Committee

21 March 2019

Reference:
APP/18/01503

Area Team:
**Development
Management Team**

Case Officer:
Mr B Pratley

Ward:
Claughton

Location: Claughton Chambers, 36 UPTON ROAD, CLAUGHTON, WIRRAL, CH41 0DF

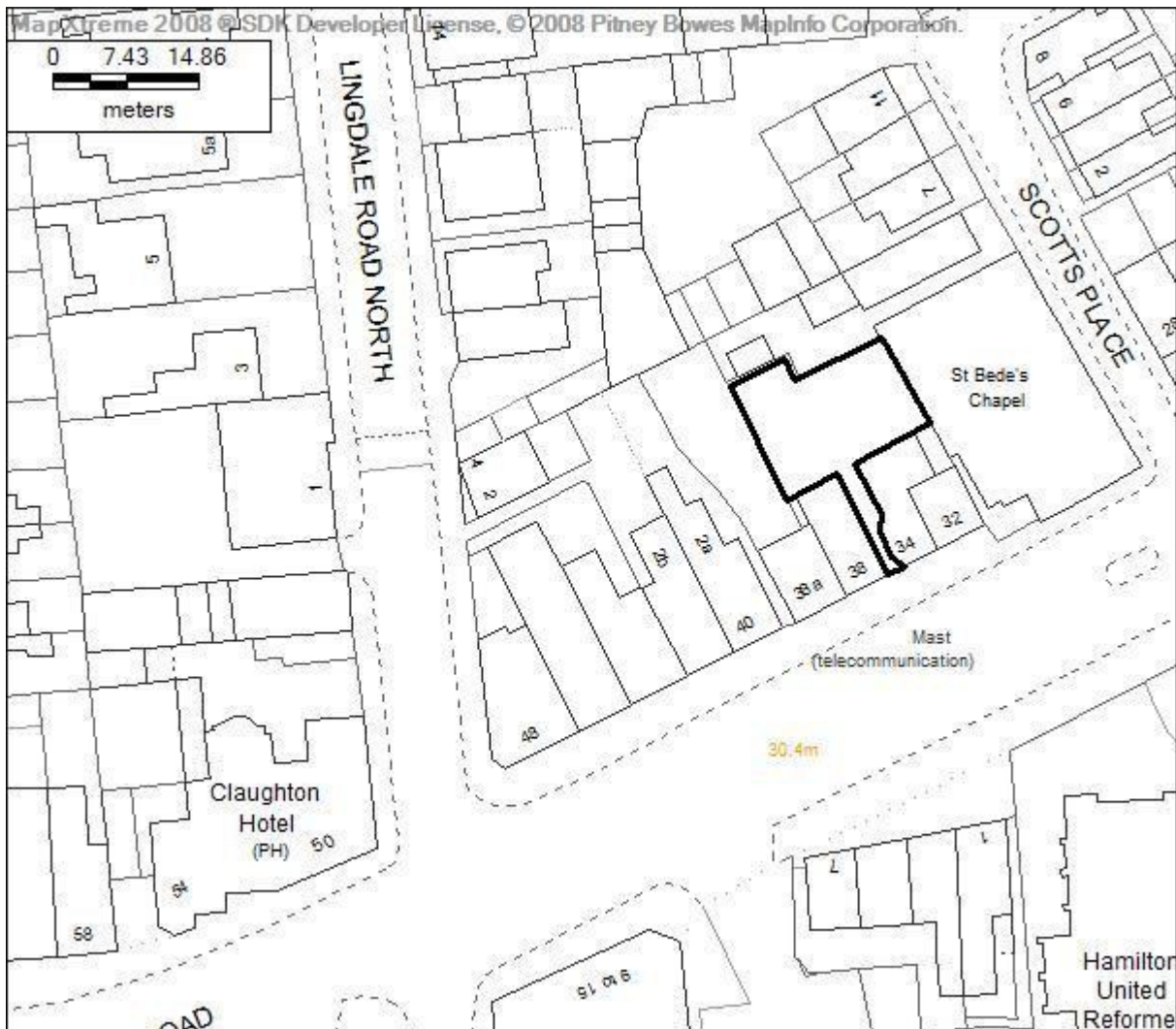
Proposal: Conversion of existing office suites into gym and fitness studio with associated office and meeting room

Applicant: Mr Williams-Lloyd

Agent : Jones and Wathen Ltd

Qualifying Petition: No

Site Plan:



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Development Plan designation:

Primarily Residential Area
Traditional Suburban Centre

Planning History:

Location: Claughton Chambers, 36 UPTON ROAD, CLAUGHTON
Application Type: Advertisement Consent
Proposal: Installation of a non-illuminated fascia sign
Application No: ADV/11/01158
Decision Date: 18/11/2011
Decision Type: Approve

Location: 38 UPTON ROAD, CLAUGHTON, WIRRAL, CH41 0DF
Application Type: Full Planning Permission
Proposal: Conversion of premises to three dwellings.
Application No: APP/18/00899
Decision Date: 29/10/2018
Decision Type: Approve

Location: 36 Upton Road ,Claughton ,L41 0DF
Application Type: Full Planning Permission
Proposal: Change of use from residential to offices
Application No: APP/84/25166
Decision Date: 01/11/1984
Decision Type: Conditional Approval

Summary Of Representations and Consultations Received:**1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

2.0 SUMMARY OF REPRESENTATIONS**2.1 REPRESENTATIONS**

Having regard to the Council Guidance on Publicity for Applications 21 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 1 objection has been received, listing the following grounds:

- Increased impact on parking.
- Noise disturbance
- Loss of privacy.
- No details regarding waste (sewage) disposal.
- No details regarding potential outside use.

2.2 CONSULTATIONS

Environmental Protection - No objection

Highways - No objection

3.1 Reason for referral to Planning Committee

3.1.1 The proposal represents a departure from the Wirral Unitary Development Plan.

3.2 Site and Surroundings

3.2.1 The application site consists of a two storey former dwelling house set back some distance from the road. The building is now vacant, with its most recent use being as offices.

3.2.2 The area to the front of the property has been infilled with commercial units, presumably in

the early to mid twentieth century. The site is located within a Traditional Suburban Centre. The units currently to the front of the site are a retail unit and an empty takeaway.

3.3 Proposed Development

3.3.1 The application is for the conversion of the building to a gym.

3.4 Development Plan

3.4.1 The majority of the site is designated as part of Claughton Village Traditional Suburban Centre with a minor part next to St Bede's being within the Primarily Residential Area as shown in the Unitary Development Plan (UDP).

UDP Policy SH2 – Criteria for Development in Traditional Suburban Centres

Indicates that, proposals falling within Class A1, Class A2 and Class A3 of the Town and Country Planning (Use Classes) Order 1987, will be permitted subject to satisfying the following criteria:

- (i) The proposal, together with other recent or proposed development does not undermine the vitality or viability of any Key Town Centre or Traditional Suburban Centre as a whole or other town centre outside the Borough boundary;
- (ii) The proposal does not generate traffic in excess of that which can be accommodated by the existing or proposed highway network;
- (iii) The proposal meets highway access and servicing requirements and includes off street car parking in line with Policy TR9 and cycle parking in line with Policy TR12;
- (iv) The siting, scale, design, choice of materials and landscaping is not detrimental to the character of the area;
- (v) Proposals for A2 uses should incorporate the provision of a shop front and permanent window display;
- (vi) The proposal does not cause nuisance to neighbouring uses or lead to loss of amenity , as a result of noise disturbance, on-street parking or delivery vehicles – where necessary a suitable condition will be imposed on hours of opening/operation;

Small scale uses falling within Class D1 may also be appropriate subject to Policy RE10. Small scale non-residential uses are also permitted subject to similar criteria in UDP Policy HS19

3.4.2 Policy TRN9 – Requirements for Off Street Parking

This policy requires the assessment of off-street parking provision to be guided by a number of considerations, including the availability of alternative modes of transport, road safety and traffic management issues.

3.5 Other Material Planning Considerations

3.5.1 Health and fitness facilities should be located in existing town centres under the terms of the sequential approach the National Planning Policy Framework (NPPF). The NPPF states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

3.5.2 Supplementary Planning Document 4 (SPD4) – Parking Standards

This document sets out maximum limits for vehicle parking spaces.

3.6 Assessment

3.6.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development;
- Highways; and
- Amenity

- 3.7 Principle of Development:
 3.7.1 There is no provision for gymnasiums (Use Class D2) in UDP Policy SH2, however since adoption health and fitness centres have been identified as a main town centre in national policy. This is to be addressed with provision for the main town centre uses being made through Policy CS26 in the emerging Local Plan, which has been approved by the Council as a material consideration in making planning decisions.
- 3.8 Design:
 3.8.1 The proposal does not involve any changes to the exterior of the building. Depending on its size and location any future signage may require consent under the Advertisement Regulations
- 3.9 Highways:
 3.9.1 The Design and Access statement confirms that the gym will be aimed at local residents in the Claughton/Oxton Area, minimising the need to travel by private car. It is considered that the parking demand would be no greater than if the building were to be retained as offices. Furthermore, the Council's adopted parking standards (SPD4) set out maximum limits and the proposal does not exceed these. The Head Environment and Regulations (Traffic Management Division) has no objection to the proposal.
- 3.10 Ecology:
 3.10.1 There are no Environmental/Sustainability issues relating to these proposals.
- 3.11 Amenity:
 3.11.1 Existing first floor side facing windows allow views into a flat at 2a Lingdale Road North. These windows currently all serve offices. The proposal will result in one of them serving a personal training room, which is not considered to be any more intrusive to privacy than an office. The middle of the three windows does not have a direct view toward windows in the neighbouring flat. Given the fact that this is an existing window that would already have some overlooking, its retention with clear glazing is considered to be acceptable. The third window will continue to serve an office.
- 3.11.2 There are five rear facing windows currently looking toward 5 Scotts Place. Two at ground floor level serve offices. These rooms are to be converted to a general gym area and a personal training studio. At first floor level an existing kitchen and WC are to be retained, with a further WC converted to a shower room.
- 3.11.3 The change of use is not considered to result in a loss of privacy at 5 Scott Place. It is recommended, however, that a condition is attached to this permission requiring the WC and shower room to be obscure glazed.
- 3.11.4 In order to protect residential amenity further it is recommended that conditions are attached restricting the opening hours and preventing the outside space around the building being used for the purposes of a gym.

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:-

The proposed change of use is considered to be acceptable within a Traditional Suburban Centre, under national policy and policy in the emerging Local Plan and will not have an unduly detrimental impact on residential amenity. The proposal otherwise complies with the criteria to protect the vitality of the centre and neighbours amenity in Policy SH2 of the Wirral UDP and the provisions of the NPPF.

Recommended

Approve

Decision:

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 16 November 2018 and listed as follows: 5236-1 Planning.

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

3. The premises shall not be used for the approved purpose outside the hours of 07:00 to 21:00.

Reason: in the interests of residential amenity and to comply with Policy SH2 of the Wirral UDP.

4. Activities related to the gym/fitness studio use hereby approved shall not be undertaken in the external areas of the application site.

Reason: in the interests of residential amenity and to comply with Policy SH2 of the Wirral UDP.

5. The premises shall be used as a gym/fitness studio only and for no other purpose (including any other purpose in Class D2 of the schedule to the Town and Country Planning Use Classes Order 1987 as amended , or any subsequent Order or statutory provision revoking or re-enacting that Order.

Reason: In order to protect the character of the area & residential amenities of nearby occupants and to accord with Policy SH2 of the Wirral Unitary Development Plan.

6. The windows serving the first floor WC and Showers shall not be glazed otherwise than with obscured glass and fixed shut and thereafter be permanently retained as such.

Reason: To safeguard the amenities of occupiers of adjoining properties and to comply with Policy SH2 of the Wirral Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 27/12/2018 15:26:22

Expiry Date: 28/03/2019