

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

23rd July 2020

Application No:	SMD/2020/0167	
Location	46 High Street Cheadle ST10 1AQ	
Proposal	Change of Use from Bank (Class A2) to Gym & Wellbeing Centre (Class D2)	
Applicant	Mr Peter Wilkinson, The Raddle Inn, Quarry Bank, Hollington, Stoke-On-Trent, ST10 4HQ	
Agent	Malcolm Sales, Churchill Suite, 51 High Street, Cheadle, Stoke-On-Trent, ST10 1AR	
Parish/ward	Cheadle	Date registered: 20 th April 2020
If you have a question about this report please contact: Benjamin Hurst tel: 01538 395400 ex 4127 benjamin.hurst@staffs Moorlands.gov.uk		

REFERRAL

The application is before committee as the applicant is an elected member of Staffordshire Moorlands District Council.

1. SUMMARY OF RECOMMENDATION

APPROVE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application relates to both floors of the former high street branch of the Nat West bank. The branch was purpose built in the 1960s and was used as a bank until it closed 2017 and became unoccupied. Cheadle is a historic market town and this is reflected in the character of the High Street that provides 'primary frontage' at the heart of the Conservation Area. The premises are flanked either side by traditionally Victorian timber shop fronts. Whilst the former bank is a latter addition its red brick façade does present rather respectful vertical proportions that incorporate pilasters between glazing and stall risers below. The front of the building is set back from the pavement and an accessibility ramp provides access to its main double door entrance.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 The application seeks full planning permission for a material change of use that would provide a 'Gym and Wellbeing Centre' within the premises. Necessary work

and alterations would be minor and effect only the interior of the building, the external appearance of the building would not change.

3.2 The gym would provide a range of equipment, fitness classes and related facility (physio and sports therapy for example). There would be free weights and both resistance and cardio machines available to customers. The submitted plans show that the machines and equipment would be on the ground floor with a fitness studio and class room at first floor. The applicant has selected the premises because it lends itself to a modern inviting environment appropriate to town centre facility.

3.3 The premises would operate with classes held throughout the day, which could be booked by members in advance. The proposal would create opportunity for 3 full time and 4 part time employees. The opening hours for the new premises would be as follows:

- 06:00 to 21:00 hours on Monday to Friday; and
- 08:00 to 18:00 hours on Saturdays, Sundays and public holidays.

3.4 The new use would fall within the 'Assembly and Leisure' class of the Use Classes Order (Class D2) which also includes cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, or areas for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used). If one D2 use has planning permission there could be a change to other uses within the same use class without the need for a further grant of planning permission.

3.5 The applicant did not seek any pre application advice from the Council regarding the application.

3.6 Details of the application scheme can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=128617>

4. RELEVANT PLANNING HISTORY

SMD/2017/0404 Removal of ATM. Approved.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises of:

- Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).
- Core Strategy Development Plan Document (adopted March 2014)

Adopted Staffordshire Moorlands Core Strategy - 26th March 2014 (CS)

5.2 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles

- SS1a Presumption in Favour of Sustainable Development
- SD4 Pollution and Flood Risk
- SS5c Cheadle Area Strategy
- TCR1 Development in the town centres
- DC1 Design Considerations to protect residential amenity
- DC2 Historic Environment

Emerging Local Plan

5.3 The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

5.4 In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public is ongoing in order to determine whether the Local Plan is sound and legally compliant. Hearing sessions were conducted in October 2018 and the Inspector issued his initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications was agreed by the Council and the subject of public consultation between 18th September 2019 and 31st October 2019. The schedule consisted of modifications that the Inspector has deemed necessary to make the Local Plan sound. Following the consultation, the Inspector concluded that further hearing sessions were necessary to consider; proposals for safeguarded land at Gillow Heath in Biddulph, housing land supply, Local Green Spaces in Cheddleton (Ox Pasture), Biddulph (Dorset Drive and implications for the emerging neighbourhood plan) and Blythe Bridge. They were held on 4th and 5th February.

5.5 On 27th February, the Inspector issued his post hearing advice. Key recommendations in the letter include:

- The proposed safeguarded land at Gillow Heath, Biddulph should be removed. Neither should the site be allocated for housing as requested by the landowners as the case for exceptional circumstances has not been met. The land will remain Green Belt as per the Local Plan Submission Version agreed by the Council in June 2018
- No further housing allocations in Biddulph are required
- No further amendments to the housing trajectory are required aside from pushing back the predicted commencement of the Wharf Road, Biddulph site (excluding BDNEW) until 2022/23.
- Monitoring of housing supply will determine if a full or partial Local Plan review is required within 5 years

- Land at Ox Pasture (Cheddleton) and Dorset Drive (Biddulph) should revert back to the Local Green Space designations as per the Local Plan Submission Version as agreed by the Council in June 2018.
- Other modifications were considered during the recent hearings sessions are necessary to make the plan sound, including; updating neighbourhood area housing requirements (Policy SS4) to reflect the latest monitoring data, updating the employment land area for the Tunstall Road allocation to reflect the masterplan and other adjustments to the wording of Policy SS4 and Policy DC2.

5.6 No further representations will be sought by the Inspector. As such, the Local Plan policies as proposed to be modified in September 2019 along with the Inspector recommended revisions (February 2020) provide a strong indication of the final policies likely to be adopted in the Local Plan. The Inspector's final report is expected within 2 months and will reflect the post hearing advice. The Council will be able to consider the adoption of the Local Plan at this point. As such, the plan is at a very advanced stage of preparation with some of the key outstanding objections now having been resolved following the February 2020 hearing sessions.

5.7 In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is considered below:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the main modifications have been subject to consultation
- The extent to which there are unresolved objections to relevant policies this varies depending on the policy in question – the Inspector wishes to explore outstanding objections on a limited number of issues at the February hearing sessions further before drawing conclusions.
- The degree of consistency of the relevant policies in the emerging plan to this Framework – policies have been modified to address soundness issues identified by the Inspector to date. It is the Council's view that the policies (as modified) are consistent with national policy. The Inspector has yet to draw final conclusions, particularly on the matters subject to further hearing sessions.

5.8 Given the above, the majority of policies (as modified) can be given substantial weight. However, policies that are subject to the February hearing sessions can only be given moderate weight as they are subject to outstanding objections and scrutiny.

Emerging Policies

5.9 The following policies are considered to be relevant to this application the bracketed note explains briefly how they vary to those of the CS :

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS7 Cheadle Area Strategy (*removes the references to increase retail provision in line with the Retail Study*)

- TCR1 Development in Town Centres
- TCR2 Primary Shopping Frontages (*separated out from TCR1, removes reference to secondary frontages to be in line with the NPPF which refers to non primary frontages as 'other frontages within the town centre'.*)
- DC1 Design Considerations
- DC2 Historic Environment (*amended wording to become NPPF compliant*)

National Planning Policy Framework (NPPF) revised.

5.10 The following sections of the NPPF are particularly relevant to this application:

2: Achieving sustainable development
 6: Building a strong, competitive economy
 7: Ensuring the vitality of town centres
 12: Achieving well-designed places.

6. CONSULTATIONS

Public response to consultation

6.1 Twelve respondents from the town and nearby settlements have registered their support for the proposal.

6.2 Fifteen respondents from the town and nearby settlements have registered their objection.

- One of the objectors lives on Prince George Street to the rear of the premises and is concerned about noise escape.
- Much of the comment expresses concern for other similar venues already in the town centre and the potential for competition from the proposal to adversely affect those businesses.
- There is a feeling that different commercial or community uses would make greater contribution to the vitality and viability of the High Street.

6.3 There are a further 7 respondents that have registered their comments as neither support nor objection, but they have offered similar comments to those of the objectors.

Cheadle Town Council

6.3 Awaited.

SCC Highway Authority

6.4 No Objection. Public parking within the town centre should meet the parking demand.

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 The main issue relates to the effect of the proposal on the vitality and viability of Cheadle Town Centre, with consideration for the development plan strategy for the area, and whether or not the gym would be compatible with the other premises on the 'primary frontage' of the shopping high street.

The Development Plan strategy for the Cheadle Area and the approach to non retail uses in the town centre.

7.2 At its heart the strategy set out for Cheadle at SS5c of the CS is to protect and enhance the vitality and viability of Cheadle as a market town. This can be achieved by, inter alia, focusing key town centre uses such as retail, offices, leisure and cultural facilities within the town centre where they contribute to vitality and viability; and serving the community with an improved provision of sport and recreational facilities. Support for positive proposals can enhance and regenerate the shopping and town centre environment. Within that general approach the strategy recognises the importance of retail provision along the primary frontage of a town centre high street and, together with the provisions and constraint of CS policy TCR1, the strategy is to avoid concentrations of non-shopping uses that might change the retail character and be of detriment to vitality and viability. However, non retail uses, which could include that of a gym, can be provided for and supported in these locations providing there is no detriment to the character, vitality and viability of the town centre. The NPPF offers similar support to new non shopping uses in town centres recognising that town centres need to adapt, grow and diversify to respond to rapid changes in retail and leisure industries.

Vitality and Viability of the Town Centre

7.3 The proposal is to make commercial use of large high street premises that have been vacant for more than 2years and provide modest employment opportunity while creating new community facility that promotes access to sport and recreation facility. There is merit in these regards that weighs in favour of the proposal. The pre existing use of the premises is that of a bank and in those regards the proposal would not result in the loss of a retail unit from the primary frontage. However, the financial service once enriched the shopping experience and allowed shoppers and customers to optimise each visit by combining trips to multiple shops and services within a multi functional town centre. The bank closed the branch for commercial reasons and there are other banks in the town centre, it has been vacant and on the market since 2017 and there seems no likelihood of it reopening as a bank and presumably little in the way of other commercial interest. There is good prospect however, of the gym functioning and making contribution to vitality in a similar manner in that it would attract customers to the town centre and they may visit other shops or businesses while they are there with the possibility of employees within the town centre visiting at lunch or after work. An open leisure facility on the High Street would create an inviting and vibrant hub of activity and it occurs that the full height

ground floor windows would help in these regards providing glimpses through to the range of cardio machines and the activity beyond.

7.4 Much of the comment from public objection expresses a loyalty to existing gyms and fitness suites in Cheadle, there is some concern that the competition would make it difficult for all of the business to survive with a share of the custom. Others feel that the proposal would be a lost opportunity to enhance high street vitality by opening a different kind of business of a type that is not currently present within the town and suggested examples include offices, bistro, wine bar, children's play area, or internet café. Some of the public comments point to a number of leisure and gym facilities within a short proximity of each other - EK Fitness, South Moorlands Leisure Centre, Zion, Hillside Community Gym, Shapemaster and The Mill Yoga, Wellbeing and Fitness. All of these venues appear to offer differing experiences, equipment and classes, pitching themselves at particular places within the market. The closest of these, 'The Mill', which is above WH Smiths at number 42 High Street, appears to focus on mainly yoga and fitness type classes rather than the range of machines, weights and equipment that could be on offer at the application premises, the well being and fitness class would be a relatively small space within the building. Overall the competition between businesses can result in choice and variety for the customers and business viability is a commercial decision for the operators. The choice and variety offered with a new facility could positively yet more residents into exercise and fitness.

7.5 Whilst there may be other different uses that might make contribution to town centre vitality and attract or enrich the experience for visitors this depends on investors making decisions relevant to commercial viability. However, it is worth noting that while this particular applicant hopes to open a gym, a planning permission would be granted for a D2 use that would flexibly provide for differing uses and possibilities within the use class - cinemas, music and concert halls, bingo and dance halls, or areas for indoor or outdoor sports and recreations, that could for example include a children's indoor soft play area. Ultimately this provides flexibility and allows the use to diversify in a way that can respond to rapid changes in the retail and leisure industries in a way that complies with the NPPF.

7.6 In these regards there would not be any conflict with the CS strategy SS5c for Cheadle, the Town Centre policy TCR1, those equivalent emerging policies of the submission version of the Local Plan (SS7, TCR1 and TCR2) or the terms of the NPPF.

Character and appearance of the area and impact on the significance of the Conservation Area as a designated heritage asset.

7.7 The premises are located within the heart of the Cheadle Conservation Area, a designated heritage asset. Arranged around a Medieval street layout much of Cheadle's town centre was rebuilt around the late 18th and 19th Centuries when the town was prospering. The High Street forms the central core of the town consisting of long narrow plots which have buildings fronting High Street of mainly three storey brick construction. The shop fronts either side of the former bank are of timber construction and conform to the traditional Victorian style that prevails along the High Street. The brick elevation of the former bank is obviously a much later addition.

However, its red brick façade does present rather considered respectful architecture with vertical proportions that incorporate pilasters between glazing and stall risers below. The application does not include any building alterations that will impact on the character and appearance of the High Street or the significance of the Conservation Area. However, currently the premises is obviously vacant with boarded doors, painted windows and old sale boards and this has a negative affect on the character and appearance of the High Street an occupied and inviting property would bring obvious improvement in these regards.

7.8 In these regards there would not be any conflict with the CS policy DC1 or DC2 which seek to protect and enhance local distinctiveness and the historic environment. There would be no harm to the significance of the designated heritage asset and no conflict with the terms of the NPPF.

Impact on Residential Amenity

7.9 There are residential properties on Prince George Street that run parallel behind the high street at a much higher tier or level. The closest is around 30metres from the rear elevation of the premises and there do not appear to be any first floor High Street flats within the vicinity. There could potentially be some noise outbreak from amplified music during work outs or classes, particularly if windows and doors are open for ventilation. In this case, there are actually very few windows on the building's rear elevation facing Prince George Street. At ground floor there are no windows or door openings, the elevation is solid brick to a flat roof single storey section of the building. At first floor most of the windows serve a landing corridor and there are just two small top opening windows that serve the class room space. If the small class room windows were opened while loud music was playing this could be audible and potentially cause some disturbance at noise sensitive boundaries. However, the class room space is modestly sized and this should moderate volume accordingly; the windows are quite small; and, as the applicant has explained, currently security bars prevent them from opening at all. Noise escape therefore is unlikely to be an issue of any significant harm. It is in any event a matter that is controllable with an appropriate condition. There would be no conflict with policy DC1 or SD4 of the CS.

Highway considerations and parking

7.10 The proposal would not be provided with any dedicated off road parking. However, within the town centre there are areas of public car park within a short walking distance that are capable of meeting the demand. The walk from and to the car would have the added benefit of taking customers past other shops and businesses.

Planning Balance & Conclusions

7.11 The proposal would promote community access to and choice of sport and recreation facility whilst making commercial use of sizeable vacant premises in a commercial part of the District. There would be some regeneration of Cheadle Town Centre's vitality and vibrancy without causing detriment to the vitality and viability of a primary shopping frontage or residential amenity. The proposal complies with the

CS area strategy for Cheadle and Policy TCR 1 and the terms of the NPPF. There would be no conflict with the emerging policies of the submission version of the Local Plan which does not introduce any material change to the policy approach set out in this report.

8. RECOMMENDATION

A. That planning permission be APPROVED for the change of use to a Gym and Wellbeing Centre subject to the following condition(s):

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

Reason:- To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

- 2. The use permitted and described above shall take place at the premises described and shown on the plan numbered 2003/04/02 that was submitted with the application. Both floors of the premises shall be occupied and used together for the one use as a single planning unit.**

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

- 3. All windows and doors on the rear elevation shall remain closed when the audio of music or instructor's voice is amplified inside the building.**

Reason:- In the interests of residential amenity

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Informative

- 1. The application is for a sustainable form of development which complies with the development plan and the provisions of the National Planning Policy Framework. In the spirit of paragraph 38 of the NPPF amendments were secured to reduce the impact of the scheme.**

