

Item 3

Application Reference Number P/16/2488/2

Application Type:	Full	Date Valid:	10/11/2016
Applicant:	Mrs Wanitda Ritchie		
Proposal:	Change of use from (B1) Accountants to (D1) Massage business.		
Location:	2 Woodgate Loughborough Leicestershire LE11 2TY		
Parish:	Loughborough	Ward:	Loughborough Southfields
Case Officer:	Helene Baker	Tel No:	01509 634741

This application has been called in to Plans Committee at the request of Councillor Parton who has raised the following concerns about the proposed change of use to a massage business:

- the proposal would be contrary to the Council's strategic aims relating to regeneration and the objectives of the Loughborough Business Improvement District (BID);
- the proposal would not be in the interests of the well-being of children/young people or good community balance and governance, taking account of its location on the link between the Beehive Lane car park and the town centre and its close proximity to a disabled young persons' training centre;
- the proposal would have a detrimental impact on the town centre as a desirable place to visit and live in;
- the proposal would undermine the Council's reputation with regard to governance and decision making.

Description of the Application

This application relates to the change of use of 2 Woodgate, which has been empty since the beginning of the year, from an Accountant's office (Class B1) to a massage business (Class D1). There are no proposed external alterations to the building to facilitate the change of use.

2 Woodgate is a narrow fronted three-storey property on the south-eastern side of Woodgate, close to the signal-controlled junction with High Street/Leicester Road and juxtaposed between a restaurant (Class A3) and an estate agency (Class A2).

The application site is outside the Core Area of Loughborough Town Centre but conveniently situated in relation to the town centre and its public parking facilities, including the Beehive Lane car park to the south-west.

Development Plan Policies and other material considerations

- **Development Plan Policies**

The Charnwood Local Plan Core Strategy

Policy CS2 High Quality Design requires new development to respect and enhance the character of the area, having regard to scale, massing etc and protect the amenity of people living nearby or in the new development.

Policy CS9 Town Centre and Shops aims to support retail, leisure and other 'town centre' developments that support activity throughout the day and night for a range of age groups and which support the main retail attraction of the Town Centre.

Borough of Charnwood Local Plan (adopted 12th January 2004) (saved policies)

Policy EV/1 Design advocates good design in new development.

Policy CA11 Use of Upper Floors sets out appropriate uses for upper floors of premises within Loughborough Town Centre and its associated Service Areas which includes Class D1 uses.

- **Other Policies**

National Planning Policy Framework

The Framework establishes a presumption in favour of sustainable development. It confirms that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

To achieve sustainable development, the planning system has key economic, social and environmental roles to perform. The Framework sets out core planning principles underpinning decision making. These include supporting sustainable economic development and delivering sufficient community and cultural facilities and services to meet local needs.

The Framework sets out the means of delivering sustainable development which includes building a strong, competitive economy and ensuring the vitality of town centres.

Supplementary Planning Documents

Town Centre Master Plan (August 2007) seeks to secure a successful future for the Town Centre by developing its strengths and addressing its weaknesses through the provision of detailed guidance on uses and design.

Relevant Planning History

None

Responses of Statutory Consultees

The Highway Authority has no comments to make.

Other Comments Received

The solicitors' practice opposite the application site has concerns about the effect of the proposal on the appearance of this part of Woodgate and has requested that if permission is granted conditions should be imposed regarding the general appearance of the premises and, in particular, ensuring that any signage is tasteful and discreet.

Councillor Parton has expressed concerns about the proposal for the reasons set out at the beginning of the Report.

Consideration of the Planning Issues

In considering the planning issues, it is important to focus on the proposed use class rather than the specific use. Class D1 relates to non-residential institutions and includes places of worship, health centres, crèches, day nurseries and non-residential education and training centres.

The morality, legality and social appropriateness issues raised by the Ward Councillor in respect of the use of the premises as a massage business are not planning matters; they could not form the basis of reasonable and defensible ground for refusing this planning application. Other statutory bodies have powers to control the running of a massage business, for example, a licence from the Council is required to operate a massage premises.

The main issues for consideration are the impact of the proposed Class D1 use on:

- the vitality and viability of the town centre;
- visual amenity;
- amenity of local residents/businesses.

The proposed Class D1 use in this location close to the town centre provides a service or facility to visiting members of the public which has the potential to increase the viability and vitality of the town centre as it would add to the range of goods and services available and visitors often make multi-purpose visits to partake in retail, leisure, offices, arts, tourism and cultural activities.

Proposals which widen the range of goods and services available are encouraged in Policy CS9 of the Core Strategy. Given that the site is not actually within the Core Area of the town centre, the need for the proposed use to support the main retail attraction of the Town Centre is not as essential but, as stated above, it is considered that the proposed

Class D1 use would have a visiting customer base (unlike the current lawful use) which has the potential to contribute to the viability and vitality of the town centre.

Taking account of the above, it is considered that the proposal does accord with Policy CS9 of the Charnwood Local Plan 2011-2028 Core Strategy, the Town Centre Master Plan and the NPPF.

There are no proposed external alterations to the building and thus it is not considered that the proposal would have an adverse impact on the visual amenity of the area. The proposal therefore accords with Policy CS2 of the Core Strategy, saved Policy EV/1 of the Borough of Charnwood Local Plan and the NPPF.

Any material alterations would require planning permission and would be dealt with on their merits. Signs at the property may require advertisement consent depending upon their size, height and form of illumination. In determining applications for advertisement consent, the local planning authority can only control signs in the interests of amenity and public safety and the content of signs does not form part of this consideration.

Amenity of local residents/businesses

Taking account of the proposed use, the size of the property and its orientation towards Woodgate (away from the closest residential properties on Leicester Road), it is considered that there would be no harm to the amenity of local residents or staff working at businesses close by in terms of noise and disturbance.

Parking

The application site has no off-street parking provision but is conveniently located in relation to town centre parking, including the public Beehive Lane car park just over 100 metres from the site. The Highway Authority has no objection to the proposal and in the absence of severe harm to highway safety, it is considered that the proposal accords with the NPPF.

Other matters

The objectives of the Loughborough Business Improvement District (BID) (a body representing almost 600 businesses in the town across all sectors that each pay an annual levy to fund improvements to the BID area) are not in themselves a material planning consideration although it is acknowledged that the viability and vitality of the town centre is an overarching aim of the project. As explained above, it is considered that the proposal would contribute positively to the town centre's viability and vitality.

Conclusion

In conclusion, it is considered that the proposed change of use would not have a harmful impact on the vitality and viability of the town centre or on visual amenity. Thus, it complies with Policies CS2 and CS9 of the Charnwood Local Plan 2006-2028 Core Strategy and Policy EV/1 of the adopted Borough of Charnwood Local Plan, the Master

Plan and the National Planning Policy Framework. It is therefore recommended that planning permission be granted for the proposal.

RECOMMENDATION:-

Grant Conditionally

- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The following advice notes will be attached to a decision

- 1 Discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

