

# Planning Committee

21 November 2013

**Reference:**  
**APP/13/01297**

**Area Team:**  
**North Team**

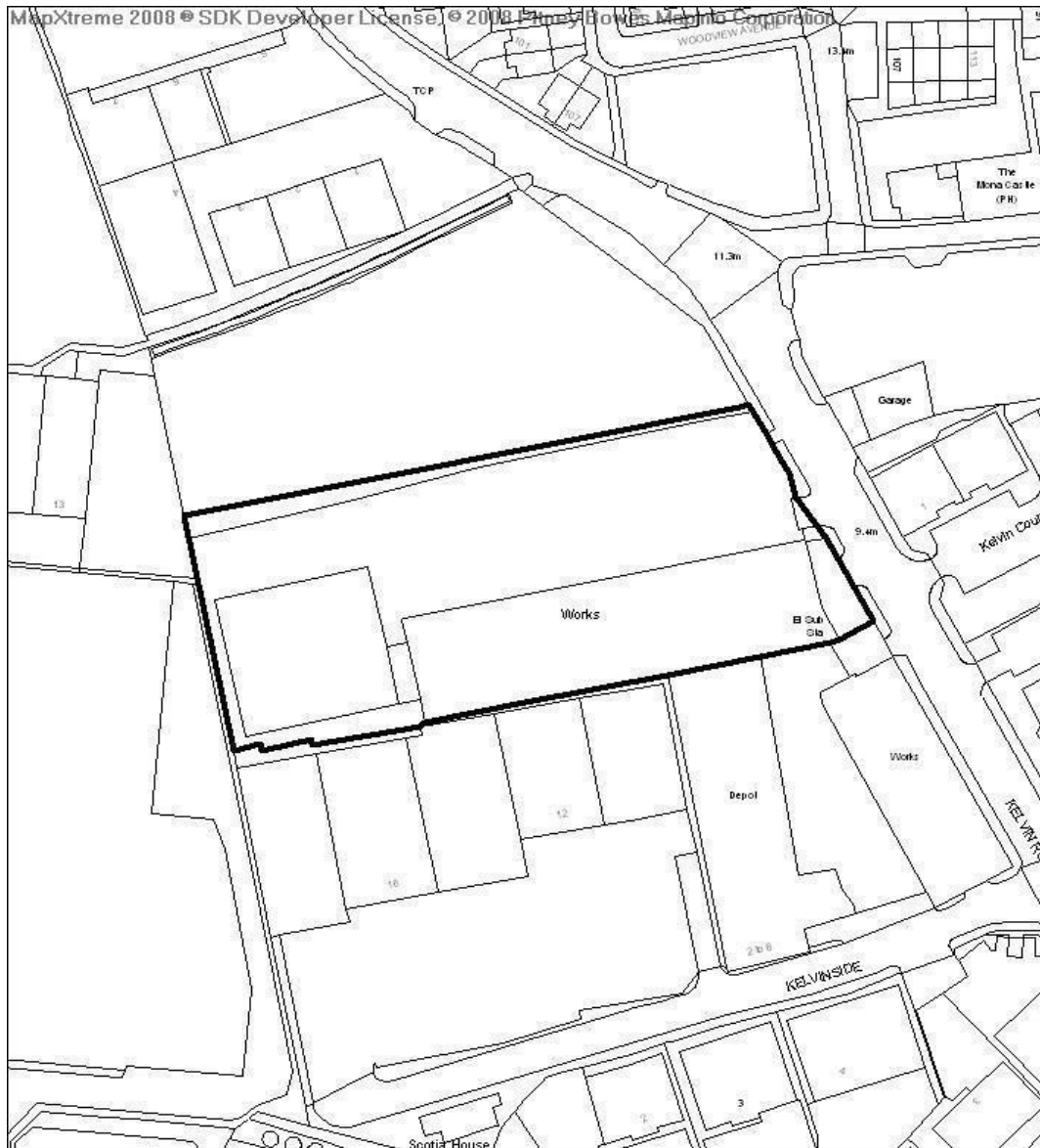
**Case Officer:**  
**Mr M Rushton**

**Ward:**  
**Seacombe**

**Location:** Former Daryl Industries, KELVIN ROAD, SEACOMBE, CH44 7DW  
**Proposal:** Temporary change of use from B1, B2 and B8 uses to D2 leisure, skateboarding facility.

**Applicant:** Rampworx Youth Village 2000  
**Agent :** N/A

## Site Plan:



© Crown copyright and database rights 2011 Ordnance Survey 100019803

**Development Plan Designation:**  
Primarily Industrial Area

## Planning History:

Location: Vacant warehouse south of (rear) E. Fletcher, Kelvin Road, Seacombe. L44  
Application Type: Full Planning Permission  
Proposal: Change of use to indoor karting centre.  
Application No: APP/90/06707  
Decision Date: 15/11/1990  
Decision Type: Approve

Location: Vacant warehouse south of (rear) E. Fletcher, Kelvin Road, Seacombe. L44  
Application Type: Full Planning Permission  
Proposal: Change of use to roller skating and skate board arena.  
Application No: APP/90/05450  
Decision Date: 15/11/1990  
Decision Type: Approve

Location: Daryl Industries, Kelvin Road, Seacombe, Wirral, CH44 7DN  
Application Type: Full Planning Permission  
Proposal: Erection of industrial unit with associated car parking and external works.  
Application No: APP/03/06588  
Decision Date: 05/09/2003  
Decision Type: Approve

Location: Daryl Industries, Kelvin Road, Seacombe, Wirral, CH44 7DN  
Application Type: Full Planning Permission  
Proposal: Extension to provide storage space and fenced area to accommodate transformer unit.  
Application No: APP/03/07477  
Decision Date: 14/01/2004  
Decision Type: Approve

Location: Land to west of (adjacent), Former Aabacus Building, Kelvin Road, Wallasey, Wirral, CH44 7DN  
Application Type: Full Planning Permission  
Proposal: Change of use to storage and washing of waste tyres in connection with recycling of tyres in adjacent building.  
Application No: APP/95/05730  
Decision Date: 20/07/2009  
Decision Type: Withdrawn

Location: Former Aabacus Building and former Fletchers Yard, Kelvin Road, Seacombe. L44 7  
Application Type: Work for Council by outside body  
Proposal: Refurbishment of existing warehouse and boundary walls.  
Application No: APP/94/06572  
Decision Date: 14/11/1994  
Decision Type: Approve

Location: Daryl Industries, Kelvin Road, Seacombe, Wallasey, Wirral. L44 7HY, (Amended location).  
Application Type: Full Planning Permission  
Proposal: Temporary car park introduction of 2000 litre LPG tank, new fence, relocation of fence and alteration of brick wall.  
Application No: APP/97/05845  
Decision Date: 01/08/1997  
Decision Type: Approve

Location: Aabacus Engineering Co.Ltd. Kelvin Road, Seacombe L44 7DN  
Application Type: Full Planning Permission  
Proposal: Erection of a rear extension to workshops and a side extension to stores

Application No: APP/77/08928  
Decision Date: 03/02/1978  
Decision Type: Approve

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

#### **REPRESENTATIONS**

Having regard to the Council's Guidance on Publicity for Applications, 19 neighbour notifications were sent to adjoining properties. A site notice was also displayed, and a press notice displayed in the Wirral Globe. No representations have been received.

Members should note that the notification period for this application does not close until the 27th November 2013. The applicant has indicated, however, that funding has been sought from Sport England to facilitate the project, which might be lost should the application not be determined at the Planning Committee of 21st November. Given this, should Members be minded to approve the granting of planning permission, a decision notice should not be issued until the 28th November - and should representations be received following Planning Committee raising new planning issues to those set out in this report, the application would be brought back to the Planning Committee of 19th December 2013.

#### **CONSULTATIONS**

The Head of Environment and Regulation (Traffic and Transportation Divisions) - No objections, subject to conditions to secure the detailed layout of the proposed access to Kelvin Road and the submission of a car park management plan - so as to ensure a suitable and safe means of access for pedestrians to the site. It is noted that there may be issues in terms of public transport access given the opening hours listed in the business plan, particularly in the evenings post 7pm and Sundays. During the day there are 3 main routes that operate on Birkenhead Road - 1A, 409 and 411 (101 in evenings) and whilst each route provides a regular service during the day after 6.30-7pm the only route that runs is the 101 at an hourly frequency. The Rampworx business plan states opening hours during the week until 10pm, whilst the 101/411 also helps to serve Birkenhead Park station and the wider bus network at Birkenhead bus station an hourly bus service means the site is not highly accessible in the evenings when potentially the key business hours will be. Also on Sundays there are no 1A or 409 services, although the 411 still runs a half hour service during the daytime. These routes only serve Birkenhead, Seacombe, New Brighton and Wallasey Village which means that customers from other locations would require interchange either from Birkenhead Park / Hamilton Square or Birkenhead Bus station which will require additional costs and time to journeys.

The Head of Environment and Regulation (Pollution Control Division) - No objections, subject to conditions to limit the hours of operation and the hours of amplified music audible at the boundaries of the site, and to require noise insulation (unless otherwise agreed in writing following further appraisal of the building) - the conditions are required to limit the potential disturbance to surrounding businesses.

Merseyside Police (Architectural Liaison) - no objection subject to conditions.

#### **Director's Comments**

#### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

The proposed development represents a Departure from the Unitary Development Plan (UDP), it being for a use within Use Class D2 in a Primarily Industrial Area. The application is therefore required to be considered by the Planning Committee under the Council's adopted Scheme of Delegation for Determining Planning Applications.

#### **INTRODUCTION**

The application proposes a temporary change of use of a pair of industrial units at the former Kohler Daryl Industries site (Use Classes B1, B2 and B8) to an indoor skateboard park (Use Class D2). The change of use would apply to each unit, a total of 3,390m<sup>2</sup>, with supporting information indicating that the project will provide a 3000m<sup>2</sup> indoor skate park, and ancillary café and healthy eating areas, workshop and training/classroom spaces, equipment hire and offices for the Rampworx organization.

The application also includes the entire service yard for the two units, which would provide 50 spaces to the applicant for car parking and additionally turning areas access.

The applicant, Rampworx, is a charity and social enterprise, principally operating from Netherton (which offers a model for the development proposed). The charity also operates a retail premises in Market Street, Hoylake. The application seeks permission for a temporary change of use of three years - planning permission has been granted in Outline for a new-build indoor skateboard facility at Valley Road in Bidston (reference OUT/13/00551), and the applicant outlines that activities would be transferred to that premises on completion. In addition, it should be noted that permission was granted for a similar temporary proposal at an adjacent unit, 4 Kelvinside earlier this year (reference APP/13/00132) - it is indicated that this permission has become undeliverable due to unresolved differences with the landlord on rent.

The project has secured grant funding from LandAid and Wirral Youth Service for setting up the project up and to enable the provision of free coaching. It is outlined in the application that Rampworx would: offer a range of employment, education and training programmes for targeted groups; provide access to advice and support on matters related to health and well being; promote increased levels of youth participation amongst users from deprived backgrounds and through relationships with other professional agencies, and; become a local service provider assisting the public sector. The proposal could therefore be seen to contribute to the promotion of social inclusion and reducing anti-social behaviour. It is outlined that the project would create 12 jobs (8 full time and 4 part time), and offer volunteering opportunities leading to NVQs (32 per year estimated). It is outlined that the use could attract up to 600 children and young people aged 5 years and above per week.

#### **PRINCIPLE OF DEVELOPMENT**

The site is designated as a Primarily Industrial Area in the Unitary Development Plan. There is no provision for uses within Use Class D2 under UDP Policy EM8. Therefore the application is a departure from the Statutory Development Plan and overriding material considerations must be identified if the Local Planning Authority is minded to grant planning permission. The former North West Development Agency also identified the area as Strategic Regional Site. The NPPF expects planning authorities to identify priority areas for economic regeneration, but also indicates that planning policies should avoid long term protection of sites allocated for employment purposes where there is no reasonable prospect of a site being used for that purpose.

#### **SITE AND SURROUNDINGS**

The site comprises of a pair of large (12 height) brick/block and profile clad industrial warehouse units with parking provision, located within the heart of the Dock Road Corridor industrial area. There are industrial uses within Use Classes B1, B2 and B8 to each side. To the east the site fronts Kelvin Road, the other side of which there are a range of small B1 and B2 units, To the south are the former Regal Wholesale units, currently used for a storage and distribution purposes (plasterboard and insulation) and WIRE a recycling enterprise accessed off Dock Road. To the west of the site are further industrial units - a number of small units and associated car parking accessed off Westfield Road, and units within Ocean Park accessed off Dock Road. To the north there is a cleared and vacant site, beyond which is the Vocational College. A number of the units to the north and east are currently vacant and being marketed for sale (or lease). The nearest residential properties are at some distance, fronting Wheatland Lane over 100m to the north.

The site is accessed from Kelvin Road. The application states that the building has been vacant since January 2011. The applicant states that the building has been marketed unsuccessfully by Matthews and Goodman since then - a statement from Matthews and Goodman is included within the Planning Statement submitted, outlining the marketing campaign undertaken and stating that the difficulties in letting the unit result from the current extremely challenging market conditions particularly for manufacturing, the size of the unit, the current propensity for storage and distribution companies to seek a more strategic location on the motorway network and to require clear span high bay units with multiple loading and dock level doors, and the number of units currently available and being marketed on Wirral.

#### **POLICY CONTEXT**

##### **Development Plan**

The development plan for Wirral consists of the Unitary Development Plan as saved by direction the Secretary of State (27 September 2007). The site is designated as a Primarily Industrial Area as shown on the UDP Proposals Map. The application is contrary to Policy EM8 (Development within Primarily Industrial Areas), which only makes provision for industrial development within Use Classes B1, B2 and B8 and for expansion of existing businesses.

UDP Policies EM6 and EM7 are also applicable. EM6 makes it clear proposals should not have an adverse effect on the operations of neighbouring uses or compromise the future development of land in the vicinity for employment uses. The introduction of a facility to cater for an estimated 600 children and young people per week (up to 100 per session) has the potential to adversely affect the character of this central part of the industrial area and impact on the attractiveness of the location to other industrial investors.

As was noted when granting a temporary consent for this use in the adjoining unit (APP/13/00132), Planning Committee has previously refused application APP/11/01009 for a day-care centre for 35 children at the former Remploy site 24 Kelvin Road, which is opposite the current application site on these grounds.

Section 38 (6) of the Planning & Compulsory Purchase Act states that: 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

### **Material Considerations**

The National Planning Policy Framework (NPPF) makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Economic, social and environmental gains should be sought simultaneously. Paragraphs 18 to 219 set out what this means in practice. It places significant weight on supporting economic growth and notes this can secure higher social and environmental standards. Although paragraph 22 of the NPPF notes that long term protection is to be avoided where there is no reasonable prospect of a site being used for its intended purpose, Local Plans are required to set out a clear economic strategy and identify priority areas for regeneration.

The NPPF also identifies recreation and leisure facilities as main town centre uses, which are subject to a sequential test with preference given to accessible sites that are well connected to a town centre if suitable town or edge of centre sites are not available. In this instance, whilst there are bus stops within the vicinity of the site it is considered that this site is not in a highly accessible location. Bus services are limited during off-peak times. Pedestrians and cyclists would need to travel along a fairly isolated road into an industrial complex. The site is also physically isolated from the main centres of population to the north and south of the industrial complex. Although the applicant is hoping to attract custom in the Wallasey area and some children may travel by bicycle, parents might be more likely to take their children to the site by car.

A small number of more central alternative sites have been considered and rejected by the applicant as unsuitable or not viable - though limited information is provided to verify this. For example, the applicant claims no funding will be available for adaptation works to empty listed buildings such as St John's Church at edge of Central Park, Liscard or Holy Cross Church in Bidston to allow a short-term use. However, no detail of this restriction on funding is provided - it is not clear whether renovation is necessary to support the proposed use in any of these buildings, nor has a breakdown of the funding sources considered (or applied for) been provided. NPPF paragraph 27 makes it clear that applications that fail the sequential test should be refused.

The Wirral Employment Land and Premises Study 2012 update, approved by the Council on 15th October 2012 (minute 60 refers) indicates this area should continue to have a role to play in accommodating small to medium industrial enterprises. The updated Study concludes that the industrial market faces a shortage of small workshops - there is a lack of units sized 1000 to 2000 sqm, and that companies still want moderate quality units on industrial estates. There is also a need to address employment deprivation especially in the east. Successful industrial businesses typically require dedicated self contained secure yards, such as that provided at the application site. The study also found that a large proportion of premises are being considered for alternative uses, which it

noted could seriously affect the Borough's ability to maintain a credible future supply. As a result the study recommends that the Dock Road Corridor area is retained as one of a handful of Key Employment Areas with influence over the whole of Wirral.

In terms of the future, the Council has proposed to safeguard this area for employment purposes within Use Classes B1, B2 or B8 through Policy CS17 in the Core Strategy Proposed Submission Draft. Alternative uses would only be considered under Policy CS17 subject to factors including the suitability for businesses in priority sectors, compatibility with the character of the area and neighbouring uses, the extent of marketing and the results of a sequential test. The site does have potential to attract a priority sector business identified under Policy CS14. In addition, the proposed use could introduce large numbers of young people to an industrial area and, it could be contended, has the potential to restrict the operation of existing employment uses in the vicinity.

The Council's Corporate Plan 2013-16 seeks to create a place where local businesses thrive and evidence in the Wirral Economic Profile (November 2012), suggests demand for premises may be rising due to an increase in the number of new enterprises since 2011, which was higher than the national average.

The applicant has, however, made it clear that they are only currently seeking a temporary use of the building for a period of 3 years to enable them to better assess the prospect of progressing a larger new build project at Bidston, where the Council has been working in partnership with Rampworx in an attempt to bring a modern extreme sport facility forward next to the existing sports centre at Valley Road, which is allocated for New Recreational Facilities under UDP Proposal RE2 - and for which Outline planning permission has now been granted.

A benefit could, therefore, be accrued from bringing an empty property into use for a temporary period of 3 years to establish the level of demand for a facility of this type and its impact in this location, after which time the Local Planning Authority could have the opportunity to re-assess use in the light of the economic climate in 2016.

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

There are no issues in terms of appearance, as the activities would take place indoors. The industrial unit has a distinct access and parking area, which would not be shared with other users. The Head of Environment and Regulation (Environmental Protection) has raised no objection to the proposed development, though conditions are requested to address the potential for noise from the proposed development, both from the use itself and from amplified or live music which it has been identified may take place once the use is established. A condition is proposed to require a scheme of sound insulation, unless an alternative approach can be agreed in writing following further assessment of the building. Conditions are also proposed to limit the opening hours of the building to those detailed in the application made, and to restrict amplified/live music to evening hours after 6pm during the week (no such restriction is considered necessary at weekends). The conditions provide the means to prevent nuisance through noise to adjoining businesses (the unit is physically attached to a number of units to the south)

#### **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 significant traffic management impacts anticipated, however a detailed layout of the proposed access to Kelvin Road and the arrangements for the management of access and parking will need to be submitted to demonstrate suitable and safe access for pedestrians to the site - planning conditions are proposed to this effect.

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

The site is not in a central location and the use is likely to encourage a number of car journeys.

#### **HEALTH ISSUES**

There are no significant health implications relating to this application, the provision of an indoor sport facility could promote the health of young people.

## CONCLUSION

The proposal is contrary to UDP Policies EM8 and EM6 but needs to be considered against the benefits that could be accrued in the short term from bringing an empty building back into use and the positive impact on social inclusion from the operation of this charitable organisation and social enterprise. On balance a temporary permission could be granted to enable the Local Planning Authority to reconsider the position in 2016 including the progress on the applicant's proposals for a larger scheme at the Bidston Recreational Development Site. Thus Members may wish to approve the application subject to conditions limiting the planning permission to 3 years, preventing a change of use to other purposes in Use D2 and controlling the separation of internal floorspace to ensure other facilities remain ancillary to the main use.

### 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 and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

Although the proposed use is contrary to UDP Policy EM8 - Development with Primarily Industrial Areas, which only makes provision for development within Use Classes B1, B2 or B8 of the Town and Country Planning (Use Classes) Order 1987, the benefits from a temporary permission are considered on balance, to be sufficient to warrant overriding the statutory development plan in this particular case.

**Recommended Decision:**                      **Approve subject to no additional representations raising additional planning matters being received by 27th November 2013.**

### Recommended Conditions and Reasons:

1. The use hereby permitted shall be discontinued and associated equipment removed for the building to enable premises to be used for industrial purposes on or before 22nd March 2016 in accordance with a scheme of works previously submitted to and approved in writing by the Local Planning Authority.

**Reason:** Given that the application represents a Departure from the Unitary Development Plan, and to assess the effect of the development on the character and future use of the surrounding Primarily Industrial Area, having regard to UDP Policy EM8.

2. The premises shall be used only for the purpose of an indoor skateboard park (including inline skating, BMX, skateboarding and scootering), as outlined in the submitted Planning Statement (received by the Local Planning Authority 24th October 2013) and for no other purposes, including other uses within Use Class D2 of the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment

**Reason:** To ensure that the use of the premises is limited to that assessed, and does not have a harmful impact to adjoining designated retail centres or the operation of the surrounding Primarily Industrial Area, having regard to UDP Policies EM6, EM7 and EM8, and the National Planning Policy Framework.

3. Before the development is commenced, a scheme for sound insulation of the building shall be submitted to and approved by the Local Planning Authority specifying the provisions to be made for the control of noise emanating from the site, unless it has previously been agreed in writing by the Local Planning Authority otherwise. These measures shall then be implemented in full before the development is occupied.

**Reason:** To prevent the emission of noise above a level which would be detrimental to the

amenity of those working in the surrounding area and to comply with Policies PO3 and EM8 of the Wirral Unitary Development Plan.

4. The premises shall only be open between the hours of 1600 and 2200 Monday to Friday and between 1030 and 1900 on Saturdays, Sundays and Bank Holidays, and shall be closed at other times.

**Reason:** To prevent a level of use at times when there is potential for that use to be detrimental to the amenity of those working in the surrounding area and to prevent detrimental impact to adjoining land uses, to comply with Policies PO3 and EM8 of the Wirral Unitary Development Plan.

5. There shall be no live music, amplified music or live entertainment audible at the boundaries of the site except between the hours of 1800 and 2200 Monday to Friday, and 1030 to 1900 on Saturdays, Sundays and Bank Holidays.

**Reason:** To prevent noise and disturbance to nearby businesses and to prevent the emission of noise above a level which would be detrimental to the aural amenity of the area and the operation of adjoining businesses, to comply with Policies EM6, EM7, EM8 and PO3 of the Wirral Unitary Development Plan.

6. No part of the development shall be brought into use until full details of the means of vehicular and pedestrian access to the site together with details of the proposed car parking layout and servicing arrangements have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the details shall include physical measures to provide a safe separate pedestrian access point to the site from Kelvin Road, and a Management Plan for the operation of the servicing yard and car parking area. The development shall only be implemented and managed in accordance with the approved details, and shall be retained and managed as such thereafter.

**Reason:** In the interests of highway safety and designing out crime, to accord with Policy EM8 of the adopted Wirral Unitary Development Plan and the National Planning Policy Framework.

7. No part of the development shall be brought into use until full details of signage and lighting to provide a means of illumination to the pedestrian access point to Kelvin Road have been submitted to and agreed in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details, and shall be retained as such thereafter.

**Reason:** In the interests of pedestrian safety and designing out crime, and to accord with Policy EM8 of the adopted Wirral Unitary Development Plan and the National Planning Policy Framework.

8. No part of the development shall be brought into use until space and facilities for cycle parking of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority have been provided and these facilities shall be permanently retained thereafter.

**Reason:** In the interests of highway safety and to accord with Policy TR12 of the Wirral Unitary Development Plan.

9. Development shall not be commenced until a Travel Plan has been submitted to and



approved in writing by the Local Planning Authority. The provisions of the Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In the interests of highway safety and to accord with Policies EM6 and RE1 of the Wirral Unitary Development Plan.

10. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 06th November 2013.

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

**Last Comments By:** 27/11/2013 11:48:11  
**Expiry Date:** 19/12/2013