

# Planning Committee

15 September 2016

**Reference:**  
**APP/16/00950**

**Area Team:**  
**South Team**

**Case Officer:**  
**Mr K Spilsbury**

**Ward:**  
**Bromborough**

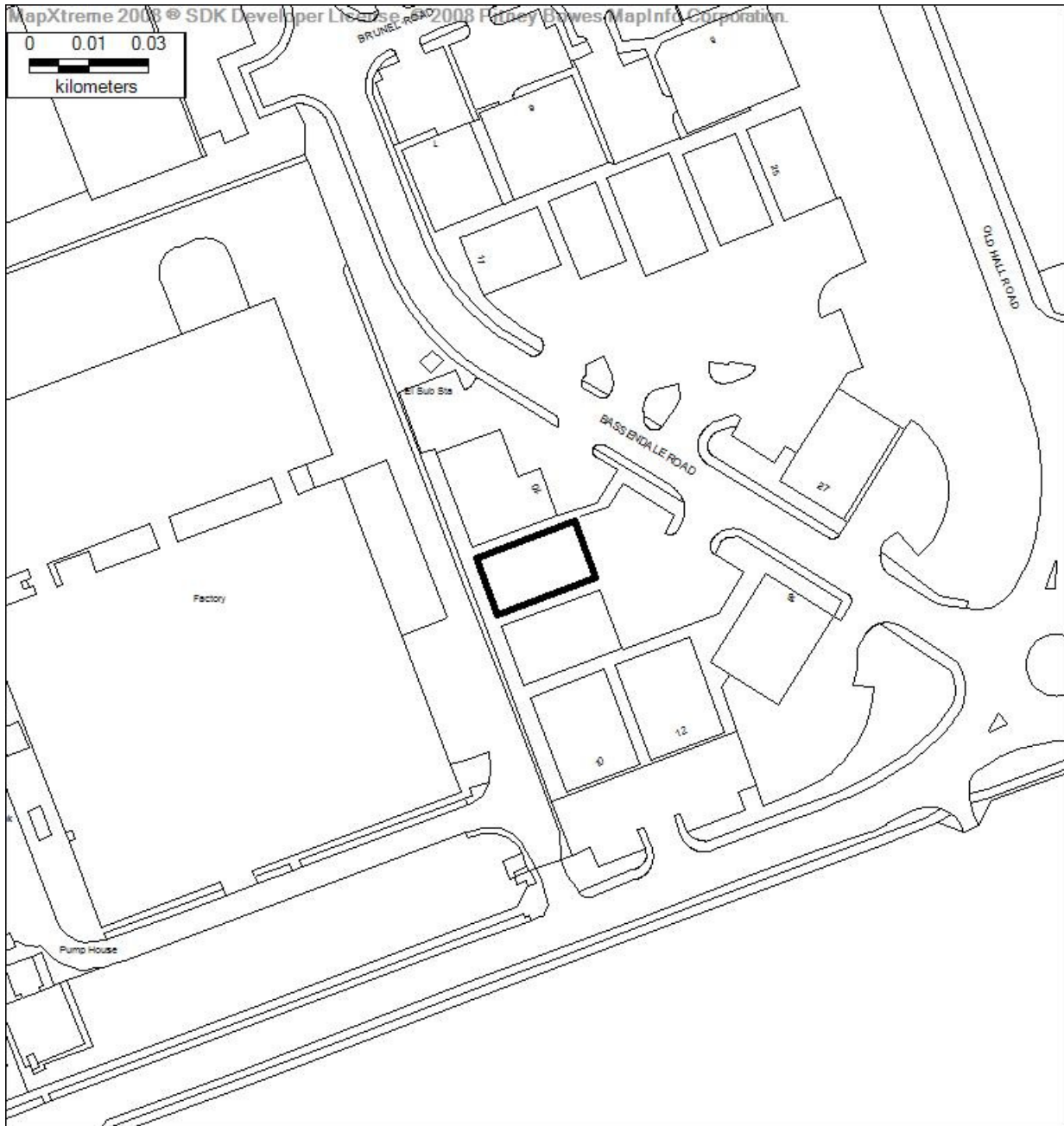
**Location:** GEG Motorcycle Rider Training, 12 BASSENDALE ROAD, BROMBOROUGH, CH62 3QL

**Proposal:** Compound change of use application for D2 and B1/B2/B8 uses

**Applicant:** Mr J Jaggard

**Agent :** Philip Barton MCD BA(Hons) MRTPI

## Site Plan:



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**Development Plan Allocation:**  
Employment Development Site

**Planning History:**  
No relevant planning history

**Summary Of Representations and Consultations Received:**

REPRESENTATIONS:

Having regard to the Council's Guidance on Publicity for Applications, 6 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:

**Head of Environment & Regulation (Traffic & Transportation Division)** - No Objections

**Head of Environment & Regulation (Pollution Control Division)** - No Objections

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

**Director's Comments**

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

The application is a departure from the Unitary Development Plan and as such under the current scheme of delegation must be heard at planning committee.

**INTRODUCTION**

The application seeks permission for a compound change of use from B1/B2/B8 to B1/B2/B8 and D2. The applicant intends to use the building as a gymnasium. If permission is granted, at any time within the next 10 years the use could alternate between any of these use classes without the need for further permission, under the provision of Schedule 2, Part 3, Class V of the GPDO 2015. Moreover, the use would automatically revert to B1/B2/B8 at the end of the 10-year period. This means that, should the D2 use cease at any time during the life of the permission, there would be no need for the next tenant to seek permission to revert to B1/B2/B8 use.

**PRINCIPLE OF DEVELOPMENT**

The site is allocated as an Employment Development Site in the Unitary Development Plan. There is no provision for D2 uses under UDP Policy EM3. The proposal is a departure from the Development Plan, therefore, in accordance with planning legislation the application should not be approved unless material considerations indicate otherwise.

**SITE AND SURROUNDINGS**

The site is located on the Croft Business Park which comprises a large industrial area with a number of different sized units with dedicated parking.

The site is a detached, purpose built industrial unit surrounded by similar units that were all built at the same time.

**POLICY CONTEXT**

As the proposal will introduce a non-industrial use on an allocated Employment Development Site, the proposal must be assessed against Wirral's UDP Policy EM3.

Policy EM3 allocates the site for general employment uses within Classes B1, B2 or B8 of the Town and Country Planning (Use Classes) Order 1987 subject to UDP Policies EM6 and EM7.

The proposed gymnasium is therefore not in accordance with the UDP.

Material considerations, that need to be taken into account, include the National Planning Policy Framework (NPPF) which indicates that 'health and fitness centres' are Main Town Centre Uses (Annex 2). NPPF 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, and recognise that businesses should not have unreasonable restrictions put on them because of changes in nearby land use, but expects planning policies should 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. 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.

The applicant has submitted a town centre sequential assessment based on a Tractivity search provided by the Council and foot survey of the area of Bromborough that was conducted on 5th July 2016. The sequential assessment is based upon the applicant's business plan which has been used to determine the financial viability of the proposal and as such premises with rental costs of no more than £17,000 per annum have been investigated.

The applicant sets out a series of parameters that would be needed for the business based upon its intended use and as such properties of between 232 sqm and 372 sqm have been included in the property search. Other factors including facilities, height of building, floor construction and accessibility to the applicant's staff and client base were used to determine the search area.

The applicant has provided a list of 7 sites in the search area of Bromborough that have been discounted for reasons based upon the applicant's requirements. It is stated that a foot survey of Bromborough Town Centre failed to identify any further premises that met the applicant's requirements.

The sequential assessment concludes that three units were short listed, and only 12 Bassendale Road met all of the applicant's requirements.

Although UDP Policy EM8 only makes provision for industrial uses within Use Classes B1, B2 and B8, Policy CS17 in the emerging Local Plan proposes, in line with national policy, to continue to safeguard employment areas and to only allow alternative uses where:

- the site is not suitable for one of the priority sectors; and
- there has been continuous marketing 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; and
- in the case of residential development, that additional housing is needed to demonstrate a 5 year supply of housing land; or
- the development is necessary to secure employment development that would not be otherwise viable.

Priority is to be given to protecting high scoring sites capable of providing employment and training in areas of greatest need.

The applicant has provided evidence to suggest that the site has been marketed for 9 months since the previous tenant moved out on three industry based websites without success.

The applicant intends to use the building as a gymnasium. If permission is granted, at any time within the next 10 years the use could alternate between any of these use classes without the need for further permission, under the provision of Schedule 2, Part 3, Class V of the GPDO 2015. Moreover, the use

would automatically revert to B1/B2/B8 at the end of the 10-year period. This means that, should the D2 use cease at any time during the life of the permission, there would be no need for the next tenant to seek permission to use the premises for B1/B2/B8 i employment purposes. This will therefore safeguard the long term viability of the primarily Industrial area whilst also meeting the needs of the applicants business.

Should members be minded to approve the application, a condition can be imposed for the duration of 10 years that the premises, following the 10 year period of use between the grant of planning permission for D2 use the applicant will need to reapply for planning permission in order to maintain the character of the industrial area.

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

The proposed change of use does not seek to alter the appearance of the building.

#### **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**

Gymnasiums are normally expected to be located within existing town centres in line with the Government's view of what sustainable development means in practice through the National Planning Policy Framework.

#### **CONCLUSION**

Having regard to the material considerations including sequential test set out in the NPPF, the marketing information and the fact that this is a compound application that if permission is granted, at any time within the next 10 years the use could alternate between the D2 use or the B1/B2/B8 use classes without the need for further permission, under the provision of Schedule 2, Part 3, Class V of the GPDO 2015, it is considered, on balance, that the proposal could be accepted in this particular case.

#### **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:-

Having regard to the sequential test set out in the NPPF and the fact that this is a compound application that if permission is granted, at any time within the next 10 years the use could alternate between the D2 use or the B1/B2/B8 use classes without the need for further permission, under the provision of Schedule 2, Part 3, Class V of the GPDO 2015, it is considered, on balance, that the proposal could be accepted in this particular case.

**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 19th July 2016 and listed as follows:  
15.27.JJ.COM.002 (Dated 20.05.2016)

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

3. The premises shall be only be used as gymnasium or for industrial purposes as described and set out in the planning statement submitted with the planning application information, including for no other purpose within 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 and to accord with Policy EM8 of the Wirral Unitary Development Plan.

4. This permission shall be for a limited period of 10 years only expiring on 16/09/2026 when (unless a further application has been submitted to and approved by the Local Planning Authority) the D2 use hereby approved shall be discontinued and/or works hereby approved shall be removed and the B2 use of the property reinstated to the satisfaction of the Local Planning Authority.

**Reason:** The application premises are situated in an area allocated for Industrial use under Council's policies and permission for a longer period would prejudice the land use allocation.

**Last Comments By:** 22/08/2016  
**Expiry Date:** 13/09/2016