

# Planning Committee

10 November 2016

**Reference:**  
**APP/16/00982**

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

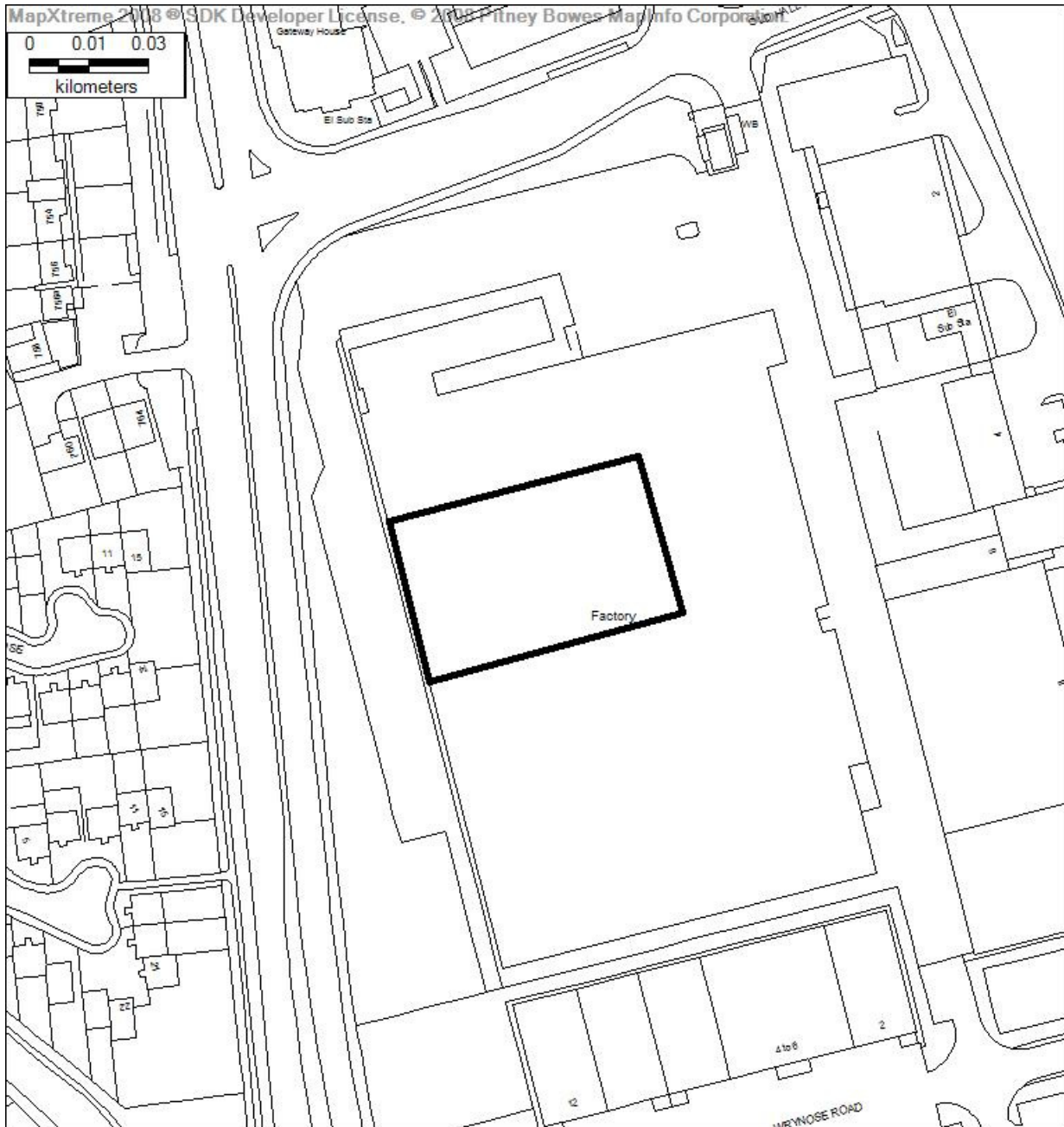
**Case Officer:**  
**Mr K Spilsbury**

**Ward:**  
**Bromborough**

**Location:** Unit 2 & 3, Candy Park 1, OLD HALL ROAD, BROMBOROUGH, CH62 3PE  
**Proposal:** Change of use to class D2 leisure with ancillary cafe facilities (amended description)

**Applicant:** Kimell Ltd  
**Agent :** Croft Architecture

## Site Plan:



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**Development Plan allocation and policies:**

Primarily Industrial Area

**Planning History:**

Location: Candy Park 1, NEW CHESTER ROAD, BROMBOROUGH  
Application Type: Full Planning Permission  
Proposal: Change of use of vacant warehouse to create an Indoor Cricket Centre dedicated predominantly to the sport of Indoor Cricket (with associated practice / training facilities). The facility also to offer/incorporate (at various times) indoor sports courts to accommodate the playing of indoor hockey, bowls, volleyball and football, together a viewing / cafe zone, toilets, changing / showering facilities, and reception / office area  
Application No: APP/09/06553  
Decision Date: 12/03/2010  
Decision Type: Approved

Location: Units 1-3, 11 & 12B, Candy Park, OLD HALL ROAD, BROMBOROUGH, CH62 3PE  
Application Type: Full Planning Permission  
Proposal: Over cladding of existing light industrial building including alterations to doorways and window fenestration. External works only - no internal alterations under this application.  
Application No: APP/16/00482  
Decision Date: 07/07/2016  
Decision Type: Approved

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

Having regard to the Councils adopted Guidance on Publicity for Planning Applications, 21 letters of neighbour notification were issued to adjoining residents and a Site Notice displayed. At the time of writing this report no letters have been received.

**CONSULTATIONS:**

**Head of Environment and Regulation (Traffic and Transportation Division)** – no objection

**Head of Environment and Regulation (Environmental Health Division)** – no objection.

**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 the conversion of unit 2 Candy Park from B1/B2/B8 to D2 use. The applicant intends to use the building in connection with unit 3 Candy park which already benefits from planning permission for D2 use (under planning application: APP/09/06553).

**PRINCIPLE OF DEVELOPMENT**

The site is designated as a Primarily Industrial Area in the Unitary Development Plan. There is no provision for D2 uses under UDP Policy EM8. The proposal is a departure from the Development Plan and as such the principle of this development is not considered to be acceptable, unless justified through a sequential test and marketing evidence is provided.

**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 large purpose built industrial unit surrounded by similar units, all built at the same time. The proposed development includes both units 2 and 3 Candy Park.

Planning consent has recently been granted for the over cladding of existing light industrial building including alterations to doorways and window fenestration. External works only - no internal alterations under this application. (APP/16/00482).

## **POLICY CONTEXT**

As the proposal will introduce a non-industrial use in a designated Primarily Industrial Area, the proposal will be assessed against Wirral's UDP Policy EM8 and the National Planning Policy Framework.

Policy EM8 Development within Primarily Industrial Areas states; Within the Primarily Industrial Areas indicated on the Proposals Map, proposals for the following uses will be permitted, uses falling within Classes B1, B2 or B8 of the Town and Country Planning (Use Classes) Order 1987 and proposals for the reconstruction, extension or expansion of existing businesses, including those involving the introduction of a notifiable hazardous substance above its controlled quantity subject to Policy PO8.

The proposed D2 use is therefore not in accordance with the UDP.

The National Planning Policy Framework (NPPF) states that 'health and fitness centres' are Main Town Centre Uses (Annex 2) and that Local Planning Authorities should 'ensure the vitality of town centres' and recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. 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.

NPPF also states that Local Authorities should; promote mixed use developments, and encourage multiple benefits from the use of land in urban areas. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure or services and should support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.

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. Land allocations should be regularly reviewed. 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.

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.

The applicant has submitted a sequential assessment based on the applicant's requirements; Flipout Trampolining area. Due to the size requirements of the operation and the equipment needed the applicant Flipout usually operates from Industrial buildings due to the floor requirements and double height space as flip out centres are fitted with trampolines, crash mats and other play equipment. The

sequential assessment is based upon the applicant's business model which has been used to determine the location of the proposal the proposal. These include:

- To allow customers a feeling of a welcoming space and a lively atmosphere, the optimum size for the trampolining space needs to be a minimum of 20,000 sq. ft.
- A major advantage Flipout has over its competitors is the standard of the trampolining apparatus. The quality of the trampoline mats and springs allows customers to experience a truly exhilarating activity. In order to furnish the arena with this superior quality apparatus, the premises need to have an eaves height over 6.0 metres, and ideally above 7.5 metres
- Main road frontage is very important for self-marketing and passing trade.
- The premises need to have easy access to public transport, close to motorway or major roads
- Premises need to be located in an area that allows easy access by road, which means that customers can get to the most popular sessions (Monday – Friday 4.00pm to 8.00pm, all day at weekends) without too much local traffic congestion. This is important as the online session booking system allocates customers a one hour time slot for trampolining. If they arrive late they will be able to enjoy less time on the trampolines.
- Being located within 15 minutes' drive of leisure and shopping facilities will allow families to make a day out in the local area.
- In order to give customers the feeling that they are going to a leisure venue the premises need to be more attractive than a usual warehouse
- The premises need to be within distance of local residents, schools and youth clubs.
- The premises need to have a suitable interior to allow for a reception that can handle 50 to 60 customers at once upon their arrival.
- There needs to be on-site parking or parking nearby for minimum 50 cars.

The applicant has provided a list of 6 sites in the search area of Wirral and 1 in Hooton that have all been discounted for reasons based upon the applicants requirements listed above. The applicant has only explored alternate industrial sites due to the 20,000 sq. ft. space requirement and as a result all town centre sites were also discounted. In addition unit 3 has planning consent for D2 usage (assembly and leisure) and as such the change of use is only required for unit 2.

The sequential assessment concludes of all the short listed sites only units 2 and 3 Candy Park met all of the applicant's requirements. Further evidence was also requested by the Local Planning Authority in order to ensure the site had been properly marketed for its intended industrial use prior to submission. The applicant has submitted a marketing document from B8 Real Estate which states:

Following lease expiry with the previous tenant, Tile World who vacated Unit 2, an enormous amount of marketing has been undertaken by my company and our joint agents Legat Owen, on behalf of the site owners in an effort to attract an occupier for industrial/warehouse purposes.

Active marketing has been undertaken of the unit since circa 2010/2011 including the preparation and printing of double sided leaflets in full colour, incorporating photographs, location plan, site plan and appropriate wordage.

Those details have been extensively forwarded to local industrial/warehouse property users and North West industrial agents. Furthermore, the units' availability is listed on both letting agents' websites, Zoopla Commercial, Rightmove, Showcase, Nova Loca and Move Hut.

They state that during that time, four companies have made enquires about the site but have all dismissed the unit on the grounds that it was not suitable for their needs. They therefore conclude that there has been limited interest from traditional B1, B2, B8 occupiers.

Having regard to the sequential test set out in the NPPF and the marketing evidence provided by the applicant it is considered that the proposal would be acceptable in this instance and is therefore recommended for approval.

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

The development will incorporate a large trampoline area, ancillary cafe, kitchen, toilets staff room and office. The development will also include external alterations that will update those approved earlier this year under planning application APP/16/00482. It is considered that the proposed changes will greatly

enhance the visual quality of the existing building and the surrounding commercial area.

The proposal does not lead to an unacceptable loss of amenity, have an adverse effect on the operations of neighbouring uses or compromise the future development of land in the vicinity for employment or other uses.

#### **SEPARATION DISTANCES**

Separation distances do not apply in this instance.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

Satisfactory access to the development can be provided in a way which is not detrimental to the amenity of the area. Following consultation with the Head of Environment and Regulation (Traffic and Transportation Division) it is considered that the proposal will not generate traffic in excess of that which can be accommodated by the existing or proposed highway network.

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

There are good transport links along New Chester Road and as such the unit is located within a highly accessible location well connected to Bromborough Town Centre and close to the M53 motorway.

#### **CONCLUSION**

Having regard to the sequential test set out in the NPPF and the marketing evidence provided it is considered that the proposal would be acceptable in this instance.

#### **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 marketing evidence provided it is considered that the proposal would be acceptable in this instance.

**Recommended Decision:**                      **Approve**

#### **Recommended Conditions and Reasons:**

1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 12th September 2016 and listed as follows: 2316-005 (Dated 23.03.16), 2316-006 & 2316-007

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

2. 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).

3. The unit shall be used as an trampoline arena with ancillary cafe and for no other purpose, including any other purpose in D2 (Assembly and Leisure) of the schedule to the Town and Country Planning Use Classes (Amendment) Order 2005, or any subsequent Order or statutory provision revoking or re-enacting that Order, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to protect the designation of the area and to accord with Policy EM3 of the Wirral Unitary Development Plan.

4. No development shall take place until details of secure covered cycle parking and/or storage

facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

**Last Comments By:** 17/10/2016

**Expiry Date:** 07/11/2016