

**Planning Committee**

19 October 2017

**Reference:**  
**APP/17/00756**

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

**Case Officer:**  
**Miss A McDougall**

**Ward:**  
**Bromborough**

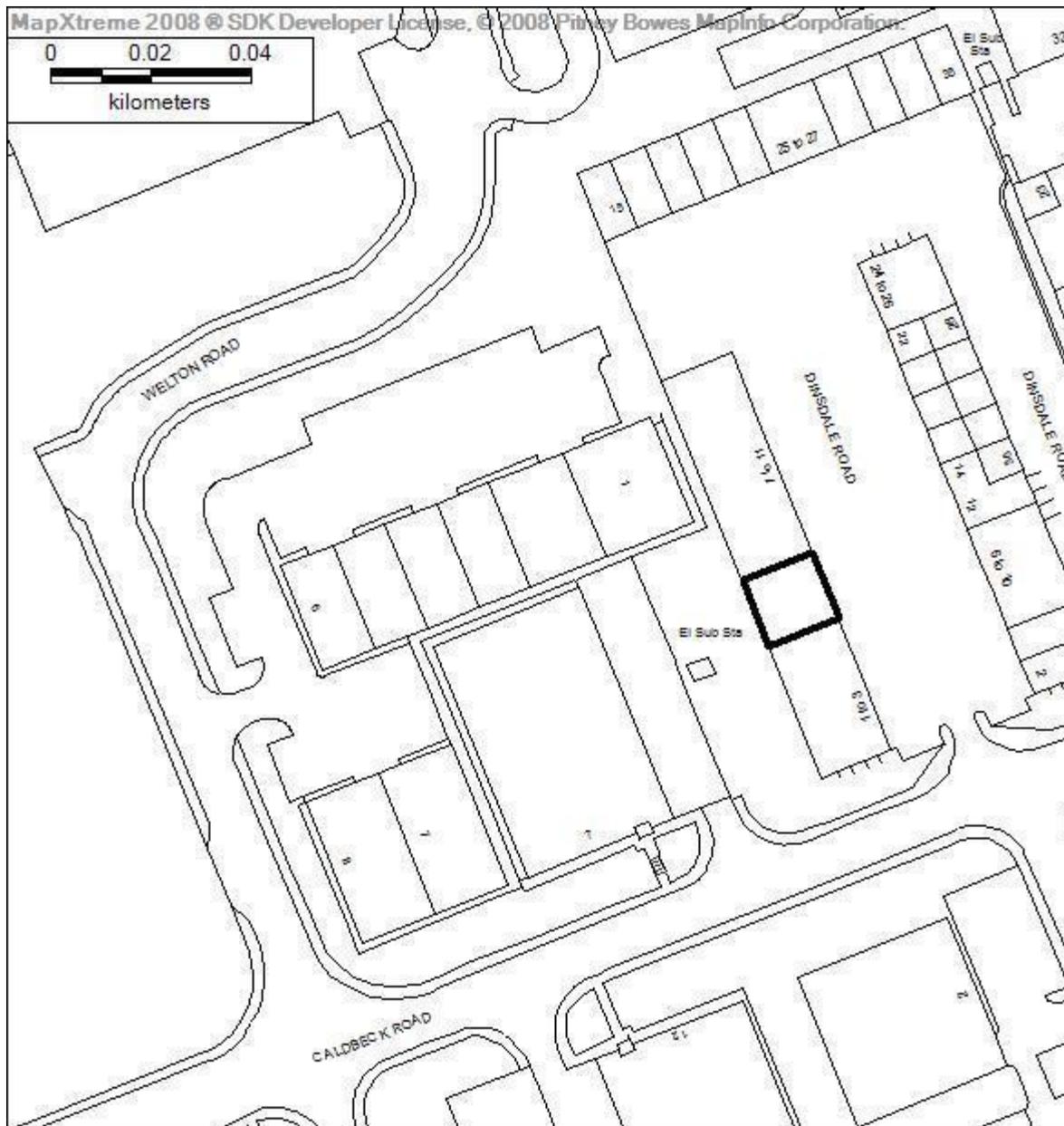
**Location:** Nova Carpets and Fabrics, 3 DINSDALE ROAD, BROMBOROUGH, CH62 3PY

**Proposal:** Change of use to dance academy (D2)

**Applicant:** Fusion Dance Academy

**Agent :** MTP Town Planning

**Site Plan:**



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**Development Plan allocation and policies:**

Primarily Industrial Area

**Planning History:**

No related planning history

**Summary Of Representations and Consultations Received:**

**REPRESENTATIONS:**

Having regard to the Council Guidance on Publicity for Applications, 8 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:**

Highways - No Objections

Environmental Protection - No Objections subject to conditions

**DIRECTORS COMMENTS:**

**REASON FOR REFERRAL**

The proposal is a departure from the development plan.

**INTRODUCTION**

The proposal is for the change of use from a vacant carpet/fabric shop to a D2 dance academy.

The dance academy is currently utilising Wirral Grammar School for Girls.

**PRINCIPLE OF DEVELOPMENT**

The proposal is not considered acceptable in principle as the site is Primarily Industrial and the use is a Key Town Centre use. In accordance with the NPPF the agent has submitted a sequential test and evidence of marketing, the unit has been vacant since 1st April 2015..

**SITE AND SURROUNDINGS**

The site is a small industrial unit located within Croft Business Park, the character of the immediate area is mixed, there is a variety of unit sizes and uses. The premises is located within close proximity to Croft Retail Park and approximately 520m from Bromborough Key Town Centre.

**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 pro actively 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.

### **APPEARANCE AND AMENITY ISSUES**

The industrial unit has been vacant since April 2015, the proposal is to convert the property into a dance studio D2, which is not considered to be an employment use and is therefore a departure from the Unitary Development Plan.

The dance academy is split into two studios, there are two members of staff taking classes at any one time and can cater for up to 20 students in each class. The site has an area to the front of the building for car parking or to provide a pick up and drop off service, the car parking is communal and serves this unit and the surrounding units.

A sequential assessment based on the applicant's requirements has been submitted which also addresses discounting of other nearby sites; The proposed use is a dance academy which includes gymnastics training and related equipment, with the requirement for floor layout and height space, available units are at a minimum given that many traditional key town centre units are smaller in scale.

The applicant has provided a list of 7 appropriate sites in the search area of Bromborough and Wirral that have all been discounted for reasons based upon the applicant's requirements. The use is for a dance and gymnastics club, this requires high ceilings and large floor areas, the agent has stated that Birkenhead Key Town Centre is out of the catchment area for the established members, the available units in Bromborough are too small and there are no suitable spaces available in New Ferry.

The sequential assessment concludes that of all the short listed sites only units 1 and 3 Dinsdale Road met all of the applicants 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 Beresford Adams Commercial Chartered Surveyors and a supporting letter from the director, the premises has been marketed since April 2015. Active marketing has been undertaken of the unit since circa 2015 including Marketing boards, bespoke marketing brochure and circulars to local and regional agents, a copy of the brochure has been submitted as part of the evidence. Furthermore, the units' availability is listed on both letting agents' websites, Zoopla Commercial and Wirral Direct. The agent has confirmed that they have had 4 viewings of the unit, non forthcoming, two stated the unit was too large, one said the unit was too expensive and no further comment from the fourth viewing.

It should also be noted that there are 10 vacant units within the vicinity, units 18, 28, 31, 32 have been vacant since June 2017, Units 33, 35 have been vacant since December 2016 and Units 1, 3, 19 and 20 have been vacant for more than 18 months.

It is therefore considered that given the level of information and evidence regarding the limited demand for these units for industrial purposes, the proposed use of unit 3 for D2 would not accommodate the only industrial units available within this area and would not therefore result in a material change to the character of the area.

Having regard to the NPPF and Wirrals draft Core Strategy Policy CS17, the agent has submitted marketing evidence within the catchment area for the existing business which is currently located at Wirral Grammar School for Girls, discounting vacant units within Bromborough Key Town centre and confirming that the agents have not been able to secure tenants with access to funding due to the type of businesses enquiring and lack of interest in the units due to size and location 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**

There are no Environmental/Sustainability issues relating to these proposals.

#### **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, the use of this building for D2 purposes is unlikely to result in harm to the viability of nearby retail centres.

#### **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, the use of this building for D2 purposes is unlikely to result in harm to the viability of nearby retail centres.

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

### **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 26 June 2017.

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

3. The premises shall be used for Dance and Gymnastics and for no other purpose (including any other purpose in D2 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.

**Reason:** In order to protect the character of the area & residential amenities of nearby occupants and to accord with the National Planning Policy Framework.

4. Acoustic insulation must be applied to the party wall that is shared with adjacent units in order to minimise the propagation of both air and structure borne sound from the proposed dance school. Details of the scheme of insulation must be submitted to and agreed in writing by the local planning authority and installed as agreed prior to first use.

**Reason:** Having regard to potential noise nuisance

5. The doors and windows of the premises shall be kept closed, details of sufficient mechanical ventilation/air conditioning should be provided to the performance/training areas. The details of the proposed ventilation should be submitted to and approved in writing by the Local Planning Authority and installed as agreed prior to first use.

**Reason;** Having regard to noise and disturbance

6. The use hereby permitted shall be discontinued and the land restored to its former condition on or before ten years of the approval date in accordance with a scheme of work(s) to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To enable an assessment of the effect(s) of the development on the amenities of the character of the area, having regard to Policy EM8 of the Wirral Unitary Development Plan.

### **Further Notes for Committee:**

**Last Comments By:** 11/08/2017 15:17:35

**Expiry Date:** 21/08/2017

