

## Planning Committee

16 November 2017

**Reference:**  
**APP/17/00899**

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

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

**Ward:**  
**Greasby Frankby  
and Irby**

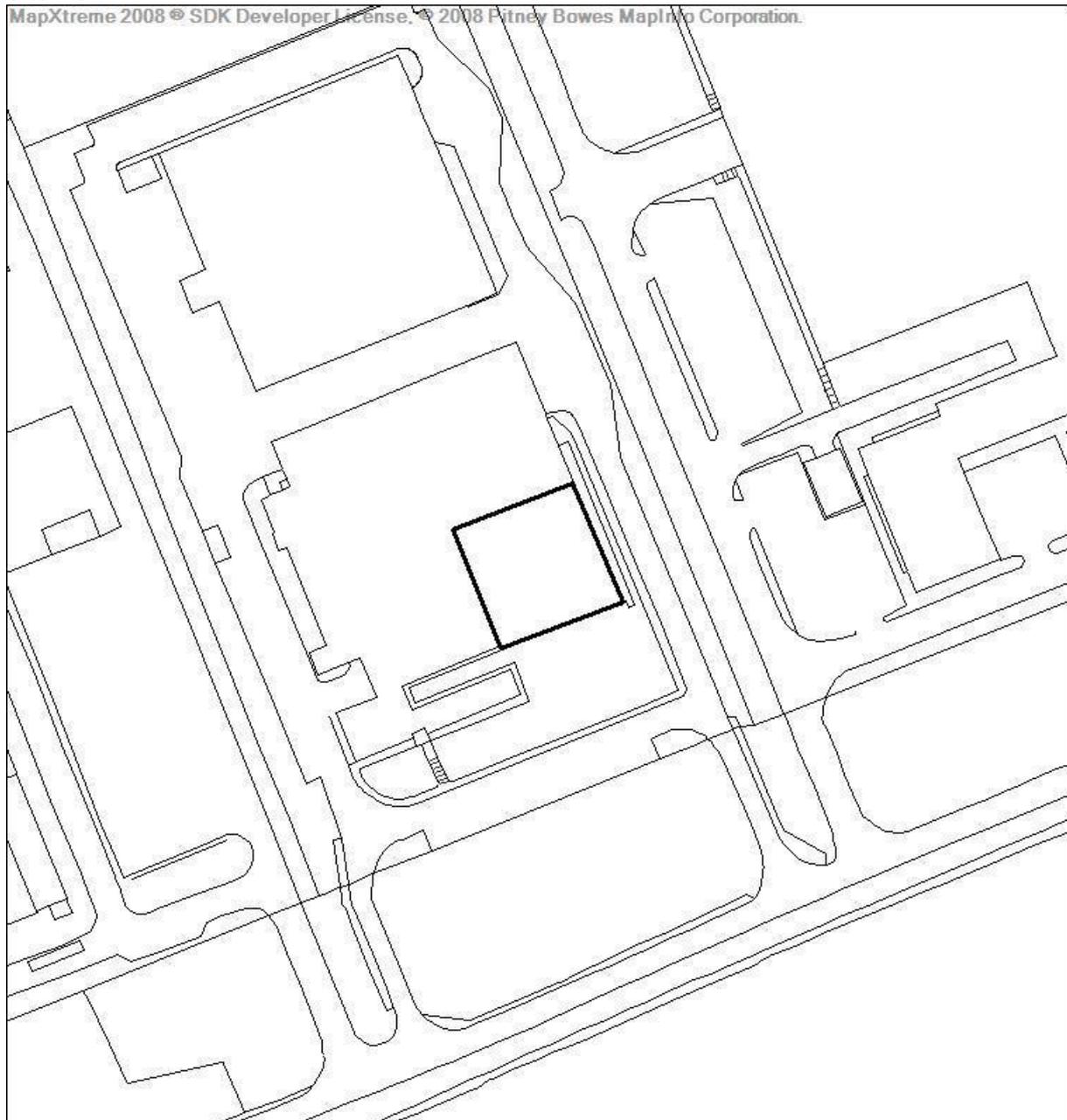
**Location:** Unit 1&2, Arrowe Commercial Park, ARROWE BROOK ROAD, UPTON,  
CH49 1AB

**Proposal:** Proposed change of use from vacant Industrial unit to D2 Use - Gymnasium

**Applicant:** Mr Andrews

**Agent :** Bromilow Architects Ltd

### Site Plan:



**Development Plan Designation:**

Primarily Industrial Area

**Planning History:**

Location: Micropore Insulation, 1, Arrowe Brook Road, Upton. L49 1SX  
Application Type: Full Planning Permission  
Proposal: Erection of a first floor extension.  
Application No: APP/93/06023  
Decision Date: 03/09/1993  
Decision Type: Approve

Location: Micropore Insulation, 1, Arrowe Brook Road, Upton. L49 1SX  
Application Type: Full Planning Permission  
Proposal: Erection of a first floor extension to offices and an external fire escape.  
Application No: APP/90/06569  
Decision Date: 10/09/1990  
Decision Type: Approve

Location: Micropore Insulation, 1, Arrowe Brook Road, Upton. L49 1SX  
Application Type: Full Planning Permission  
Proposal: Erection of a single storey extension for canteen.  
Application No: APP/90/05154  
Decision Date: 22/03/1990  
Decision Type: Approve

Location: Micropore 1, Arrowe Brook Road, Upton. L49 1SX  
Application Type: Full Planning Permission  
Proposal: New Windows.  
Application No: APP/85/05451  
Decision Date: 09/04/1985  
Decision Type: Approve

Location: Vacant Factory, 1 Arrowe Brook Road, Upton, Wirral, CH49 1SX  
Application Type: Full Planning Permission  
Proposal: Recladding of elevations, new openings and infrastructure  
Application No: APP/07/07011  
Decision Date: 05/12/2007  
Decision Type: Approve

Location: Vacant Factory, 1 Arrowe Brook Road, Upton, Wirral, CH49 1SX  
Application Type: Full Planning Permission  
Proposal: Demolition of existing single storey structures and recladding of elevations to form additional openings  
Application No: APP/07/07206  
Decision Date: 10/01/2008  
Decision Type: Approve

Location: Micropore ,1 Arrowe Brook Road ,Upton ,L49 1SX  
Application Type: Full Planning Permission  
Proposal: Erection of canteen and alterations to elevations  
Application No: APP/82/20498  
Decision Date: 18/06/1982  
Decision Type: Approve

Location: Unit 1 And 2 Wirral Business Park, Arrowe Brook Road, Upton, Wirral, CH49 1SX  
Application Type: Full Planning Permission  
Proposal: Change of use to leisure (for soft play based family entertainment centre)  
Application No: APP/07/07077

Decision Date: 30/05/2008  
Decision Type: Refuse

Location: Micropore International Ltd., 1 Arrowe Brook Road, Upton, L49 1SX  
Application Type: Full Planning Permission  
Proposal: Erection of factory extension for storage and production.  
Application No: APP/80/14696  
Decision Date: 14/02/1980  
Decision Type: Conditional Approval

Location: Insulation Factory, 1 Arrowe Brook Road, Upton, L49 1SX  
Application Type: Full Planning Permission  
Proposal: Construction of an office extension.  
Application No: APP/84/25942  
Decision Date: 30/11/1984  
Decision Type: Conditional Approval

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

#### **REPRESENTATIONS:**

Having regard to the Council Guidance on Publicity for Applications, 63 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 7 objections have been received, listing the following grounds:

1. impact onto existing businesses
2. existing gym in industrial areas without consent

#### **CONSULTATIONS:**

Highways - No Objections subject to conditions  
Environmental Protection - No Objections

### **DIRECTORS COMMENTS:**

#### **REASON FOR REFERRAL**

The proposed development is a departure from the development plan.

#### **INTRODUCTION**

The proposal is for the conversion of a vacant industrial unit into a D2 gym.

A planning application for a children's soft play centre (D1 Use) was refused, planning reference 07/07077 for the following reasons;

- *The proposal is contrary to Policy EM8 in the Wirral Unitary Development Plan, which only makes provision for general employment uses within Use Classes B1, B2 or B8 of the Town & Country Planning (Use Classes) Order 1987 and reconstruction of existing businesses. No material considerations have been identified sufficient to warrant overriding this designation*
- *Inadequate evidence has been provided to show that the proposed use cannot be located in existing centres or more sequentially preferable sites. This is contrary to the provisions of Policy EC8 of the Regional Spatial Strategy for the North West and National Planning Policy PPS 6 "Planning for Town Centres".*
- *The proposal contains excessive car parking provision, which conflicts with the aim of achieving sustainable development. This is contrary to RSS Policy T9, Policy TR9 in the Wirral Unitary Development Plan and Supplementary Planning Document SP4 'Parking Standards', which based on the proposed floorspace for the proposed use sets a maximum standard of 21 car parking spaces.*

#### **PRINCIPLE OF DEVELOPMENT**

The proposal is a departure from the development plan; as such the principle of development is unacceptable.

## **SITE AND SURROUNDINGS**

The proposal relates to units 1 and 2 that are industrial buildings located within Arrowe Commercial Park, this is an industrial site in Greasby/Upton that is surrounded by residential properties to the north, east and west with open fields of Arrowe Park to the south. The site as a whole is well screened by mature trees and landscaping and the visual impact of the site as a whole is minimal to the character of the surrounding area.

There are 18 industrial units within this park, 7 of which are vacant. The premises are located approximately 790m from Upton Traditional Suburban Centre which is located to the north of the application site. There is also a small retail development consisting of a number of large A1 retailers approximately 340m to the north.

## **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 and is a departure from the development plan.

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.

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, but expects planning policies to 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. NPPF paragraphs 18-22 refer). This is taken into account in Plan Policy CS17, in the emerging Core Strategy Local, which enables alternative uses to be considered where:

- the site is not suitable for one of the priority sectors set in Policy CS14 such as greener growth industries, flexible business space for start ups and SME's ; and
- there has been continuous 12 month\* marketing of the site for employment purposes 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; or,
- the development is necessary to secure employment development that would not be otherwise viable.

(\*amended in Proposed Modifications published in July 2013 to reduce the marketing period from 24 to 12 months).

Priority will be given to the protection of sites that score highly against the criteria set out in the Wirral Employment Land and Premises Study and are able to provide employment and training for people in areas of greatest need.

The viability of employment development is, however, an ongoing issue, particularly as significant new developments have in the past been subject to grant aid. Current economic conditions make grant aid less likely going forward and it is therefore considered prudent to accept that other employment-generating commercial and mixed uses may need to be accommodated in the short term, subject to the need to secure additional employment and maintain a suitable, attractive ongoing supply of employment land, in line with other policies in the Core Strategy.

#### Employment Land Viability and Town Centre Sequential Test

The application is supported by marketing evidence of the two units and a sequential test addressing vacant units within nearby retail centres to justify the proposed use in this location. Having regard to the NPPF the applicant has provided marketing information for 18 months at an asking rent of £5 per sq. ft., the units have been marketed by Roy Backhouse & Co Commercial property consultants and agents B8 Real estate, brochures have been prepared, site signage and adverts online on Rightmove and Zoopla Commercial. The proposal is of insufficient size to require an impact assessment as indicated in the National Planning Policy Framework.

The applicant has discounted 25 vacant units across the Wirral within retail areas, predominantly due to the size, ceiling height and lack of open plan layout. The retail area within closest proximity to the application site is Upton Traditional Suburban Centre, the site is not therefore considered well connected to a town centre however the character of the surrounding area is a mix of residential, retail and community services such as the police and fire station to the north along Arrowe Brook Road and Arrowe Park Hospital to the south.

To check the prospects of the industrial units attracting employment uses, the agent has contacted Wirral Chamber of Commerce regarding current financial support for industrial businesses, the contact transcript is on the file, the Wirral Chamber of Commerce has confirmed that there are no start up loans on offer or grants available, a regional growth fund was available to existing businesses however this fund has now come to an end with no planned replacement.

The applicant has provided evidence of available but unsuitable sites across the Wirral that they have discounted for the proposed use. Marketing evidence has also been provided from the current agents along with information on vacancy rates within the industrial area as well as research on what funding could be available to new and existing businesses suitable to the industrial area.

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

The proposal is to utilise units 1 and 2 within the site that will be linked by internal doorways, there is provision of 40 designated parking spaces to the front of both units.

There is no material change to the external appearance of the unit and that the conversion of these two units would have a limited impact onto the character of the industrial area. The proposal would bring into use two vacant units out of 7 currently vacant units which given the limited availability for retail units of this size within the borough would be a positive contribution to the surrounding area.

#### **SEPARATION DISTANCES**

Separation distances do not apply in this instance.

## **HIGHWAY/TRAFFIC IMPLICATIONS**

The site area is 0.145 hectare (1450m<sup>2</sup>) SPD4 states 1 space per 25m<sup>2</sup> = maximum of 58 spaces to be provided, the site has 40 designated spaces and is therefore considered to meet the Policy requirements of SPD4.

## **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

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

## **CONCLUSION**

The application is contrary to UDP Policy EM8, there being no provision for gymnasiums which are identified as a town centre use in NPPF. Evidence of unsuccessful marketing over the past few years and the unavailability of grant funding in this particular case can be accepted as material considerations that indicate there is currently no reasonable prospect of a site being used for the allocated employment purposes in the near to medium term, The applicant has also demonstrated there are currently no other sequentially preferable sites for accommodating the proposed gymnasium in the locality.

Having regard to the sequential test set out in the NPPF and the evidence on the prospects of securing the employment uses for the site it is considered that the proposal would be acceptable on a temporary basis in this particular case as the proposed use of this building is unlikely to result in harm to neighbouring businesses or 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:- The application is contrary to UDP Policy EM8, there being no provision for gymnasiums which are identified as a town centre use in NPPF. Evidence of unsuccessful marketing over the past few years and the unavailability of grant funding for the application site can be accepted as material considerations that indicate there is currently no reasonable prospect of a site being used for the allocated employment purposes in the near to medium term, The applicant has also demonstrated there are currently no other sequentially preferable sites for accommodating the proposed gymnasium. It is, therefore, considered that the proposal would be acceptable on a temporary basis 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 26 July 2017.

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

3. The units 1 and 2 shall be used as a gym 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. 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.

5. 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.

6. The use hereby permitted shall be discontinued and the building 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.

**Last Comments By:** 11/09/2017 13:50:47  
**Expiry Date:** 20/09/2017

