

Planning Committee

12 September 2019

Reference:
APP/19/00941

Area Team:
Development
Management Team

Case Officer:
Ms J Storey

Ward:
Bromborough

Location:
Proposal:

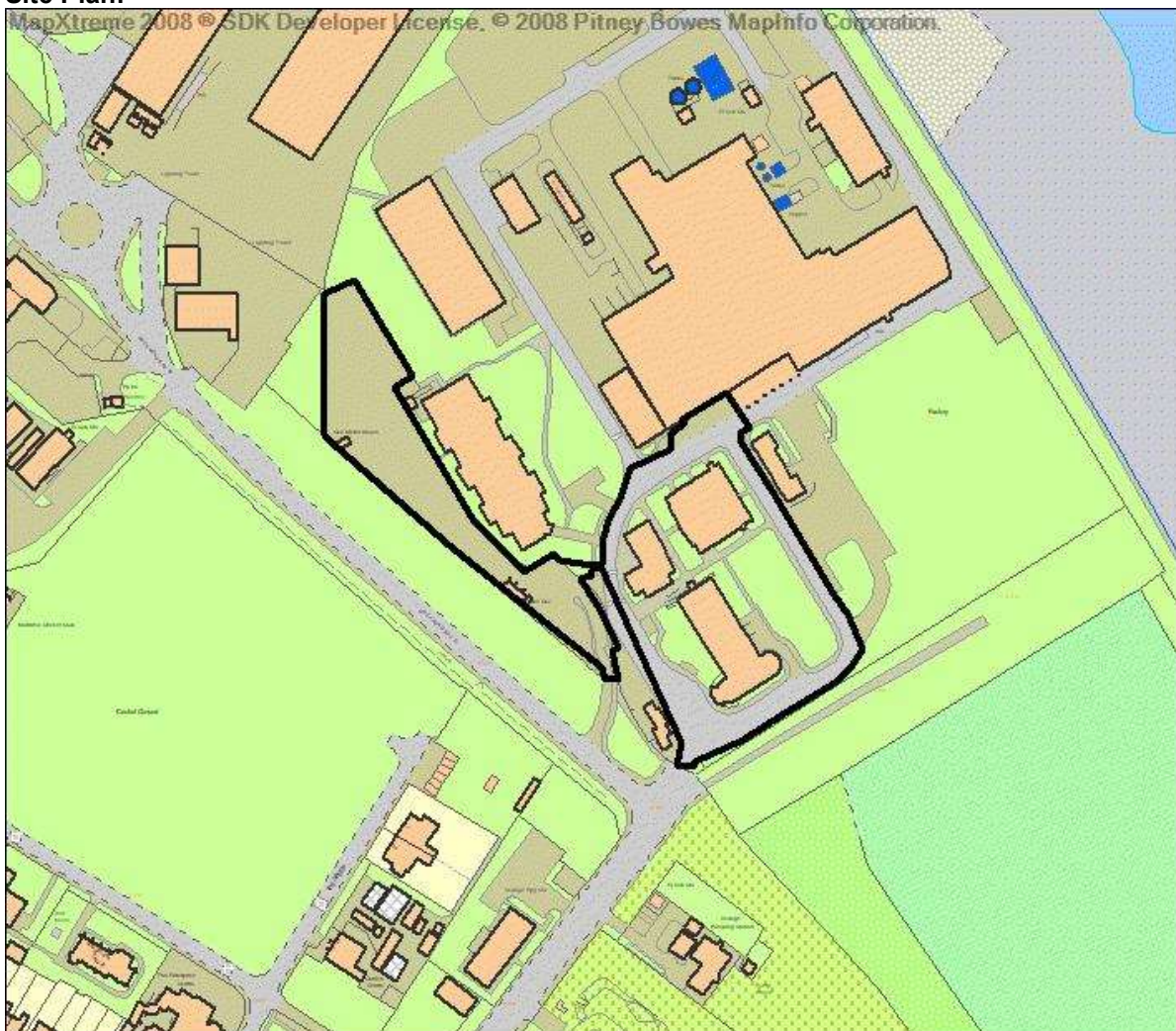
Quest International, DOCK ROAD SOUTH, BROMBOROUGH, CH62 4SQ
Additional use, to allow a change of use for Building 4 from B2 class to D2 use class together with associated access and parking for this use. Minor alterations to room subdivisions and entrances.

Applicant:
Agent :

Complete Works Performance School
Chris Dent Architect

Qualifying Petition: No

Site Plan:



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Development Plan designation:

Primarily Industrial Area
Coastal Zone

Planning History:

Location: Unit 4 (formerly Quest International premises) DOCK ROAD SOUTH,
BROMBOROUGH, CH62 4SQ
Application Type: Full Planning Permission
Proposal: Additional use, to allow a change of use for Building 4 from B2 use class to
D2 use class together with associated access and parking for this use.
Minor alterations to room subdivisions and entrances.
Application No: APP/18/00213
Decision Date: 02/08/2018
Decision Type: Refuse

Summary Of Representations and Consultations Received:**1.0 WARD MEMBER COMMENTS**

No comments received.

2.0 SUMMARY OF REPRESENTATIONSREPRESENTATIONS

18 Letters were sent to surrounding occupiers. At the time of writing this report no representations have been received

CONSULTATIONS

Environmental Protection - No objections

Traffic And Transport Division - No objections

3.1 Site and Surroundings

3.1.1 The application site comprises of an industrial unit within Bromborough business park. The proposed car parking area is some distance from the unit. Entrance from the car park to the secure campus area is via a controlled turnstile type access and across a road to the unit. The site is within a designated Primarily Industrial Area.

3.2 Proposed Development

3.2.1 This application is for the change of use of a of an industrial unit to a dance studio within the Bromborough Business Park. Unit 4 (the project office) is a self-contained building about 25m x 25m.

3.2.2 The applicants currently employ 6 members of staff at the school and now wish to employ more and expand their class range further. The rooms in this building, have a good height which will benefit their Acro classes as they will be able to introduce more specialised equipment and allow room for some extra activities and classes.

3.2.3 They also have a Costume Hire Company. This was to be launched online in April 2017. They lost all stock in the explosion, a huge amount of costumes built up over 12 years. The stock is building up again and they can only reopen this business if able to use these premises, enabling them to have a costume showroom/base for this company. The orders will all be based on line

3.2.4 The applicants ran a dance school in New Ferry until a gas explosion in 2017 demolished the building. They applied for planning permission last year, but the application was refused because there was an objection from the HSE. However, the HSE have updated the risk

assessments for all sites with a Planning (Hazardous Substances) Consent.

- 3.2.5 The changes in the consultation zones are now particularly significant as the site now lies within the outer consultation zone, whereas prior to the reassessment it was located within the inner zone. The result of this change is that the HSE would no longer advise against the granting of planning permission for the use of the site by the Complete Works Performance school.

3.3 Development Plan

- 3.3.1 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.

3.4 Other Material Planning Considerations

- 3.4.1 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 86 advises 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.

- 3.4.2 When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are connected to the town centre. Applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale.

- 3.4.3 On "Building a strong, competitive economy" (Chapter 6), and helping businesses, the NPPF, at paragraph 80 states:
"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."

Under NPPF paragraph 120, the Local Planning Authority would need to be satisfied that there is no reasonable prospect of the site being used for business purposes (Use Classes B1, B2 and B8 under UDP Policy EM8 and be prepared to reallocate the land for a more deliverable use through the Local Plan; and in the interim support planning applications on the basis that they would contribute to meeting an unmet need.

The site has not been identified for deallocation in the current Development Options Review for the emerging Local Plan. The findings of past studies are reinforced in the latest Employment Land & Premises Study approved by the Council's Cabinet on 26 March 2018 as a material consideration for use by Planning Committee as a material consideration in the determination of planning applications. The Study indicates that it is strategic priority for Wirral's future economic growth to safeguard and prioritise delivery of sites in this location. The latest studies forecast that there could be a shortage of employment land over the next the plan period to 2033 on the basis of past completions unless further sites can be identified. Further studies are ongoing.

3.4.4 The Councils emerging Core Strategy Policy CS17 states;

Policy CS17 - Protection of Employment Land

Land will be safeguarded within designated employment areas to maintain local employment and provide a range and choice of sites and premises in terms of quality, accessibility, type and size to meet the priorities identified in Policy CS2 and Policies CS4 to CS11.

Alternative uses will only be acceptable on land designated for B1, B2 or B8 uses where:

1. the site would not be suitable for the priority sectors identified in Policy CS14; and
2. the site has been continuously marketed for employment uses at realistic prices for a period of at least two years and there is no reasonable prospect of the site being re-used for employment uses;
3. an ongoing supply of available, suitable, developable land, sufficient to meet the needs identified in Policy CS13 would still be retained; and
4. the uses proposed are compatible with the character of the surrounding area, would not restrict the operation of existing employment uses, would contribute toward establishing a more sustainable pattern of development and would meet the requirements of Policy CS42; and
5. in the case of residential development, that additional housing is needed to demonstrate an ongoing 5-year housing land supply, in line with Policy CS19; and
6. in the case of main town centre uses, that the proposal has been subject to an impact and sequential test under national policy and meets the requirements of Policy CS29; or
7. the development is necessary to secure additional employment development that would not otherwise be viable to provide and criteria 4, 5 and/or 6 (above) would also be met.

3.5 Assessment

3.5.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development
- Design;
- Highways
- Ecology; and
- Amenity

3.6 Principle of Development:

3.6.1 The proposal is for a D2 use, the use is considered inappropriate to an industrial area having regard to Policy EM8.

3.6.2 The application is supported by marketing evidence of the unit 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 since 2014 The units have been marketed by Legatowen 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.

3.6.3 The applicant has discounted 10 vacant units across the Wirral within retail areas, predominantly due to the size, ceiling height and lack of open plan layout lack of car parking and availability. The retail area within closest proximity to the application site is New Ferry Key Town 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, open space, garden centre and industrial.

3.6.4 In terms of the guidance set out in Policy CS17, the applicant has provided evidence of available but unsuitable sites across the Wirral that they have discounted for the proposed use, the applicant has also provided marketing evidence from the current agents and vacancy rates within the industrial site.

3.6.5 The building has been marketed for over 2 years but because of its unusual configuration and deep plan it has not been of interest to B1/B2/B8 users. Enough evidence has been submitted to support this case.

3.7 Design:

3.7.1 There is no material change to the external appearance of the unit and the conversion of this unit will not have an impact onto the character of the industrial area. The proposal would bring into use a vacant unit which has been vacant for several years which given the limited availability for retail units of this size within the borough would be a positive contribution to the surrounding area. This deep plan makes reuse difficult for office type use and the building is typically 1950's construction and the cost to bring it up to present day office standards has made it difficult to let. The applicants have advised that these qualities however make it ideal for dance studios and associated administration purposes.

3.8 Highways:

3.8.1 There are no new works involved for access and parking which is controlled by existing 24 hr security and monitored by CCTV. All users will enter via the car park entrance shown on image 7. The car park has 65 spaces and the CWPS use is predominantly when it's not used by other business park employees. This is late afternoon early evening and Saturday daytime. Entrance from the car park to the secure campus area is via a controlled turnstile type access (with disabled bypass) and across the road to unit 4 Goods vehicles delivering to unit 4 would use the main security gates.

3.9 Ecology:

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

3.10 Amenity:

3.10.1 The nearest residential property is approximately 250m away from this unit. It is therefore considered that the proposal will not impinge on the residential amenities of surrounding occupiers

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 as 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 3rd July 2019 and listed as follows:J397

MW/02 & J416/01

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

3. The unit hereby approved 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. 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 and in the light of future economic conditions, having regard to Policy EM8 of the Wirral Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 05/08/2019

Expiry Date: 28/08/2019