

COMMITTEE DATE: [01/12/2015](#)

Application Reference: **15/0625**

WARD: Clifton
DATE REGISTERED: 17/09/15
LOCAL PLAN ALLOCATION: Main Industrial / Business Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Ascent Trampoline Park Limited

PROPOSAL: Use of premises as altered as an indoor trampoline centre within Use Class D2.

LOCATION: UNIT A, PRESTIGE HOUSE, CORNFORD ROAD, BLACKPOOL, FY4 4QQ

Summary of Recommendation: Refuse

CASE OFFICER

Ms Pippa Greenway

INTRODUCTION

This application is being presented to the Planning Committee at the request of Councillor Luke Taylor as Ward Councillor. The reasons for Councillor Luke Taylor's request and his representations are detailed below.

SUMMARY OF RECOMMENDATION

Given the lack of a satisfactory sequential test and the loss of employment land to a D2 use, the principle of the use as a trampoline centre is contrary to the National Planning Policy Framework, Policies DE1 and BH12 of the Blackpool Local Plan 2001-2016 and emerging Policies CS3 and CS4 of the Blackpool Local Plan: Part 1 - Core Strategy Proposed Submission and should be resisted.

SITE DESCRIPTION

Prestige House was separated into a total of five units, several years ago. Units A and A1 have their own separate parking and service yard arrangements while units B, C and D share the current remaining parking and service yard facilities. The application site is limited to unit A and the associated grounds (1.347 Ha.) The site is accessed from the end of Cornford Road, off Clifton Road.

The Clifton Road Estate provides 45.9 hectares of employment land in South Blackpool close to Junction 4 of the M55 motorway. It is divided into two main areas, with generally longstanding industry and business uses west of Ashworth Road and a smaller number of larger employment uses between Ashworth Road and Preston New Road. The Estate enjoys direct access to the M55 motorway via Clifton Road/Ashworth Road and a prominent frontage along Clifton Road and the corner of Clifton Road / Preston New Road.

DETAILS OF PROPOSAL

The proposal is for the use of unit A within the premises as an indoor trampoline centre within Use Class D2. Unit A is currently vacant but was last used as a B8 storage and distribution depot of some 3522 sq. m. In addition to the trampoline park, there would be a reception, briefing area, changing area, cafe with tables and chairs and a toilet block. The trampolines would occupy 80% of the space, the remainder being the ancillaries. The venue would be open to the general public for freestyle sessions, more formal team based sessions and a range of fitness programmes. There would be a restriction on age use to over 5's and group/party bookings would be encouraged. 32 full time equivalent (FTE) staff would be employed and the proposed hours of operation would be: Monday – Thursday 10:00 – 22:00; Friday - Saturday 09:00 – 23:00; Sunday/Bank Holiday 09:00 – 22:00. There would be 56 parking spaces and 10 bicycle spaces.

The application is accompanied by:

- a Planning Statement
- a Marketing Report
- a Travel Plan

MAIN PLANNING ISSUES

The main planning issue is considered to be:

- The principle of the use in this location and the loss of employment land.

This will be discussed in the assessment section of this report.

The proposal is not considered to have any impact on residential amenity or highway safety/parking.

CONSULTATIONS

Head of Transportation: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

Head of Environmental Services: No adverse comments to make on this application.

PUBLICITY AND REPRESENTATIONS

Press notice published: 24 September 2015

Site notice displayed: 17 September 2015

Neighbours notified: 17 September 2015

No objections have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

The proposal is supported by Councillor Luke Taylor: "I am writing to ask that the decision of the above planning application be presented and made by the Planning Committee. I understand the unit in question is not intended to be used for leisure facilities. I believe the application, if successful would provide a great area for children of Clifton ward to play and could be an asset to the town. I hope that a decision could be made by the Planning Committee, as I believe this could result in a fantastic facility for the people of Blackpool and in particular, children and youngsters, getting them off the streets in the process."

Montgomery High School, All Hallows Road; Aspire Academy, Blackpool Old Road; South Shore Academy, St. Anne's Road; and St. Mary's High School, St. Walburga's Road support the proposal. In addition, thirty emails of support have been received from residents of the Fylde coast.

NATIONAL PLANNING POLICY FRAMEWORK

A core planning principle is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Chapter 1 is concerned with building a strong, competitive economy:

Chapter 2 of the NPPF : 'Ensuring the vitality of town centres' states that Local Planning Authorities (LPAs) 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. LPAs 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.

27) Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Chapter 8 of the NPPF is concerned with promoting healthy communities.

70) To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

- LQ1 Lifting the quality of design
- LQ14 Extensions and Alteration
- BH3 Residential and Visitor Amenity
- BH12 Retail Development and Supporting Town Centre Uses
- BH19 Neighbourhood Community Facilities
- DE1 Industrial and business Land Provision (E5 Vicarage Lane / SS Business Park)
- AS1 Parking and access

EMERGING PLANNING POLICY

The Core Strategy Proposed Submission was submitted to the Planning Inspectorate in December 2014 and an Inspector conducted an examination of the Core Strategy in May 2015. Consultation has taken place on modifications to the Core Strategy arising from the examination and the results of this consultation have been forwarded to the Inspector for him to consider. He will then publish his final report on the Core Strategy and the document will be adopted early in 2016.

Blackpool Employment Land Technical Paper 2014 is part of the evidence base for the Core Strategy and provides justification and explanation of the Council's approach to meeting future employment land requirements over the plan period to 2027. There are 13 main industrial/business locations in the town which are safeguarded for employment use in the current Local Plan. These locations amount to 182.1 hectares of land of which 21.6 hectares remained undeveloped at the time the paper was produced. Of these 21.6 hectares it is considered that 11 hectares is reasonably attractive, suitable and available for development and that some may be lost as part of an enabling development scheme giving a total of 17.8 hectares. Based on past take up rates a requirement of 31.5 hectares is identified for the period up to 2027. The document suggests safeguarding the existing employment allocations and recognises the commitment of Fylde to provide 14 hectares of land to meet Blackpool's requirements as part of the Duty to Cooperate (our shortfall is identified as 13.7 hectares).

Paragraph 216 of the NPPF allows relevant policies to be given weight in decision-taking according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. Overall, a limited number of representations were received to the Proposed Submission document. Of those representations made expressing concern with the proposed policies, it was not considered that the issues raised justified the need for modifications to be made to the policies prior to submission (other than minor modifications to improve clarity for example). Therefore, the Council considers that, due to the advanced stage of the Core Strategy all relevant policies to this development should be given considerable weight in decision making.

Emerging policies in the Core Strategy Submission version that are most relevant to this application are:

Policy CS3- Economic Development and Employment- states that sustainable economic development will be promoted to support and grow the local economy to meet employment needs with a focus on safeguarding around 180 hectares of existing industrial/ business land.

Policy CS4- Retail and Other Town Centre Uses.

Policy CS15 - Health and Education, supports development that encourages healthy and active lifestyles and addresses the Council's health priorities.

None of these policies conflict with or outweigh the provisions of the adopted Local Plan policies listed above.

ASSESSMENT

Principle - Loss of employment land

Clifton Road is a long established industrial estate comprising a mix of employment uses and has developed in a piecemeal manner over a period of years. Despite the estate's layout, restricted access, age of premises, and low environmental quality, the estate's occupancy level remains relatively high. The Blackpool Employment Land Study 2013 states the vacancy rate on this estate at 20.9%; compared to the overall total vacancy rate for all of the identified employment sites in the Borough of 19.1%. This is not considered to be unusually high considering the current economic situation and Blackpool's property market in general. The estate remains an appealing location for a range of employment uses wanting to locate within an established estate. It is a defined industrial/business area where longstanding policy has been to retain the area for industrial/business use. The granting of planning permission to permit a substantial widening of non-business/industrial uses would conflict with Policy DE1, which restricts new development of land and premises within the defined industrial estate and does not permit retail uses. The Policy also states specifically that retail or other non-Class B uses will not be permitted. The proposed trampoline centre facility falls within Use Class D2 'Assembly and Leisure' whereas the authorised use of the premises is an industrial use falling within Class B1/B2/B8. The proposal is therefore contrary to Policy DE1 of the Local Plan.

The proposal involves the loss of allocated industrial land and both the Local Plan and emerging Core Strategy policies seek to safeguard Blackpool's existing industrial/business estates of around 180 hectares for employment use given the limited supply of employment land within the town. Evidence of marketing has been submitted by the applicant which states that the whole premises have been vacant for nineteen months, during which time there were no serious offers.

The NPPF states that long term protection of employment sites should be avoided where there is no reasonable prospect of the site being used for that purpose. Given the shortage of available employment land within the town, and the desire of having a range of sites, in terms of size, type and location, protected and kept available for use, the proposal involves the long term loss of a significant amount of floorspace which would set a damaging precedent making it difficult to resist significant other non-employment uses being introduced into designated industrial/business areas. The dearth of industrial land available in Blackpool means that the Council has had to look to the

neighbouring borough of Fylde to allocate an additional 14 hectares of land to meet Blackpool's future employment land needs.

Whilst the proposal could be said to be employment generating (a minimum of 25 full time equivalent staff (FTE) is mentioned in the supporting statement although 32 FTE's are identified on the application form), this argument could be used to justify other inappropriate development eg: retail development and is not in itself justification to permit the loss of Class B employment premises. The existing small gym within the industrial estate was also contrary to planning policy; however, this is much smaller, serves an identified local need, and could be argued to be actually supporting existing employment businesses. Prestige House was separated into a total of five units, several years ago. The landlord has indicated that the unit is too large for modern business, however, there is no indication of whether it was considered suitable for splitting down into further, smaller units. The principle of losing 3522 sq m of floorspace to a Class D2 use is therefore considered unacceptable.

There is a current application within the boundaries of the same site (15/0540 refers) for the erection a single storey building to form two units within Use Classes B1(b,c) B2 and B8 and alterations to existing car parking to provide a total of 51 spaces, cycle/motorcycle parking and turning and servicing facilities. The proposed units would have a total net floor area of 1,049m²/gross floor area of 1,100m². This is a speculative development by the landlord (Henco International Ltd.), who would rent out the spaces to small business users, trade suppliers, small mechanical fabricators and small storage and distribution operators, use classification B1(b,c) B2 and B8. This indicates that there is still interest in this estate and its easy connections to the motorway.

In terms of meeting the criteria set out in Policy BH12 of the Local Plan, the sequential test submitted by the applicant specifies the parameters for the search:

- 20,000 – 40,000 sq ft
- minimum clear height 6m
- concrete floor slab
- parking of one space/three patrons
- minimum 10 year lease due to high capital project cost
- accessible by a range of public and private transport

The statement goes on to say that all buildings within the town centre were looked at during the search for premises and concluded that none met the parameters. Although they do not identify any sites, they state that the scale of the facilities precludes a town centre location. The sequential test concludes that there are no sequentially preferable sites in the town centre or in an edge of centre location which is suitable or viable compared to Clifton Road. I consider that the applicant needs to provide a more detailed analysis of sequentially preferable sites and to include in that analysis the former Syndicate site and the former Apollo site in the town centre.

The conclusion made by the applicant after having discounted the town centre was that the subject property is the only suitable premises within the borough fit for purpose for the intended use. Working out from the town centre, the closest property that met the above criteria was unit A Prestige House. The applicant's conclusion is that there is only one site within the borough which is appropriate for the project and this is it. The applicants consider that if the Council requires a town centre location to be considered, then they are depriving the residents of the borough access to a modern leisure and fitness venue.

There is no longer a requirement for applicants to demonstrate need for development proposals that are in edge or out of centre locations and which are not supported by an up to date development plan. However, the scheme is supported by 30 emails from residents of all areas of the Fylde Coast. Although the letters state that there is a need for a trampoline park, they have limited value as the same comments could easily apply to the town centre or other district centres if the scheme was proposed there.

I do not consider that the sequential test has been satisfied. No impact analysis has been submitted with the proposal, however it is likely that as this is such a specialised leisure use, it will not impact on other leisure facilities within the Borough.

Although the proposal has been considered in the context of a limited sequential test, the proposed trampoline park would set an undesirable precedent for increased town centre uses in 'out of centre' locations and specifically, in allocated industrial/business estate locations. This change of use would be contrary to the Council's town centre strategy and make other similar proposals within defined industrial/business areas hard to resist. The proposal would thereby be contrary to Policy BH12 of the Local Plan and Policy CS4 of the emerging Core Strategy.

The site is allocated as business/industrial land and Policy DE1 section c states that development of retail or other non-Class B uses will not be permitted. The limited supply and lack of future development land within Blackpool makes it essential to improve the quality of existing employment sites, in order to improve occupancy levels and the employment offer, and so Policy CS3 also promotes enhancing these sites with opportunities for new development. The supporting text to Policy CS3 recognises that to facilitate site regeneration, redevelopment opportunities which introduce a sustainable mixed-use development including housing will be considered in exceptional circumstances on a small minority of individual sites where this would secure the future industrial/business use of the site. The flexibility provided by this policy in appropriate circumstances aligns with the requirements of the NPPF (and emerging NPPG).

Taking into account all of the above, notwithstanding the lack of an impact assessment or a satisfactory sequential test, the principle of the use as a trampoline centre is contrary to the NPPF, Policies DE1 and BH12 of the Blackpool Local Plan 2001-2016 and emerging Policies CS3 and CS4 of the Core Strategy Proposed Submission and should be resisted.

Design

There would be no significant changes to the building, other than a roller shutter removed and glazing installed instead and some fire doors enlarged and installed for access to the first floor.

Amenity

This would have minimal impact on residential neighbours as it is on an industrial estate and no residential users are within the estate or on the boundaries with this particular building.

Highway Safety

This location has medium accessibility, being located at the far end of the industrial estate and remote from the closest bus stops on Clifton Road (services numbers 15 and 16), but trips associated with a trampoline centre would be higher and different times than a warehouse. The number of parking spaces would be increased from 44 to 56 (including two disability spaces) and there would be 10 cycle spaces. The analysis submitted by the applicant would suggest that the parking provision

is adequate for the proposed use and so, it is not considered that the use would have any significant impact on the highway in terms of safety.

CONCLUSION

The applicant has suggested other material considerations, such as the employment of up to 32 FTE staff (most of whom would be local people), the financial investment in the facility (£75,000) and the bringing back into productive use of a building that has been empty for 19 months and the health benefits that this specific type of facility would bring to local people should outweigh the policy objection to the proposal.

In response, the NPPF and Policy CS15 of the emerging Core Strategy give broad support for development that supports healthy lifestyles, however these potential benefits don't outweigh the loss of employment land in the planning balance, Should permission be granted, the Council could not control the type of activities carried out within the D2 (Assembly and Leisure) use class, nor restrict the user to this particular applicant. Therefore this use could be replaced by a less health related D2 use, if permission was granted.

Taking into account all of the above, the principle of the use as a trampoline park is contrary to the NPPF, Policies DE1 and BH12 of the Blackpool Local Plan 2001-2016 and emerging Policies CS3 and CS4 of the Blackpool Local Plan; Part 1 - Core Strategy Proposed Submission and should be resisted.

Whilst the application premises has been vacant for 19 months, there is speculative interest in building new B Class industrial premises on what is currently car park within the application site. The overriding matters in this case are considered to be shortage of available employment land in Blackpool (demonstrated recently with Fylde Council's commitment to allocate an additional 14 hectares of employment land to meet Blackpool's future needs). Whilst there would be employment opportunities offered, it would make the continued resistance to the loss of other designated employment land much more difficult.

HUMAN RIGHTS ACT

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. It is not considered that the application raises any human rights issues.

CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998

BACKGROUND PAPERS

Planning Application File(s): 15/0625 and 15/0450 which include the representations referred to in the report and all other information relevant to the application. The files can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=weeklyList>

Recommended Decision: Refuse

Conditions and Reasons

1. The proposal would result in the loss of safeguarded employment land to a non-employment use which would be contrary to the National Planning Policy Framework and Policy DE1 of the Blackpool Local Plan 2001-2016. It would have a detrimental impact on Blackpool's future employment land supply and the proposed redevelopment does not constitute enabling development to satisfy Policy CS3 of the emerging Core Strategy. Furthermore, Blackpool's employment land constraints are acknowledged in the emerging Fylde Local Plan, which proposes around 14 hectares of employment land in Fylde to help meet Blackpool's future requirement. To allow the release of existing employment land contrary to policy would potentially compromise this joint approach to meeting Blackpool's employment land needs.

2. The proposed development would introduce a leisure (Use Class D2) use outside the town centre or an edge of town centre location where there are considered to be sequentially more preferable site(s) for such development and hence if approved the proposal would undermine the Council's regeneration objectives for the resort and set a precedent making it difficult for the Council to resist future applications for other out of town centre leisure proposals elsewhere in the Borough. With a limited sequential test, the proposal is contrary to Policy BH12 of the Blackpool Local Plan 2001-2016 and the National Planning Policy Framework (Core planning principle 2 'Ensuring the vitality of town centres').

3. **ARTICLE 31 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 187)**

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan 2001-2016 and emerging Core Strategy, which justify refusal and which cannot be overcome by negotiation.

Advice Notes to Developer

Not applicable