

**APPLICATION REFERENCE: 15/0625**

**PROPOSED CHANGE OF USE TO 'D2' INDOOR TRAMPOLINE PARK**

**OFFICERS RECOMMENDATION REPORT – COMMENT**

This document has been drafted in response to the Officers recommendation report which recommends refusal of this application but the reason for such refusal appears to be based on technical planning references and does not take into consideration some of the material facts or the 'can do' spirit of the NPPF.

It should be noted that the applicant was unable to discuss the application with the case officer until very recently simply because they had not looked at it. Thus, there is some concern, backed up by statements in the Officers recommendation report which do not factor information provided in the 'Planning Statement', that the Officers have taken a 'default' position with this application rather than give proper consideration and scrutiny as required.

The Officers state that *'The proposal is not considered to have any impact on residential amenity or highway safety/parking'* and *'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.'*

Thus the Officers have no basis for recommending refusal of this application based on the consultation process with the County, the Local Authority itself or the wider public.

The justification for recommending refusal is on two grounds, the 'Employment' status of the building and their claim that the 'Sequential Test' was weak.

**Employment Status:**

**Material facts:**

- The site has been unoccupied for 19 months at the date of the planning application, this is now 22 months.
- The site has been properly marketed at market rent over the full period that it has been unoccupied.
- No enquiries other than the proposed D2 use have been received.
- The landlord would prefer to have a 'B' class tenant but is willing to accept a 'D2' use, as this is the only opportunity for them to let the property and for the property to once more contribute to the local economy.
- The demand for properties such as this is limited to M6 corridor locations as evidenced by the lack of 'B' class enquiries.

**Landlord options:**

- Continue to market the property, paying marketing fees, taxes, insurances, maintenance in the hope that a 'B' class use suddenly materialises?
- Decommission the property to render it not liable to taxes, effectively remove it from the local stock of property?
- Recognise that as a 'B' class site it is defunct and seek an alternate occupier?

The Officers recommendation report suggests that the landlord could split the unit into smaller units for which there may be demand. However, the building is around twice as deep as it is wide and only has vehicle and pedestrian access along its front elevation. It CANNOT be practically split into units of 300 – 500 sq. mts. If it was split into, say, 500 sq. mt. units the each unit would be around 6 times longer than it was wide. Also, the demised parking is 58 spaces but by the time the necessary turning circle is factored in for the 'B' class uses, each unit would be lucky to get 3 or 4 spaces.

So, this option is impractical and should be discounted from any consideration. We are sure that the Planning Committee will recognise that if this was a doable option the landlord would have done it some time ago.

**Other local development:**

The Officers recommendation report states, *'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 1,049m<sup>2</sup>/gross floor area of 1,100m<sup>2</sup>. 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.'*

This is irrelevant (see comment from landlord at end of document). The development referred to above has 1100 sq. mts. of floor space and 51 car park spaces as opposed to the applicant's property which has c. 3500 sq. mts. and 58 spaces; pro rata this is around one third of the parking. The proposed site cannot practically be split into small spaces because of the spatial configuration of the building and in any event the parking would not be sufficient.

#### Planning regulations:

The recommendation report recognizes the importance of the National Planning Policy Framework (NPPF) and states *'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'*.....but then ignores this, quoting a number of very specific local policies to justify recommending refusal. The whole essence of the NPPF is to encourage investment, entrepreneurial endeavor and to ensure that LPA's avoid the stunting of growth and opportunities for creative development.

This project and all other similar projects throughout the UK ALL require large buildings which are effectively big 'boxes'. There are no 30000 – 40000 sq. ft. 'D2' buildings in the Borough. The spatial requirement both in terms of foot print and height are only satisfied by very large, tall buildings, effectively those that sit within 'B' planning classes.

Almost all UK wide planning applications for uses similar to this proposed use are in 'B' class buildings and ALL LPA's could refuse such applications by referencing specific local policies...BUT....almost all LPA's have granted such applications usually through Planning Committees whose Members recognise that the spirit of the NPPF is lost if such important investment and such an important leisure service is lost, thwarted by the unimaginative application of selective local policy.

Refusal of this application is effectively a decision, in perpetuity, to deny the residents of this Borough access to an iconic leisure venue simply because its precedent will deny the legitimacy of granting any future application.....and there are no existing 'D2' buildings of the required scale.

In summary, refusal of this application based on the 'B' class status of this property will:

- Be a failure of the LPA to recognise that local 'Employment' policy cannot create a demand for this building.
- Failure of the LPA to recognise and apply the principles and spirit of the NPPF.
- Failure of the LPA to allow a currently defunct property to once more contribute to the local community.
- Deny the landlord the right to a tenant.
- Encourage (perhaps) the Landlord to decommission the property.
- Deny access to residents of this Borough to an iconic leisure venue.
- Thwart the efforts of entrepreneurial endeavour.
- Force several hundreds of thousands of pounds of investment away from the Borough.
- Deny local residents employment opportunities at the proposed venue.
- Deny local schools the ability to use such facilities as part of their GCSE in PE. As evidenced in several letters of support for PE Heads these facilities can help pupils with faster progress and ultimately higher attainment levels in GCSE PE.

It simply does not make sense to refuse this application. There are no objections from ANY party and any technical regulatory contradictions are seriously outweighed by the overwhelming benefits to improved local leisure provision.....and this is what the NPPF is all about.....the application of common sense which most Planning Committees have recognised, evidenced by the increasing number of such venues nationwide, almost all occupying 'B' class properties.

We urge the Planning Committee to determine this application as many other Planning Committees have done before them, by recognising that the loss of one 'B' class site, for which there is no demand and no prospect of any demand, is almost irrelevant when the multiple benefits of the proposed project are considered. For the local community to lose the proposed iconic venue based on the protection of a property for 'B' class for which it is manifestly clear there is no demand, would be a disservice to the residents of the Borough.

### **Sequential Testing:**

The Officers recommendation report states '*... 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 extract below highlighted in blue is an extract from the 'Planning Statement' submitted with the planning application. The Officers recommendation report does not recognise or factor in the detail submitted below.

The Officers reference to '*analysis the former Syndicate site and the former Apollo site.*' are out of sync with the building selection criteria detailed in the extract below which clearly states that the minimum building size is 20000 sq. ft. Both the Syndicate (under 12,000 sq ft) and the Apollo (under 10,000 sq ft) sites are significantly smaller than this and could not accommodate the proposed product and service mix for the proposed project.

The proposed project will include single trampoline beds, double trampoline beds, angled beds, foam pit, 'slam dunk' basketball features, dodgeball, tumble track, retractable rope walk, airbag zone and other features. This product mix cannot be incorporated into anything less than 20000 sq. ft. and to be optimum, the proposed venue needs the sort of scale of building which is the subject of this planning application.

The Officers view regarding alternative premises is understood but clearly they do not understand the proposed venue. The project *could* be developed in the same way that a swimming pool could be developed within a double garage or, a ten pin bowling alley in a 10m wide building....it simply would not work.

It is extremely hard to find appropriate premises for the proposed project and both the Officers and Members of the Local Authority can be absolutely sure that if there was a more appropriate property within which to develop this project it would now be up and running. The very fact of the submission of this planning application is evidence that all alternatives have been considered and that the 'Sequential' approach taken by the applicant to site selection has been robust, see extract below.

The Officers recommendations report states '*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.*' It is clear that the Officers have not taken on board either the necessary building characteristics or the scale that is required to develop this project and on this basis their objection on the grounds of 'Sequential Testing' is weak. This is confirmed by the fact that within the report the Officers make reference to two potential sites that the applicant considered and discarded on the basis of scale. Had the Officers made reference to a 20000 – 40000 sq. ft. site then there may have been merit in their objection of 'Sequential Testing' grounds....but they did not. Also, the Officers statement above that an impact assessment has not been submitted is immediately followed by a statement that the project '*will not impact on other leisure facilities within the Borough.*', thus, their very statement confirms that the project will have no adverse impact.

### **Planning Statement extract**

'A sequential approach has been taken for site selection as required by the Planning Authority. Prior to selecting the site to which this application pertains, many locations have been considered over a long period and, following analysis of key criteria, have been dismissed as inappropriate. The selection criteria are split between physical building requirements and commercial influences.

Following research, it was determined that a trampoline park falls into Planning category D2. Initially, therefore, research was directed at sourcing an existing site within this planning class. Very quickly, however, it became clear that premises with D2 classification are extremely rare and in the selected catchment area there were no D2 units available at all, certainly none that would satisfy the necessary criteria detailed below.

The existing trampoline parks that have been developed in the UK are mostly located in premises which have been subjected to a planning application 'change of use' from B1/B2/B8 planning class so the search was extended to consider all available sites within the proposed catchment area with the appropriate square footage. The site schedule that this derived contained a mixed range of sites with different planning classes.

In order to comply with the principles of 'Sustainability' a site in and around the town centre was sought but our research soon proved the unsuitability of all town centre locations.

Properties of the scale and required physical characteristics simply do not exist in town centre locations. The search was then extended gradually outwards until we discovered the site which is the subject of this planning application which is the nearest site to the town centre which satisfies all necessary criteria. Indeed the location chosen is little under 2 miles from Blackpool Tower via Preston New Road.

The broad property requirements are detailed below.:

- **20000 – 40000 sq. ft. Anything less than 20,000 sqft and it becomes unviable to operate, as the capital investment is significant.**
- Minimum clear height 6m.
- Appropriate concrete slab floor to take the relevant point loads and unencumbered by lots of pillars/walls
- Capacity to be compliant with the DEA.
- Demised parking of 1 space per 3 patrons.
- Minimum 10-year lease due to high capital project cost.
- Accessible by a range of means of transport both private and public.

As such this use naturally self-selects the sort of units that are going to be acceptable and this has ruled out any available traditional buildings and those in Town or edge of centre due to their unviable shape, form and nature. This narrows down the search to existing leisure and industrial type buildings. All buildings within the Town Centre and Edge of Town were looked at and during our search for a unit that met the parameters of the operator there are no such units available, suitable or acceptable in the town centre or edge of.

All available Leisure / Retail Properties available for let are / were less than 10,000 sq. ft. and are also of traditional build with no Clear Access height OR unencumbered by lots of walls / pillars. Working out from the Town Centre the closest property that met the above criteria was Unit A, Prestige House, Cornford Road.

In conclusion, there is currently only one site appropriate for this project and this is the site that is the subject of this planning application. It is the applicant's opinion that since research has been undertaken over an extended period, no other more suitable venue will be found.

If the LPA concludes that it is important for the residents of this Council to have access to the widest possible leisure and fitness activities and that such access should include a trampoline park then the spirit of the NPPF must be at the forefront of determining factors. It is clear that planning policy, neither local nor national, specifically references Trampoline Parks and thus some general principles have to hold sway in the final determination.

For example, the scale of such facilities, ipso facto, precludes a town centre location. Therefore if the LPA applies the Local Plan literally and requires a town centre location then by definition they are preventing the development of a trampoline park in the Council area and by definition are depriving residents of the Council area access to a modern leisure and fitness venue.

This is not the purpose of planning policy so it is imperative that the LPA recognise that they have to be flexible in the application of the Local Plan. Whilst decisions have to be made in accordance with the Development Plan the Plan acknowledges that material considerations may justify a different determination and this is the position in this

case. Such justification is evidenced through case law, for example R Cummins vs Camden, LBC 2001 which confirmed that a proposal can be compliant with the Development Plan as a whole without being compliant with each and every policy.

It can be concluded that since trampoline parks are a very recent leisure and fitness development and that as such is not referenced specifically in local or national policy, the LPA is required and justified in considering the project holistically against the principles of the Development Plan AND the NPPF AND the NPPG.'

The Officers recommendations report states *'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.'* The Officer confirms support for the project including that from local schools, a local Councillor and the wider public. The comment about such support easily applying to another area is irrelevant. The project is proposed for Clifton and has received support.

### **Conclusion:**

Within the conclusion of the Officers recommendation report it states *'the financial investment in the facility (£75,000)'*. This is a gross error as the actual proposed investment is nearly ten times this sum, closer to £750000.00....which will be lost to the Borough if this application is not granted.

The rest of the conclusions simply reiterate the specific policy reference upon which the Officers try to justify refusal of this application.

The Officers have effectively considered this application and made a determination based on entrenched Local policy considerations without having the ability or, perhaps even the authority, to consider the project and the application through the eyes of the NPPF and, of course, common sense.

The NPPF has effectively condensed c.1000 page of policy to c. 50 pages in an efforts to simplify policy and ensure that development is encouraged, not stifled by small print and red tape! Yet LPA's throughout the UK struggle to reconcile the ambition and spirit of the NPPF with their Local Plans.

Almost without exception, every trampoline park in the UK has been developed in a 'B' class site, has been recommended for refusal by the Officers of the respective LPA's and ultimately granted by Planning Committee.

It is seriously in the public interest to improve leisure provision, to bring back into useful societal contribution a defunct property, to secure local entrepreneurial investment, to prevent the exodus of local residents to adjoining Local Authorities to access such a leisure venue which simply increases CO2 emissions, congestion and exports spending outside of Local Authority.

The applicant hopes that this Planning Committee, like so many others before it, recognises the overwhelming benefits of granting this application.

Planning Department  
Blackpool Council  
Municipal Buildings  
Corporation Street  
FY1 1NF

23 November 2015

To Whom It May Concern

### Planning application 150625 – Unit A Prestige House, Cornford Road

Further to my letter of 3 September, I write in response to the Case Officers comments in the recommendation report:

*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 1,049m<sup>2</sup>/gross floor area of 1,100m<sup>2</sup>. 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.*

The comments are correct in saying that there is an application in place for two new units on site. We have enquiries on file for units between 3,000 and 6,000 sq ft, hence the planning application for two units in this size bracket. The motorway link/proximity for users of units of this size isn't generally much of a concern as they are usually smaller local operators.

Unit A however, is a completely different offer at circa 38,000 sq ft and not at all comparable in terms of demand. We've had no other substantive enquiries for the unit, much the same as with Unit C (26,000 sq ft) which has been marketed but empty since SPS vacated over 3 years ago.

We obviously can't split Unit A into 6 smaller units - the premises was originally purpose built for a market 25 years ago that no longer exists.

We now have an occupier that is looking at a considerable investment into the area and through change of use, will bring the property back to life.

Regards



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