

COMMITTEE DATE: [21/11/2017](#)

Application Reference: 17/0702

WARD: Brunswick
DATE REGISTERED: 06/10/17
LOCAL PLAN ALLOCATION: Neighbourhood action plans
Defined Inner Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Cybele Velo

PROPOSAL: Use of premises as an indoor cycling/ fitness centre (Class D2 use).

LOCATION: FORMER K BOOCOCK AND CO LTD, COLERIDGE ROAD, BLACKPOOL,
FY1 3RP

Summary of Recommendation: Grant Permission

CASE OFFICER

Miss. Susan Parker

BLACKPOOL COUNCIL PLAN 2015 -2020

This application accords with Priority one of the Plan - The economy: Maximising growth and opportunity across Blackpool and Priority two of the Plan - Communities: Creating stronger communities and increasing resilience.

SUMMARY OF RECOMMENDATION

The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development. Sustainability comprises economic, environmental and social dimensions.

The use proposed would result in the loss of an employment use but not one that is safeguarded to ensure an adequate supply of employment land for the borough. The proposal would not undermine the health of Blackpool Town Centre but would attract new investment and a new business to the town. The use itself could generate some limited employment. As such the scheme is considered to be economically sustainable.

The proposal would replace an aging industrial use with a modern leisure use. The site is in an accessible location that is well-served by public transport meaning that sustainable transport choices would be a realistic option for future patrons. Whilst no external alterations are proposed, the re-use of the building would prevent it falling into disrepair thereby having a negative impact on the streetscene. By encouraging healthy, active

lifestyles the use could promote sustainable transport use. On this basis the scheme is considered to be environmentally sustainable.

Socially, the application would introduce a new leisure use to a priority neighbourhood that suffers from high levels of deprivation and a need for regeneration and community facilities to promote health and well-being. Notwithstanding the concerns regarding financial accessibility, the proposal would meet an identified need in the neighbourhood. It is considered that adequate safeguards could be put in place through the imposition of conditions to prevent unacceptable impact on residential amenity. It is recognised that on-street parking in the area is subject to significant pressure and that this is a point of concern for local residents. However, this must be considered in light of the high accessibility of the site and the potential for on-street parking to the front of the commercial units along a stretch of road that would be excluded from any resident-only parking restrictions.

In light of the above and on balance, whilst the limited parking provision would weigh against the proposal, this is considered to be outweighed by the benefits the scheme would bring in terms of re-using an empty building and introducing a new fitness-related leisure use into a deprived neighbourhood. As such, when considered as a whole, the application is considered to represent sustainable development.

SITE DESCRIPTION

The application relates to part of the former Boococks glass works which is situated on the eastern side of Coleridge Road between the junctions with Boothley Road and George Street. The premises is adjoined by a double-height, flat-roofed building immediately to the north, by an area of open land to the south, and by a yard associated with the works to the east. There are two commercial premises to the south-east. An alleyway separates the site from residential properties at 48-54 Boothley Road to the north. There is an existing open forecourt to the front of the property.

The site falls within the defined Inner Area and within the Talbot and Brunswick Neighbourhood Area but is not subject to any other designations or constraints.

DETAILS OF PROPOSAL

The application seeks planning permission for the use of the ground floor premises as a fitness centre within Use Class D2 (Assembly and Leisure). It is proposed that the fitness centre would specialise in indoor cycling and endurance training. The ground floor would offer an entrance lobby, office and large gym space. This would include showering/changing facilities and a central counter serving food and drink. Ancillary bike repair and fitting services would also be provided along with some limited associated specialist retail sales. The first floor would be used as offices and storage with additional storage at second floor level.

The application is accompanied by the following:

- a sequential appraisal

- a design and access statement
- supporting correspondence setting out the benefits of cycling and discussing parking provision

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- principle of the use in this location
- adequacy of parking provision
- impact on amenity
- community benefit

These issues will be discussed in the assessment section of this report.

CONSULTATIONS

Head of Highways and Traffic Management: the existing forecourt is 4.6m deep which does not meet the minimum requirement for a parking space but, as the premises has benefitted from forecourt parking with two dedicated vehicular access points across long-standing and legitimate vehicle crossings, it would be difficult to object on this basis. It would be advisable to lower the existing full-height kerb between the crossing points although a gap should be left where pedestrian access is required. Further details of car park management should be requested. It is unclear how parking use could be conditioned. The long operating hours proposed could lead to demand for parking over-spilling into adjacent streets where it would be a nuisance to neighbours. The existing parking problem is recognised but is difficult to quantify due to the different users and sources of pressure. It is considered that users of the site would be unlikely to travel by public transport.

Blackpool Services Directorate (Environmental Protection): 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.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 18th October 2017

Neighbours notified: 12th October 2017

A total of 151 comments have been received in respect of this application. Of these 82 express support for the scheme and 69 raise objections. One of the letters of support is from the head teacher of Hodgson Academy in Poulton-le-Fylde and two are from Councillors Smith and Cox.

The comments of support state the following benefits:

- innovative business idea
- boost to the local economy

- investment
- regeneration of area
- re-use of derelict building
- loss of industrial use
- sufficient parking available
- would encourage sustainable travel
- environmental benefits of cycling (reduced emissions)
- improvements to health and well-being
- contribution to community cohesion
- could address social issues amongst young people
- offer an opportunity to cycle safely
- would meet a local need for specialist cycle services
- support Blackpool's role as a cycle town

The comments of objection raise the following issues:

- inadequate parking provision
- the street is the closest to the town centre that is not restricted to residents only parking
- existing on-street parking used by other businesses, town centre employees, and employees at the businesses fronting Devonshire Road
- residents parking is required
- vacant land in the area should be used as a car park
- the existing situation is problematic for the less mobile, disabled, elderly and people with young children
- the scheme would be acceptable if residents only parking was established

Any additional comments that are received before the Committee meeting will be reported in the update note.

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF was adopted in March 2012 and sets out a presumption in favour of sustainable development.

The following sections of the NPPF are most relevant to this application:

- Building a strong, competitive economy
- Ensuring the viability of town centres
- Promoting sustainable transport
- Promoting healthy communities

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016.

The policies in the Core Strategy that are most relevant to this application are:

- Policy CS1: Strategic Location of Development
- Policy CS4: Retail and Other Town Centre Uses
- Policy CS7: Quality of Design
- Policy CS12: Sustainable Neighbourhoods
- Policy CS15: Health and Education

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

The following policies are most relevant to this application:

- BH2: Talbot and Brunswick Priority Neighbourhood
- BH3: Residential and Visitor Amenity
- DE4: Outside the Defined Industrial/Business Estates
- AS1: General development requirements (access and transport)

ASSESSMENT

Principle

Notwithstanding the applicant's intended use of the premises for a specialist cycle and endurance training facility, the use classifies as D2 Assembly and Leisure under the provisions of the Use Classes Order 1987 (as amended). Class D2 includes a range of different leisure uses. Whilst it would be possible for the Council to impose a restrictive condition to any permission granted to limit the use of the premises to a gymnasium, it would not be reasonable to impose a condition limiting use to a specialist cycling and endurance fitness facility. As such, the use proposed must be considered to be a gymnasium and its acceptability assessed on this basis.

The NPPF identifies health and fitness centres as main town centre uses. Paragraph 24 of the NPPF requires all main town uses to be located in accordance with the sequential test and paragraph 27 states that planning permission should be refused for schemes that fail the sequential test or would have a significant adverse impact on the health of a town centre.

The ground floor of the building, the area that would be used as the gymnasium, has a floorspace of 650sq m and the applicant has undertaken a sequential appraisal based on this area. The appraisal acknowledges relevant case law and accepts that reasonable flexibility must be demonstrated when identifying alternative premises. No parameters of flexibility are stated but it is recognised that the Council does not have any published guidance to establish appropriate thresholds. The applicant has reviewed the vacant premises within the defined town centre boundary and has not identified any that would provide the floorspace

required. Based on the records of vacant premises available to the Council, this is accepted and the sequential test is considered to be passed.

In terms of potential impact on the health of the town centre, the scale of development would fall well below the threshold of 2,500sqm identified in the NPPF as the point at which an impact assessment would be required. Additionally, the Council does not have a locally adopted threshold above which an impact assessment must be provided. As such it would be unreasonable to suggest that the proposal would have a significant adverse impact on the health of Blackpool town centre.

The proposal would result in the loss of an existing employment use. Saved Policy DE4 states that the re-use of appropriate existing buildings will be permitted outside of the defined industrial estates where the environmental and wider community benefits would outweigh the loss of employment capacity. In addition, criteria (g) of saved Policy BH2 is supportive of proposals that would remove or reduce the impact of 'bad neighbour' uses. The existing building was formerly used for glass manufacture but has been vacant for some time. Whilst the wider area once included a number of employment uses due to its proximity to the town centre, over time these historic uses have given way to new developments more appropriate in a residential area. The application site is adjoined by an existing employment use to the north and by vacant land to the south. There are other commercial uses to the south-east and to the east facing the main road but the area as a whole to the west of Devonshire Road is residential in character and function. On this basis, the removal of an industrial use with the associated potential to generate noise, odour and disturbance is considered beneficial. As the premises had been vacant for some time, and given the residential nature of the area, this benefit is considered to outweigh the loss of any employment capacity. Furthermore, it is suggested that the proposal would create up to five full time and six part time employment opportunities.

The facility is intended to provide specialist cycling and endurance fitness training but must nevertheless be considered as a gymnasium. Such uses inherently encourage exercise and activity which are important aspects of a healthy lifestyle. As such and in principle, the establishment of fitness facilities should be viewed positively. Paragraph 73 of the NPPF states that access to opportunities for sport and recreation can make an important contribution to the health and well-being of communities. In addition, saved Policy BH2 makes it clear under criteria (f) that the Council will permit and promote the provision of local community, leisure and health facilities. The area immediately surrounding the application site is one of the 0.1% most deprived in the country according to the 2015 Indices of Deprivation. Levels of health are also poor with the area falling within the worst 0.6% nationally. However, household income is also low and amongst the worst 0.1% in the country. This means that the establishment of a private fitness facility may not improve health indicators locally as membership may be financially inaccessible to local people. Nevertheless, it must be recognised that a new fitness facility would generally encourage exercise and healthy living and would therefore be in accordance with the health related aims and objectives of the Local Plan and NPPF.

In light of the above, the proposal is considered to be acceptable in principle.

Design

No external alterations are proposed. At present the frontage includes three windows at first floor level with fascia signage beneath. The ground floor includes a roller shutter door, a pedestrian access door flanked by windows and a picture window to the side. It is understood that the existing pedestrian door would be used by staff with patrons accessing the facility through the existing roller-shutter door. Whilst it is considered reasonable for a wide door to be retained to enable equipment to be brought into the building, the existing design is not considered to be appropriate for a leisure use in a residential area. The existing elevations are otherwise considered to be reasonable for a proposed gym use. As such, subject to the imposition of a condition requiring a scheme for a new access point to be agreed and implemented, no design issues are identified.

Amenity

As previously stated, the application site falls within an established residential area. It is anticipated that the loss of the previous employment use would benefit local residential amenity through the loss of noise, odour and activity but it is recognised that a leisure use can generate significant noise and disturbance if not properly controlled. On this basis it is recommended that a number of conditions be imposed on any permission granted. These would prevent external doors from being held open, would limit opening times, prevent music from being played externally and impose noise restrictions. It is considered that the imposition of these conditions would be sufficient to adequately safeguard the residential amenities of nearby neighbours.

Highway Safety

The application relates to an existing building that benefits from existing forecourt parking and dropped kerbs to provide vehicle crossing points. The scheme would not create a new point of access onto the highway network and would not generate sufficient additional traffic to pose a risk to highway safety. It is acknowledged that vehicles would cross the pavement to access the existing forecourt but this would mimic the current situation and, given the number of cars the forecourt can accommodate, would not unduly compromise pedestrian safety.

Parking and Servicing Arrangements

The Council's adopted parking standards are set out under Appendix B to the saved Local Plan 2001-2016. It is considered that the previous use of the premises for glass manufacture would have fallen under Use Class B2 (General Industry). The site is considered to be in a highly accessible location some 800m from the defined town centre and with bus stops serving six different bus routes on Talbot Road and Devonshire Road within reasonable walking distance. On the basis of this level of accessibility, the previous industrial use would have generated a maximum requirement for 11 parking spaces. The proposed use as a gymnasium within Use Class D2 (Assembly and Leisure) would generate a maximum parking requirement of 20 parking spaces. It would be possible to impose a restrictive condition on any permission granted to limit the use of the upper floors to offices and storage ancillary to the ground floor gymnasium to avoid any increased parking demand from this floorspace.

It is acknowledged that local residents have raised considerable objection over the potential impact on existing on-street parking provision. It is understood that the streets in the

immediate vicinity are the closest streets to the town centre that are not restricted to resident-only parking. This means that visitors and town centre workers use this parking to avoid charges in the centre. Additionally local residents suggest that the on-street parking is used by employees of the businesses fronting Devonshire Road a short distance to the east. The existing on-street parking is therefore subject to significant pressure. Many of the objections identify a need for a resident-only parking scheme to be implemented in the area. However, were such a scheme to be implemented, it would likely be limited to those stretches of road immediately fronting residential properties. It is not anticipated that the stretch of Coleridge Road to the front of the commercial units would be included in any restriction.

The existing forecourt could accommodate four parked vehicles whilst maintaining clear access to the main entrance. It is acknowledged that the forecourt depth of 4.6m falls short of the minimum required for a parking space but the pavement is relatively wide at 2.6m meaning that any over-hanging vehicle would not unduly obstruct pedestrian movement. In addition and as noted by the Head of Transportation, the use of the forecourt for parking is long-standing and facilitated by legitimate vehicle crossing points. The applicant has suggested that use of the facility would be controlled through appointment which would limit potential parking demand but this could not be controlled or enforced through a planning permission. The applicant has also provided a letter from the adjoining business stating that the forecourt to that business could be used by patrons of the gym in the evenings. However, as this forecourt falls outside of the red edge of the application site, and is not in the control of the applicant, little weight can be attached to this provision. Nevertheless, it is recognised that some 66m of road frontage to the front of the application premises and the adjacent commercial use would be available for use outside of usual business hours. This could accommodate 11 parked cars but would block access to the forecourt. If the forecourt were kept clear, four cars could park on-street to the north and three on-street to the south, again giving a total of 11 spaces. This would fall significantly short of the published standard but it must be recognised that the standards are maximum standards and that the site is in a highly accessible location well-served by public transport. Nevertheless, the shortfall in parking provision weighs against the proposal.

Other Issues

The Council is a responsible authority in respect of protected species. It is possible that the roofspace of this building is used by roosting bats and nesting birds. However, as no physical works are proposed to the upper floors of the building and as the nature and intensity of the use of this space would be unlikely to change, it is not anticipated that any bats or nesting birds would be affected by the proposal. Nevertheless, it would be appropriate to attach an advice note to any planning permission granted to explain to the applicant that these species are protected and set out the steps that must be taken if a bat or nesting bird is discovered.

CONCLUSION

The NPPF sets out a presumption in favour of sustainable development. Sustainability comprises economic, environmental and social dimensions.

The use proposed would result in the loss of an employment use but not one that is safeguarded to ensure an adequate supply of employment land for the borough. The proposal would not undermine the health of Blackpool Town Centre but would attract new investment and a new business to the town. The use itself could generate some employment. As such the scheme is considered to be economically sustainable.

The proposal would replace an ageing industrial use with a modern leisure use. The site is in an accessible location that is well-served by public transport meaning that sustainable transport choices would be a realistic option for future patrons. Whilst no external alterations are proposed, the re-use of the building would prevent it falling into disrepair thereby having a negative impact on the streetscene. By encouraging healthy, active lifestyles the use could promote sustainable transport use. On this basis the scheme is considered to be environmentally sustainable.

Socially, the application would introduce a new leisure use to a priority neighbourhood that suffers from high levels of deprivation and a need for regeneration and community facilities to promote health and well-being. Notwithstanding that there may be concerns regarding financial accessibility, the proposal would meet an identified need in the neighbourhood. It is considered that adequate safeguards could be put in place through the imposition of conditions to prevent unacceptable impact on residential amenity. It is recognised that on-street parking in the area is subject to significant pressure and that this is a point of concern for local residents. However, this must be considered in light of the high accessibility of the site and the potential for on-street parking to the front of the commercial units along a stretch of road that would be excluded from any resident-only parking restrictions.

In light of the above and on balance, whilst the limited parking provision would weigh against the proposal, this is considered to be outweighed by the benefits the scheme would bring in terms of re-using an empty building, employment and introducing a new fitness-related leisure use into a deprived neighbourhood. As such, when considered as a whole, the application is considered to represent sustainable development.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None required.

FINANCIAL BENEFITS

Any commercial use of the premises would be liable for business rates.

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 17/0702 which can be accessed via the link below:

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

Recommended Decision: Grant Permission

Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans:

Existing site and location plan ref. 051017005

Proposed floor plans ref. 051017004

Proposed elevation plans ref. 051017002

The development shall thereafter be retained in accordance with these details.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3. (a) The ground floor of the premises shall be used as a gymnasium or fitness centre and for no other purpose (including any other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)).

(b) The first and second floors of the premises shall be used as office space, storage and staff welfare facilities in association with and ancillary to the use of the ground floor of the premises as a gymnasium or fitness centre and for no

other purpose (including any other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)).

Reason: In order for the Local Planning Authority to retain long-term control of the use of the building in the interests of safeguarding the residential amenities of nearby neighbours and to ensure that adequate parking provision exists to meet the needs of the use in accordance with the provisions of paragraph 17 of the NPPF and saved Policies BH3 and AS1 of the Blackpool Local Plan 2001-2016.

4. (a) The rating levels for cumulative noise from all noise sources associated with the development shall not exceed the existing background noise level (LA90) at the nearest noise sensitive premises as assessed in accordance with British Standard 4142:2014 - Methods for rating and assessing industrial and commercial sound.

(b) The Maximum Instantaneous Noise Levels (LAFmax) from all noise sources associated with the development shall not exceed 60 dB(A) evening (19.00-23.00hrs)* and night-time (23.00-07.00hrs) at the nearest noise sensitive premises. * The evening standard LAFmax will only apply were the existing evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.

Reason: In order to safeguard residential amenity against potential noise nuisance in accordance with the provisions of paragraphs 17 and 125 of the NPPF and saved Policy BH3 of the Blackpool Local Plan 2001-2016.

5. No external door shall be held or fixed in a permanently open position at any time when the use hereby approved is in operation.

Reason: In order to safeguard the residential amenities of nearby neighbours from potential noise nuisance in accordance with the provisions of paragraph 17 of the NPPF and saved Policy BH3 of the Blackpool Local Plan 2001-2016.

6. No recorded or amplified music or sounds shall be played outside of the building at any time.

Reason: In order to safeguard the residential amenities of nearby neighbours from potential noise nuisance in accordance with the provisions of paragraph 17 of the NPPF and saved Policy BH3 of the Blackpool Local Plan 2001-2016.

7. The use hereby approved shall not commence until details of refuse storage and collection have been submitted to and agreed in writing by the Local Planning Authority. The development shall then proceed in full accordance with these

agreed details.

Reason: In order to ensure that refuse is appropriately stored and managed in the interests of the appearance of the locality and the residential amenities of nearby neighbours in accordance with the provisions of paragraph 17 of the NPPF, saved Policies LQ1, BH2 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. Notwithstanding the information shown on the approved plans, the use hereby approved shall not commence until a scheme for the replacement of the existing vehicular door and the provision of a new internal door to create a double door arrangement between the gym area and the forecourt has been submitted to and agreed in writing by the Local Planning Authority. This agreed scheme shall then be implemented in full and in full accordance with the agreed details before the use hereby approved is commenced.

Reason: In the interests of the appearance of the premises and locality and in order to safeguard the residential amenities of nearby neighbours from potential noise nuisance in accordance with the provisions of paragraph 17 of the NPPF, saved Policies LQ1, BH2 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Advice Notes to Developer

1. Bats and nesting birds are protected by the Wildlife and Countryside Act (1981) and bats are also protected under the Conservation of Habitats and Species Regulations 2010. It is an offence to deliberately capture, injure or kill a bat, or to damage, destroy or intentionally disturb a bat roost or birds nest. If bats, bat roosts, or nesting birds are discovered during development then works should cease and advice sought from a suitably qualified and experienced ecologist.