

**COMMITTEE DATE:** [11/08/2014](#)

**Application Reference:** **14/0281**

WARD: Clifton  
DATE REGISTERED: 28/04/14  
LOCAL PLAN ALLOCATION: Main Industrial / Business Area

APPLICATION TYPE: Full Planning Permission  
APPLICANT: Think Architecture and Design

**PROPOSAL:** External alterations including new windows and entrance doors to front elevation and new fire doors to front and rear elevations, and use of premises as altered as a gymnasium within Use Class D2 with associated car parking and bin storage.

**LOCATION:** 20 SANDERSON WAY, BLACKPOOL, FY4 4NB

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**Summary of Recommendation:** Refuse

**CASE OFFICER**

P Greenway

**SITE DESCRIPTION**

Vacant industrial premises forming part of the Vicarage Lane Industrial Estate, a long established estate comprising a mix of employment uses on 15.6 ha of land. The estate has developed piecemeal over a period of years. The central part includes Tangerine Confectionery on Burton Road which provides poor access through the middle of the estate to a range of older premises and two small undeveloped sites at the rear. The northern part wraps around the Iceland, Greggs and Asda retail units (which replaced Duple Coachbuilders in the 1980s and was removed from the employment allocation) and includes vehicle distribution / servicing uses. The southern part of the site contains a mix of small industrial businesses around Cowley Road, mainly in older premises. Sanderson Way forms the southerly boundary of the Estate and gives access through to a block of retail properties fronting Vicarage Lane, a former BT call centre (now vacant), the vacant application premises and also provides rear access through to the Asda retail complex which fronts Cherry Tree Road. It also gives access to the DW Sports fitness club (and proposed five-a-side football facility) to the south. The Estate is in a predominantly residential area and adjacent to Marton Retail Park.

The application site area comprises 4560 square metres, with the detached building having a floorspace of 1802 square metres. The building is vacant at the present, having previously been occupied as a Use Class B8 stockroom for the MFI retail unit, which was across Sanderson Way and is now occupied by DW Sports. Planning permission for the whole site (84/1229) expressly forbids the use of the building for selling, whether by retail, wholesale or cash and carry and this particular building is restricted by a S52 (now S106) agreement to a use ancillary to the MFI retail unit. The application site is designated as a Main Industrial/ Business Area under Policy DE1 of the Local Plan.

## **DETAILS OF PROPOSAL**

The proposal is for external alterations including new windows and entrance doors to front elevation and new fire doors to front and rear elevations; and use of premises as altered as a gymnasium within Use Class D2 with associated car parking to the front and bin storage. The floor area would go from the current 1802 sq m B8 floorspace to 2842 sq m of D2 floorspace by the insertion of a mezzanine of 1040 sq m as permitted development. There would be a small ancillary sales area but no café. It is stated that the proposal would create jobs for up to 40 local people (20 full time and 20 part time) and that the opening hours would be from 6am to 10pm Mondays to Fridays and from 8am to 10pm on Saturdays, Sundays and Bank Holidays.

The application is accompanied by:

- Sequential Test and Impact Assessment
- Transport Assessment
- Design and Access Statement
- Marketing Details
- Draft S106 Agreement

The Committee will have visited the site on 11th August 2014.

## **MAIN PLANNING ISSUES**

The main planning issue is considered to be:

- The principle of use 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:** The Head of Transportation considers the application site to be in a accessible location from the surrounding area via different modes of transport. Car parking provision is being increased from 26 spaces to 70 spaces, and the level of parking provision should meet demand. A Travel Plan condition to be included, to extend to staff and future members as membership will be greater than the total number of staff present on site at anyone time. Whilst parking provision has been increased, Travel Planning measures may help also.

In terms of the layout of the car park:

1. The application site currently benefits from two vehicle access points, one will become redundant when the new parking layout is amended. The applicant should contact the Head of Transportation to determine the scope of works needed.
2. The width of the retained vehicle access is shown to be 5700mm on drawing no: 13/028(20)001 but the actual width on site is 6000mm - the wider width should be retained.
3. Cycle parking is proposed but none is shown on drawing no: 13/028(20)001 - details need to be agreed.

4. The bin store could do with relocating closer to either the main entrance or the vehicle access point, a tracking plan should be provided showing how a 3m x 11m refuse truck can access the site.

**Head of Environmental Services:** has no adverse comment to make on this application.

### **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 30th April 2014

Neighbours notified: 30th April 2014

In response to neighbour notification, no objections have been received and one letter of support has been received from 11 Kinross Crescent.

### **NATIONAL PLANNING POLICY FRAMEWORK**

In March 2012 the National Planning Policy Framework (NPPF) was published. 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 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:**

para 18) The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

19) The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

20) To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

21) Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:

- set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;
- set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;
- plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;
- identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and,
- facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.

22) Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regards to market signals and the relative need for different land uses to support sustainable local communities.

**Chapter 2 of the NPPF is concerned with ensuring the vitality of town centres:**

It 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. The application proposal is a main town centre use in terms of the NPPF.

23) When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

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.

#### **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:

BH3- Residential and Visitor Amenity

BH12- Retail Development and Supporting Town Centre Uses

BH19 - Neighbourhood Community Facilities

LQ1- Lifting the Quality of Design

LQ14- Extensions and Alterations

DE1- Industrial and Business Land Provision (E5 Vicarage Lane / SS Business Park)

AS1- General Development Requirements

#### **EMERGING PLANNING POLICY**

##### **Blackpool Local Plan: Part 1 - Core Strategy: Proposed Submission**

The Core Strategy Proposed Submission was agreed for consultation by the Council's Executive Committee on 16th June 2014 and by the full Council on 25th June 2014. The document is due to be published for public consultation on 4th July 2014 for a period of eight weeks. Once this consultation period has closed, the intention is that the document will be submitted for consideration by an independent Planning Inspector through an Examination in Public in 2015.

Emerging policies in the Core Strategy: Proposed Submissions 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

There are no policies within the emerging document that would contradict those in the adopted Local Plan with regard to this proposal.

## **ASSESSMENT**

### **Principle - loss of employment land**

Vicarage Lane Industrial Estate 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 (this has been confirmed by a recent study - Blackpool Employment Land Study 2013 Final Version issued June 2014), and it 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 fitness facility falls within Use Class D2 'Assembly and Leisure' whereas the authorised use of the premises is an industrial use falling within Class 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 which states that the instruction to market the unit was given by MFI in May 2004, albeit it was still used for storage purposes until circa November 2006 and the property has stood empty since then i.e. seven and a half years. Marketing has been by conventional means, namely by the use of boards, particulars, mailshots to local occupiers and agents, and internet listings for over 10 years. In October 2008 approximately 100 former MFI premises were instructed to be disposed of: of that 100 only this and five others remain to be disposed of. There has been interest in the unit from time to time but it has been limited and come to nothing; the marketing agent states that the gym proposal is the first substantive interest in that time. No evidence has been put forward with regard to subdivision which might have resulted in space being let.

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. However 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 15 hectares of land to meet Blackpool's needs.

Whilst the proposal could be said to be employment generating, this argument could be used to justify other inappropriate development e.g: retail development (e.g. on the recently vacated former Tangerine Confectionery office site fronting Vicarage Lane), and is not in itself justification to permit the loss of Class B employment premises. The existing DW Sport fitness gym across Sanderson Way approved in 2010 (10/0793 refers) is not within an industrial allocation and although its last use was as bulky goods retail, it is actually within an

unallocated site. The existing gym within the industrial estate (within part of the former Woodmans car showrooms buildings fronting Vicarage Lane) was granted permission in 2006 (06/0948 refers) and was also contrary to planning policy. However, the facility is much smaller, serves an identified local need, and could be argued to be actually supporting existing employment businesses. It is also more flexible in nature being readily capable of being converted back into industrial/ employment uses with the removal of the equipment. The principle of losing 1802 sq m of floorspace to a Class D2 use is therefore considered unacceptable. The marketing details submitted with the application shown that there was no serious interest in occupying the premises for business/ industrial use, however no evidence of whether the unit had been offered as sub-divided into smaller units to meet any potential demand for such smaller units.

In terms of meeting the criteria set out in Policy BH12 of the Local Plan, the revised sequential test submitted specifies the parameters for the search i.e. a size of 2750 – 3000 sq m; rent of £3 – £5 sq ft and 60+ car parking spaces. Within the town centre, three sites were identified and considered (and discounted):

- Talbot Gateway – too small, rents too high, not available immediately
- Rumours Talbot Road – not large enough, exceed the £5/sq ft budget
- Ibis Talbot Square – basement site is not large enough, rent too high.

The Sequential Test concludes that there are no sequentially preferable sites in the town centre or edge of centre which is suitable or viable compared to Sanderson Way. There are sequentially preferable sites (such as Central Station and the Apollo Electrical site on Talbot Road), however these would require the construction of new buildings and the applicant has restricted his search to existing premises.

The Impact Assessment states that there is a local authority run facility within a mile of the application site which offers a broad range of services based around a swimming pool and also offers specialist services such as cycling. The proposed facility cannot compete with this (the business model for the applicant company relies on large space and low rent so that it can offer low membership fees and excellent equipment, but does not have facilities such as a pool, and has no specialisations) and cannot offer the same sort of combined membership services (three sites available for local authority gyms). There are a number of private facilities in the area which offer bespoke services such as dance or weight loss facilities with which the applicant would not be competing. DW Sport is a mid to upper market gym with pool and spa. The applicant considers that the large format nature of the proposed site would complement (rather than compete with) the existing public and private sector facilities as these specialist services would not be available here.

Although the proposal has been considered in the context of a limited sequential test, no assessment of need has been made by the applicant and in the absence of demonstrated need, the proposed gym use 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.

### **Other Issues**

The Head of Transportation has no issues with the Parking/ Traffic Generation/ Highway Safety, subject to a number of conditions, including a Travel Plan. As the site is within the middle of an industrial estate and remote from the nearest houses on Vicarage Lane, I do not consider that the proposal would have any significant impact on residential amenity.

### **CONCLUSION**

The applicant has suggested other material considerations, such as the employment of up to 40 local people (20 full time and 20 part time staff), the investment of £1 million in the facility and the bringing back into productive use of a building that has been empty for over 6 years should outweigh the policy objection to the proposal. Along with employment opportunities and investment in the local economy, the applicant is suggesting he would offer affordable health and fitness to the community with memberships starting at £9.99. Due to the low membership fee he is suggesting that the accessibility and promotion of healthy lifestyles would be available to a much larger percentage of the Blackpool population, taking the pressure off local NHS services.

In response, there has been no assessment of need for this type of facility submitted by the applicant and there are already a number of facilities both Council and private in the area. Should permission be granted, the Council could not control the pricing policy; nor could it prevent the type of activities carried out within the D2 use class, nor restrict the user to this particular applicant.

Taking into account all of the above, the principle of the use as a gym 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.

Whilst the application premises have been vacant for a number of years the overriding matters in this case are considered to be shortage of available employment land in Blackpool (demonstrated recently with the employment land allocation of 15 hectares by Fylde Borough Council to meet Blackpool's future needs). There has been no investigation into sub-dividing the premises to make it more lettable for business/ industry. Whilst there would be employment opportunities offered, it would make the continued resistance to the loss of other designated employment land much more difficult.

The recommendation is for refusal, but should the Committee be minded to approve the proposal, given the material considerations raised by the applicant, then the proposal should be deferred for delegation to the Head of Development Management pending the signing of the S106 agreement (mentioned below) and the formulation of conditions to cover the parking and highway matters raised by the Head of Transportation.

### **LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION**

A Section 106 agreement has been submitted which covenants the owner to occupy the site in accordance with the terms and conditions of the planning permission. This replaces the current Section 52 agreement, which ties the building to Use Class B8 storage and collection of goods in connection with the now non-existent MFI retail unit.



## **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

**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 Core Strategy, which proposes around 15 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 large 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. Without an adequate demonstration of need and 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 - conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan 2001-2016 - which justify refusal and which cannot be overcome by negotiation.

### **Advice Notes to Developer**

Not applicable