

COMMITTEE DATE: [07/07/2015](#)

Application Reference: **15/0104**

WARD: Ingthorpe
DATE REGISTERED: 24/03/15
LOCAL PLAN ALLOCATION: Main Industrial / Business Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Mr G Tate

PROPOSAL: Use of premises as children's indoor play centre within Use Class D2 with associated car parking.

LOCATION: 71 MOOR PARK AVENUE, BLACKPOOL, FY2 0LZ

Summary of Recommendation: Refuse

CASE OFFICER

Ms P Greenway

SITE DESCRIPTION

Moor Park Industrial estate comprises 17.6ha of land located in north Blackpool close to the Borough's eastern boundary with Wyre Borough Council. The Faraday Way Link Road between Moor Park Avenue and the A585 Fleetwood Road has improved access from this employment area to the wider Fylde Coast. The western part of the estate is located on Bristol Avenue and Moor Park Avenue, and the eastern part is located on Kinraig Road.

The western end of Bristol Avenue comprises the former TVR site and Blackpool Council Household Waste Recycling Centre. TVR was one of Blackpool's flagship businesses, but the car manufacturing factory closed in 2006. Since then the owners have struggled finding alternative employment uses for the buildings. Whilst occupancy levels are gradually improving, this is for a mix of industrial and non-employment uses, including gyms and fitness studios, and the opportunity to redevelop this site to provide more attractive employment space remains. Planning permission was recently granted for an ice rink on the rear of this site. At the eastern end of Bristol Avenue and along Moor Park Avenue there are a range of larger industrial units and warehouse buildings, which are mostly occupied. Kinraig Road largely comprises medium-sized business and industrial buildings to the west and a small industrial estate with a range of small industrial units to the east. These small industrial units are fairly modern, although the occupancy level is low. Also to the east of Kinraig Road lies a small business park that is a recent development providing modern offices and warehouses. The completed premises have a mixed occupancy level and the site is still being developed.

The application property is in the south west corner of the estate, immediately adjacent to Public Open Space (Moor Park) and across the road is Moor Park Junior School. The estate is located at the southern end of a wider residential area. The 3467 sq. m. industrial unit to which this application relates is split into three, with the proposal relating to the middle unit of approximately 1250 sq. m.

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 use of the unit as a children's indoor play centre within Use Class D2; with approximately 22 dedicated parking spaces (including six staff/overflow parking spaces to the rear). There would be four full time and four part-time members of staff and the facility would be available for children's parties and pay per play sessions for children between the ages of 0 - 10; the use by children with special needs has also been considered. In addition to individual use, the applicants anticipate that the facility would attract organised trips from nurseries, mother and toddler groups and special educational needs (SEN) schools during school hours. The main play equipment would be a number of themed large inflatable bouncy castles in addition to other facilities such as a sensory room, sports area, car track area, arts and crafts area. Hot and cold drinks, light meals and snacks, would also be available. The proposed hours of operation would be 08:00 to 18:00 Mondays to Fridays and 09:00 to 18:00 Saturdays, Sundays and Bank Holidays.

The application is accompanied by a supporting document which includes:

- Sequential Test and Impact Assessment
- Need Assessment
- Site Selection Process
- Precedent
- Marketing Details
- Highways matters
- Employment issues

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:

I have previously commented and have raised no significant concerns regarding the use of part of the premises for this use. Access and parking at the time was considered acceptable. The situation is now different due to businesses that have now taken residence within the remainder of the premises. One of these being a furniture company dealing in bulky goods and the other being a self-service car repair garage. Clearly there will be a requirement for the adjacent businesses to have deliveries/collection of bulky goods and there could be a multitude of vehicles requiring access to the garage. At times (should the proposal be supported) there may be conflict with movements of vehicles with parents and children (a vulnerable group) with the possibility of them being placed in danger if no clear segregation or dedicated pedestrian routes are provided. The risk may not be great as children should be supervised but this does not always happen. On this basis I am not prepared to support this proposal given the change in circumstances regarding occupancy of the other units.

Police Architectural Liaison Officer (ALO):

I have conducted a crime and incident search of this policing incident location and during the period 27 March 2014 to 27 March 2015 there have been recorded crimes and incidents including burglary and vehicle crime. In order to prevent the opportunity for crime and disorder, the ALO recommends security measures.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 1 April 2015

Neighbours notified: 27 March 2015

No representations 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.

A letter of support from Paul Maynard MP is attached at Appendix 7(a) for the Committee's consideration.

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 of the NPPF is concerned with building a strong, competitive economy. Chapter 2 of the NPPF is concerned with ensuring the vitality of town centres and 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. Local planning authorities 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.

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.

paragraph 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 (E6 Moor Park/Bristol Avenue)
AS1- General Development Requirements

EMERGING PLANNING POLICY

The Core Strategy Proposed Submission was agreed for consultation by the Council's Executive on 16 June 2014 and by full Council on 25 June 2014. The document was published for public consultation on 4 July 2014 for a period of eight weeks. After the consultation ended, the document was updated and was submitted to the Planning Inspectorate in December 2014 for examination in May 2015. The examination took place between 11 and 15 May and we are now awaiting the response from the Inspector.

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 is not considered that the issues raised justify 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

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

EVIDENCE BASE TO THE BLACKPOOL LOCAL PLAN: CORE STRATEGY

Blackpool Employment Land Study 2013 - identifies Moor Park Industrial Estate as having a continuing important role serving the north of the town for the mix of industrial business uses located both on the Technology Park and on the adjoining longer established industrial estates. The location has significantly less attraction than sites within the south of the town due to its distance from the nearest motorway junction. The study recommends retaining it as safeguarded employment land and support opportunities for refurbishment or redevelopment (for example on the former TVR site) for new employment uses to meet modern occupier needs.

Employment Land Technical Paper 2014 - 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 Co-operate (our shortfall is identified as 13.7 hectares)

ASSESSMENT

Principle - Loss of employment land

Moor Park 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. The 2013 Blackpool Employment Land Study 2013 states the vacancy rate on this estate at 22.7 per cent compared to the overall total vacancy rate for all of the identified employment sites in the Borough of 19.1 per cent. 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 children's soft play 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 nine years, during which time there were no serious offers and the building became in a state of disrepair until it was sold at a reduced price to the current owners. Since then the current 12 month lease has resulted in two informal "B" use occupiers and two non "B" use enquiries (a gym and an animal training centre), neither of which have progressed.

Planning records show that the whole premises was a food production unit for Premier Biscuits in 1995 and there has been no planning history since then (although there were a few pre-application enquiries regarding non-industrial uses) until 2011, when permission was granted for a general industrial use here. The planning permission was not taken up and the premises remained vacant. However within the last six months, two of the three units in this building have been occupied: one is a vehicle repair workshop and the other seems to be a furniture warehouse although this is currently under investigation by Council officers regarding possible unauthorised retail use.

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 floor space 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 (eight staff), this argument could be used to justify other inappropriate development, for example retail development and is not in itself justification to permit the loss of Class B employment premises. The existing small gyms within the industrial estate were also contrary to planning policy; however, these are much smaller, serve an identified local need, and could be argued to be actually supporting existing employment businesses. The principle of losing 1250 sq m of floor space to a Class D2 use is therefore considered unacceptable. The existing Ice Rink on Bristol Avenue was approved contrary to policy and contrary to officer recommendation.

In terms of meeting the criteria set out in Policy BH12 of the Local Plan, the sequential test submitted specifies the parameters for the search including physical parameters (including a size of 9,000 – 13000 sq ft., with an apex of 16 ft. minimum); maximum rent of £3 sq ft; minimum 10 year lease with 5 year break clause and sufficient free car parking spaces. Within the town centre, three sites were identified and considered (and discounted):

- Talbot Gateway – too small, rents too high, insufficient free parking
- Central Station, Bonny Street - still occupied, would require redevelopment, so not viable
- Apollo site, Talbot Road - would require a new building, making the project not viable

Other town centre site such as Rumours Talbot Road and Ibis (basement) Talbot Square were not considered. 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 Moor Park Avenue. 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 would not be viable. The conclusion made by the applicant after having discounted the town centre and other industrial units (no existing D2 units were considered) was that the subject property is the only suitable premises within the borough fit for purpose for the intended use.

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 a research questionnaire of 200 properties within Bispham which is available for Members to see. Although the results state that there is a need within Bispham, it has limited value as there is no indication of whom or where the respondents for the research were, and the same results might well turn up for the town centre or other district centres if the research was undertaken there.

Although the proposal has been considered in the context of a limited sequential test, the proposed soft play centre 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 issues with highway safety, however I feel these could be overcome through redesigning the internal site layout. As the site is within the middle of an industrial estate and remote from the nearest houses on Moor Park Avenue, 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 eight local people (four full time and four part time staff), the financial investment in the facility and the bringing back into productive use of a building that has been empty for over nine years should outweigh the policy objection to the proposal.

In response, there has been no genuine assessment of need for this type of facility submitted by the applicant. Should permission be granted, the Council could not control 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 children's play 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.

Whilst the application premises have been vacant for a number of years, two thirds of the property has recently been occupied by what seem to be B Class uses. The overriding matters in this case are considered to be shortage of available employment land in Blackpool (demonstrated recently with Fylde Borough 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.

The recommendation is for refusal, but should the Committee be sympathetic to the proposal, given the material considerations raised by the applicant, I would suggest that the applicant is given a time limited permission of five years, which should be sufficient to build up his trade with a view to relocating into the town centre or to an edge of centre site. It should be made clear that an extension of time beyond that would not be granted and the use of the premises would then revert back to industrial. If this is the Committee's wishes, the proposal should be deferred for delegation

to the Head of Development Management pending the formulation of conditions to cover the parking /highway matters raised by the Head of Transportation.

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 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