

Application Number: 11/16/0184

Full Application: Major Full: Change of use to Class D2 (assembly and Leisure): Trampoline Park and part Sui Generis (Vehicle Part Sales) with external works to building.

Address: Land and buildings on the south west side of Sydney Street, Accrington

Determination by: 2nd September (extension agreed)

Applicant: Mr Sander Douglas

Agent: Harrison Ince Architects Ltd

The application has been brought before Planning Committee as the development would constitute a departure from the Development Plan.

Application Site: To the south of Burnley Road, on Sydney street in Accrington. The building comprises a detached warehouse incorporating office spaces, constructed of steel trusses under a pitched roof clad in sheet metal. Currently there are 115 car spaces in the grounds with further parking below ground.

Proposal: No alteration to the scale of the building, but there are alterations to be made to the elevations. The application seeks to change the use of the building to D2 with associated eating and drinking facilities on the mezzanine and the retention of a small area of the building for use as a sui generis vehicle parts sales centre. Safe and secure cycle provision will be made as apart from the layout changes to the car park.

Consultations

Public consultation: Site notices displayed, one letter of support has been received.

LCC Highways: No objections received subject to some suggested changes relating to pedestrian safety, disabled parking and cycle provision on site.

HBC Environmental Health: No objections provided conditions are attached relating to the development and construction phase, ventilation and a noise assessment to be submitted.

Principal Planning Officer (Policy): Initial comments detailed the policy considerations for the site; namely the Accrington Area Action Plan (AAP), Policy E2 of the Hyndburn Core strategy and the requirement for a sequential test. Following extra information being submitted by the applicant, further comments are summarised below:

- AAP: Policy AQ7 proposes residential development on the site and the proposal has no residential element. However there are clear conflicts with the proposal for the site in Policy AQ7 in terms of the site's status as an 'existing employment area'

and Policy E2 of the Core Strategy. The applicant has set out how the proposal will contribute positively towards the other aims of the AAAP.

- Policy E2 of the Hyndburn Core Strategy: the applicant has failed to demonstrate fully that Policy E2 requirements are satisfied. Part b) of Policy E2 requires part of the site to be redeveloped for appropriate employment (within Class B1). The applicant has however, satisfied part c) in that they have demonstrated 'no current or likely future demand for the site or premises for employment uses'. It is noted that the proposed levels of employment far exceed the present levels of employment. The recently published Employment Land Study (2016) highlighted the lack of demand for B1 uses in Hyndburn. As such the emerging Policy DM1 in the DMDPD will set out a more appropriate and flexible interpretation of 'appropriate employment' set out in Policy E2. Although no weight can be attributed at this point to this emerging DPD, the findings of the Employment Land Study should be a materials consideration in the decision and the interpretation of Policy E2.
- Sequential analysis: The information provided sets out the rationale for the proposed scheme and the specific requirements of the proposed trampoline park. In this context the assessment of alternative sites is considered proportionate and appropriate. Not aware of an alternate site of the correct size and format, in a sequentially preferable location. As such consider the sequential test satisfied.

Overall a positive proposal for Accrington and Hyndburn, in particular in the context of the findings from the recently published Retail Study which highlights concerns over the health of Accrington Town Centre in particular. In the future, due to changing retail patterns, leisure is going to form a more and more important function in the health of the town centres. The benefits of the scheme therefore need to be weighed up against the conflicts with the development plan.

Should the proposal be approved it is suggested that a condition should be attached to limit the use to trampoline park only and changes made to improve the integration with the town centre.

Relevant Planning History

N/A

Relevant Policies

Development Plan

Hyndburn Borough Local Plan Saved Policies
E.10

Hyndburn Core Strategy

Policy E2: Protection, Modernisation and Development of Employment Sites

Policy HC2: Leisure, Health and Culture

Policy Env4: Sustainable Development and Climate Change

Policy Env6: High Quality Design
Policy A2: Accrington Town Centre

Accrington Area Action Plan

Policy ATC6: Provision for arts, culture, tourism, entertainment, leisure, recreation, the community, faith and voluntary sectors and hotel accommodation.

Policy ATC7: Housing

Policy AQ7: Eastgate Quarter

Material considerations

National Planning Policy Framework

Hyndburn Borough Council Employment Land Study January 2016

Hyndburn Borough Council Car Parking and Access Standards (2010)

Planning Practice Guidance (PPG)

Observations

Key issues for consideration in relation to this application are 1) Principle of the development, 2) Design and layout, 3) Residential amenity, 4) Traffic and highways.

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of applications under the Planning Acts should be in accordance with the Development plan unless material considerations indicate otherwise. In this instance the Development Plan comprises the saved policies of the Hyndburn Council Local Plan (1996), the adopted Core Strategy and the Accrington Area Action Plan.

The Proposal Map of the Accrington Area Action Plan (AAAP) (Appendix 1) identifies the site as Development Site 36 (Water Street). Policy AQ7 of the AAAP states the intention 'to redevelop (Site 36) the former Volvo dealership site for residential development with a mix of units and open space'. On request, the applicant has provided a response to the requirements of the AAAP and has demonstrated that although the proposal does not meet with the provisions of Policy AQ7, it does positively contribute with the other aims of the AAAP.

The site is also identified as an 'existing employment area' in the Council's Employment Land Study (ELS) (Site ref: ACC14). The 2016 ELS identifies the site as being of 'adequate' quality. Policy E2 of the Hyndburn Core Strategy therefore applies. This policy states that sites of adequate quality such as this can be redeveloped when part of the site is redeveloped for appropriate employment use (within Class B1) and where the criteria set out in part c) of the policy are met. Criteria c) require the applicant to demonstrate the following:

- a) Continued use of the site would give rise to unacceptable environmental impacts, or:
- b) There is no current or likely future demand for the site of premises for employment uses, or
- c) Permitting an alternate use is the only viable means of retaining a building or premises which has particular architectural or historical significance.

There is a conflict with the proposal for the site with Policy AQ7 for residential and in terms of the site's identified status as an 'existing employment area' of adequate quality and implications of Policy E2 of the Hyndburn Core Strategy. It is also noted that the anticipated levels of employment on the site far exceed present levels of employment, and that the recently published Employment Land Study highlighted the lack of demand for B1 uses in Hyndburn. The Council is in the process of bringing forward emerging Policy DM1 in the Development Management DPD which will set out a more appropriate and flexible interpretation of 'appropriate employment' than set out in the Core Strategy Policy E2. Although no weight can be given to this policy at present, the findings of the ELS in terms of the lack of demand for B1 uses is considered to be a material consideration in relation to this application and the interpretation of Policy E2.

Sequential Test:

As the proposed use is for leisure (with a small sales area to be retained), it is considered to be a 'main town centre use' within the definition in the NPPF. As such there is a need to satisfy a sequential test to demonstrate that there is no suitable or available in-centre or preferable edge-of-centre sites for the proposal. (The proposal is less than the nationally set 2500 sq m floor space threshold which requires an impact assessment, and as such this is not required from the applicant).

The Sequential Analysis provided by the applicant sets out the rationale for the proposed scheme and the specific requirements of the proposed trampoline park. In this context the assessment of alternative sites is considered proportionate and appropriate by the Council Principal Planning Officer (Policy) and as such the sequential test is considered to have been satisfied.

Conclusion:

In conclusion therefore, it is considered that the proposed use does meet with various policies within the AAAP, although it is in conflict with AQ7 and with criterion c) of Policy E2 of the Hyndburn Core Strategy. The Sequential Analysis has also been submitted which supports the proposal in this location.

It is also important to consider that the emerging DMDPD Policy will allow a more flexible approach to employment sites and is a material consideration to this application. Therefore Officers consider that with the conflict between AAAP Policy AQ7 and Policy E2 of the Core Strategy, the emerging policy in the DMDPD is a material consideration to this application. As that would allow more flexibility in the consideration of this proposal, Officers are satisfied that the principle of the development is acceptable.

Design, scale and layout

Core Strategy Policy Env6 places emphasis on high quality design and requires an enhancement of the character and quality of both townscape and landscape, and is supported by the provisions of Core Strategy Policy Env 7 and the provisions of the

Accrington Area Action Plan. High quality design must take into account urban form, urban grain, landscape, density, mix, scale and appearance.

Figure 10 of the AAAP classifies the existing building as having 'a very negative' impact on the townscape quality. Changes would be made to the elevations and the site would be generally tidied up. A condition is also attached to include landscaping within the site. The proposed change of use will re-activate the underutilised and deteriorating property so that it will physically and visually contribute towards a more positive townscape. As such it is considered that the proposal complies with the relevant planning policies with regards to design, scale and layout.

Residential amenity

Policy Env7 of the Core Strategy relates to residential amenity and states that proposals for new development will be permitted only if it is demonstrated that the material impacts arising my reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards.

The site is located within a predominantly residential area and as such impacts on neighbours due to noise and nuisance need to be considered. The applicant has confirmed the opening hours of the Trampoline Park would be 10am – 9pm Monday to Friday and 9am – 10pm on Saturdays and Sundays.

The Council's Environmental Health Officer has considered the proposal and has no objections, provided that various conditions are attached which are detailed in the consultation responses section of this report. One of the conditions would be that a noise survey is carried out to ensure noise does not go about an acceptable level for a residential area. As such the proposal is considered to comply with regards to impact on residential amenity.

Traffic and Highways

Saved Policy E.10 of the Local Plan states that when considering proposals for development, the Council will have regard to car parking provision and proposed arrangements for servicing and access. In addition, Policy Env7 of the Core Strategy aims to avoid development which has an unacceptable adverse impact by reason of traffic. HC3 deals with the design of residential roads.

The Highways Authority has considered the application and made suggestions which include the following:

- A new pedestrian access from Sydney Street
- A zebra style crossing linking the new pedestrian access to the building
- Safe covered cycle parking for visitors to the development in a location close to the building entrance which will offer natural surveillance
- Specific secure and covered cycle parking provision for staff
- Adequate disabled parking provision

These amendments have been made to the plans and as such it is considered that the site is in a sustainable location with good access to the town centre.

Therefore in the absence of any objection from the statutory consultee and the inclusion of relevant conditions, Officers are satisfied that the proposal meets with the relevant planning policy in terms of traffic and highways safety.

Conclusion

In assessing this application, the policies of the development plan and other relevant local and national policy considerations have been taken into account; Officers consider that the proposal is acceptable, subject to the planning conditions listed below:

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

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development shall be carried out in accordance with the following plans and documents:

AS00 Existing Site Plan
AS01 Existing Ground Floor Layout
AS02 Existing Mezzanine Layout
AS03 Existing Elevations

AL00 Proposed Site Plan Rev B
AL01_A Proposed Ground Floor Layout
AL02_A Proposed Mezzanine Floor Layout
AV01 Proposed Elevations

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core Strategy.

3. Prior to the commencement of development, details of the pedestrian access and crossing point shall be submitted to and approved in writing by the local planning authority. The access and crossing point shall be constructed and available for use prior to the first use of the development hereby approved and retained for the duration of the development.

Reason: In the interest of safety of users and surrounding properties in accordance with the provisions of saved Policy E.10 of the Hyndburn Local Plan and Policy Env7 of the Hyndburn Core Strategy.

4. The cycle parking provision, car parking spaces and manoeuvring areas shall be provided in accordance with the approved plans prior to the first use of the development hereby approved, and shall remain available at all times for the duration of the development.

Reason: In the interest of safety of users and surrounding properties in accordance with the provisions of saved Policy E.10 of the Hyndburn Local Plan and Policy Env7 of the Hyndburn Core Strategy.

5. Construction deliveries to and from the site should be restricted to between 0800 and 1800hrs

Monday to Friday and 0800 and 1300hrs on Saturdays. Deliveries should not take place on Sundays and bank holidays.

Works should be restricted to between 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs on Saturdays.

Works should not take place on Sundays and bank holidays.

All works should be undertaken in accordance with BS5228:2009.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

6. Measures should be in place to prevent nuisance being caused to residents from noise, dust, fumes and or vibration arising from the building works.

There should be no burning off on site of construction waste. A Construction

Environmental Management Plan shall be submitted, and approved in writing by the local planning authority. The development shall then be carried out in accordance with the agreed Environmental Management Plan.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

7. Prior to the installation of any mechanical ventilation, details shall be submitted to and approved in writing by the local planning authority. The mechanical ventilation shall then be installed in accordance with the agreed details and maintained thereafter.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

8. A noise impact assessment shall be carried out to assess the impact of proposed noise sources.

The noise impact assessment shall demonstrate that the following standards are met at nearby noise-sensitive premises:

L_{Aeq} 50-55 dB 16 hours – gardens and outside living areas (for example balconies) daytime

L_{Aeq} 50 dB 16 hours – façade level daytime

*L_{AFmax} 60 dB 4 hours - façade level evening (19.00-23.00)**

Please note that any assessment shall be carried out for the most sensitive hours within the time period applied for. It is recommended that the methodology for any assessment be submitted in writing to the Environmental Protection Unit prior to any assessment taking place.

* The evening standard L_{AFmax} will only apply where the proposed evening L_{AFmax} significantly exceeds the L_{Aeq} and the maximum levels reached are regular in occurrence, for example several times per hour.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

9. The use hereby permitted shall not be open to customers except between the hours of 10am and 9pm on Mondays to Fridays and 9am and 10pm on Saturdays and Sundays, Bank and Public Holidays, unless otherwise prior approved in writing with the local planning authority.

Reason: In order to protect the residential amenities of the occupiers of the adjacent properties and to comply with Policy Env 7 of the Hyndburn Core Strategy

10. The premises shall only be used for a Trampoline Park and part Sui Generis (Vehicle Part Sales) and for no other purpose including any other purposes in Class D2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with Policy Env 7 of the Hyndburn Core Strategy

11. No development shall take place until details of external lighting have been submitted to and approved in writing by the local planning authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy Env 7 of the Hyndburn Core Strategy

12. Prior to the commencement of development, a landscaping plan shall be submitted to and approved in writing by the local planning authority. The landscaping shall be implemented in accordance with the approved details in the first planting season following the commencement of development, and maintained thereafter for the duration of the development.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.