

MC/16/0095

Date Received: 12 January, 2016

Location: Units 5 & 6, Medway Distribution Centre Courtney Road
Rainham, ME8 0RT

Proposal: Change of use from use classes B1 (employment), B2 (general industrial) and B8 (storage and distribution) to B1, B2, B8 and D2 (leisure use as a trampoline park) and extension of hardstanding to provide additional car parking.

Applicant: TBH Real Estate Investments Ltd

Ward Rainham Central

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 6 April 2016.

Recommendation - Refusal

- 1 The proposed use would result in the loss of important industrial floorspace which is a key component of employment land-use provision within the Medway Towns. The proposal would be contrary to Policy ED1 of the Medway Local Plan 2003 and paragraphs 7 and 19 of the National Planning Policy Framework
- 2 The proposal would result in the provision of a leisure use, which would be appropriate in a town centre or edge of centre location and it has not been adequately demonstrated through sequential testing that there are no alternative, suitable and available locations in, or on the edge of a town. The proposal would thereby be contrary to Policy L2 (i), (ii) & (iii) of the Medway Local Plan 2003 and the objectives to ensure the vitality of town centres, set out in chapter 2 of the National Planning Policy Framework.

Proposal

This application is essentially to expand the uses that the application site can be put to. At present the site can be used for B1 (business), B2 (general industrial) or B8 (storage and distribution) uses and the proposal is to add a D2 (leisure use - trampoline park) to the permitted uses. The application also includes an extension of the hardstanding to provide additional car parking.

This application relates to the end 3 units of a block of 6 units known as Medway Distribution Centre. The units to which the application relates are located at the far end of the building, away from Courtney Road and are accessed by a service road. Beyond this unit to the east, there is an area of woodland, separating the industrial units in Courtney Road from the rear gardens of houses in Edwin Road.

The units have a floorspace of 2,210 sq. m. and are currently vacant having last been used for storage and distribution use (Class B8). It is proposed to use the bulk of this floorspace as a trampoline area, with a reception area, ancillary offices, toilets etc. on the ground floor and a viewing area, and kitchen on the mezzanine floor. It is submitted that 25 full time and 20 part time staff would be employed at the site. It is also submitted that the proposed use would operate between the hours of 09:00 and 21:00 seven days a week.

Relevant Planning History

MC/03/2465 Change of use to adventure play and fitness centre
Refused 27/01/2004

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

4 letters have been received raising the following objections:

- Noise and disturbance to neighbouring properties and gardens, including noise from music;
- Building should be retained in industrial use;
- There is already a trampoline centre at Medway Park;
- Inadequate parking. 100+ spaces should be provided.

12 letters have been received making the following comments in support of the application:

- A trampoline park would provide a great opportunity for families and children;
- Proposal would create more than 45 jobs;
- 65 parking spaces would be provided which is more than at other such facilities;
- There are plenty of vacant industrial buildings;
- Site is close to a bus route;
- Use should be welcomed as it will increase fitness and team building;

One letter has been received seeking an assurance that any car park lighting does not shine into the garden and that the noise level during discos is not excessive.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Background

This application is essentially to expand the uses that the application site can be put to. At present the site can be used for B1 (business), B2 (general industrial) or B8 (storage and distribution) uses and the proposal is to add a D2 (leisure use - trampoline park) to the permitted uses.

A similar application for a change of use to leisure (adventure play and fitness centre) was refused on 27 January 2004 on the grounds that:

"The proposed development would result in the loss of a unit available for Class B1, B2 and B8 purposes [within the Town and Country Planning (Use Classes) Order 1995] and would be likely to result in fewer employment opportunities and prejudice the parking and vehicular servicing facilities available for such uses of the neighbouring units at 1-4 Medway Distribution Centre. The development would, therefore conflict with Policies ED1 and BNE2 of the Medway Local Plan 2003 and Policy ED2 of the Kent Structure Plan 1996."

At the time, it was considered that the site was allocated for B1, B2, and B8 employment uses only in the Local Plan 2003 and greater employment opportunities would arise from the retention of the units in either Class B1 or B2 uses.

Principle

Paragraphs 20 to 22 of the NPPF encourage the building of a strong, competitive economy and paragraph 160 requires local Planning Authorities to have a clear understanding of business needs within the economic markets operating in and across their area.

The site is located within an area which is protected by saved Local Plan Policy ED1 (Courtney Road), which is an employment designation. This Policy states that development in this area will only be permitted for Class B1, B2 and B8 uses. Although Policy ED1 predates the NPPF, when the Local Plan was assessed against the NPPF, the policies were found to be in conformity.

As part of the evidence-base for the Local Plan, a Strategic and Economic Needs Assessment (SHENA) has been commissioned to assess the need for housing, employment and retail land. This work has covered a review of the present employment locations in Medway that will inform the Council's Local Plan Strategy. Paragraph 7.53 concluded that Courtney Road is well located for employment use. It is already intensely used and offers limited potential for intensification/expansion, without re-development. The SHENA's initial conclusions have found this area and the neighbouring Gillingham Business Park to be a key component of Medway's employment picture at present and in the future. Significant employment land has been lost at the northern end of Courtney Road, although the southern part remains predominantly in Class B1, B2 and B8 uses. It is considered that further erosion of employment land should be resisted and the area should be retained in employment use.

No evidence has been submitted with the application to justify the loss of the employment use at the site. The applicant has not provided evidence of the marketing effort in respect of the current employment use. Units immediately adjacent to the unit concerned with this application are occupied, which shows that demand for these types of uses does exist. It is likely that granting of a D2 leisure use class within the unit would set a precedent for the neighbouring units to follow suit, and thus further erode well located employment units contrary to the SHENA (2016).

Local commercial agents have recently expressed considerable disappointment at the lack of availability in the number of industrial units currently up to 5,000sq.ft in the marketplace and that supply is not meeting the demand.

Policy L2 covers the development of new leisure facilities, defining their geographical location dependent on their use. For D2 proposals, the policy seeks their location in a town centre or edge of centre location. The location of this proposal is neither in a town centre or edge of centre location.

The policy does however allow for D2 use development outside of a town centre or edge of centre location in certain circumstances, where development;

- (i) Is inappropriate within a town centre or edge of centre location; or is on a site identified in Policies S7, S8 and S10 as being suitable for leisure uses in accordance with a Master Plan or development brief; and*
- (ii) Would not adversely affect the strategy for, or the vitality and viability of Chatham town centre or other, nearby, town centres; and*
- (iii) Has followed the sequential test in that there are no alternative, suitable and available locations in, or on the edge of, Chatham town centre, the other town centres or on other edge of centre locations; and*
- (iv) Would have no significant detrimental impact on neighbouring land uses or residential amenity; and*
- (v) Is highly accessible by public transport, affords good opportunities for access by pedestrians and cyclists and is sited near the primary or secondary road network.*

The proposal does not meet the policy, as the proposed use is considered to be appropriate for a town centre location. D2 uses are specifically encouraged in town centres by the justification supporting policy L2: *'The types of leisure uses appropriate to a town centre include those falling within Use Class D1 (such as an art gallery, museum, and exhibition hall) and Use Class D2.'* Emerging evidence from the evidence base for the new Local Plan suggests a mix of uses in town centres is to be encouraged. The initial findings of the SHENA identify that retail is changing and that high streets generally need to evolve to meet that change. One suggestion it makes is to encourage a range of uses, retail and non-retail, within them. This is reflected in the objectives set out in the NPPF (paragraph 24), which requires that for town centre uses (which includes leisure), local planning authorities should apply a sequential test to any applications for such proposals that are not in an existing centre.

The supporting Planning Statement includes a sequential test (paragraphs 6.7 & 6.8). A total of 5 alternative sites have been assessed, based three criteria of (i) availability,

(ii) suitability and (iii) viability. The applicant concludes that “none of these sites are in town centre or edge of centre locations so they are not sequentially preferable to the application site.” All of these premises were located in employment areas and none were in town centre or edge of centre locations. No evidence was submitted with the application that sites with such locations had been considered.

Paragraph 26 of the NPPF states “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 floor space threshold (if there is no locally set threshold, the default is 2,500sqm). This should include assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local customer choice and trade in the town centre and wider area, up to five years from the time that application is made.

The proposed development is approx. 2,000sqm and would not require an impact assessment, as stated in paragraph 26 of the NPPF.

In reviewing the 5 sites, the applicant has not conducted a balanced assessment against potential town centre and edge of centre sites. The applicant has also failed to recognise sites in Medway with existing leisure uses that could accommodate such a proposal. The ‘robustness of this sequential testing is therefore questioned.

Paragraph 27 of the NPPF, states that “*where an application fails the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.*”

Given that no evidence has been provided by the applicant to suggest that the proposal would not cause an impact on the viability and vitality of defined town centres or on other edge of centre locations; the Planning Authority would question the findings of the applicant's sequential test in line with Policy L2(ii &iii) of Medway Local Plan 2003. Turning to Para. 27 of the NPPF, the application should be refused.

In addition, the proposed development would potentially result in the loss of important Class B1, B2 & B8 floorspace to a leisure use, within a protected, established and vital employment area for specialised employment that would conflict with the objectives of paragraphs 20 to 22, 160 and 161 of the NPPF and Policies ED1 and L2 of the Medway Local Plan 2003 and is therefore unacceptable in principle

Design and appearance

No external alterations to the building are proposed and therefore, no objection is raised under Policy BNE1 in terms of design and appearance.

Neighbour Amenity

The nearest residential properties to the application site are located over 100m to the east in Edwin Road and are screened from the site by a woodland belt. It is, therefore considered that the proposal would not have an adverse effect on the amenities of the occupiers of those properties in terms of noise and disturbance and therefore no objection is raised under Policy BNE2 or Policy L2(iv) of the Local Plan in this regard.

Highways

Medway Council's adopted Vehicle Parking Standards do not specify a requirement for sports facilities stating that each application should be assessed on an individual basis. It is submitted that the proposed use would have a throughput of 100 users with up to 50 accompanying parents/guardians every 1 hour 45 mins. Most users would arrive and depart in private cars carrying 3-4 persons. It is submitted that the proposed use would generate around 40 vehicle movements per hour (20 in and 20 out). 65 car parking spaces are proposed including 2 disabled persons spaces. This is considered to be adequate to accommodate the proposed use.

No objection is, therefore raised in terms of traffic generation and parking under Policy L2(v), T1 and T2 of the Local Plan.

Local Finance Considerations

There are no Local Finance Considerations raised by this application.

Conclusions and Reasons for Refusal

In conclusion, the proposed development would potentially result in the loss of important Class B1, B2 and B8 floorspace to a leisure use, within a protected, established and vital employment area for specialised employment that would conflict with the objectives of paragraphs 20 to 22, 160 and 161 of the NPPF and Policies ED1 and L2 of the Medway Local Plan 2003 and is therefore unacceptable in principle

This application is reported to planning committee for members consideration due to the number of representations received contrary against officer recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>