

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**City Segment Of Unit 2, Dabell Avenue**

**1 SUMMARY**

Application No: 16/01856/PFUL3 for planning permission

Application by: Savills on behalf of Red Kangaroo

Proposal: Change of use to trampoline park (D2).

The application is brought to Committee because if approved, the decision would result in a significant departure from the policies of the Development Plan.

To meet the Council's Performance Targets this application should have been determined by 11th October 2016.

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Chief Planner.

**3 BACKGROUND**

3.1 The application relates to an industrial unit located within the Blenheim Industrial Estate. The site straddles the administrative boundary between Nottingham City Council and Broxtowe Borough Council, with the northern portion of the site falling within the City Council's jurisdiction and approximately 25% of the building falling within the City. The building stands adjacent to the west site boundary and has a sizeable car park to the east.

3.2 The surrounding buildings are industrial in character being located within the Blenheim Industrial estate. The nearest residential properties are located at a distance of approximately 220m to the south east on Sellers Wood Drive.

3.3 The unit has been vacant for approximately 2 years and has been marketed for employment use since November 2013. The application is accompanied by evidence of the marketing and enquiry history.

**4 DETAILS OF THE PROPOSAL**

Permission is sought to change the use of the premises to an 'indoor trampoline park'. The use falls within Class D2 of the Use Classes Order. No changes to the

exterior of the building are proposed, other than the proposed signage which is subject of application reference 16/01857/ADV2 for Advertisement Consent.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

Units 4,5 and 8 Centurion Business Park, Dabell Avenue  
Unit 1 Dabell Avenue  
Natgraph Ltd, Dabell Avenue

The application has also been advertised as a departure from the Local Plan by site notice and press notice.

The consultation period expires on 30<sup>th</sup> November 2016.

Two representations expressing support for the application have been received from neighbouring industrial premises on Dabell Avenue.

One letter of objection to the proposed development has been received on behalf of Intu Properties Plc. The following objections were raised:

- the sequential assessment provides insufficient information to demonstrate the application site is the preferred location for this proposed main town centre use
- the assessment of potential impact does not consider the impact on existing, committed and planned investment in Nottingham City Centre, including at Intu Broadmarsh.

The applicants have submitted a letter in response to the above objections, expanding upon their sequential test and considering available sites within the City Centre.

### **Additional consultation letters sent to:**

**Pollution Control:** No objection.

**Highways:** No objection. Condition requiring transport plan recommended.

**Broxtowe Borough Council:** No objection. The site is not allocated within the Broxtowe Borough Council Local Plan. The Authority is minded to grant planning permission for the proposed change of use.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework:**

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.
- 6.2 Paragraph 22 states that 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 regard to market signals and the relative need for different land uses to support sustainable local communities.

- 6.3 Paragraph 24 states that local planning authorities 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. They 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.

### **Nottingham Local Plan (November 2005):**

E3 - Major Business Parks/Industrial estates.

### **Aligned Core Strategy 2014**

Policy 4: Employment Provision and Economic Development

Policy 6: Role of Town and Local Centres

Policy 10: Design and Enhancing Local Identity - new development should be designed to create an attractive, safe, inclusive and healthy environment.

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

Whether the development will:

- (i) Impact upon employment provision at the Blenheim Industrial Estate
- (ii) Impact upon the role of town and local centres.
- (iii) Create an attractive, safe, inclusive and healthy environment.

### **Issue (i) Impact upon employment provision at Blenheim Industrial Estate** (Policy E3 of the Nottingham Local Plan and Policy 4 of the Aligned Core Strategy)

- 7.1 Policy E3 of the Local Plan states, "Within the major business parks/industrial estates as defined on the Proposals Map, employment sites or employment premises will not be granted planning permission for uses other than employment uses, except for ancillary development necessary to serve the development." This is justified as being "essential to recognise the importance of protecting the major business parks/industrial estates" and "to ensure they continue to provide a sound basis for economic growth and an adequate supply of employment land."
- 7.2 Policy 4h) of the Aligned Core Strategies also states that the economy of the area will be strengthened and diversified by "(i) ensuring the allocations most attractive to the employment market remain available for employment uses", and "(ii)

retaining good quality existing employment sites (including strategic employment areas) that are an important source of jobs."

- 7.3 On the basis of the original application submission and initial assessment against planning policy, it had been initially intended to refuse this planning application under delegated powers. The applicant has, however, provided further information in relation to the marketing of the unit and sequential test in relation to the proposed leisure use.
- 7.4 The additional information provided by the applicant states that, despite marketing since 2013 and a significant number of enquiries by potential users, the building has remained vacant. This is somewhat surprising given the age and size of the building and its accessible location. The applicant has put forward the case that the layout of the building, which accommodates a large proportion of office floorspace, is deterring potential occupiers due to the cost of the removal of this office content. There are also a high proportion of windows within the unit which would not be suitable for some industrial uses. The cost of carrying out these external alterations is also cited as a potential deterrent to prospective occupiers. It is considered, for these specific reasons, that there is no reasonable prospect of the unit being let for Class B1/2/8 employment uses and sufficient evidence has been provided to justify the consideration of an alternative use, as a departure from the provisions of Policy E3 of the Local Plan. It should be noted that these circumstances are site specific and the same principles may not apply to other units in the Blenheim Industrial Estate.
- 7.5 It is considered that the applicant has demonstrated that the unit is not attractive to the market for 'traditional' employment uses, and it is noted that the proposed trampoline park would generate 52 jobs. Taking this into consideration, and despite remaining reservations regarding the loss of an employment use within the Blenheim Industrial Estate, in the interest of securing the use of the long standing vacant unit, it is considered that the proposed development is acceptable and would comply with the employment objectives of Policy 4 of the Aligned Core Strategy.

**Issue (ii) Impact upon the role of town and local centres. (Policy 6)**

- 7.6 Policy 6 of the Aligned Core Strategy states that main town centre uses should be located in centres. Development should be appropriate in scale and nature to the role and function of the centre. If no suitable sites are available in centres then edge of centre locations should be used, and only if there are no suitable sites will out of centre sites be considered. Proposals for edge of centre and out of centre sites should satisfy the sequential test and show how the development will not have a severe adverse impact on any centre.
- 7.7 The sequential test submitted by the applicant provides a review and analysis of available alternative premises and justification on why these have been rejected as being unsuitable for the proposed use, particularly in relation to the internal height requirements for the proposed trampoline park. This has been updated to consider vacant premises within the City Centre and sites within the emerging LAPP document. The sequential test has been reviewed and whilst there are some reservations about the catchment area cited, it is felt that the sequential test requirements have been met. A condition restricting the use to a trampoline park or uses within classes B1, B2 or B8 is recommended. This offers some protection to the site for employment use as it would allow a potential return to uses within these

classes in the future. It is therefore considered that the proposed development accords with Policy 6 of the Aligned Core Strategy.

**Issue (iii) Creation of an attractive, safe, inclusive and healthy environment (Policy 10)**

- 7.8 Policy 10(b) states that all new development should be designed to create an attractive, safe, inclusive and healthy environment. Whilst the application site is located within an industrial estate, it accommodates a sizeable car park and is served by a regular bus service. The nearest bus stop during non-peak hours is a short walk away and given the environment through which pedestrians will have to approach the site, improvements to access for pedestrians and cyclists will be required. The applicants are currently in discussion with the Highway Authority regarding these matters, and conditions to secure the improvements, as well as a travel plan, are recommended.
- 7.9 The nature of the proposal promotes a healthy leisure use and the applicant has stated their commitment to providing opportunities to all members of the community. In summary, it is considered that the proposal complies with Policy 10 of the Aligned Core Strategy.

**8. SUSTAINABILITY / BIODIVERSITY**

None.

**9 FINANCIAL IMPLICATIONS**

None.

**10 LEGAL IMPLICATIONS**

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

**11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

Enabling a new business economy.

**14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**15 VALUE FOR MONEY**

None.

**16 List of background papers other than published works or those disclosing confidential or exempt information**

1. Application No: 16/01856/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OBZNCTLYLL300>

**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

Aligned Core Strategy 2014

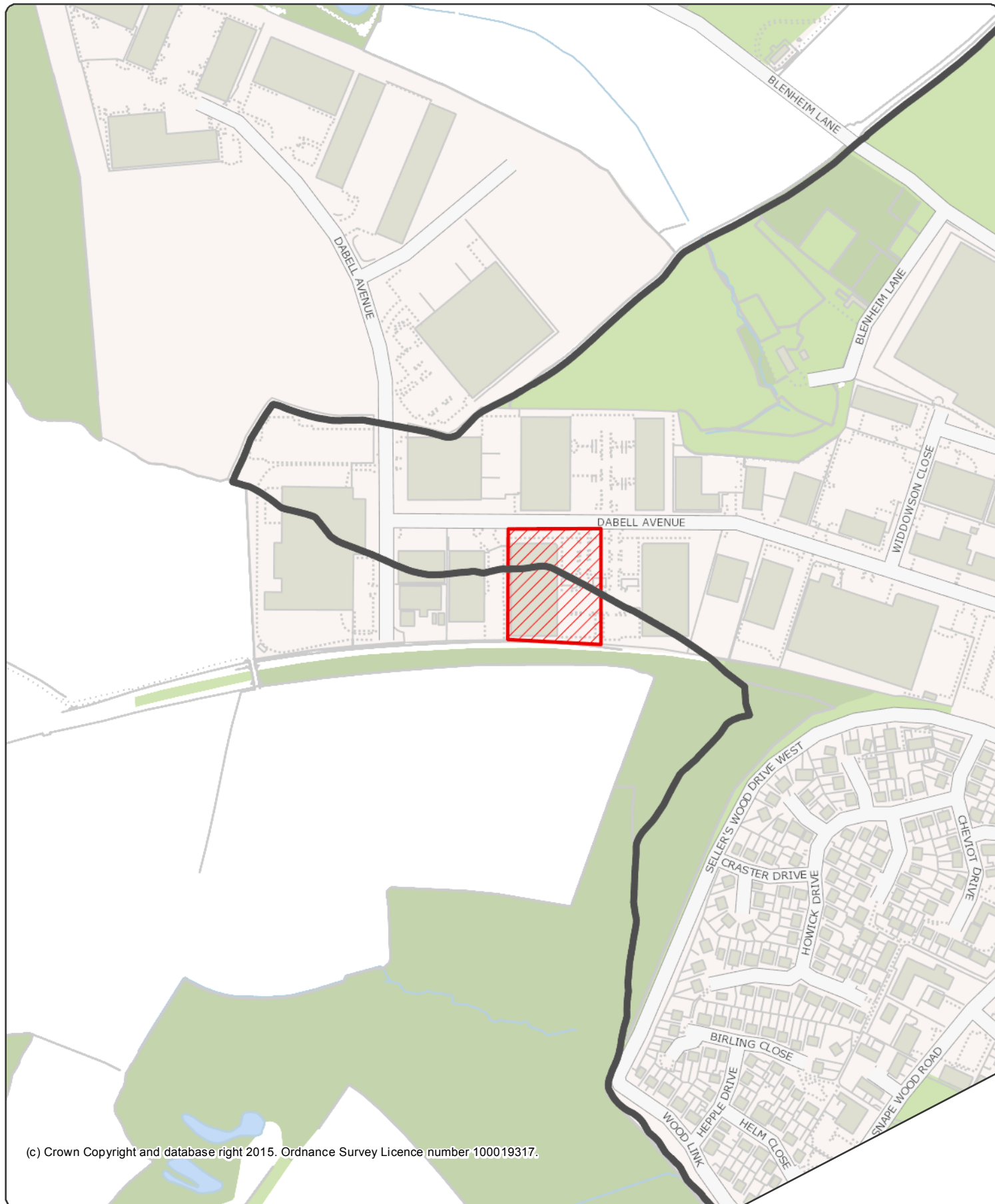
National Planning Policy Framework

**Contact Officer:**

Mrs Zoe Kyle, Case Officer, Development Management.



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# NOMAD printed map

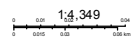


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## Key

-  City Boundary
-  Planning Application Polygons

Nomad web map printed by a Nomad user at 09:07, 15/11/2016



## Description

No map description

**My Ref:** 16/01856/PFUL3 (PP-05364264)  
**Your Ref:**  
**Contact:** Mrs Zoe Kyle  
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City Council**

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Savills  
Mr Chris Brady  
33 Margaret Street  
London  
W1G 0JD

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990  
APPLICATION FOR PLANNING PERMISSION**

Application No: 16/01856/PFUL3 (PP-05364264)  
Application by: Red Kangaroo  
Location: City Segment Of Unit 2, Dabell Avenue, Nottingham  
Proposal: Change of use to trampoline park (D2).

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

**Time limit**

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

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The use hereby permitted shall be ceased within 3 months of the development hereby permitted unless a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.*

**Pre-commencement conditions**

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

There are no conditions in this section.

**Pre-occupation conditions**

(The conditions in this section must be complied with before the development is occupied)



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**Not for issue**

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3. The development hereby approved shall not be brought into use until the site accesses including improvements for pedestrians and cyclists, are provided in accordance with details which shall have first been submitted and approved in writing by the Local Planning Authority.

*Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy*

#### **Regulatory/ongoing conditions**

(Conditions relating to the subsequent use of the development and other regulatory matters)

4. The use hereby permitted shall be limited to that of an Indoor Trampoline Park, or a Class B1, B2, or B8 Commercial Use within the Town and Country Planning (Use Classes) Order 1987 (as amended).

*Reason: To offer protection for employment uses in the future in accordance with Policy 4 of the Aligned Core Strategy.*

#### **Standard condition- scope of permission**

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 16 August 2016.

*Reason: To determine the scope of this permission.*

#### **Informatives**

1. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

2. Planning consent is not consent to work on the highway. To carry out the access improvement works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

3. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the officer's delegated report, enclosed herewith and forming part of this decision.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.



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## **RIGHTS OF APPEAL**

Application No: 16/01856/PFUL3 (PP-05364264)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

## **PURCHASE NOTICES**

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

## **COMPENSATION**

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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## **Not for issue**