



REGULATORY SERVICES COMMITTEE

18 February 2016

REPORT

Subject Heading:

P1609.15 – 1 Spilsby Road, Harold Hill,
Romford

Proposed change of use of vacant
industrial building to Indoor Trampoline
Park (D2) with ancillary cafeteria (A3).
(Received 02/11/15)

Ward:

Harold Wood

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

- Havering will be clean and its environment will be cared for []
- People will be safe, in their homes and in the community [X]
- Residents will be proud to live in Havering [X]

SUMMARY

This application seeks planning permission for the change of use of the building from an industrial use to an indoor Trampoline Park (Class D2) together with an ancillary cafeteria use (A3).

It raises considerations in relation to the principle of development, impact on the residential amenity of neighbouring residents and the suitability of the proposed parking and access arrangements.

The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- Provision of a training and recruitment scheme for local people to be employed during the construction period and operation of the facility
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1. Time Limit

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

3. Parking Provision

Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

4. Restricted use

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be as a trampoline park only with an ancillary cafeteria and shall be used for no other purpose(s) whatsoever including any other use in Class D2 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

5. Personal permission

The permission hereby granted shall be personal to Jump Evolution Ltd. only and shall not enure for the benefit of the land or any other person.

Reason: To restrict the use of the premises to a specific occupier to enable the Local Planning Authority to exercise control over any future occupiers not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61 also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

6. Hours of use

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 22:00 on Mondays to Saturdays and between the

hours of 10:00 and 22:00 on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

7. Cycle storage

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Site Description

- 1.1 The proposal site is located within the Harold Hill Industrial Estate accessed from Faringdon Avenue. The subject site comprises a large warehouse building of industrial appearance with 2100m² of floor space. The unit is presently vacant having previously been used by a distribution company.

1.2 The Harold Hill Industrial Estate is designated as a Strategic Industrial Location in the Local Development Framework and comprises a variety of buildings containing business, industrial and storage uses. The application site bounded by Spilsby Road and the industrial estate to the south and by the rear gardens of residential properties fronting onto Camborne Avenue to the north.

2. Description of Proposal

2.1 This application seeks planning permission for the change of use of the building from an industrial use to an indoor Trampoline Park (Class D2) together with an ancillary cafeteria use (A3). The applicant has not indicated the need for extraction equipment and it is clear from the submitted drawings that there are existing kitchen facilities on site. Notwithstanding the details shown on the submitted drawings any proposed extract equipment is not part of this application and would require a future planning application.

2.2 It is proposed that the applicant would create 40 to 45 new jobs.

2.3 The existing floor space of 2100m² would remain the same. No external alterations are proposed either to the circulation space around the building or the elevational treatment of the building itself.

2.4 Car parking specifically allocated for the proposed use would be provided to the front of the building for up to 29 no. cars of which 2 no. spaces will be dedicated as disabled spaces. The proposal would also provide a further 2 no. drop-off spaces. Additionally 10 no. Sheffield stands will be provided to accommodate secure, covered short term storage for 20 no. bicycles.

2.5 Hours of use proposed are from 09:00 till 22:00 Monday to Saturdays and from 10:00 to 22:00 on Sundays and Bank Holidays.

3. Relevant History

3.1 None

4. Consultations/Representations

4.1 Neighbour notification letters have been sent to 30 local addresses and 2 letters of objection were received raising the following concerns:

- additional noise and disturbance
- smells from the cafeteria
- already problems with parking
- proposed parking would not be sufficient for the intended use

4.2 The following consultation responses have been received:

- Highways Authority – no objection.

- Designing Out Crime Officer – no objection
- Environmental Health – no objection, recommended conditions in relation to contaminated land.

5. Relevant Policies

- 5.1 Policies CP3 (Employment), DC9 (Strategic Industrial Locations), DC13 (Access to Employment Opportunities), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Policies 4.4 (managing industrial land and premises), 4.6 (Support for and enhancement of arts, culture, sport and entertainment), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character) and 7.15 (reducing noise and enhancing soundscapes) of the London Plan, are material considerations.
- 5.3 The National Planning Policy Framework is also relevant to the proposal.

6. Staff Comments

- 6.1 The main issues in this case are considered to be the principle of the development, impact upon neighbouring occupiers, highways considerations and car parking provision.
- 6.2 *Principle of Development*
- 6.2.1 The application site is located within the Harold Hill Industrial Estate which is a Strategic Industrial Location (SIL) as defined in the Local Development Framework. The Harold Hill Industrial Estate is well suited for employment uses and offers a range of accommodation to suit the needs of all types of businesses. This Strategic Industrial Location provides accessible employment in the north of the Borough, particularly the Harold Hill Estate which is within a part of the borough with a high level of unemployment.
- 6.2.2 Policy DC9 advises that planning permission will only be granted for Class B1 (b+c), B2 and B8 uses in Strategic Industrial Locations.
- 6.2.3 The current proposal would be for an indoor trampoline park (D2) and ancillary cafeteria (A3) use which would be contrary to Policy DC9.
- 6.2.4 However, the Council has adopted, for development management purposes, a Planning Advice note which establishes a more flexible approach to the type of development permitted within designated industrial areas than is currently set out in Havering's Local Development Framework. This is in recognition of the Council's commitment to supporting business growth. The Note sets out a number of considerations that should be taken into account

as well as detailing the type of evidence that will be expected in support of an application. These are as follows:

1. The proposed development will be expected to make a positive contribution to the local economy and provide local employment opportunities.

The applicant has stated that the proposal would create between 40 and 45 jobs which will be more than what would normally be associated with a warehouse/logistics operation. The job opportunities will consist of administrative staff, catering staff, retailing staff and training/coaching staff. The applicant has indicated that they are committed to selecting candidates from the local area and is prepared to enter into a legal agreement to show this commitment.

2. There should be clear demonstration and evidence of vacancy

The applicant has provided a letter from Glenny Property Advisers which states that the property has been actively marketed since February 2015 for B1, B2 and B8 usage. There have been three offers; two were from other companies wanting to use the site as a trampoline park and one wanting to use the site for car storage, vehicle repairs, car finance and sales.

3. The planning application must be for a known and specified end user and the permission will be granted personally to the applicant only through the use of appropriate conditions.

Appropriate conditions can be added in the event of an approval

4. Secondary Employment Areas (SEAs) are more appropriate locations than Strategic Industrial Locations (SILs) for non-industrial employment uses.

The application has indicated that a detailed search of the Secondary Employment Area has failed to identify an appropriate and available building that would be more suited and more sustainably located than the application site. A sequential analysis was provided as part of the application which sets out details of the search process and results.

5. The proposal should not result in an unacceptable impact on amenity, parking or highway or the operation and viability of the wider industrial area.

A detailed Noise Impact Assessment has been prepared and it concluded that the proposal would not have an adverse impact on residential amenity. A detailed Transport Statement has assessed parking requirements, travel possibilities and the potential impact on the highway network. The report concluded that the application would not have an adverse impact on the highway network and that the site is able to provide adequate parking for visitors who will travel to the site

by car. No objections have been raised by Environmental Health or Highways staff on noise or highways grounds.

6.2.5 Although the proposed development is contrary to Policy DC9 Staff are satisfied that the applicant has provided sufficient evidence to demonstrate that a more flexible approach can be taken as per the guidance contained within the Planning Advice Note: 'Open for Business' - Proposals for Business and Employment Uses within Industrial Areas.

6.3 *Impact on Amenity*

6.3.1 It is not considered that the proposed leisure use would result in a materially different level of noise or disturbance than would be associated with an industrial type use. The application site is located in an industrial area where generally, there is no control of operating hours. 6.3.2 Any noise and disturbance from the cafeteria and vehicle movement would be further mitigated by the position of the cafeteria and parking area to the south of the warehouse building approximately 60m from the nearest residential dwelling.

6.4 *Environmental Issues*

6.4.1 Environmental Health has raised no objection to the proposal; however the site is located within an industrial location and a condition is recommended in the event of contamination not previously identified is found to be present at the site.

6.5 *Parking and Highway Issues*

6.5.1 The parking requirement for trampoline parks is not specifically listed within Annex 5 of the Development Control Policies DPD, Staff have therefore made an assessment as to whether the proposed amount of parking would be sufficient.

6.5.2 The applicant has indicated that there would be approximately 80-100 bouncers per hour during peak times. The applicant's business case also assumes that where people travel to the centre by car, then on average there are usually around 3 people per car.

6.5.3 Given the high accessibility of the site to sustainable forms of transport and given the target audience of the proposed use, the Transport Assessment considers a high proportion of users to travel to the site by sustainable forms of transport or would just be dropped off by parents. It is therefore not considered to be unrealistic to assume that at least 50% of people traveling to the site would travel by sustainable forms of travel and would be dropped off.

6.5.4 This would result in approximately 13 to 17 car arrivals and departures per hour during peak times.

- 6.5.5 In terms of staff, it is expected that the majority of staff would be college students or graduates who would be dropped off, walk or catch public transport. Staff parking demand is therefore considered to be minimal.
- 6.5.6 The proposed number of car parking spaces of 29 for customers, which based on the above traffic generation and evidence from other similar centres is considered to be sufficient provision. In the unlikely event that additional parking is required; there is on-street parking on Spilsby Road which would provide spaces for overflow car parking if it were needed.
- 6.5.2 The subject site is well connected in terms of access to sustainable modes of transport with good pedestrian links to surrounding residential areas and by frequent bus services which pass and stop close to the site. This provides every opportunity for staff and customers to travel to the site by sustainable modes of transport.
- 6.5.3 Staff therefore consider the parking to be sufficient. Also additional parking would be available during the busier evening hours and weekends when the surrounding uses are closed and on street parking is available.
- 6.5.4 The Highways Department has not raised an objection to the proposal.

7. Conclusion

- 7.1 Having regard to the above, whilst strictly contrary to policy, a more flexible approach can be taken in this case as the applicant has provided supporting documentation to fulfil the criteria set out within the Planning Advice Note: 'Open for Business' - Proposals for Business and Employment Uses within Industrial Areas. The proposal is not considered to result in an unacceptable impact on neighbouring amenity, parking or the highway.
- 7.2 Approval is therefore recommended subject to conditions and a legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The proposal would include a provision for the training and recruitment scheme for local people to be employed during the construction period and operation of the facility.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 2 November 2015.