

Application No: 09/2729M
Location: UNIT D1, STANLEY GREEN TRADING ESTATE, COMMERCIAL AVENUE, HANDFORTH, WILMSLOW, CHESHIRE, SK8 6QH
Proposal: CHANGE OF USE FROM VACANT WAREHOUSE TO PLAY WAREHOUSE

For HEAD OVER HEELS &, ORBIT INVESTMENTS(PROPERTIES) LIMITED

Registered 28-Aug-2009
Policy Item Yes
Grid Reference 386442 384125

Date Report Prepared: 13 November 2009

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Loss of employment land
- Impact on highway safety

DESCRIPTION OF SITE AND CONTEXT

The site is located within the Stanley Green Trading Estate in Handforth, close to the northern boundary of the Borough. The site and its surroundings have the characteristics of a typical business / industrial park. The site lies on the corner of Earl Road and Commercial Avenue. Various industrial and office units are located in the vicinity of the site. The building on the site is a vacant warehouse of approximately 1500 sq m. Access and parking areas exist from both Commercial Avenue and Earl Road. The south boundary of the site is bordered by Spath Lane Brook and vegetation. The site contained by fencing from the wider industrial estate.

DETAILS OF PROPOSAL

The application seeks the change of use from a vacant warehouse to a children's play warehouse. The existing warehouse has a floorspace of 1498 sq m with a small office measuring 145 sq m. members should be aware that the existing small office section has been granted permission for a small café to meet demand from workers on the estate. This permission has not been implemented. The applicant intends to implement the café permission and also have shared kitchen that would provide services to customers of the play warehouse. An indicative internal layout has been requested from the applicant to clarify this.

The site has 73 car parking spaces which would be formally marked out and incorporate 3 disability spaces. 6 cycle spaces would also be provided. The landowner also has ownership of adjoining units on the estate and they have stated that they are happy to have a condition to allow additional parking on land opposite the application site on Saturdays and Sundays.

RELEVANT HISTORY

08/1051P Change of use from storage unit to sandwich shop, cafe and hot and cold food takeaway
Approved with conditions 26.082008

POLICIES

Regional Spatial Strategy

Relevant policies of the North West of England Plan Regional Spatial Strategy to 2021 include:

DP1 (Spatial principles applicable to development management)
DP2 (Criteria to promote sustainable communities)
DP3 (Promotion of sustainable economic development)
DP4 (Sequential approach to make the best use of existing resources)
DP5 (Objectives to reduce the need to travel and improve accessibility)
DP6 (Linking economic opportunity with areas in greatest need)
DP7 (Criteria to promote environmental quality)
W1 (Strengthening the regional economy)
W3 (Supply of Employment Land)
W4 (Release of Allocated Employment Land)
L1 (Health, Sport, Recreation, Cultural and Education Services Provision)
RT2 (Strategies for managing travel demand and regional parking standards)
RT9 (Provision of high quality pedestrian and cycle facilities)
MCR3 (Strategy for the Southern Part of the Manchester City Region)

Local Plan Policy

Relevant policies of the Macclesfield Borough Local Plan include:

E1 (Employment Land Policies)
E4 (Employment Land – Industry)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

Other Material Considerations

National planning guidance is relevant in the form of PPS1 Delivering Sustainable Development, PPG4 Industrial and Commercial Development and Small Firms, PPS6 Planning for Town Centres, PPG13 Transport, PPG17 Planning for Open Space, Sport and Recreation, and PPS25 Planning & Flood Risk.

Whilst not adopted government policy, new draft guidance document PPS4: Planning for Prosperous Economies has been considered as a material consideration by Inspectors dealing with similar development proposals.

CONSULTATIONS (External to Planning)

Highways: There are no objections in principle to this application although it could be argued that the use of this accommodation as a children's play centre is not appropriate in this location. The site is within walking distance of a major residential area and on a bus route which supports to some degree the sustainability argument although it is accepted that like other such facilities the majority of its clientele will arrive by private motor vehicles. The parking provision is in accordance with the policy guidance in PPG13 and allied to the fact that there is no on-street parking available around the site, nor on any of the estate roads, the use of the private car is to some degree self-limiting although the applicant has suggested that at peak operational times additional car parking is available on land within the applicant's ownership. Having considered all the submitted evidence and from observations during site visits it is felt that there is no greater hazard to those using the site than pedestrian traffic already using Earl Road given that none of the children would be unaccompanied. However, the applicant/landowner has been requested to undertake some improvements to pedestrian movement which will require the applicant entering into a s278 Highways Act 1980 agreement with the Council.

There are no objections in principle to the provision of the café and under current criteria is likely to require the provision of approximately 10 parking spaces which, if the submitted data holds true, are available within the overall parking provision. However, if as the applicant states, it is for other estate users then there should be little need of use by additional traffic, or if there is, it may be multi occupancy vehicles.

Environmental Health: No objection

Environment Agency: We are in receipt of a revised Flood Risk Assessment (FRA) produced by Steve Douglas of Peter Mason Associates, September 2009. The contents of the revised FRA have addressed our concerns with regard to emergency access and egress from the site, and as such, we are now able to withdraw our objection to the development proposals. Conditions are recommended in respect of a scheme to provide emergency access / egress in the event of flooding, and to provide appropriate flood proofing measures to the building.

OTHER REPRESENTATIONS

1 letter of objection from the tenant of a nearby commercial unit was raised mainly in relation to parking / traffic concerns. However, following discussions with the applicant and based on a condition that the additional land for parking is made available during weekends they have withdrawn their objection.

An additional anonymous objection has been received. In summary the objection raised includes:

- **Parking and congestion:** The figures submitted with the application distort the reality of the impact of the proposal. The application does not consider actual arrival and departure times of users which will not be spread throughout the day and does not take account of busy periods during school holidays. No travel plan is submitted and there is no analysis of traffic flows which will significantly add to congestion at already very busy junctions around the Stanley Green Trading Estate.
- **Need:** There is not the need for this facility as suggested. There are 4 similar facilities within a 10 minute drive and the application does not refer to 2 nearby sites that will be opening this year in Wythenshaw and Didsbury.
- **Employment:** The application states that up to 50 staff would be employed, however the industry average indicates that the actual average is more likely to be 5-7 full time and 10 – 15 part time staff.
- **Pricing:** It is states that the pricing of £3.50 per head is aimed at being accessible to low income families, however the average price achieved by Head over Heels is over £4.50 per head and £10.99 or parties.
- The applicant has experiences problems running their site in Chorlton hence their urgent need for a new site. They have no experience in running a venue of this size. Stockport Borough Council have refused application in the area around Stanley Green due to issues of sustainability, traffic congestion, parking and impact on employment opportunities.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a planning and supporting statement, a transport statement, flood risk assessment and an economic report. These are available online as background information. A summary of the Planning Statement is outlined below.

Planning and Supporting Statement

Head Over Heels is an indoor play centre currently operating in Chorlton. The facility is open 7 days a week, Monday to Friday 9.30am until 7.00pm and on Saturdays & Sundays 9.30am until 6.30pm. It provides facilities for children aged 0-8 years for an accompanied play visit which usually lasts up to 2 hours which can be a free play or have structured activities. It is primarily a physical activity centre employing up to 50 staff. Orbit and Head Over Heels are applying for a change of use permission for a play warehouse.

The site is within the area designated for employment in the Macclesfield Borough Local Plan. To the north and south ends of the employment area

there are retail facilities (B&Q, Next, Comet, TK Max, Halfords, Marks & Spencer, BHS and Tesco). The core of the trading estate comprise B1/B2/B8 uses and trade counter warehouses. In recent years there has been an increase in office buildings being built on the site and there are further office buildings with planning consent yet to be built. To the west within a 10 minute walk, is the northern residential area of Handforth. Within a 15 minute walk to the south west is Handforth Centre and Train Station. Within a 15 minute walk to the south is the residential area of Handforth near Handforth Hall.

Over the last 15 years in the North West standalone play centre have evolved in a number of locations but the majority have been successful in receiving planning approval for change of use from industrial to play warehouse centres under the Use Class D2 on Industrial Estates. A Fun4All was granted in Macclesfield Borough at Hurdsfield Industrial Estate (ref 05/1348P). Evidence from Appeals also suggests the play warehouses are not viewed as a town centre use.

The application building is predominantly a single storey 35 year old warehouse which has been vacant since March and marketed since September 2008. It was previously in intermittent use by John Lewis Warehouse. The proposal does not involve works to alter the external appearance of the building and allows the property to revert back into B1/B2/B8 in the future should the need arise.

The facility will provide up to 50 jobs, a sensory room, trike track, toddler area, toddler village for dressing up/role play, bungee trampolines and a multi use area which will change its focus through the seasons and years; five party rooms, together with a party games area, toilets, buggy storage, reception area, kick about area, café and seating area.

The Government are consistently driving to increase physical activity amongst children. This is an excellent facility in the British weather to enable that to take place. It sits alongside other indoor sports facilities such as swimming pools and sports halls in providing the facilities for physical activity.

Other appeal decision have demonstrated that Industrial / Business parks can be acceptable locations for such a use and the employment generated by them can be consistent with or greater than other employment uses such as warehousing.

The predominant use of the Stanley Green Trading Estate would remain industrial and there is no shortage of industrial/employment land as shown in the submitted economic report by Knight Frank.

Sequential Approach: A larger floor space and good ceiling height maximise the play factor for children. Secure parking and good transport links are essential. It is difficult to find a unit which has space and parking hence the reason the majority of the play facilities are in converted industrial units as set out in Appendix 1. Prior to identifying this unit a number of locations have been considered based on the following selection criteria for Head Over

Heels: requirement for low rent units due to space hungry nature of the business; good roof height of approximately 6 metres to apex and 5 metres to the eaves; secure, safe, available parking for 70-80 vehicles, disabled access doors/buggy friendly; good accessibility; floor plate of approximately 1,700 sq m, natural light; in an area with a large population whose needs are not already met. The document details lists of sites searched and issues with them.

A policy appraisal has been undertaken that concludes that the development is in accordance with relevant local and national planning policies.

OFFICER APPRAISAL

Key issues

The key issues with the proposal are the impact on the availability of employment generating sites in the area and wider Borough, the effect on vehicular and pedestrian safety, and considerations of sustainability.

Policy

The use class of a play warehouse is generally considered to be D2, which covers other leisure facilities, although when granting permission, some LPAs have been keen to ensure that the approved use remains specific only to a play warehouse taking into account the particular circumstances of allowing such a use on a business park or industrial estate.

Such a use falls outside the normal employment uses (use classes B1, B2 and B8) for which employment areas such as the Stanley Green Trading Estate are reserved. Policies E1 and E4 are the relevant employment policies of the Macclesfield Borough Local Plan that govern this particular site. Policy E1 states that existing employment areas will normally be retained for employment purposes. Permission will normally be granted in accordance with policies E3-E5, on a scale appropriate to the size and character of the area. Policy E4 specifically seeks to encourage the industrial use of this part of the Stanley Green Trading Estate, particularly specifying general industrial, warehousing, high technology and light industrial uses. The proposed development is therefore a departure from this normal policy and has been advertised as such.

From a wider strategic perspective, policies of the RSS deal with the approach LPAs should take when considering the release of employment land. The RSS requires Cheshire East to undertake a review of commitments under policy W3. This is likely to result in poorly performing employment sites to be de-allocated through the LDF process. Policy W4 states that outside of a comprehensive review of commitments when considering proposals and schemes there should be a presumption against the release of allocated employment sites for other uses. It states that sites should not be released where they provide, or have the potential to provide, an important contribution to the economy of the local area. If local authorities are minded to release

sites they should be satisfied that: an appropriate supply of sites is available for employment uses; and if required there are replacement sites available. In both cases consideration should be given to the implications of releasing / retaining employment land in relation to the spatial principles in policies DP1 - 9, in particular the promotion of social and economic inclusion, sustainable travel choices and access to services.

Cheshire East Council is currently embarking on its review of employment land as part of the LDF process. The RSS specifies that there is a surplus of employment land in Cheshire and Warrington, with an indicated over-allocation of 297 hectares (adjusted over the period to 2021). The development management process therefore has some flexibility in considering alternative uses on employment land subject to the relevant spatial policies and approach noted in policy W4 of the RSS. In this particular case the applicant has undertaken an economic report and identified that the loss of this unit would not remove the ability of an employer to easily find an industrial unit between 1393 sq m and 2323 sq m due to availability within the South Manchester Region. Furthermore the marketing exercises undertaken have only indicated a need for the play warehouse itself. Taking these factors into account along with the regeneration / employment benefits of the unit being put to the proposed use, it is considered there is sufficient justification to depart from normal / traditional employment uses in this particular case. It is also considered that the development would be a "one-off" for the Trading Estate.

Planning Policy Statement 6: Planning for Town Centres requires main town centre uses, including leisure and more intensive sport and recreation uses to satisfy several criteria. These include demonstrating a need for the development and applying a sequential approach to site selection, with town centre locations having a preference over edge-of-centre sites, followed by out-of-centre locations.

In a recent Appeal Decision in Manchester the Inspector noted that there was no definition of leisure uses within PPS6 and nowhere is there any suggestion that a children's play centre should fall under this typology. Rather she took the view that a modestly sized play centre was more akin to recreational facilities covered by PPG17, which are not the subject of town centre policies. Consequently there was no requirement to demonstrate need or to satisfy the sequential test.

Notwithstanding this, the information submitted with the application does give a good indication of need for such a facility to serve the nearby housing area. This area of housing contains a large number of family residences and suffers from a degree of deprivation. The applicant notes in their supporting statement that the Dean Row and Handforth (4) sub areas fell within the top 20% most deprived areas nationally. The proposed recreational facility will therefore support a local catchment and meet policy objectives for social inclusion and access to such facilities. It is therefore considered that need has, in any event, been identified.

The applicant has undertaken a sequential analysis that has discounted other sites in the area. Based on the expressions of interest the Planning Department has received regarding such developments and the marketing responses the applicant's agents have had it is not disputed that there is a need for a play facility offered by this proposal. It is also recognised that such uses have been typically located on industrial and business parks in other parts of the North West. Whilst a sequential approach may not need to be applied, the information submitted by the applicant indicates that it would be difficult to find a more sequentially appropriate site.

Highways

Ensuring safe use of the highway for vehicles and pedestrians is of primary importance for this type of application. Given the nature of the use, notwithstanding that nearby residential areas are accessible by foot, the majority of customers would be likely to access the site by private car. Ensuring adequate car parking is therefore critical to prevent overspill into surrounding areas that would create conflict with other industrial users. The site would provide 73 car parking spaces which equates to 1 space per 22 sq m. This meets the standard for leisure uses with the D2 use class, which is the most comparable guide. The highway officer is satisfied with the proposals as evidenced by the comments above, subject to improvements to pedestrian access that are included in the application. The applicant has also made land available for parking at weekends in an adjacent unit, this should ensure any overspill is catered for in peak times. It is also relevant that the landowner also owns adjoining land that is rented to commercial enterprises. This will help to ensure that the playhouse is managed in a way that does not impinge on the interests of the adjoining businesses. The parking areas themselves are self contained by fencing from the surrounding units, which helps to ensure safe access.

The highway officer is satisfied that sufficient spaces exist to cater for the café and the play centre. However, for the avoidance of doubt the applicant has agreed that the café will only be open independently to the public during office hours (Monday to Friday). This can be dealt with by condition.

As previously stated, the sequential analysis precludes more sustainable locations. The site does benefit from a large residential catchment and the use may also compliment other retail uses nearby in terms of linked trips. It is not considered that an objection on sustainability grounds is justified in this case. It is also not considered that the trip generation of this proposal is significant in the context of existing uses on the Trading Estate. The highway officer has not identified a need for a travel plan with this proposal.

Other Matters

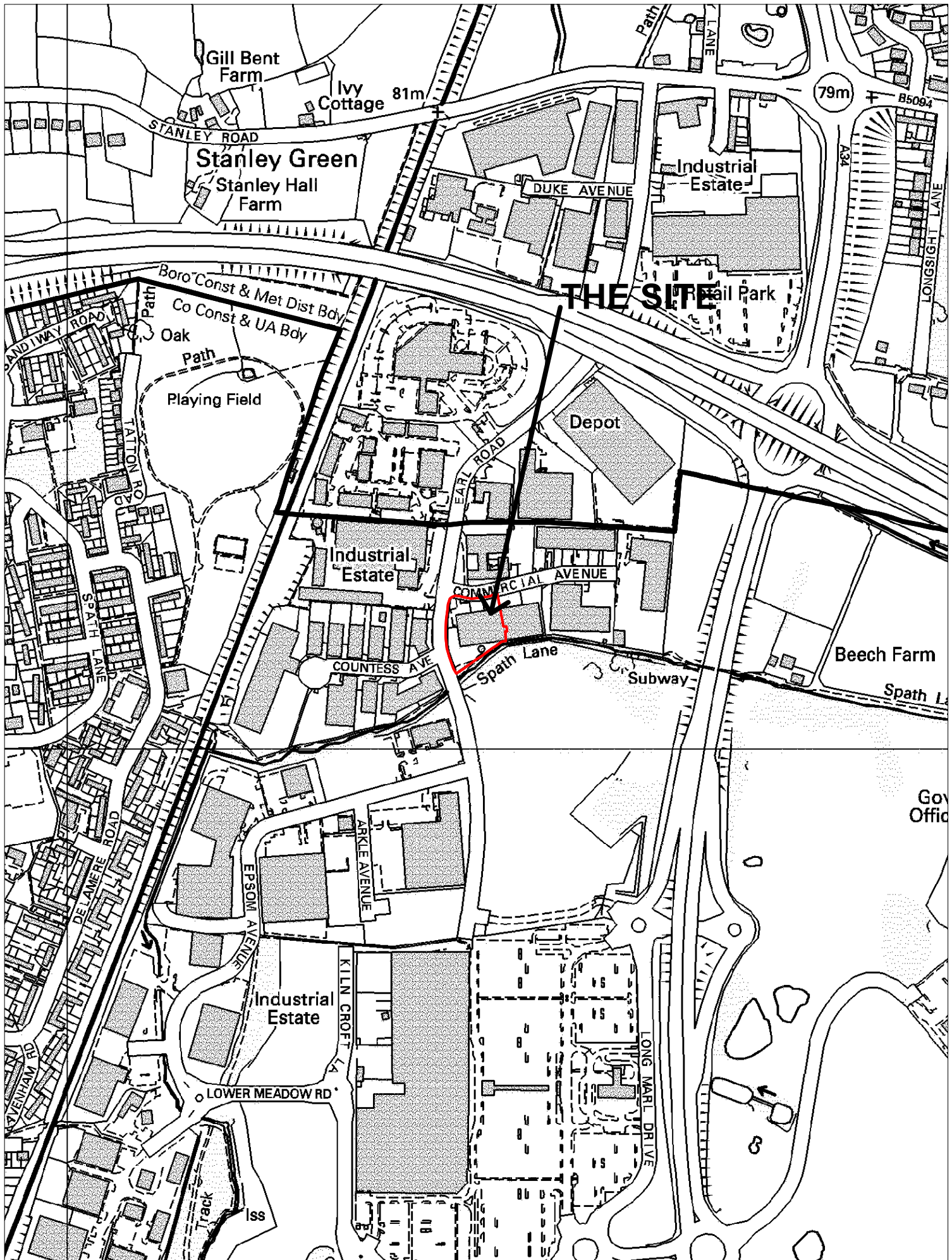
The Environment Agency are satisfied with the Flood Risk Assessment and make recommendations for conditions to improve flood protection of the building and for emergency access.

There are no issues of amenity for residential occupiers due to the location of the site.

An indicative internal layout has been requested to provide clarity between the relationship of the cafe and the play centre. Members will be updated on this matter.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal represents a departure from policies of the Development Plan designed to retain sites for traditional employment uses, in particular policy E1 and E3 of the Macclesfield Borough Local Plan. Section 38(6) of the Planning and Compulsory Purchase Act requires that decision must be made in accordance with the Development Plan unless material considerations indicate otherwise. Taking account the particular circumstances of this application and the information advanced in support of the proposal, it is considered that the proposal would benefit nearby residential occupiers in Handforth and would meet objectives for social inclusion and access to recreational facilities. The employment generated from the proposal is also comparable to, and potentially greater than, other industrial employment uses of the site. There are therefore advantages to the local economy in bringing the unit into an active use, particularly noting the availability of similar units in the area for traditional employment uses. It is considered that these material considerations outweigh the presumption against the loss of the employment use on the site. In respect of all other site planning issues, including highway safety, the proposal is considered to accord with the relevant Development Plan policies. The application is therefore recommended for approval with conditions.



UNIT D1, STANLEY GREEN TRADING ESTATE, COMMERCIAL AVENUE, HANDFORTH, WILMSLOW, CHESHIRE, SK8 6Q

Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A10GR - Change of use - no consent for external alterations
4. A01HP - Provision of car parking
5. A04HP - Provision of cycle parking
6. Hours of opening of cafe (accessed independently from the play warehouse) to be 0730 to 1700 hours Monday to Friday only
7. Parking to be made available within the car park north of Commercial Avenue on Saturdays and Sundays
8. The building shall not be occupied until the dropped kerbs have been constructed in accordance with the approved plans
9. Use of building as Childrens Play Centre only