

COMMITTEE DATE: 23/04/2018

APPLICATION NO: 17/1972/FUL
APPLICANT: Miss P Johns
PROPOSAL: Change of use from commercial building (Use Class B1/B2/B8) to Trampoline Academy (D2)
LOCATION: 6 Apple Lane
Exeter
Devon
EX2 5GL

REGISTRATION DATE: 20/12/2017
EXPIRY DATE:

SITE HISTORY

Unit 6 Apple Lane is one of a group of industrial units, details for which were approved in 2000.

DESCRIPTION OF SITE/PROPOSAL

The unit is a modern sheet-clad warehouse building. It has a total internal floor area of approximately 600 square metres. It was last used as a warehouse and trade counter, and has been vacant since October 2016.

The building has planning permission for B1 (Business), B2 (General Industry) and B8 (Storage or distribution) uses.

The area is commercial in character.

Planning permission is sought for use of the unit as a Trampoline Academy (Class D2). There would be 18 existing car parking spaces provided for use by staff and customers.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Planning Statement

Business Case

- ☐ Exeter Trampoline Academy (ETA) is not intended to be a public gym or multi-use facility.
- ☐ It employs eleven qualified coaches and two administrative staff.
- ☐ The current business model is based upon a mobile service whereby the applicant rents suitable premises and transports the trampolines and staff. She currently has two main venues – Exmouth Leisure Centre and Cranbrook Education Campus.
- ☐ The business has a focus on teaching children but also provides classes and tuition for adults, sports clubs and the disabled.
- ☐ The applicant is now in a position to rent premises and expand the services that it offers.

Planning considerations

- ☐ This is a commercial building which has been vacant since September 2016 with little interest being shown in it being leased for any industrial use. It is being marketed by local agents who specialise in the commercial sector.

- ☐ This application is supported by a letter from the agents which clarifies the marketing situation to date. Given that the building has been both empty and marketed for in excess of twelve months, it is appropriate to consider alternative employment generating uses which will bring the building back to an economically viable situation.
- ☐ The proposed use as a trampoline sports hall requires no alteration to the building.
- ☐ Size of building (particularly internal height) and location are key to the successful operation of the ETA and, as part of the planning process, the applicant has considered alternative premises. The City Centre and residential areas were considered inappropriate because of accessibility and amenity issues respectively. This narrowed the search to Marsh Barton, Sowton or the Pynes Hill area but there are no buildings of a suitable size or budget available within the Exeter area.
- ☐ The proposed use will directly employ thirteen people from day one and location within a building allows the prospect of expansion and the employment of more people.
- ☐ As the building will remain largely unchanged, it will remain suitable for a wide variety of commercial uses should the proposed ETA use cease operating in the future. Thus the proposed use does not prejudice the aims of the Council in seeking to maintain employment premises on Sowton and surrounding areas.

Access considerations

- ☐ The unit has access to eighteen parking spaces.
- ☐ Cycle storage will be available on the site and the applicant will actively encourage green travel.
- ☐ Groups and school users will often use mini buses which reduce the number of traffic movements.
- ☐ The use is not open to the general public and therefore the small classes arrive at arranged times and parking can easily be managed by the applicant.
- ☐ Apple Lane is an ideal location to promote the following sustainable travel opportunities:
 - Walking. There are footways on all roads and access onto the signed footpaths leading to Clyst Heath, Hill Barton and Clyst St Mary.
 - Cycling – the estate benefits from cycle lanes and access onto the local cycle route network in and out of the City.
 - Use of local bus routes, including the Park and Ride opposite. The nearest bus stop is on Sidmouth Road and approximately only 50m from the building.
 - The Falcon bus also operates from the bus stop on Sidmouth Road.
 - Clyst Heath train station is a short walk of approximately 500m from the site.
- ☐ The ETA will be operating during the day but the majority of use will take place in the evening outside of peak travel times.

Supporting statement by Exeter Trampoline Academy

Summary – this is a statement concerning trampolining' status as a sport, and the activities and classes run by ETA. It details staffing arrangements, facility requirements, competing/alternative facilities, and potential opening hours, which are as follows:

Monday-Friday Opening Hours

9-11am Office hours (no customers)

11-3pm day time classes for pre-school, home education, disabilities and schools

4-8pm evening classes

Saturday Opening Hours:

9am-1pm Classes

1-4pm Trampoline Parties

Sunday Opening Hours:

11-4 Trampoline parties and family sessions

Marketing statement

The application also includes a statement from the property agent marketing the premises. It states that the property has been vacant since 1 October 2016. It has been marketed since July 2016. It also addresses the particular needs of the applicant and how they differ from other D2 uses:

“[We manage] the Trade City Estate for the owners, Sowton 30 Ltd. We would have concerns if the premises were to be used for an open D2 Leisure Use such as an indoor play centre, because of the potential for uncontrolled traffic generation and health and safety issues posed by young children on a commercial estate. However, the applicant’s business is centred on training smaller numbers of trampoline gymnasts who are members of the Exeter Trampoline Academy. I believe this makes a significant difference. Members of the Academy will be arriving by prior arrangement for supervised classes and this will ensure that there is adequate parking on site for those attending each session. The configuration of premises and parking allocation also lends itself to the proposed use. Staff can park along the fence line opposite the premises and clients can park immediately in front of the property and walk in without the need to cross the Estate road or the demised areas of other units on the Estate.

Other material

The application is also supported by:

- ☐ A list of alternative premises considered and dismissed by the applicant.
- ☐ A letter of support from Exeter Gymnastics Club.
- ☐ A letter of support from Exeter Community Equality Disability Action.
- ☐ A letter of support from local Home Education providers, with 7 signatories.
- ☐ A letter confirming no objection from the occupants of units 2, 5 and 7 Apple Lane.

REPRESENTATIONS

No representations have been received in respect of this application.

CONSULTATIONS

The County Director of Planning Transportation & Environment advises that the change of use is unlikely to have a significant impact on the highway and as such the principle of the development is not a concern. No objection is raised subject to the imposition of conditions relating to submission of a travel plan and provision of secure cycle parking.

The City Council’s Growth and Enterprise team advises that due to the high level of demand in Exeter for this type of unit, it is expected that it would be let after a short amount of time. There could be a number of why this has not been the case, such as the asking price – it unit has not

been competitively marketed, the size of the unit and the terms and conditions within the lease agreement.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework (NPPF) 2012
Planning Practice Guidance

Exeter Local Development Framework Core Strategy 2012

CP2 – Employment development
CP10 – Community facilities

Exeter Local Plan First Review 1995-2011 Saved Policies

AP1 – Design and location of development
E3 – Retention of employment land or premises
L8 – Indoor sport facilities
CS5 – Education and training facilities for adults
T1 – Hierarchy of modes of transport
T2 – Accessibility criteria
T10 – Car parking standards

Exeter Development Delivery Document – Publication Version 2015

DD1 – Sustainable Development
DD3 – Retention of Employment Land
DD5 – Access to Jobs
DD20 – Sustainable Movement
DD21 – Parking

Exeter City Council Supplementary Planning Documents

Sustainable Transport SPD 2013

OBSERVATIONS

Loss of employment premises

The Council's main concern with this with this proposal is the loss of employment space within an area identified in the Council's Core Strategy as an established employment area. Policy CP2 of the Core Strategy seeks to ensure that within these areas, employment uses are retained. It makes it very clear that in this area (Sowton) current employment uses will be retained; elsewhere (i.e. outside the established employment areas) the loss of an employment use to an alternative use may be acceptable.

For clarification, employment is defined, through the Exeter Core Strategy, as all land and buildings which are used or designated for purposes within Use Class B1 (Business), Class B2 (General Industrial), and Class B8 (Storage and Distribution) and other uses of a similar employment character or which generate substantial employment or economic benefits.

Policy E3 or the Local Plan also states that the loss of employment land or premises will not be permitted where it would harm business or employment opportunities in the area.

The Council's policy emerged from evidence assembled to support its Core Strategy. The Exeter Employment Study (2007) was commissioned to establish the need for employment land in Exeter, and the Employment Land Review (2009) established the best locations to meet that need. The study concluded that certain areas of the city, where there were large concentrations of employment uses, were successful and should be retained. These established employment areas include the Sowton area examined in the Employment Land Review, with the conclusion that the area is "a good quality existing employment area that should be retained".

National Planning Policy Framework (NPPF) paragraph 22 advises that planning policies should avoid the long term protection of employment sites where there is no reasonable prospect of a site being used for that purpose. In making decisions, Councils should have regard to market signals. Core Strategy policy CP2 seeks to retain employment uses in the established employment areas but takes a more relaxed approach on employment land outside of these areas, particularly where it is demonstrated that the use is not viable or needed to meet current and long term needs. This policy complies with NPPF paragraph 22, as it is not seeking to protect all employment sites - only those which have a reasonable prospect of use for the allocated employment use.

In Sowton, including Apple Lane, the Council's policy is effectively seeking to protect the strong character of designated employment use, and considers it important to retain this, in contrast to other areas where an incremental mixed use has developed.

The application is supported by a letter from Haarer Goss, Commercial Property Consultants instructed to market Unit 6, suggesting that the unit would normally re-let within 3-4 months, but has now been on the market since July 2016 (some 21 months) with limited interest. Haarer Goss sets out a fairly downbeat assessment of economic activity in Exeter linked largely to Brexit. This contrasts with the findings of the Council's own Growth and Enterprise team, which works with businesses to help find appropriate properties within the Exeter area. Through its work managing the Greater Exeter Commercial Property Register, the team has engaged with 145 businesses searching for vacant units in the 14 months prior to February 2018. There have been 567 specific searches for Exeter and Teignbridge (the neighbouring Authority area) for B2 and B8 units and this increases to 1,734 over the whole of Greater Exeter. This strong demand profile reinforces the notion that employment premises should only be released in very exceptional circumstances.

Further advice has been sought from the Council's Growth and Enterprise team, which reports that the unit is probably slightly overpriced, which could be preventing it from being let, and consequently delivering a perceived lack of demand for employment use. It is important that units are marketed competitively before concluding that the site is surplus to requirements.

The proposal is contrary to established Development Plan policies. Even if there is no immediate demand for a Class B use in the premises, it is vital to protect such uses in key Class B employment areas to avoid an incremental loss of Class B land and premises in the medium and long term as the economy changes.

Accessibility and sustainable movement

The application site, and indeed the wider Sowton Industrial Estate, has the advantage of being located within a very short distance from Junction 30 of the M5. This means that heavy goods vehicles/lorries have easy and convenient access to the various warehouses and industrial sites that characterise the area and drivers can also pause for breaks at the Moto Services without having to pollute already busy, and in places narrow, main roads into, and across, the city centre. This, in itself, provides a strong case for retaining existing employment uses on this estate, especially when the Council is seeing evidence that demand for such properties still remains high. Owing to the fact that Exeter City Council is a small urban authority with limited options for bringing forward further appropriately located employment land in the city, especially given the pressures to allocate available sites for housing, the Authority needs to be certain that any existing Class B employment space is not lost until it is demonstrated that the need no longer exists.

The Employment Land Review concluded in 2009 that access to this site from housing was poor. Growth in the city's housing stock in recent years has resulted in some residential areas being within walking distance of the site – particularly the estates at Kings Heath, Clyst Heath and Bishop's Court. Nonetheless, this facility would be likely to have a wider appeal than just the local area and would attract customers from across the city and beyond. There are options to travel sustainably by bus or train. However, this might have a reduced appeal if customers need to make one or more service changes in the City Centre in order to reach this more peripheral site. Indeed, it is clear from the submission that the expectation is that most users will arrive by car rather than travelling by public transport. The Trampoline Academy states that it wants a site capable of accommodating 20+ cars. The letter from Haarer Goss says that "Members of the Academy will be arriving by prior arrangement for supervised classes and this will ensure there is adequate parking on site for those attending each session." Whilst the loss of an accessible employment unit is of greater concern, it is also the case that this proposal would add more cross-city traffic movements to heavily-used city roads than would be the case if it were located more centrally.

Conclusion

Strategic planning is important and there is considerable merit in using the Council's powers to direct land uses and investment to certain areas of the city. Without this, the Council would have no strategy. Therefore, on this occasion, the retention of employment allocations in an established employment areas should be the paramount consideration. The Council should not encourage further requests for changes of use and an incremental loss of employment land in an area characterised by strong employment use by setting a precedent here. The evidence presented to the Local Planning Authority by the Council's Growth and Enterprise team during the course of this application demonstrates there to be significant demand for Class B units within Exeter that does not justify the release of this land.

Notwithstanding the demand for Exeter Trampoline Academy and letters of support presented with the planning application, for the reasons given above it is recommended that the application is refused.

The applicant has not formally requested a temporary permission; she is seeking permanent premises for the proposed use. A temporary permission would not address the recommended reasons for refusal or meet the applicant's long term business needs.

DELEGATION BRIEFING – 20 MARCH 2018

Members were advised that whilst the building had been empty since October 2016, the Council's Growth and Enterprise team suggested that there was local demand for such units in Exeter and that the building was not being competitively marketed. The retention of Class B employment uses should be protected in designated employment areas, and as there was demand in the city for such uses, the change of use should be resisted as contrary to policy. Members supported refusal under delegated powers.

DELEGATION BRIEFING – 3 APRIL 2018

Members were advised that the Council's Growth and Enterprise team had added to its advice following the previous Delegation Briefing meeting. Although it is suggested that the unit has been slightly over-priced, this will not be the only reason for the vacancy. [Other possible reasons are outlined in the Consultations section above].

Some Members expressed the view that because the proposal creates employment, albeit not Class B employment, it should be approved. As this view was inconsistent with the Officer recommendation, it was agreed that the application would be determined by the Planning Committee.

RECOMMENDATION

REFUSE for the following reason:

The proposal is contrary to the National Planning Policy Framework (NPPF) 2012 Core Planning Principles 1, 3 and 11 and paragraphs 12, 34, 35 and 37, Exeter Local Development Framework Core Strategy 2012 policies CP2 and CP10, Exeter Local Plan First Review 1995-2011 Saved Policies AP1, E3, L8, T1, and T2, Exeter Development Delivery Document – Publication Version 2015 policies DD1, DD3, and DD20, and Exeter City Council Supplementary Planning Document on Sustainable Transport (2013) because:

- i. the development would result in the loss of a Class B employment unit in an established employment area, to the detriment of long-term business and employment opportunities in Exeter; and,
- ii. the proposal is not sustainable development because it is not in a location which can serve the whole city by being readily accessible by all modes of travel.

Local Government (Access to Information) 1985 (as amended),

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter. Telephone 01392 265223