
Committee Date:	29/05/2014	Application Number:	2014/02410/PA
Accepted:	07/04/2014	Application Type:	Full Planning
Target Date:	07/07/2014		
Ward:	South Yardley		

194 Waterloo Road, Yardley, Birmingham, B25 8LD

Change of use of vacant industrial property to Padel Tennis Centre

Applicant: Padel Tennis (Finance) Ltd
Barton House Farm, Church Lane, Shutford, Banbury, Oxfordshire,
OX15 6PG

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1 Planning permission is sought for a change of use to a vacant industrial building (1400 sqm) to an indoor padel tennis centre (use class D2).
- 1.2 Four courts would be provided at ground floor together with changing rooms, toilets and an office. A small viewing/seating area and café/bar would be provided on the mezzanine floor above.
- 1.3 Each court would consist of an artificial playing surface of 20m x 10m surrounded by a court structure composed of metal pillars that support toughened glass panels that would be erected around each court.
- 1.4 Car parking for 18 cars (including 4 dedicated disabled spaces) and a coach would be provided within the site around the edges of the building. Cycle storage would also be provided. Overspill parking would be provided on the adjoining site (within the blue edge indicated on the drawings) that would provide overspill parking for an additional 80 vehicles in the event of tournaments or events being held at the premises.
- 1.5 The proposed hours of use are 1000 hours until 2200 hours, 7 days a week.
- 1.6 The proposal would create 11 jobs (8 FTEs) and would include 1 manager, 4 coaches, 6 part time receptionists.
- 1.7 The application advises that Padel Tennis is similar to traditional tennis, but is played on an enclosed 20m x 10m court, where the ball can be played off the back and side walls like squash. It is less technical than traditional tennis, using underarm serves and solid 'padel' bats making it easy to learn. The small enclosed court allows more continuous play and longer rallies. It is inexpensive to play, making it accessible to all ages and abilities. It also provides a great aerobic workout. Padel is the second

biggest sport in Spain (with over 150,000 courts and 3.8m registered players). It is reckoned to be one of the world's fastest growing sports and is set to become a major participation sport in the UK over the coming years.

[Proposed ground floor layout](#)

[Proposed first floor layout](#)

[Site plan](#)

2 Site & Surroundings

- 2.1 The application site comprises a vacant industrial building (Class B1, B2 and B8) with associated parking. The site fronts onto Waterloo Road and is in close proximity to Coventry Road. On-street parking is un-restricted along Waterloo Road.

The site is located in the Tyseley Industrial Regeneration Area (IR4), as identified by the Adopted Unitary Development Plan (2005). To the south and west of the site are industrial units. To the northeast of the site are residential properties fronting onto Waterloo Road. To the southeast is a NHS Primary Care Trust, with Hay Mills Congregational Church beyond.

[Site Location Plan](#)

[Street View](#)

3 Planning History

- 3.1 06/02/2003. 2002/03572/PA. Erection of two industrial buildings (use classes B1, B2 & B8) with integral two-storey offices, access road and landscaping, approved.
- 3.2 04/08/2003. 2003/02873/PA. Amended application relating to planning permission ref: C/03572/02/FUL to provide two storey office building, approved.
- 3.3 02/11/2006. 2005/02962/PA. Retention of an industrial building with integral two storey office and car parking, approved.
- 3.4 18/01/2010. 2009/05079/PA. Change of use to provide multi-functional space including a community worship hall, workshop, training and catering facilities and storage and distribution of charitable goods (Class D1) and provision of 86 parking spaces, withdrawn.
- 3.5 29/4/2010. 2010/00664/PA. Change of use to provide multi-functional space including a community worship hall, workshop, music studios, storage and distribution for charitable goods (Class D1) – refused on the basis that the application had not demonstrated that the loss of good urban industrial land was justified by active marketing of the site for a reasonable period or that the premises are commercially unviable for industrial purposes or that the community benefits outweigh the importance of retaining an industrial use – the proposals are therefore contrary to UDP and adopted SPD on Loss of Employment Land to Alternative Use. The second reason for refusal was noise related, as the proposed place of worship would have attracted large congregations of people in close proximity to houses in Waterloo Road.

4 Consultation/PP Responses

- 4.1 MP, local Ward Councillors, residents associations and surrounding occupiers notified. Application advertised by Site and Press Notices. 4 representations made; one not objecting but raising concern about additional parking pressure on Waterloo Road: one making erroneous comments about outdoor tennis courts and noise, disturbance and light pollution arising: one letter of support from a local business confirming the building has been vacant for many years and that its reuse is welcomed and one telephone call of support from a local resident.
- 4.2 Regulatory Services – No objection subject to opening hours 6am to 8pm daily and that all openings facing Waterloo Road be kept closed whilst tennis is being played.
- 4.3 Transportation Development – No objection subject to conditions requiring an amended car parking plan, car park management plan and details of secure cycle storage.
- 4.4 West Midlands Police – No objection.
- 4.5 Local Services – support the proposals.
- 4.6 Sport England – no objection.

5 Policy Context

- 5.1 NPPF; UDP (Adopted 2005); Loss of Industrial Land to Alternative Uses – SPD

6 Planning Considerations

6.1 BACKGROUND

- 6.2 In February 2003 approval was granted under application 2002/03572/PA for the erection of two industrial buildings (use classes B1, B2 & B8) with integral two-storey offices, access road and landscaping. In August 2003 application 2003/02873/PA was approved to amend unit B approved under application 2002/03572/PA. A further application was submitted in November 2006 under application 2005/02962/PA, which granted retrospective approval for amendments to unit B. Unit A has not been erected, but given that application 2002/03572/PA has been part implemented I consider that unit A could be implemented at any time. If unit A was implemented this would decrease the parking available for the proposed use.

6.3 POLICY

- 6.4 The NPPF 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. Where there is no reasonable prospect of site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their own merits having regard to market signals and the relative need for different land uses to support sustainable communities.

6.5 Loss of Industrial Land

- 6.6 The application site is located within a core employment area and therefore the proposed use, which would involve the loss of industrial land, would be contrary to

policy 4.31 of the Birmingham Unitary Development Plan (UDP).

6.7 Policy 4.11A of the UDP (2005) states that an adequate supply of quality land and premises is essential to the City's economic prosperity. The site is classed as 'good urban', of which there is a significant shortfall in supply in the City against the UDP target.

6.8 Policy 18.6 of the UDP specifically highlights Tyseley as an area for priority action and investment in view of its range of physical and economic problems. Policy 18.7 states the City Council's commitment to an interlinked framework of policies, proposals and programmes to re-establish it as a key industrial area. The proposed uses would therefore conflict with the aims of policies 18.6 and 18.7 of the UDP.

6.9 Advice in 'Loss of Industrial Land to Alternative Uses' Supplementary Planning Document (SPD) is also relevant. This SPD is based on a general presumption against the loss of industrial land, but includes guidance on exceptional circumstances where the loss of industrial land may be accepted. Such exceptions include:

- The loss of non-conforming industrial land, which is surrounded by residential areas, while the evidence could include complaints from neighbours.
- A lack of demand for an industrial site, where evidence would need to demonstrate active marketing for industrial use for a reasonable period (normally a minimum of 2 years) at market rates and undertaken by an established industrial property agent to include adverts in the 'Birmingham Post' and 'Estates Gazette', mail shots to client base, a 'for sale' board and on the 'Locate in Birmingham' website.
- The viability of the industrial land – where the costs of industrial redevelopment are commercially unviable, a detailed analysis of redevelopment cost is required.
- Other relevant considerations would be whether the proposal is part of a strategic land swap, whether the site lies within an area of strategic importance for industrial purposes and any other good planning grounds such as educational uses, where the particular site size requirements make it difficult to find sites which do not involve the loss of industrial land.

6.10 The applicant has sought to justify the loss of this industrial site, in the following ways:

- Demand for the building for industrial/employment use

Evidence has been submitted with the application to demonstrate that the site has been actively marketed since it was built in 2005. A letter to substantiate this claim has been provided by Loveitts (an established industrial property agent) which sets out how the property has been marketed as follows:

Advertisement of the premises on various websites; including Loveitts own, where advertisements were placed from November 2007 to January 2011 and from November 2011 to the present day, PropRT where the premises have been continuously advertised from 29th November 2007 to the present day. The premises have also been continuously advertised on partner websites The Birmingham Post and Coventry Evening Standard since 2007. The premises have also been advertised on CoStar/Focus/Showcase (a commercial property listing website) and the Estates Gazer Propertylink (EGi). In addition to website advertisement, a board has been displayed on the building variously over the years; including from 28/11/07 to 11/1/11 after which it was removed. It was re-installed on 15/3/13 and remains in place. The letting agent has been able to

confirm that during the last 11 months there have been 8 enquiries, which only resulted in one viewing (which was the current applicant)

- Inadequacies of the premises for industrial purposes

Reasons given by enquirers for not wishing to occupy the building have centred around the limited yard area that is available. This area has been considered too small for industrial use to be able to cope with regular comings and goings of large commercial vehicles. In addition to this the access into the site is via Waterloo Road which is a narrow road with houses opposite, which is not ideal for access by large articulated lorries. The installation of perimeter fencing around the site has exacerbated this problem. The agent has also pointed out that the landlord of the site (and adjoining units known as the Wellfleet Industrial Estate) is struggling to achieve market rent across all of the units. The fact that unit A of the planning consent (2002/03572/PA) for 2 units was never built out is another indication that there is a lack of demand for industrial units in this location. Details of appropriate market rent have also been confirmed.

- Particular site size requirements for the proposed use

Due to the nature of the game, a suitable building must fulfil the following criteria:

- Open span portal frame without structural pillars obstructing court layout
- Optimised open floor layout to ensure minimised unused space
- Location close to suitable population catchment on the periphery of industrial estate
- Easily accessed for transport purposes with adequate parking space for visitors
- Floor must be even for padel court usage
- Minimum eaves height 6m to allow freedom of play (and meet Padel Federation requirements)
- Relatively low ratio of office space to open warehouse space

The applicant has been looking for alternative sites for the past 9 months and has viewed properties in Sutton Coldfield, Stratford, Leamington, Warwick and Coventry and all of the areas in between. To aid the applicants with their search, and in an attempt to steer the proposals away from key employment areas, a current list of "Other Urban Sites" within Birmingham was provided. None of these premises however were deemed suitable. The applicants consider that the application site is the only viable site that has been identified since their search began.

6.11 In light of the above evidence, I consider that the proposal would meet the criteria in the SPD, as stated above and that the applicant has demonstrated an exception to the policy and that the loss of this site for employment purposes is acceptable in this instance. Strategic Planning were involved within the pre-application meetings and have seen the evidence submitted and agree with this view. In addition to this, I would also point out that the positioning of the site on the edge of IR4 would mean that any use of the building for non-industrial use would be unlikely to undermine the future viability of adjacent employment land uses and the wider core employment opportunities.

6.12 Healthy Communities

- 6.13 Chapter 8 of the NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.
- 6.14 The applicant has pointed out within their supporting statement that the proposals would create a much needed indoor sports facility which would be accessible to all sectors of the community. Local schools would be encouraged to use the facilities, offering aerobic fitness; development of footwork and coordination; team work and fun; and giving children an introduction to racket sports and providing a stepping stone to more formal sport. The applicant points out that there are 13 schools within one mile of the premises which could take advantage of this new sporting facility. Reference is also made to the Green Paper on Sport and Physical Activities Strategy which sets out a vision of change to tackle inequality and improve health outcomes – tennis is prioritised as one of the 7 key performance sports. The proposal would result in the region’s first Padel Tennis Centre. I consider that the proposals would provide another sporting choice for the local community in line with the aims of the NPPF which is echoed within the UDP in paragraphs 3.63 that states that the increasing demand for a variety of indoor sports facilities is recognised.
- 6.16 Highway Safety
- 6.17 Transportation raise no objection subject to various safeguarding conditions based on the following: Court occupancy would be maximum four players per court, with supporting information stating that courts can be hired for 30,60 or 90 minutes, with hire duration tending to increase as players become accustomed to the game (according to experience from the London Padel centre). It can be reasonably assumed at peak demand times that if all four courts were booked, there would potentially be 16 customers on-court, with potentially the same number again waiting for courts to become available.
- 6.18 The site has a dedicated 18-space parking area along the northern and eastern site boundaries, with the northern area (accessed via a separate gate from Waterloo Road) containing seven spaces (including an indicated disabled bay); and the eastern area containing eleven spaces along the eastern frontage of the building.
- 6.19 The Transport Statement identifies that peak demand for the use is expected to be between 5pm-10pm on weekdays, and that “the majority of visitors are expected by car, with a reasonable proportion of those sharing the journey”.
- 6.20 The site has a relatively good level of public transport accessibility, with Coventry Road bus routes available within easy walking distance and advisory / off-street cycle routes also in fairly close proximity (Grand Union Canal / River Cole).
- 6.21 In terms of parking provision in the context of BCC 2012 parking SPD, the proposed use would have a maximum parking provision of 61 spaces based on Area of 1 space per 22sq.m for D2 use. However the configuration of tennis courts within the site is likely to suppress parking demand to a lower level than this figure, which would be more akin to high-intensity space uses such as gymnasiums etc.
- 6.22 In terms of parking demand, it is considered that the dedicated 18 spaces’ parking provision within the red line boundary is likely to be sufficient for demand for the majority of opening hours. I concur with this view. During irregular times of peak demand then either identified overspill parking area within the blue line boundary can be utilised, or on-street parking is noted to be available on Brickfield Road,

which is easily walkable from the site, but unlikely to be seen as an attractive option during evening hours due to lack of activity / overlooking.

- 6.23 It is recommended that the smaller parking area to the north of the building is retained for staff parking use, as this has a relatively substandard manoeuvring arrangement and is less likely to be suited to frequent manoeuvres. For this reason it is also recommended that the disabled-specification space is moved to the eastern elevation adjacent to the main pedestrian entrance, where increased space width of 3.2m can be delivered.
- 6.24 To this end, Transportation Development recommend a parking management plan, which should include options for managing tournament parking demand, plus details of how staff parking and customer parking would be identified and what internal markings / signage would direct users to this.
- 6.25 Cycle parking details can also be provided via condition and it may be advantageous to relocate these facilities either indoors or onto a direct sight line from the main entrance / reception. I concur with these views and have attached the conditions as recommended.
- 6.26 Residential Amenity
- 6.27 Houses are located directly opposite the site on Waterloo Road. Due to the nature of the proposals (i.e. being an indoor facility) with the maximum capacity of 16 players at any one time, I consider it unlikely that the proposals would adversely impact upon residential amenity. Regulatory Services have raised no objections to the proposals subject to the hours of use being restricted to 10am and 8pm Monday to Sunday. The applicant would prefer to have the ability to open until 10pm daily and Regulatory Services raise no objection to a temporary consent until 10pm to be given in the first instance in order to monitor any adverse impact. The applicant has confirmed that this would be acceptable if considered necessary.

7 Conclusion

- 7.1 I am satisfied that exceptional circumstances have been demonstrated and that in policy terms therefore the loss of the premises for industrial use is acceptable. I do not consider that the proposals would prejudice surrounding industrial sites for future or continued use for industrial purposes, and note that the proposal would provide another sporting choice for local residents and schools and provide a venue for a new sport, the first outside London in the UK.

8 Recommendation

- 8.1 Approve

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Restricts hours of use from 1000 hours til 2200 hours daily, 7 days a week for 2 years and then reverting to 1000 hours til 2000 hours daily thereafter.
 - 3 Requires the prior approval of an amended car park layout
-

-
- 4 Requires the prior submission of a parking management strategy
 - 5 Requires the prior submission of cycle storage details
 - 6 Prevents the use from changing within the use class
 - 7 Limits the approval to 3 years (Full)
-

Case Officer: Debbie Farrington

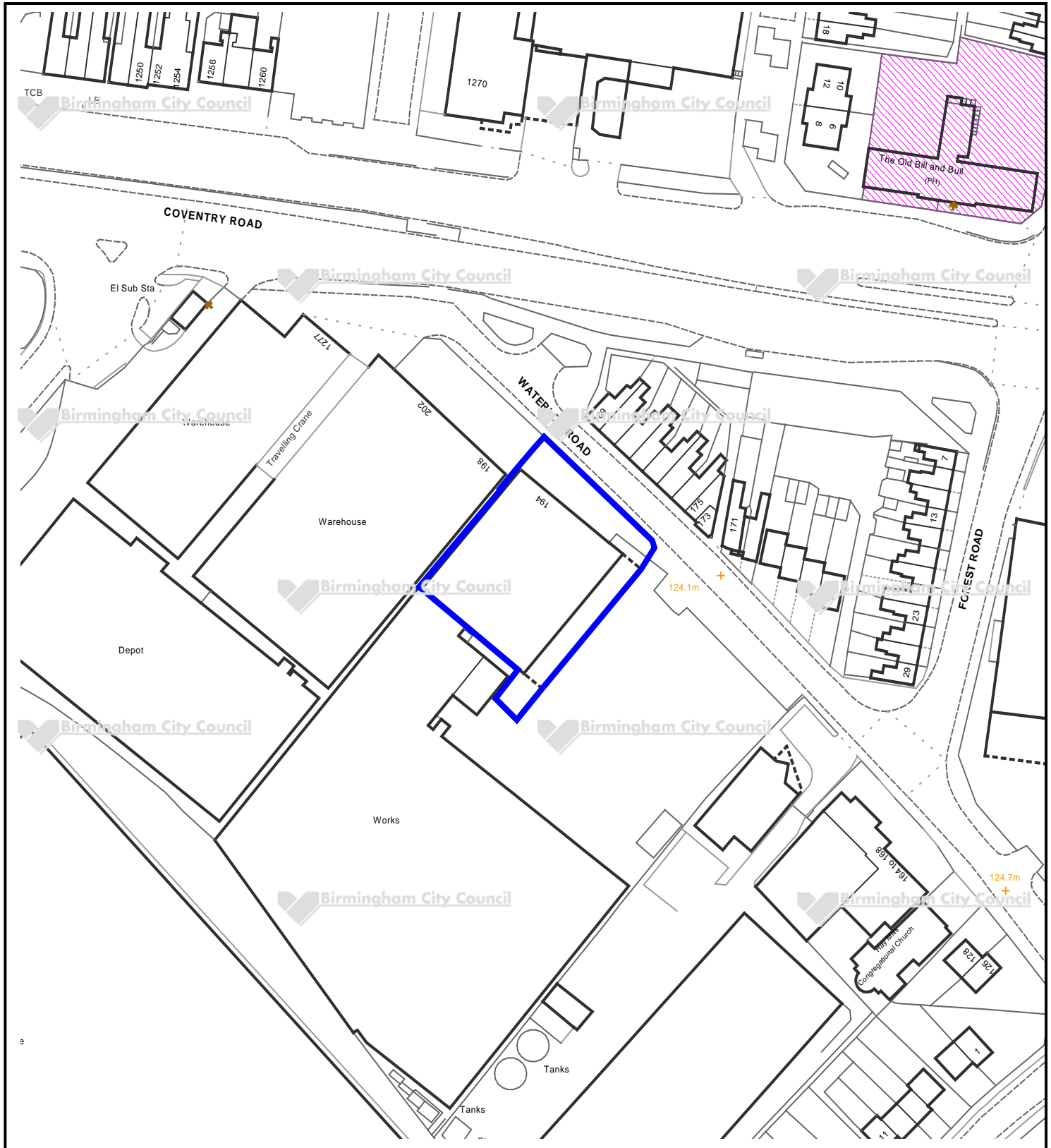
Photo(s)



side elevation of application building 1



Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010