

**PLANNING
COMMITTEE**

16th January 2013

PLANNING APPLICATION 2012/309/COU

CHANGE OF USE OF UNIT 1 (TEMPORARY D2 USE) AND UNIT 2 (A1 RETAIL) TO BOXING TRAINING GYM AND CLUB (D2 USE)

UNIT 1 AND UNIT 2 MATCHBOROUGH CENTRE, MATCHBOROUGH WAY, REDDITCH

APPLICANT: MISS S LEE
EXPIRY DATE: 5TH FEBRUARY 2013

WARD: MATCHBOROUGH

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(See additional papers for Site Plan)

Site Description

Unit 1 measures 250 square metres in area and was formerly occupied by Martins Newsagents (A1 retail use) who vacated the premises in March 2008. The premises were vacant from this period up until April 2009 at which time planning permission was granted for change of use and the premises has been occupied by the business "Your Ideas" (D2 use) since.

The vacant Unit 2 measures 90 square metres in area and was formerly occupied by a carpet and flooring shop (A1 retail use) who vacated the premises in September 2011. The premises have been empty since this time.

The Units are bounded by the busway to the west; a car park to the south and Unit 3, a Chemist (and A1 use) to the east. These Units, together with Units 3 and 4 face towards the central courtyard area to the north.

Proposal Description

Permission is sought for a permanent change of use of Units 1 and 2 to a boxing training gym and club. Such a use is defined as a D2 (leisure) class use under the Town and Country Planning (Use Classes) Order 1987, as amended. Unit 1 is currently occupied by a D2 class use (the company 'Your Ideas'). The permission is not restricted to that of the current occupier, that is, it could be occupied by any other D2 class user. However, the permission is a temporary one, which expires on 31st March 2017. Unit 2 is proposed to be changed from an A1 retail use to a new D2 use. Unit 2 would act as an extension to the larger Unit 1 such that the combined floor space of the two units would meet the user's business requirements. The existing internal wall separating the two units would be removed in order to create a larger open area.

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Proposed hours of operation are specified as follows:

Monday to Friday: 1000 to 1400 hrs and 1700 to 2030 hrs
Saturday: 0930 to 1230 hrs

The use would not be in operation on Sundays / Public Holidays

If planning permission were to be granted, the applicant states that two full jobs would be created, together with an (unspecified) number of part-time posts.

Relevant Key Policies:

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk

www.wmra.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National Planning Policy

The National Planning Policy Framework (NPPF)

Regional Spatial Strategy (RSS) and Worcestershire County Structure Plan (WCSP)

Whilst the RSS and WCSP still exist and form part of the Development Plan for Redditch, they do not contain any policies that are directly related to or relevant to this application proposal. Therefore, in light of recent indications at national level that Regional Spatial Strategies and Structure Plans are likely to be abolished in the near future, it is not considered necessary to provide any detail at this point in relation to the RSS, or the WCSP.

Borough of Redditch Local Plan No.3

E(TCR).9 District Centres

S.1 Designing out crime

Supplementary Planning Guidance / Supplementary Planning Documents

Designing for Community Safety

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Relevant Site Planning History

Unit 1

Application no	Proposal	Decision	Date
2011/329/S73	S73 application - Variation of condition 1 of Planning Application Ref. 2009/019/COU (Change of use from A1 (Retail)to D2 (Assembly and Leisure) - To extend the date of expiry of the permission for an additional five years (this permission expires on 31st March 2017)	Approved	02.02.2012
2009/019/COU	Change of Use of Unit from A1 (retail) to D2 (Assembly and Leisure) (temporary three year consent)	Approved	01.04.2009

Unit 2

Application no	Proposal	Decision	Date
2006/126/COU	Change of Use of Unit from A1 (retail) to a Launderette (sui-generis use)	Approved	10.05.2006

Public Consultation Responses

No comments received

Consultee Responses

Worcestershire Regulatory Services (Environmental Health)

Comments awaited

Property Services

No objection

County Highway Network Control

No objection

RBC Community Safety Team

Comments awaited

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Development Plans

Comments summarised as follows:

It is not considered that the proposed use would adversely impact upon the retail and community function of the District Centre. However, such centres should not attract large numbers of people from across the Borough as this would be considered unsustainable. The proposal would appear to be inappropriate in scale and function to be located in the District Centre. In the absence of a sequential test identifying that no sequentially preferable premises within more central (Town Centre) locations exist for such a leisure use, the proposal cannot be supported in planning policy terms.

Background

When application 2009/019/COU was considered at the Planning Committee meeting of 31st March 2009, Unit 1 had been vacant since March 2008. Members of the Committee concurred with the views of Officers that permission should be granted but temporarily for three years in order to reassess the use of the building after that time in the interests of ensuring the continued vitality and viability of the District Centre. The retail and community function of the District Centre would not have been undermined in the opinion of the Planning Committee.

When application 2011/329/S73 was considered by the Committee in February 2012, Members, like Officers were satisfied that the continued use of Unit 1 by a D2 user would not undermine the retail and community function of the District Centre. Under the terms of the above consent, a D2 user, as is proposed here would be able to occupy this unit but only until the 31st March 2017 since the consent is temporary. A permanent consent is sought in this case and therefore it is for Members to consider whether such a consent would be acceptable.

The most recent planning application submitted at Unit 2 is that which was made in 2006. Planning permission was granted for the change of use from a shop to a Launderette (a sui-generis use in planning terms). This consent was never implemented.

Assessment of Proposal

The key issues for consideration are as follows:

Impact of the use on the vitality and viability of the District Centre

The relevant planning policy to consider in this case is E(TCR).9 of the Borough of Redditch Local Plan since the unit falls within the Matchborough District Centre.

The Town Centre is the primary focus for major shopping needs. District Centres are the secondary level of shopping, meeting daily needs for basic items. Typically District Centres in the Borough accommodate a newsagent,

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a general grocery store, a sub-post office and occasionally a pharmacy, a hairdresser and other small shops of a local nature. It is important to protect and where appropriate, enhance District Centres particularly with regard to their useful retail function. Proposals that would undermine the retail and community function of the District Centre would normally be refused planning permission.

Under Para.5 of the reasoned justification for Policy E(TCR).9, it comments that the Council appreciates that in some circumstances there may be an over provision of units for retail. If during the plan period there is a problem of vacant units despite appropriate marketing and rent levels, then other uses may be acceptable in District Centres. Only developments that would not hinder the primary retailing and community function of the District Centre will normally be acceptable.

In assessing this application it is important to determine whether the units are likely to remain surplus to retail requirements.

With respect to Unit 1, the previous tenant Martins Newsagents vacated in March 2008 when they sold the Post Office to Unit 7 (Costcutters – a grocers and general convenience store/supermarket). Without the Post Office, the store proved not to be a viable concern. The unit became vacant for approximately one year before being occupied by “Your Ideas”. During the consideration of application 2009/019/COU and 2011/329/S73, Property Services commented (as landlords) that the relatively large size of Unit 1 in comparison to other smaller units nearby meant that the unit was not attractive to small traders and as such, it had proven difficult to find tenants for a unit of this size. The current occupier of Unit 1 (Your Ideas) will shortly be re-locating to larger premises elsewhere within the Borough and therefore this unit, in addition to Unit 2 has become available to let.

With respect to Unit 2, this was previously occupied by a flooring shop before becoming vacant in September 2011. It has been vacant since.

For information, the following list explains which units are occupied and which are vacant:

Unit 1	Occupied: Your Ideas	(D2 use)
Unit 2	Vacant since 30th Sept 2011: former flooring shop	(A1 use)
Unit 3	Occupied: Chemist	(A1 use)
Unit 4	Occupied: Hairdressers	(A1 use)
Unit 5	Occupied: Take-a-way	(A5 use)
(No Unit no)	Occupied: Public House	(A4 use)
Unit 6&7	Occupied: Supermarket and PO	(A1 use)
Unit 8	Occupied: Take-a-way	(A5 use)
Unit 9	Occupied: Café / Restaurant	(A3 use)
Unit 10	Vacant since 11th May 2011: former bookmakers	(A2 use)

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Unit 11 (upstairs)	Occupied: Dentists	(D1 use)
Unit 12 (upstairs)	Occupied: Residential flat	(C3 use)
Unit 13 (upstairs)	Occupied: Residential flat	(C3 use)

Given the existing retail units which are currently operating within the centre, together with the non A1 units which add to the centre's vitality and viability, and also taking into consideration existing vacancy levels, Officers do not consider that the retail and community function of the District Centre would be undermined by the granting of a permanent consent here. Policy E(TCR).9 comments that other non-retail uses may be acceptable in District Centres where problems of vacancy occur. If permission were to be refused, very soon, three of the ten ground floor units would be unoccupied, which would be detrimental to the centres vitality and viability. If however, permission were to be granted, only one of the ground floor units would remain vacant (the former bookmakers at Unit 10).

This specific use is categorised as a D2 (leisure) use, specifically a boxing training gym and club.

The applicant states that the Redditch Community Amateur Boxing Club is a non profit community organisation that uses boxing, physical training, attitudinal coaching and counselling delivering positive social change in the community providing classes that would focus on the socially excluded and unemployed persons together with a range of age groups from younger children, juniors through to adults. The applicant believes that allowing Units 1 and 2 to be let in this way would increase footfall to other units within the Matchborough District Centre, enhancing vitality and viability, and as a community use consider that the proposals would comply with the aims and objectives at set out under Policy E(TCR).9. Officers agree with this view.

Security

Comments are currently awaited from RBC Community Safety, but at this stage Officers do not raise any concerns in this respect. No external alterations are proposed to take place which might prejudice community safety. By increasing occupancy at the District Centre, and also having regard to the nature of the use proposed, arguably crime including anti-social behaviour is likely to be reduced.

Conclusion

Officers are satisfied that the continued use of Unit 1 by a D2 class together with the use of Unit 2 by a D2 use, as an extension to Unit 1 would not undermine the retail and community function of the District Centre under the terms of Policy E(TCR).9. Having regard to this Policy and to all other material considerations the application is therefore supported.

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Recommendation

That having regarded to the development plan and to all other material considerations, planning permission be GRANTED subject to conditions and informatives as summarised below:

- 1 Development to commence within 3 years.
- 2 Plans approved specified.
- 3 Hours of operation specified

Informatives

- 1 Reason for approval
- 2 LPA acted in a positive and proactive manner

Procedural Matters

All applications for Class D2 use are reported to Planning Committee for determination.