

**PLANNING
COMMITTEE**

28th August 2013

PLANNING APPLICATION 2013/174COU

PROPOSAL: CHANGE OF USE TO CLASS D2 GYMNASIUM (CLASS D.2)

**LOCATION: 19 – 20 LAKESIDE INDUSTRIAL ESTATE, NEW MEADOW
ROAD, LAKESIDE, REDDITCH**

APPLICANT: PAUL SUMMERS

WARD: LODGE PARK

(See page 25 for Site Plan)

The author of this report is Sharron Williams, Planning Officer (DM), who can be contacted on extension 3372
(e-mail: sharron.williams@bromsgroveandredditch.gov.uk) for more information.

Site Description

The site is located in a Primarily Employment Area within the Lakeside Industrial Estate and forms part of a cul de sac of similar designed factory units with adjacent off street communal car parking bays. The two units each have personnel door entrances and roller shutter door frontages on the front elevation with no internal openings within the units.

Proposal Description

Permission is sought to convert the two self-contained units into a gymnasium (Class D.2). Internal works are proposed to create an opening between the two units, changing room facilities are proposed to be adapted from the existing wc facilities within each unit. No external works are proposed as part of the change of use proposals.

Hours of opening are proposed to be as follows:-

Monday – Friday	07:00 - 21:00
Saturday	09:00 - 17:00
Sunday and Bank Holidays	10:00 - 16:00

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.redditchbc.gov.uk

National Planning Policy

National Planning Policy Framework (NPPF)

PLANNING COMMITTEE

28th August 2013

Borough of Redditch Local Plan No.3

CS.7	The Sustainable Location of Development
E(EMP).3	Primarily Employment Areas
E(EMP).3a	Development Affecting Primarily Employment Areas
E(TCR).1	Vitality and Viability of the Town Centre
E(TCR).4	Need and Sequential Approach
C(T).2	Road Hierarchy
C(T).12	Parking Standards

Supplementary Planning Guidance / Supplementary Planning Documents

Designing for Community Safety
Employment Land Monitoring

Other relevant corporate plans and strategies

Town Centre Strategy (TCS)
Redditch Economic Development Strategy

Relevant Site Planning History

None

Public Consultation Responses

No comments received.

Consultee Responses

County Highway Network Control
Informally advised that they raise no objection, any conditions requested will be reported on the update papers
Community Safety

Worcestershire Regulatory Service

Comments awaited.

Development Plans

- The units are located in a 'Primarily Employment Area'. Borough of Redditch Local Plan No.3 policy E(EMP).3 would apply. This policy states that acceptable uses in this area will normally be B1, B2 & B8. The proposed use is assumed to be D2. Therefore the proposal would need to meet the criteria contained in the policies to demonstrate why non-employment development should be permitted.
- It is considered that the proposed use as a gymnasium falls within the NPPF definition of 'main town centre uses' (NPPF Annex 2: Glossary). Paragraph 24 of the NPPF requires applications for main town centre uses to be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered. A Sequential Test needs to be carried out to determine if there are any

PLANNING COMMITTEE

28th August 2013

suitable sites in Redditch town or district centres or on the edge of the centre. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

- Borough of Redditch Local Plan No.3 policies (CS7, E(TCR).1) echo the national policy by directing leisure uses/uses that attract a lot of people to the town centre in the first instance.

Economic Development Unit

Advised that whilst they appreciate the mix of uses within this particular industrial area, the location of the application is within a separate cul de sac that is generally traditional industrial / commercial units. The two units are of a good size for employment uses and are valuable in respect to creating a mixed portfolio of employment land for the Borough. Therefore keen to retain for B class uses.

Assessment of proposal

The key issues for consideration in this case are:-

Principle of Change of Use

One of the Core Planning Principles in the NPPF states that planning should proactively drive and support sustainable economic development to deliver business and industrial units and that every effort should be made to meet the business and development needs of an area. Due to the size of these units it is likely that they would generally be sought after by businesses and therefore, should remain available for potential B1/B2/B8 users.

The NPPF states that investment in business should not be over-burdened and opportunities should be available to support existing business sectors in respect to expanding or contracting. Occupying the unit with a leisure facility restricts the availability of this size unit for existing business sectors who may wish to expand in the area.

The NPPF seeks to ensure that town centres are promoted as a positive, competitive town centre environment and includes leisure as one of the uses that should be promoted in a town centre location.

The NPPF still applies a sequential test for proposals that are town centre uses but proposed outside the town centre.

The application is supported by a Statement which refers to a sequential test of alternative sites that the applicant has considered. The sites considered were as follows:-

- 2 – 4 Evesham Walk
The site was spread across two floors and was considered to be too small.

PLANNING COMMITTEE

28th August 2013

- Grosvenor House
Considered to be too small, and comprising of multiple offices, the landlord was also reluctant for the use to change to D2. Site not suitable.
- Canon Newton House
Considered to be too small and general office space. Not suitable.
- Unit 12 Kingfisher Business Park
Spread across two floors so not suitable for gymnasium with offices already provided inside. Outside town centre. Not suitable.
- 29 Dunlop Road, Hunt End and 26 Dunlop Road, Hunt End
Further away from town centre, with limited car parking in an area completely industrial and no retail. Site comprised of offices taking up potential gym floorspace. Not suitable.
- 28 Crossgate Road, Park Farm
Outside town centre, mainly two storey office, pure industrial site with no parking. Not suitable.

Officers consider that there are other town centre sites that could be used for this facility that have not been taken into consideration by the applicant. In addition, it is considered that the applicant has not adequately addressed the requirements of the sequential test to warrant the site to be used for a town centre facility. Under para. 27 of the NPPF it clearly states that where an application fails to satisfy the sequential test it should be refused.

The NPPF also requires adequate, up to date evidence about the economic and environmental characteristics and prospects of the area in order to assess the existing and future supply of land available for economic development and its sufficiency and suitability to meet identified needs. An annual update report has been compiled by the LPA - Redditch Borough Employment Land Review Update 2011. The summary of that report concludes that there is a large land supply issue with regard to meeting employment needs in the Borough. Therefore, it is imperative that the site remains available for potential employment users.

The proposal would conflict with the principles of the NPPF and due to the nature of the proposal; it is likely that a leisure use in the location proposed could potentially draw investment out of the town centre, which may be harmful to the vitality and viability of the centre.

The site is within an area designated for Primarily Employment Uses in the Borough of Redditch Local Plan No.3 where the primary aim of Policy E(EMP).3 is to maintain uses within Classes B1 (Business), B2 (General Industry) or B8 (Storage or Distribution). The change of use of this unit to a gymnasium (Class D2) would be detrimental to the aims and objectives of E(EMP).3 of Local Plan No.3.

**PLANNING
COMMITTEE**

28th August 2013

Policy E(EMP).3 states that non-employment development within Primarily Employment Areas will only be considered where it can be demonstrated that the loss of the site will not have an unacceptable impact on the supply of employment land within the Borough and that the use is compatible with the use of adjacent land for employment purposes. It should also be demonstrated that the site is not capable of being developed for employment use. This application is contrary to all of the points detailed under this policy.

The application is supported by a Statement providing background information in respect to the proposal. The statement clarifies that a floorarea of 560 sq m is generally desired for a gymnasium facility. The site is approximately 525 sq m. and is considered to be a blank canvas in terms of unit shell, and is suitable for adapting for this use. The Statement refers to looking at alternative premises for the proposed use, but it was felt that the application site would have suitable off street car parking and bus route links. The statement emphasises the other uses that exist within this industrial area, such as a café, children's soft play area, limited retail, and boxing club. However, most of these uses are located close together in a different part of this industrial estate, whilst the application site is located close to other units that are more traditionally used for industrial / commercial uses. The statement refers to draft Local Plan No. 4 in respect to the health of residents and the need to reduce obesity in the area. In addition, the applicant has placed emphasis on building on the 'Olympic Legacy'. Whilst officers would support the intentions the applicant has for the proposal this would be further supported if the site was an accessible town centre location.

The applicant has not demonstrated that the site is not capable of being developed for employment use, or that the loss would not have an unacceptable impact on the supply of employment land in the Borough. The applicant has not demonstrated that the current use of the site for employment purposes raises unacceptable environmental or traffic problems.

The proposal would also be contrary to Policy E(EMP).3a which requires development to be compatible with the use of Primarily Employment Areas. This application would restrict the current and future use of this complex for employment purposes. As this location is a primarily employment area the proposed leisure use would attract a large number of people which could have various amenity implications on the surrounding uses as well as a high demand for parking, this use would not be considered compatible with the existing surrounding employment uses.

Policy CS.7 of the Borough of Redditch Local Plan No.3 states that uses that attract a lot of people will be directed to the Town Centre. The proposed development, being one such use would be ideally suited to a town centre site rather than an out of centre location such as the application site, which has relatively poor public transport links. The proposal is therefore considered to be unsustainably located having regard to that Policy. In addition, the proposal would not comply with Policy E(TCR).1 which seeks to maintain and enhance the

PLANNING COMMITTEE

28th August 2013

vitality and viability of the Town Centre by encouraging a wide range of facilities such as retail, commercial, public offices, community facilities, entertainment and leisure. This application is contrary to this policy as it has not fully considered the use of the town centre for this facility as per the policy requirement. Given that this use would attract a large volume of people, it is appropriate that it be provided in a town centre location, therefore, the approval of this use outside of the town centre would be contrary to Policy E(TCR).1 which seeks to maintain and enhance the vitality and viability of the town centre.

The Supplementary Planning Guidance on Employment Land Monitoring (2003) makes a clear distinction between redundant employment land and unoccupied employment land. There is a reasonable expectation that this site will be reused for employment purposes and as such should still form part of the employment land portfolio until all other aspects of the SPG are fulfilled and the current Development Plan no longer requires the site for employment purposes. However, as there is an acute shortage of employment land within the Borough it is very unlikely this situation will occur.

It is important to note that planning application 2011/282 was refused for similar reasons for a gymnasium at Trafford Park (19 Trescott Road), emphasis was placed then that the site had been unoccupied for a considerable time and that there were no town centre locations available for the use. The applicant appealed against the Council's decision and the proposal was also dismissed at appeal. The site is now occupied by an employment use. In addition, members will be aware that planning permission has recently been granted this year for a gymnasium facility in the former TJ Hughes unit in the town centre. Therefore, there are sites in the town centre that can be used for this type of facility, and it is important not to allow an inappropriate use in an employment location and hinder the variety of the Borough's mixed portfolio of employment land.

Highways and parking

The proposal would involve utilising communal car parking facilities at the side of the units as well as in front of the units. Verbal discussions with County Highway Network Control have clarified that the proposal is unlikely to raise any objections.

Conclusion

The proposal would be on land allocated for primarily employment use and would take away the availability of employment land that is sought after in the Borough to meet the Council's strategic employment requirements and would be contrary to policies in the Local Plan No.3. In addition, the proposed use ought to be located in the town centre given the nature of the use and the volume of people who would use it. Such a use in the town centre would maintain its vitality and viability. Locating a leisure use outside of the town centre would have a detrimental impact on the centre and would conflict with Local Plan policies. Given that the proposal is not located within the town centre or the edge of centre, a sequential assessment is required. The assessment that has been

**PLANNING
COMMITTEE**

28th August 2013

submitted does not adequately demonstrate a thorough assessment of available town centre locations and as such does not address para 26 of the NPPF and policy E(EMP).3 of the Local Plan No.3.

There is also a concern that the provision of a leisure facility in the middle of a modern employment complex would not be compatible with the surrounding employment units, and could have an impact on amenity in the area, as well as parking, and could potentially hinder interest in the remaining unoccupied units for Class B uses.

For these reasons, officers consider that the proposal should be resisted in the interests of protecting employment land within the Borough.

Recommendation

That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the following reasons:-

1. The proposed change of use to a gymnasium (Class D.2) would result in a loss of land designated for employment uses (B1, B2, and B8). In the absence of any justification for this loss, the proposal is considered to be harmful to the employment land supply for the Borough and would be contrary to Policy E(EMP).3 of the Borough of Redditch Local Plan No.3. The proposal would also conflict with the principles of the National Planning Policy Framework.
2. The provision of a gymnasium (Class D.2) in a designated Primarily Employment Area would hinder the amenities of the adjacent employment units and as such would not be compatible with the potential and existing employment uses in this complex and as such would be contrary to Policy E(EMP).3a of the Borough of Redditch Local Plan No.3.
3. Documents submitted by the applicant to justify the location of a gymnasium outside the town centre are insufficient to address the sequential assessment required under para 26 of the National Planning Policy Framework and it is also therefore contrary to Policy E(EMP).3 of the Borough of Redditch Local Plan No.3. It has not been possible to identify reasons to support this use in this location as a full justification has not been provided.
4. The provision of a gymnasium (Class D.2) in a location outside of the town centre would by its very nature, have a detrimental impact on the vitality and viability of the town centre and would be contrary to Policies CS.7 and E(TCR).1 of the Borough of Redditch Local Plan No.3 and conflict with principles of the National Planning Policy Framework.

**PLANNING
COMMITTEE**

28th August 2013

Procedural matters

All applications for Class D2 use are reported to Planning Committee for determination as they fall outside the scheme of delegation to officers.