

**PLANNING  
COMMITTEE**

20th November 2013

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**Planning Application 2013/168/COU**

**Change of use to D2 for an indoor skate park**

**28 Crossgate Road, Redditch, Worcestershire, B98 7SN**

**Applicant: Mr Dom Wynne**  
**Expiry Date: 26th September 2013**  
**Ward: GREENLANDS**

**(see additional papers for Site Plan)**

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: steve.edden@bromsgroveandredditch.gov.uk for more information.

**Site Description**

The site is located in a Primarily Employment Area within the Crossgate Road Industrial Estate and forms part of a cul de sac of similarly designed factory units. The unit, which is the end of a terrace of four, has a personnel door entrance and roller shutter door to its front, east facing elevation beyond which, within the curtilage of the property is a hardsurfaced area, used for vehicle deliveries / unloading. The unit itself is formed of a steel portal frame with part brick, part grey metal clad walls with an insulated metal clad panel roof. Whilst the site contains no in-curtilage demarked car parking, two larger demarked communal car parking areas serving the whole of the Crossgate Road Industrial Estate are situated to the north and south, approximately 60 metres and 50 metres away respectively.

**Proposal Description**

Permission is sought to change the use of a currently vacant single factory unit into an indoor skate park. The floorspace of the unit to be changed would be 574 square metres. Such a use is defined as a Leisure use (Class D.2) under the Town and Country Planning (Use Classes) Order 1987 as amended. No internal or external works are proposed.

Hours of opening are proposed to be as follows:-

Monday to Friday	15:30 - 21:00
Saturday	10:00 - 22:00
Sunday and Bank Holidays	11:00 - 17:00

**Relevant Planning Policies**

**National Planning Policy Framework (NPPF)**

**Borough of Redditch Local Plan No.3**

CS.7 The Sustainable Location of Development  
E(EMP).3 Primarily Employment Areas

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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).12	Parking Standards
S.1	Designing out crime

**Supplementary Planning Guidance / Supplementary Planning Documents**

Employment Land Monitoring  
Designing for community safety

**Other relevant corporate plans and strategies**

Town Centre Strategy (TCS)  
Redditch Economic Development Strategy

**Relevant Planning History**

None

**Consultations**

**Development Plans**

Comments summarised as follows:

- o The unit is 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 D2. Therefore the proposal would need to meet the criteria contained in the policies to demonstrate why non-employment development should be permitted.
- o It is considered that the proposed use 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 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.
- o 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 And Regeneration Service**

Comment that the location of the application is within a cul de sac that is comprised of traditional industrial units. The unit is of a good size for employment uses and is valuable in respect to creating a mixed portfolio of employment land for the Borough. Therefore keen to retain for B class uses.

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**Area Environmental Health Officer (WRS)**

Insufficient information has been submitted to accompany the application As such, WRS cannot make any detailed comments

**Highway Network Control**

No Objection

**Police Crime Risk Manager**

Comments awaited

**Public Consultation Response**

Public Consultation responses

One letter received in objection. Comments received are summarised below:

- o This area is designated for Industrial uses only not for the use proposed under this application
- o This Industrial area is both busy and extremely confined. The occupants of the units experience constant and frequent traffic - much of it HGVs but including forklift truck movements carrying industrial products. The introduction of members of the public, with or without vehicles constitutes an unacceptable risk of serious accidents
- o Although the intention is for the public to park in the adjacent parking areas, in practice this will not happen and members of the public will try to park much nearer to Unit 28 which will both be dangerous and will affect the efficient running of nearby businesses
- o The security of the area will be severely compromised, particularly at weekends and after normal working hours
- o We operate a skip for the disposal of waste packaging which cannot be locked permanently because of the emptying schedule of our contractor. The public are likely to use it for fly tipping as the public realise its accessibility

**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 that every effort should be made to meet the business and development needs of an area. Due to the size of the unit it is likely that such industrial floorspace 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.

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The NPPF seeks to ensure that town centres are promoted as a positive, competitive town centre environment and includes leisure uses (as is proposed here) 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 are proposed outside the town centre.

In this case, the application has not been supported by any information which suggests that a sequential test of alternative sites has been carried out.

Officers consider that therefore, 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 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 an indoor skate park (Class D2) would be detrimental to the aims and objectives of E(EMP).3 of Local Plan No.3.

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. Further, the applicant has not demonstrated that the current use of the site for employment purposes raises unacceptable environmental or traffic problems. Officers consider that the application is contrary to all of the points detailed under this policy.

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 site 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 having a high demand for parking. Officers concur with the contents of the letter received

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in objection to the application (as detailed above) in that this use would not be 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 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/COU (for a leisure use, albeit a proposed gymnasium rather than a skate park, at Trafford Park - 19 Trescott Road) was refused planning permission for similar reasons. Emphasis at that time was placed on the fact that the site had been unoccupied for a considerable period of 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. Unit 28 Crossgate Road, the site of this application has been vacant for only a comparatively short period of time (since 30th June 2013).

Highways and Parking

The proposal would utilise the communal car parking facilities to the north and south of the site as set out under the site description section earlier in this report. Members will note that County Highway Network Control have raised no objection based on the availability of these parking areas, although your officers concur in part with the objection letter received which comments that in reality, the public may park nearer to the entrance of Unit 28 for pick up / drop off purposes in which case the proposed operation of this use would not be compatible with the efficient running of surrounding employment businesses and would therefore be contrary to Policy E(EMP).3a as referred to earlier.

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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. No such assessment has been carried out in this case and as such the proposal fails to address policy.

There is also a concern that the provision of a leisure facility in the middle of an employment complex would not be compatible with the surrounding employment units, and could have an impact on amenity in the area.

For the above reasons, officers consider that the proposal should be resisted.

**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 an indoor skate park (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 an indoor skate park (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. Insufficient information and evidence has been submitted to justify the location of a leisure use outside the town centre. The application fails to address the sequential assessment required under Paragraph 24 of the National Planning Policy Framework and Policies E(TCR).4 and CS.7 of the Borough of Redditch Local Plan No.3.
4. The provision of a leisure use (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 contained within the National Planning Policy Framework.

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**Informatives**

- 1) The plan refused consent, for the avoidance of doubt is listed as follows:  
site location plan A , JTT/IIP/LM 37526/0613

**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.