

PLANNING COMMITTEE

15th November 2017

Planning Application 17/01021/FUL

Change of Use of industrial unit to a mixed use health complex which encompasses: fitness studio, personal training studios, massage therapy room, functional gym space, cafe, retail shop and education centre

Unit 30, Hunt End Industrial Estate, Dunlop Road, Redditch, Worcestershire, B97 5XP

Applicant: Rachel Price-Whittle
Ward: Astwood Bank And Feckenham Ward

(See additional papers for site plan)

The author of this report is Claire Gilbert, Planning Officer (DM), who can be contacted on Tel: 01527 881655 Email: claire.gilbert@bromsgroveandredditch.gov.uk for more information.

Site Description

The application site is located on Dunlop Road in Hunt End Industrial Estate. It is a single storey semi-detached metal clad and brick Industrial Unit that has a general business use for B1, B2 and B8 uses. The unit was last occupied by a manufacturing company, who vacated the premises in June 2017. The unit has a shared access with the adjoining unit (Unit 28) which is currently occupied by Clarke Oil Ltd.

The site is located within the Astwood Bank & Feckenham Ward in Redditch Borough and is located on land which falls within an area designated as a Primarily Employment Area on the Borough of Redditch Local Plan No.4 Policies Map.

Proposal Description

This is a full application for the change of use from General Business (B1, B2 and B8) use to a health and fitness centre, with the main use being classed as a D2 Leisure use.

Relevant Policies:

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

Policy 19: Sustainable travel and Accessibility

Policy 20: Transport Requirements for New Development

Policy 24: Development within Primarily Employment Areas

Policy 30: Town Centre and Retail Hierarchy

Policy 43: Leisure, Tourism and Abbey Stadium

Others

NPPF National Planning Policy Framework

PLANNING COMMITTEE

15th November 2017

NPPG National Planning Practice Guidance

Relevant Planning History

None

Consultations

Town Centre Co-ordinator consultation expired 1.11.2017

No Comments Received To Date

Highways Redditch consultation expired 1.11.2017

Recommends that the permission be Refused because the application is considered to be contrary to the NPPF paragraphs 32 & 35 and the adopted Highway Design Guide which forms part of the Local Transport Plan; this document was updated in February 2016.

The change of use of industrial unit to a mixed use health complex which encompasses: fitness studio, personal training studios, massage therapy room, functional gym space, cafe, retail shop and education centre has been proposed is unacceptable as it stands.

The car parking layout proposed is unacceptable - It is noted both units at one time received HGVs to the area in front of the access adjacent to the flower bed would have been kept clear. The applicant has proposed to include 2 car parking spaces at this location; parking spaces 10 and 11 which could impede HGVs entering and leaving unit 28.

Location of car parking spaces 12 and 13 would impede access to bays 1 to 8 on the entering or exiting the parking bays.

The mixing of customers / school children and HGVs would not be recommended in this instance due to the nature of a shared access.

Applicant has indicated in his statement (sec 2.3) the car park to the right would be available to customers, this car park has not been included within the redline plan; therefore these car parking spaces cannot be counted towards car parking allocation.

Applicant states within the statement (sec 4.25) that 20 car parking spaces are available - however only 13 have been provided within the red line plan (not sure if W/C are disabled car parking spaces).

Applicant has indicated 15 - 20 staff would be on site at any one time; applicant to provide full justification with regards to car parking allocation that has been provided for staff and customers.

PLANNING COMMITTEE

15th November 2017

Applicant has also failed to provide the location for cycle parking.

Economic Development And Regeneration Service consultation expired 1.11.2017

The planning application seeks approval for change of use of an existing vacant, Unit 30, Hunt End Industrial Estate which is currently designated for B1,B2 or B8 use. The applicant wishes to apply for change of use to D2 to provide a mixed use health complex.

The unit in question has only been vacant since June 2017. Policy dictates that a vacant unit must be marketed for a period of 2 years and 3 months in order to ensure that businesses within the B1,B2 or B8 use category have ample opportunity to be aware of the vacant unit. There is no evidence that the unit has been marketed for business use.

There is no evidence to suggest that Unit 30 is no longer viable for B1,B2 or B8 use and for this reason we would not support an application for change of use at this stage.

Redditch Strategic Planning and Conservation consultation expired 1.11.2017

In conclusion, this application cannot be supported from a Planning Policy perspective. The key reasons are summarised as follows:

- The application is contrary to Policy 24 of BORLP4.
- The applicant has not provided robust supporting evidence in relation to criteria (i) and (ii) or (iii) of Policy 24 in order to establish that a non-employment development should be permitted.
- The application is contrary to Policies 30 and 43 of BORLP4.
- The applicant has not undertaken a sequential assessment to demonstrate that this proposal could not be located in a more sustainable location in terms of paragraph 24 of the NPPF.

Public Consultation

6 Letters sent out to the neighbouring industrial units on 11.10.2017

Site notice put up near to site on 12.10.2017

Press notice put into the Redditch Standard on 20.10.2017

Overall public consultation period expires 03.11.2017

1 representation received in objection

Comments are summarised as follows:

- Insufficient parking arrangements for proposed use, given the amount of staff and the different uses proposed within the unit.
- Proposed parking arrangements- adjacent car park large to the right of the unit and ample roadside parking outside of the unit are not for their use.

PLANNING COMMITTEE

15th November 2017

- The road outside of the unit is very much in use as discussed with artic lorries turning and parking constantly
- The shared gated access needs to be clear at all times for artic lorries to turn in and out, this would mean that parking spaces 10 & 11 on the plan would be a definite no straight away and as also discussed the lorries do also need to reverse into each side of the yard for deliveries to both units, a mutual agreement for both parties meaning spaces 12 & 13 would also not be possible.
- The application states that they want to work with St Augustine's School encouraging students to become involved, from a health and safety point of view having students roaming around freely while we are operating fork lift trucks and articulated lorries could put them at huge danger, if they are unaware of how industrial sites work.
- An active industrial yard is the most unsuitable place for all of these people to be walking around

Other non material planning issues have been raised within this representation; these cannot be taken into consideration as part of our determination of this application.

Assessment of Proposal

Principle of Change of Use

The proposal is for a D2 Leisure Use with associated uses which would include: cafe, shop, educational centre and massage therapy rooms. The National Planning Policy Framework (NPPF) defines this type of use as main town centre use; and sets out that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre, and are not in accordance with an up-to-date Local Plan.

Paragraph 24 of the NPPF comments that applications for main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. Policy 30 of the Redditch Borough Local Plan adopted 2017 echoes this.

The NPPF at paragraph 27 states that "Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors [NPPF para 26], it should be refused."

Policy 43 of the Borough of Redditch Local Plan No. 4 sets out that the Council will promote and support proposals for new and improved leisure uses, to promote the role of healthy living within the Borough. This is however subject to them being located in places that are sustainable and accessible by a choice of transport modes, principally Redditch Town Centre. If they are not, applicants will have to demonstrate that the appropriate sequential assessments and impact tests have been carried out.

PLANNING COMMITTEE

15th November 2017

The applicant has submitted a planning statement with this application. However, no evidence has been submitted that a sequential assessment has been undertaken to demonstrate that the proposal could not be located in a more sustainable and suitable location; as set out in paragraph 24 of the NPPF. Rather than an out of centre location such as the application site that has relatively poor public transport links.

The proposal is therefore considered to be contrary to policy 30 and 43 of Redditch Borough Council Local Plan 2017 and the NPPF.

The site is within an area designated as a Primarily Employment Area in the Borough of Redditch Local Plan No.4 where the primary aim of Policy 24 is to maintain uses within Classes B1 (Business), B2 (General Industry) or B8 (Storage or Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and to safeguard employment land.

Policy 24 of the Redditch Borough Council Local Plan Adopted 2017 policy clearly states that non employment development within designated employment areas will only be permitted when it meets criteria (i) and (ii) or criterion (iii), which state:

- Criterion (i) states: "such development would not cause or accentuate a significant shortage of land for employment uses in the Borough or area concerned."
- Criterion (ii) states: "it is no longer viable as an employment area either following a period of unsuccessful marketing or undertaking a viability assessment."
- Criterion (iii) states: "the site is no longer appropriate for employment use because of at least one of the following reasons and these problems are incapable of resolution in the foreseeable future:
 - it impinges upon residential amenity;
 - it causes substantial transport network, highway or traffic problems;
 - it creates other adverse environmental effects; or
 - technical reasons such as land stability or fundamental infrastructure problems."

The site is relatively small, amounting to an approximate total site area of 0.10ha, which the Strategic Planning Team do not consider would cause or accentuate a significant shortage of employment land at this time. However, the applicant has provided no information to demonstrate that either of the requirements of Criterion (ii) have been met in order to be policy compliant.

In order to be compliant with criterion (ii) the Council requires a site to be marketed for approximately two years and three months (Employment Land Monitoring SPG, para 2.10) before alternative uses are considered, as this is considered to represent a reasonable length of time to ensure that a site is genuinely redundant for its intended use.

PLANNING COMMITTEE

15th November 2017

It is unlikely that the applicant can demonstrate that the site has been appropriately marketed for this period as the application form states that the previous use of the site ended in June 2017.

The applicant has not provided robust evidence in relation to any of the requirements of criterion (iii), to suggest that the site is no longer appropriate for an employment use.

As such in terms of Policy 24, it is considered that the application and its supporting evidence is contrary to policy.

Compatibility of Uses

Policy 24 of Borough of Redditch Local Plan No.4 requires that proposed uses be compatible with the use of Primarily Employment Areas so as to not restrict the current or future use of primarily employment areas (as defined on the Policies Map) for employment purposes.

Your officers agree with the comments received from the Worcester County Highway Department and the public representation received, who raise concerns regarding compatibility of uses.

The site is in a location made up of industrial units, and has a shared access arrangement with the adjoining industrial unit, which is currently occupied. The nature of the proposed use would be incompatible with the surrounding business uses and the types of vehicular movements these businesses create, such as fork lift truck, delivery and HGV movements. Your officers consider that there would be a conflict between these vehicular movements and pedestrians wishing to access the proposed leisure use.

The applicant has not demonstrated that there would be sufficient parking within the forecourt of the proposed unit to alleviate a conflict between pedestrians using this facility and surrounding vehicular movements, especially given the shared access arrangement with the adjoining unit. There is also no information or indication as to how the unit's forecourt would be segregated from the adjacent forecourts to improve customer safety.

Overall therefore your Officers consider that the proposed use would compromise the day to day operating activities of the existing and future business occupiers within this industrial area, contrary to policy 24 of the Borough of Redditch Local Plan No. 4.

Conclusion

To conclude, although the Council would like to promote and support new and improved leisure uses within the Borough, as set out in Policy 30 and 43 and the NPPF this type of use would be more appropriately suited to a town centre location. The applicant has not satisfied the NPPF's sequential test requirement to demonstrate that there are no suitable units within or adjacent to the town centre that they could utilise.

PLANNING COMMITTEE

15th November 2017

The applicant has not provided evidence of an unsuccessful and appropriate marketing period for this property to demonstrate that the unit could not be used for appropriate (B1, B2 or B8) type employment uses.

The proposal would be incompatible in relation to the surrounding business uses and the types of vehicular movements these businesses create. There is no indication that there is sufficient parking or segregation within the unit's forecourt to alleviate pedestrian and vehicular conflict. It is therefore considered that a leisure and health use in this location, which would attract a large number of people, would compromise the day to day activities of existing and future business occupiers within this location, especially day to day activities which take place outside of the business units.

Overall therefore your officers believe that the proposal is contrary to the policies in the Local Plan and in the NPPF.

RECOMMENDATION:

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

- 1) The applicant has failed to satisfy Paragraph 24 of the National Planning Policy Framework which requires that a sequential test be applied to planning applications for main town centre uses that are not in an existing centre. The creation of this type of leisure use in a location outside the town centre in an area poorly served by public transport would be likely to generate a significant quantity of unsustainable trips in private vehicles contrary to Policy 20, 30 and 43 and of the Borough of Redditch Local Plan No.4 and the provisions of the NPPF.
- 2) The proposed change of use would result in a loss of land designated for employment (B1, B2, B8) purposes. In the absence of any justification for this loss, the proposal is considered to be contrary to Policy 24 of the Borough of Redditch Local Plan No.4.
- 3) The nature of the proposed use would be incompatible with the surrounding business uses and the types of vehicular movements these businesses create, such as fork lift truck, delivery and HGV movements. The proposed use would create a conflict between these vehicular movements and pedestrians wishing to access the proposed leisure use, which would give rise to a highway safety concern. As such the proposal would be contrary to the provisions of Policy 20 and 24 of the Borough of Redditch Local Plan No.4.
- 4) The Proposed parking arrangement would be insufficient for the proposed use. No clear justification has been provided for this in the application. Due to the nature of the existing business uses in the locality of the site, it is considered that this would

**PLANNING
COMMITTEE**

15th November 2017

have a detrimental impact on highway safety. As such the proposal would be contrary to Policy 20 of the Borough of Redditch Local Plan No.4, the NPPF and the adopted Local Transport Plan 3.

Procedural matters

This application is reported to Planning Committee for determination because the application is for a change of use to a D2 leisure use, which falls outside the scheme of delegation to Officers.