

PLANNING COMMITTEE

18th March 2019

Planning Application 19/00097/FUL

Change of use from B8 distribution to D2 assembly & leisure

Unit 5, Lakeside Industrial Estate, New Meadow Road, Lakeside, Redditch, B98 8YW

Applicant: Ms A Marshall: ALM Fitness
Ward: Lodge Park Ward

(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 within a Primarily Employment Area within the Lakeside Industrial Estate. The premises are one of many modern glazed and metal clad Industrial Units, accessed off New Meadow Road. The unit has been unoccupied since 12th September 2018 but was formerly occupied by Activewear Group (distributors of sports and work wear clothing). It offers 290m² floorspace at ground floor with a further 40m² on the upper floor. The unit is attached on its southern side to 'Joes Jungle' (previously Coconut Island) which is a Children's Soft Play area, and to its Northern side to 'Alliance Electrical' who are wholesalers of electrical parts and fittings. A car parking area serving the units exists to the east of the site.

Proposal Description

This is a full application for the change of use of this vacant B8 unit to a D2 (Leisure) use. The applicant: ALM Fitness is described as a health, fitness, lifestyle and wellbeing business. The applicant's website offers classes in 'Cardiovascular Circuits' and 'Fitness Pilates'.

Relevant Policies :

Borough of Redditch Local Plan No. 4

Policy 24: Development within Primarily Employment Areas

Policy 30: Town Centre and Retail Hierarchy

Others

NPPF National Planning Policy Framework (2019)

SPG: Employment Land Monitoring

Relevant Planning History

None

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Consultations

Worcestershire Highways

No highway safety implications and therefore no objections noting that 4 dedicated car parking spaces are available to serve the use.

Public Consultation Response

1 letter has been received, writing in support of the application.
Comments received are summarised below:

- Adding further leisure related uses would only support existing businesses and encourage visitors and families to Lakeside.

Assessment of Proposal

The key issue for consideration in this case is the principle of the change of use.

Principle of Change of Use

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This is reaffirmed under Paragraph 2 of the National Planning Policy Framework.

The Development Plan for Redditch Borough Council is the adopted Local Plan No.4. Policies relevant to this application include Policy 24 and Policy 30.

The site is within an area designated as a Primarily Employment Area in the Local Plan where the primary aim of Policy 24 is to maintain uses within Classes B1 (Business), B2 (General Industrial) or B8 (Storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and to safeguard employment land.

The change of use of this unit to a D2 (Leisure) use is therefore at odds with the aims and objectives of Policy 24.

Policy 24 comments that non-employment development within Primarily Employment Areas will only be considered where it can be demonstrated that (i) the loss of the site would not cause or accentuate a significant shortage of land for employment use in the Borough or area concerned. As a Unit measuring a little over 300 square metres in area, your officers consider that the proposals would not cause or accentuate a significant shortage of land for employment use. Part (ii) of the Policy only permits non-employment uses (as per the application proposal) where the site or unit is no longer viable as an employment area either following a period of unsuccessful marketing

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or undertaking a viability assessment. No viability assessment has been submitted and no evidence of appropriate marketing for 'B' Class uses has been advanced with the application.

Your officers have noted that the Units last tenant 'Activewear' who were distributors of sports and work wear ceased occupation as recently as September 2018. The Councils Employment Land Monitoring SPG requires sites to be unoccupied for a minimum period of 2 years and 3 months which the Councils Economic Development Unit suggests reflects a reasonable period of time to attract a genuine new employment opportunity.

Given the limited vacancy period there is nothing to suggest to your officers that an employment user would not find such a unit attractive if appropriate marketing were to be carried out.

If parts (i) and (ii) above cannot be satisfied, the applicant is required to demonstrate that the site is no longer appropriate for employment use. Whilst some of the units within Lakeside Industrial Estate are occupied by non 'B' Class users, many, including for example 'Kwik Fit' (Unit 1), Alliance Electrical (Unit 13), Stanton Automotive (Unit 9 and 10) and Unit 16 (Mr Tyre), do fall within the B1, B2 or B8 category and therefore it is considered that the unit in question would be appropriate for employment use in the future.

The proposed (D2 Leisure) use is defined as a 'main town centre' use as far as the NPPF is concerned (Annex 2, Glossary: Page 68 to the Framework). Policy 30 (Town Centre and Retail Hierarchy) of the Borough of Redditch Local Plan directs leisure uses to the Town Centre.

The NPPF comments under Paragraph 86 that:

'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered'

Paragraph 87 to the Framework comments that applicants should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre sites are fully explored. Paragraph 90 goes on to comment that where an application fails to satisfy the sequential test it should be refused.

No sequential testing has been carried out by the applicant and your officers know there to be a number of units of the size sought by the applicant (around 300m²) in sequentially preferable locations within the Town Centre which would be easily accessible by sustainable means (walking, cycling etc) and also by those who are unable to drive by car to those sites. Your officers have been provided with a list of a number of currently available units by the Kingfisher Shopping Centre's Manager which includes suites within

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Cannon Newton House amongst others, which would appear to be suitable in terms of size to meet the applicant's requirements.

Conclusion

It is considered that this proposal should be resisted in the interests of retaining such units for 'B' Class occupiers. Further, in the absence of information advanced with this application regarding sequential testing of alternative Town Centre sites, your officers have concluded that the proposal would be unsustainably located and would conflict with the policies of the development plan and the provisions of the NPPF which is a material consideration in making planning decisions.

RECOMMENDATION:

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

1. The proposed change of use to D2 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.
2. The applicant has failed to satisfy Paragraph 86 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 a D2 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 30 of the Borough of Redditch Local Plan No.4 and the provisions of the National Planning Policy Framework.

Procedural matters

All applications for Assembly and Leisure (Class D2 use) fall outside the scheme of delegation to officers and are reported to Planning Committee for determination