

**PLANNING
COMMITTEE**

15th February 2023

Planning Application 22/01518/FUL

Change of use of premises to a gym within Class E and minor external alterations

Benson For Beds, Redditch Ringway, Redditch, Worcestershire, B98 8DU,

**Applicant: Pure Gym Limited
Ward: Central Ward**

(see additional papers for site plan)

The case officer of this application 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 comprises an existing retail warehouse unit, which is located to the east of Redditch Town Centre. It provides existing floorspace of approximately 900 sq. m. It is accessed from Redditch Ringway with vehicle egress to Ipsley Street. This small retail park comprises three retail units, with the other two larger units occupied by Wickes and Halfords.

The application site and the Wickes unit share car parking for 113 vehicles. To the south of Ipsley Street and the application site is Trafford Retail Park, whilst to the north of the ring road and the site there are retail units occupied by Dunelm and Lidl. There are residential properties to the rear of the application site on St Georges Road and Other Road.

The site is situated within an area that is designated as being part of the Town Centre in the Borough of Redditch Local Plan No 4 Policies Map.

Proposal Description

The proposal is for the change of use of the premises from a retail shop (Class E) to a gym (Class E) and some minor external alterations which includes changing the entrance doors. The gym use is proposed to operate on a 24hrs basis to provide access to all including those who work shifts.

In 1987, planning permission was granted under application reference 1986/387/FUL for two non-food retail warehouses at the site. This permission was subject to a condition (condition 4) which restricted the use of the premises as well as a legal agreement. In 1992 two further planning permissions were granted for the variation of condition no. 4 of the 1987 permission (ref. 1992/091/S73) and for alterations to one of the retail warehouses to form new offices, entrances and exits (ref. 1992/093/FUL). The application site was formed as a sub-division of the original larger unit under the terms of the 1992 permissions. However, the use of the unit continues to be controlled by condition no. 4 of planning permission ref. 1992/091/S73 which states:

**PLANNING
COMMITTEE**

15th February 2023

'Unit 1 shall be used only for a purpose falling within Class A1 of the Town and Country Planning (Use Classes Order) 1987 and for no other purpose whatsoever'.

Following recent changes to the Use Classes Order, Class A1 retail and Class D2 gym uses now both fall within Class E ('Commercial, business and service'). Under the terms of s55 of the Town and Country Planning Act 1990, the introduction of an alternative use within the same use class would not comprise 'development' for the purposes of the Act. However, the wording of the existing planning condition disapplies the normal operation of the Use Classes Order and prevents non-retail uses that would otherwise now fall within the same use class (Class E). Consequently, this planning application seeks a new, full planning permission for the use of the application site as a gym within Class E.

Relevant Policies:

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 19: Sustainable travel and Accessibility

Policy 30: Town Centre and Retail Hierarchy

Policy 31: Regeneration for Town Centre

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

Policy: 41 Shopfronts and Shopfront Security

Policy 43: Leisure, Tourism and Abbey Stadium

Others

Redditch High Quality Design SPD

National Design Guide

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

Relevant Planning History

1986/387	Two Non-food Retail Warehouses, Ancillary Offices, Garden Centre and Parking Areas	Approved subject to Legal agreement	05.01.1987
1992/091/S73	Variation Of Condition 4 Of The Planning Permission 86/387	Approved subject to legal agreement	23.04.1992

**PLANNING
COMMITTEE**

15th February 2023

1992/093/FUL	Alterations To Form New Offices/Entrance And Exits.	Approved	06.04.1992
--------------	--	----------	------------

Consultations

Highways Redditch

No objections. The site is located within a retail park and has the benefit of 113 shared car parking spaces.

I have not requested electrical vehicle charging points or cycle parking due to the shared use of the car parking spaces.

Community safety

The Community safety team have been consulted on this application, but no comments have been received to date.

Public Consultation Response

Site notice posted 18.01.2023 expires 11.02.2023

3 Neighbour letters sent 16.01.2023 expires 09.02.2023

No responses received to date.

Assessment of Proposal

Principle

Policy 43 of Borough of Redditch Local Plan sets out that leisure proposals will be supported where they are located in places that are sustainable, principally Redditch Town Centre; and, they support sustainable leisure developments and benefit the economy or the Borough and enhance community facilities.

Given the site is situated within the designated Town Centre of Redditch and that it is a new use of a currently vacant unit, the proposal is considered to be acceptable in principle.

Highways

Worcestershire County Highways have raised no objection to the proposed change of use. They have set out that the site is located within a retail park and has the benefit of 113 shared car parking spaces.

They have also noted that they have requested electrical vehicle charging points to be provided or cycle parking due to the shared use of the car parking spaces.

Amenity

The site is situated within the designated town centre. To the east or rear of the premises there are residential properties. However, due to the siting of the entrance and car

PLANNING COMMITTEE

15th February 2023

parking it is not considered that the proposed use would have an adverse impact of the amenities of these existing occupiers.

Character and appearance

The changes that are proposed to the existing building are fenestration changes and include the insertion of new doors to the front elevation and a new wider fire exit to the side elevation. It is not considered that these alterations to the building would effect the character or appearance of the building or the area.

Community safety

The Community safety team have been consulted on this application, but no comments have been received to date.

The gym is proposed to operate on a 24-hour basis to provide access to all including those who work shifts and key workers. The applicant has set out that the number of visitors to the gym at night would be low and that gym members will normally arrive individually and are almost certain to do so during night-time hours. Consequently, they do not consider there would be issues that might potentially be associated with other leisure uses such as large groups of people, loud conversation, or anti-social behaviour.

They have also set out that the proposed development is not expected to have any adverse impacts on crime and safety and that it is considered that it would actually promote natural surveillance within the vicinity of the application site at all hours, which will help to deter crime and anti-social behaviour. Secure entrance facilities will be provided, and a comprehensive network of CCTV will also be installed within the gym.

Legal agreement

Alongside the restrictions of the use imposed by condition of planning permission granted under application reference 1992/091/S73, the use of premises is also controlled by way of a legal agreement, which restricts the use of the premises and the sale of certain goods from it. However, the clauses of this legal agreement do not specifically restrict the use of the premises as a gym. Due to this, provided the proposed use does not deviate from that of a gym, it is considered that a deed of variation would not be required in this case. However, in order to secure the use and ensure that the clauses of the legal agreement are not triggered, it is considered to be essential that a condition is imposed (if permission is granted) to restrict the premises and the permission to that of a use falling within Class E(d) uses only.

Conclusion

Overall, the proposal accords with the policy and is therefore considered to be acceptable.

RECOMMENDATION:

That having regard to the development plan and to all other material

**PLANNING
COMMITTEE**

15th February 2023

considerations, planning permission be **GRANTED** subject to the following conditions:

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following plans and drawings:

Drawing No. 105 Location Plan and Site Plans
Drawing no. 104 Rev. A Proposed Elevations
Drawing No. 102 Rev. B Proposed Floor Plans

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

3. The unit outlined in red on Drawing No. 105 (Location Plan and Site Plans) shall only be used for purposes falling within Class E(d) of the Use Classes Order and for no other use.

Reason: In order to define the permission and to protect future use of premises in line with Section 52 agreement dated 28th November 1986 and deed of variation dated 23 June 1992

Informative

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.

Procedural matters

This application is being reported to the Planning Committee because the application falls outside the scheme of delegation to Officers.