

**PLANNING
COMMITTEE**

17th January 2024

Planning Application 23/01265/FUL

Change of use of an Industrial unit to a Gymnasium, Martial Arts Studio and Café

8 Thornhill Road, North Moons Moat, Redditch, B98 9ND

Applicant: Mr Jordan Peters & Dr Joshua Hill
Ward: Church Hill Ward

(see additional papers for site plan)

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

Site Description

The application site comprises an Industrial unit with 1267m² of floor space. The ground floor consists of an open plan commercial space along with toilets, office and cleaner's store. A much smaller first floor space consists of offices, toilets, kitchenette, store and plant room.

Parking exists to the front of the unit which is shared with other adjacent commercial units.

The site is located within the Moons Moat North Industrial Estate. The site and surrounding units fall within an area designated as a Primarily Employment Area on the Borough of Redditch Local Plan No.4 Policies Map. The unit is currently vacant and has been vacant for an unspecified period of time.

Proposal Description

This is an application for full planning [permission for the change of use of an Industrial unit (Current use Class B1, B2 and B8) to a gym, martial arts studio and Café, all of which fall within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended).

No external alterations are proposed to the building.

The applicant has stated that the gym opening times would be Monday to Friday 05:30 - 22:00hrs and Saturday to Sunday 08:00 - 20:00hrs. The Café opening times would be 07:30 - 20:00hrs daily.

The applicant states that the main open plan ground floor space would be used as the gym with the smaller ground floor space at the front of the property to be used as a café area. The first-floor office space would be used as a Martial Arts Studio with the smaller office rooms being used as consultation/treatment rooms.

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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

Relevant Planning History

1988/635/FUL	Warehouse Use for Storage including painting of specialist furniture and ancillary offices	Granted	14.10.1988
1991/028/FUL	Alterations To Provide Additional Office Accommodation	Granted	01.03.1991

Consultations

Strategic Planning Team

Comments summarised as follows:

The purpose of Borough of Redditch Local Plan Policy 24 is to ensure that there is a sufficient supply of employment land. Development will not be permitted where it would restrict the current or future use or development of Primarily Employment Areas (as defined on the Policies Map) for employment purposes.

Policy 24 identifies that non employment development will only be permitted when:
i. such development would not cause or accentuate a significant shortage of land for employment use in the Borough or area concerned.

In terms of the above criteria, The Local Plan makes provision for 53.57ha of land to meet Redditch's employment needs until 2030. The gross internal space of this unit is 1,267sqm. The change of use of this unit would not be considered to cause or accentuate a significant shortage of employment land by virtue of its size relative to the overall supply and delivery of employment land. It is therefore considered that the requirements of Policy 24 part i have been met. Policy 24 does however require the criteria in both part i **and** either part ii or part iii to be fulfilled.

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Policy 24 identifies that non employment development will only be permitted when:
ii. it is no longer viable as an employment area either following a period of unsuccessful marketing or undertaking a viability assessment. It is not clear how long the unit has been vacant for nor how long the unit has been marketed for employment use. An alternative to this would be to submit a viability assessment (no viability assessment has been submitted).

Part iii of Policy 24 comments that non employment development will only be permitted when 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.

In conclusion, whilst Policy 24 Criteria / Part i) is considered to be satisfied as the proposal would not create or accentuate a significant shortage of employment land, Policy 24 requires criteria / part i **and** criteria / parts ii or iii to be fulfilled. Further details would be required to determine the acceptability of the application in line with Policy 24.

WCC Highway Authority

Comments summarised as follows:

No objections

It is noted that there are 43 parking spaces at the front of the property which are shared with the smaller adjacent units. The gym's busier times are likely to be before and after general working hours and therefore the carpark is not likely to be used by the adjacent units during these busy times. There is also a yard area at the back of the unit which would be utilised for additional parking solely for the application site.

Cycle storage is proposed at the front of the site for 12 cycles which would be acceptable. Staffing levels are proposed to be 2 full time staff.

Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable highways impact and therefore there are no justifiable grounds on which an objection on highway grounds could be maintained.

Public Consultation Response

One representation has been received in objection to the application.

Comments are summarised as follows:

- The introduction of a gymnasium and cafe in this location would divert business away from the Redditch town centre, potentially undermining the vitality and economic well-being of our community. Maintaining a vibrant town centre is crucial for the overall

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health and sustainability of our town, and I believe approving this application could have detrimental effects on its future

- The proposal states that the development would only generate two full-time staff positions. Given the substantial size of the unit, I find it unreasonable to sacrifice such a large space that could otherwise be utilised for industrial purposes in an area zoned for such use. Preserving this area for industrial use would not only be more fitting for the scale of the site but also has the potential to create more substantial employment opportunities, contributing positively to our local economy

Assessment of Proposal

The proposal is for a (Class E) Leisure Use with an associated (Class E) café use.

The National Planning Policy Framework (NPPF) defines these types of use as 'main town centre uses' and comments at paragraph 90 that planning policies and decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation.

Paragraph 91 of the framework sets out that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are neither in an existing centre and are not in accordance with an up-to-date Local Plan. Paragraph 91 goes on to say 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 Borough of Redditch Local Plan echoes this commenting that the Town Centre is the preferred location for leisure / eating establishment type uses.

The NPPF at paragraph 95 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 considerations in [NPPF para 94], 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 have been carried out.

There is no evidence to suggest 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 91 of the NPPF. The application site is undeniably in an out of centre location close to the administrative boundary with Bromsgrove District Council and has relatively poor public transport links.

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The proposal is therefore considered to be contrary to Policy 30 and 43 of the Borough of Redditch Local Plan and the provisions of the NPPF.

Policy 24 of the Local Plan clearly states that non employment development within designated employment areas will only be permitted when it meets criteria (i) and (ii) or criterion (iii)

- 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 0.265ha, which the Strategic Planning Team do not consider would cause or accentuate a significant shortage of employment land at this time.

In order to be compliant with criterion (ii) the Council requires a site to be appropriately marketed before alternative uses are considered to ensure that a site is genuinely redundant for its intended use or that a viability assessment be carried out. The applicant has provided no information to demonstrate that either of the requirements of criterion (ii) have been met.

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, it is considered that the application is contrary to Policy 24.

Conclusion

To conclude, whilst the Council promotes and supports new and improved leisure uses within the Borough, as set out in Policy 30 and 43 and the NPPF this type of use is 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.

The applicant has not provided evidence of an unsuccessful and appropriate marketing period for this property to demonstrate that the unit is not viable or appropriate for employment use.

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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. Assessing this application on its merits, I concur with the objections received from the member of the public set out above and consider that the application fails to represent a policy compliant form of development. As such, the recommendation can only be one of refusal.

RECOMMENDATION:

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

- 1) The applicant has failed to satisfy Paragraph 91 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 and eating establishment 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 Policies 19, 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 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.

Procedural matters

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