

PLANNING COMMITTEE

10th September 2026

Planning Application 26/00824/S73

Variation of Conditions 2 and 14 attached to planning permission reference 24/00639/FUL dated 11/10/2024 (Erection of 13 Class E Business Units with associated parking). Condition 2: Replacement of approved drawings with revisions; Condition 14: Variation of use class restriction. Section 73 application

Claybrook Business Park, Claybrook Drive, Matchborough East, Redditch, B98 0FH

Applicant: Mr Chris Moen
Ward: Matchborough and Woodrow

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 site, which is 0.62 ha in size, and a part of the Washford Industrial Estate, is located to the west of Claybrook drive on land designated as a Primarily Employment Area within the Borough of Redditch Local Plan No.4.

Immediately to the south is an existing commercial site, Valeo Service UK with a public footpath skirting the northern boundary with a landscape buffer between the footpath and residential development further to the north, that of Binton Close and Dunchurch Close which are accessed via Milhill Road further to the north.

The site historically contained a large office facility known as Claybrook House, formerly occupied by the company 'Interserve' which was erected in the 1960's. This was demolished in the Summer of 2023. Before this time, the site, which had been vacant for a period of time had been subject to vandalism and anti-social behaviour issues.

Planning permission was granted under application 24/00639/FUL on 11.10.2024 for 13 business units partly on footprint of the former building which have since been erected. None are occupied at the time of writing.

Proposal Description

Section 73 of the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an extant planning permission by either varying (amending) or removing those conditions.

The application seeks to amend two conditions attached to approved application 24/00639/FUL.

The first, Condition (2) lists all plans approved under reference 24/00639/FUL.

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These are currently listed as follows:

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

Drawings 4053-020; 4053-021F; 4053-022; 4053-023A dated 1st October 2024

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

This condition is proposed to be amended to:

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

Drawings 4053-020; 4053-021H; 4528-200; 4528-201 & 4528-202 dated 28th July 2026

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

The second, Condition (14) restricts the planning use class of the business units.

This is currently listed as follows:

14) This application permits uses on site falling within the Class E(g) (iii) category of uses as set out under the Town and Country Planning (Use Classes) Order 1987 (as amended) only. No other category of Class E use is permitted without applying separately for planning permission to do so.

Reason: In the interests of safeguarding land for employment uses only in accordance with Policy 24 of the Borough of Redditch Local Plan No.4

This condition is proposed to be amended to:

14) This application permits uses on site falling within the Class E(g) (iii) category of uses as set out under the Town and Country Planning (Use Classes) Order 1987 (as amended) only. Units 1 & 2 can be used for additional uses E(g)(ii) research and development with F1(a) education use in part solely for the purposes of Birmingham Electrical Training Ltd whilst this business operates on the site. No other category of Class E use is permitted without applying separately for planning permission to do so.

Reason: In the interests of safeguarding land for employment uses only in accordance with Policy 24 of the Borough of Redditch Local Plan No.4

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Relevant Policies:

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development
Policy 23: Employment Land Provision
Policy 24: Development within Primarily Employment Areas
Policy 39: Built Environment
Policy 40: High Quality Design and Safer Communities

Others

Redditch High Quality Design SPD
National Planning Policy Framework (2026)

Relevant Planning History

24/00639/FUL	Erection of 13 Class E Business Units with associated parking	Granted	11.10.2024
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Public Consultation response

26 occupiers notified in writing including occupiers of dwellings in Dunchurch Close and Binton Close. Additional publicity carried out through site notice and press notice.

No representations received.

Background

As set out above, planning application 24/00639/FUL sought permission for the erection of 13 Class E Business Units with associated parking on this site. Permission was granted on 11th October 2024 following the Planning Committees resolution to grant consent at the meeting of 10th October 2024.

The now completed 13 business units comprise a total of 1944 square metres of floorspace with each unit ranging from 137 sqm upwards in size. The buildings are split into two main terraced blocks and have pitched roofs with a maximum height of 8m and an eaves height of 5.8m. 79 car parking spaces are provided across the site with vehicular access to the site being primarily via Claybrook Drive (serving units 1 to 12) with a secondary (existing) vehicular access serving Unit 13 only. Units 1 and 2 have a combined floorspace of 280 square metres with 12 allocated car parking spaces which accords with WCC car parking standards for the development proposed.

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Assessment of Proposal

Principle of development

As set out in the Committee report from 2024, the site (as it remains to this day) 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 stated 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.

The Borough of Redditch Local Plan No.4 was adopted in 2017 and remains the development plan for the area. In September 2020, the then government introduced significant amendments to the Town and Country Planning (Use Classes) Order 1987 which means that Use Class B1 no longer exists.

The specific uses proposed in the 2024 application fell within Class E(g) (iii) which covers industrial processes which can ordinarily be carried out in close proximity to residential uses without detriment to amenity (as opposed to general industrial B2 uses). Class E(g) (iii) would have fallen within Classification B1(c) prior to the Use Classes Order changes in 2000.

The application proposals which sought to redevelop (the then) vacant site for employment purposes accorded with the policies of the adopted Local Plan which seek to safeguard employment sites in the Primarily Employment Areas for employment development.

A planning condition (Condition 14) was attached restricting the units to Class E(g) (iii) use only to ensure that a change of use could not take place to a different type of Class E use (such as) Class E(a) or Class E(b): retailing of goods and sale of food and drink respectively without first applying for planning permission to do so. The reason for doing this was to ensure that future proposals complied with the provisions of Policy 24 and to ensure that preferred town centre uses (such as restaurant and leisure type uses for example) which also fall within the Class E use classification bracket could not take place without first applying separately for planning permission. This restriction took into account relevant Local Plan policies which promote the use of the town centre for such uses and also the provisions of the National Planning Policy Framework (NPPF), which continues to seek to promote the long-term vitality and viability of town centres currently under Policies TC1 to TC4 (NPPF August 2026).

Units 1 and 2

The applicant states that Birmingham Electrical Training Limited (BET Ltd) is a business currently with sites in Birmingham City Centre who are seeking to extend with Government backing in providing practical workshop training and electrical courses to meet the Government's policy *Invest 2035: The UK's Modern Industrial Strategy*. The strategy lays out a 10-year plan to accelerate productivity, strengthen innovation, and drive long-term economic growth.

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The applicant states that BET Ltd wish to locate to Units 1 and 2 and that their business effectively is involved in research development, battery and solar technology innovation as well as training. The use in question falls within use class E(g)(ii) research and development and use Class F1(a) education. Prior to the September 2020 amendments to the Use Classes Order, use Class E(g)(ii) would have fallen within Classification B1(b) which would be entirely appropriate having regards to Policy 24.

Your officers consider that Class F1(a) (formerly Class D1) education and training uses should be considered on their respective merits. The nature of many (traditionally white collar) professions is such that training could be carried out in town centre and potentially more sensitive locations whereas training in many (traditionally blue collar) professions such as in the construction industry ie. Carpentry, bricklaying, plastering may be more suited to alternative locations. Considering the proposals on their respective merits, your officers are comfortable on this occasion with the proposed amendments to Condition 14 as set out earlier in this report. The amendment to Condition 14 would only affect the occupation of units 1 and 2 and would allow BET Ltd whose business comprises a mixture of E(g)(ii) and F1(a) uses to occupy these particular units. The future uses of units 3 to 13 would be unaffected by this Section 73 application.

Design and appearance of development

As set out above, the development as approved has been implemented on site. Minor fenestration changes have taken place with respect to all of the units (in terms of positioning and size of openings etc) at variation with the elevational treatment as approved in October 2024, and this Section 73 application also proposes to amend condition 2 to regularise the fenestration changes which have occurred. These include the insertion of additional windows to Units 1, 2 and Unit 5. Unit 5 is to be occupied by the company ATEQ.

The applicant's agent states that ATEQ is global leader in measurement solutions, specialising in various testing instruments and tools who are currently based on the adjacent industrial park in Hemming Road. They comment that moving to Unit 5 will enable expansion of their business. This company already satisfies the E(g)(iii) use class restriction.

The units as implemented are considered to be in scale with neighbouring industrial properties and have been constructed using grey profiled metal sheeting with anthracite grey contrasting features with similar profiled metal sheeting to roof areas as used on existing industrial buildings located immediately to the south in Hemming road.

The design and appearance of the development as completed including the window and door alterations which have taken place is considered to be entirely acceptable and in accordance with Policy 40 of the Borough of Redditch Local Plan.

Other matters

No additional residential amenity implications have been identified and as set out earlier in this report, no representations have been received following the expiry of the publicity period. Similarly, no highway safety implications have been identified with respect to these minor changes which affect only the use of Units 1 and 2 and the external appearance of the development with no additional floorspace being created.

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Conclusion

The proposals are considered to be acceptable in planning terms and no technical concerns have been raised or identified in this case. In light of this, your officers can support this application to vary the two conditions in question.

The guidance in the Governments Planning Practice Guidance (PPG) makes it clear that decision notices for the grant of planning permission under Section 73 should re-state the conditions imposed on earlier permissions where those continue to have effect.

In this case, the development has been completed with conditions 1 and conditions 3 to 13 having been satisfied. It is therefore unnecessary in this case for these to be re-stated. Conditions 2 and 14 which are those subject to this Section 73 application are re-worded as conditions 1 and 2 respectively below.

RECOMMENDATION:

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

Conditions:

- 1) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Drawings 4053-020; 4053-021H; 4528-200; 4528-201 & 4528-202 dated 28th July 2026

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

- 2) This application permits uses on site falling within the Class E(g) (iii) category of uses as set out under the Town and Country Planning (Use Classes) Order 1987 (as amended) only. Units 1 & 2 can be used for additional uses E(g)(ii) research and development with F1(a) education use in part solely for the purposes of Birmingham Electrical Training Ltd whilst this business operates on the site. No other category of Class E use is permitted without applying separately for planning permission to do so.

Reason: In the interests of safeguarding land for employment uses only in accordance with 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 a Section 73 application concerning a major development being recommended for approval. As such the application falls outside the scheme of delegation to Officers.