

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Mr. D. Corbett 'B'</b>	Change of use from B2 to D2 Swimming Pool - Unit 12 Sherwood House, Sherwood Road, Bromsgrove, B60 3DR	Emp	<b>10/1216-DK</b> 01.02.2011

**Councillor Mrs. J. Dyer M.B.E. has requested that this application be considered by the Committee, rather than being determined under delegated powers.**

**RECOMMENDATION:** that planning permission be **REFUSED**.

### Consultations

WH Consulted 15.12.2010. Response received: 21.12.2010.  
Recommends that the permission be deferred for the following reasons:-

There is insufficient information submitted to consider the application. The applicant should offer explanation of what the pool is to be used for and whether it is for private or public use. This is in order to gauge the vehicle movements and the extent of footfall to the site.

EDO Consulted 15.12.2010. No response to date.

EHO Consulted 15.12.2010. Response received: 16.12.2010.

This section has no objections in principle to the above application. The premises and business will be required to comply with Health and Safety legislation which will be enforced by this Council. The business and premises will be subject to routine inspection to assess compliance. Advice may be obtained on detailed compliance with this legislation from the Commercial Team at Bromsgrove District Council (telephone number 01527 881434).

If food is to be supplied it is a legal requirement that the premises be registered with this Department at least 28 days before starting the food business.

LP Consulted 15.12.2010.

The above site is designated as an employment area in the Bromsgrove District Local Plan 2004. Policy D19 (Employment Land Requirements of Worcester Structure Plan) and Policy PA6A (Employment Land Provision of WMRSS) (December 2007) apply. The latest Panel's Report for the Phase 2 WMRSS revision states that Bromsgrove District has to provide around 30 hectares of employment land for its own growth.

In the recently completed Employment Land Review (ELR) all of the Districts main employment sites were assessed both qualitatively and quantitatively. The proposed site falls within the Aston Fields Industrial and Trading Estate and Silver Birches Business Park which was

assessed as a 'good' quality employment site and therefore no units should be released for any non-employment uses. The ELR states that sites ranked as 'best' or 'good' should be retained as they are considered to be valuable employment sites which should be protected against loss and gradual erosion through the encroachment of alternative uses.

PPG17 requires local authorities to "undertake robust assessments of the existing and future needs of their communities for open space, sports and recreational facilities." The Open Space, Sport and Recreation Facilities (PPG17) Assessment shows that there are four swimming pools in the District and all of them are located within the Bromsgrove Central area. In terms of accessibility, only one offers unrestricted public access, the rest are only accessible to registered members or clubs. The distribution of facilities also indicates that the majority of residents located in the rural areas have to travel to access a swimming pool. Quantitatively, there is sufficient pool space to meet the needs of the local resident population. Qualitatively, the commercial facilities are considered higher in quality than the only publicly accessible pool. The lack of information about the accessibility and quality of the swimming pool makes it difficult to assess whether the proposal will contribute towards meeting the needs of local residents.

Should you be minded to recommend approval of the application, the following issues should be addressed:

PPS1 promotes the prudent use of natural resources. The Water Cycle Study states that there is a negative supply demand balance in the Severn Water Resource Zone. To ensure new development is sustainable, water efficient fittings should be incorporated in the development.

Supplement to PPS1 states that design of new development should be planned to limit carbon dioxide emissions and make good use of opportunities for decentralised and renewable or low carbon energy. The Planning for Climate Change Technical Paper by Worcestershire County Council shows that Bromsgrove has good solar irradiance, hence solar hot water should be encouraged in the development.

Publicity 2 letters sent 15.12.2010, expired 05.01.2011  
1 letter sent 06.01.2011, expired 27.01.2011.

Site Notice posted 04.01.2011, expired 25.01.2011.

No responses received.

### The site and its surroundings

The application site comprises a modern industrial building which extends to some 330sqm including a 48sqm mezzanine area. It is located to the south of Sherwood House

and adjoins units 4a and 4c both of which it is slightly set forward of. The site is relatively enclosed with parking for the units provided in a small number of spaces in front of them.

### Proposal

The proposal is a change of use from B2 to D2 for a swimming pool.

### Relevant Policies

WMSS	QE3, PA6
WCSP	CTC.1, SD.9, T.1
BDLP	DS13, E6, E10, RAT3, TR8, TR11, BROM8
DCS2	CP12, CP14
Others	PPS1, PPG4, PPS4

### Relevant Planning History

There is no relevant planning history.

### Notes

There has been limited information submitted with the application. The area of the unit is 242sqm and it is proposed to have a swimming pool (9m x 6m) and associated heating and air conditioning. The pool is proposed to occupy the rear half of the building and there will be showers and a plant room also installed in the building. No changes to the elevations are proposed.

### Assessment

The application is for the conversion of employment space into a swimming pool which falls onto the D2 use class category. The main considerations in the determination of this application are:

- (i) the designated use of the land;
- (ii) the principle of leisure uses outside of the town centre;
- (iii) the adequacy of the existing access and parking facilities.

In this context policies SD9 of the WCSP, BROM8, E6 and E10 of the BDLP are most relevant in determining the application. I consider that the guidance of PPS4 and PPG13 are relevant material considerations in the determination of the application.

#### (i) Land use

The site is designated for employment purposes on the BDLP Proposals Map (Brom8) and policy E6 seeks to avoid land uses other than employment on such sites. The availability of employment land would be a material consideration. Policy E10 makes it clear that proposals for the use of industrial buildings for retail and recreational purposes will not be allowed. I am mindful of the Employment Land Review (2008) (p. 5.61) makes it clear that the Aston Fields Estates remain good quality employment sites with ability to

deliver economic development objectives. The Review also makes it clear that these sites should be safeguarded from erosion to alternative uses. Members should note the views of Local Plans in this respect. Whilst the unit has been vacant for some time, the applicant has not provided evidence of marketing of the site. It is evident that the proposal would not be for an employment use and would clearly conflict with the provisions of policies E6 and E10.

A Supporting Statement has been received from the applicant's agent (17.02.2010). There is an analysis of the number of employment units which are vacant in the area.

- It is considered that the scale of the proposal would not undermine the employment base of the area and would complement the employment activities there
- There are a number of vacant employment units in the area
- The business may require 3 full time and 6 part time employees
- The Elite Performing Arts and Curves gym are located in the area

Members should note the clear requirements of policy E10 and the precedent for the loss of employment land that the proposal would set. The floorspace of the building is 242sqm and would represent the loss of a dedicated employment unit. I do not consider that a swimming pool at this location would necessarily be complementary to the established office and warehousing uses in the area.

Whilst it is accepted that there are a number of vacant units in the Aston Fields Estates, this is in the context of the current economic climate and may cease to be material in future. The generation of some employment through the proposal is welcome but comes at a high price in terms of prevailing policy and advice. The erosion of the number of employment uses would have negative long term consequences for the local economy and the conclusions of the Employment Land Review (outlined above) are important and recommend the retention of the complement of good quality employment units.

There are some other leisure uses in the area referred to by the applicant. In terms of the 'Curves' gym, this was permitted under application B/2004/0110 and comprised a much smaller floor area than the current proposal (132sqm). This would be below the threshold for sequential testing even in respect of the current PPS4. In the case of the Elite Performing Arts (B/2003/0799), this was considered with emerging LP policies in the absence of PPS4 and PPS6. The Officer considered that the unusual nature of the proposal would not set a precedent for future incompatible land use proposals.

#### (ii) Principle of leisure use at this location

Policy E10 makes it clear that recreational uses of land allocated or zoned for industrial use will not be permitted. This position is augmented in Planning Policy Statement 4: (Planning for Sustainable Economic Growth).

Policy EC14.3 of PPS4 states: 'A sequential assessment (under policy EC15) is required for planning applications for main town centres uses that are not in an existing centre and are not in accordance with an up to date development plan. This requirement applies to

extensions to retail or leisure uses only where the gross floor space of the proposed extension exceeds 200 square metres'.

In considering sequential assessments required under policy EC14.3, local planning authorities should:

- (a) ensure that sites are assessed for their availability, suitability and viability.
- (b) ensure that all in-centre options have been thoroughly assessed before less central sites are considered
- (c) ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access
- (d) ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of
  - (i) scale: reducing the floorspace of their development;
  - (ii) format: more innovative site layouts and store configurations such as multi storey developments with smaller footprints;
  - (iii) car parking provision; reduced or reconfigured car parking areas; and
  - (iv) the scope for disaggregating specific parts of a retail or leisure development

including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals.

The proposal (at 242sqm) requires a sequential test in accordance with PPS4. The supporting statement (received 17.02.2010) also addresses this requirement (pages 15 - 19).

- The applicant has specific requirements in terms of space including roof height and facilities for the storage of chlorine and ozone
- The site is accessible to the railway station and bus routes 140, 141, 142 and 143.
- The Dolphin Centre is not available for hire
- The applicant proposes a hydrotherapy teaching pool, more lessons and training for swimming instructors
- There are no suitable or available sites in the town centre. Unlike a gym, a pool requires a substantial amount of space as shown by existing pool facilities in the town
- The only possible sites are the retail units on Birmingham Rd. Bromsgrove Members Club is inadequate in terms of height. There is an industrial unit in Redditch but it is too remote with inadequate parking
- The site has been vacant for four years and has been marketed with little interest.

It is understood that the provision of a swimming pool requires a building of a certain size and configuration. However, the sequential assessment provided is inadequate. PPS4 is outlined in a policy section but the requirements of policy EC14.3 have not been examined in the context of this specific application. As a minimum, a sequential assessment should set out a matrix outlining all of the alternative sites considered. This should include the existing use of these properties, their relationship to the town centre, any current development proposal, any physical constraints and accessibility. The absence of this indicates that alternative town centre or edge of centre sites have not

been properly considered. I understand from the estate agent that the unit has been vacant for 18 months and not the four years referred to in the statement.

(iii) the adequacy of the existing access and parking facilities

The response received from WH is noted. The applicant has provided a revised plan outlining parking provision and the additional views of WH are awaited. Policy RAT3 states that proposals for indoor recreation facilities need to be appropriately located in terms of public transport and has arrangements for satisfactory access to the highway network. The location of the site generally weighs against access by means other than the private car.

### Conclusion

The proposal is out of centre in an area is designated for employment purposes and the proposal conflicts with policy E10. The sequential assessment is inadequate to demonstrate that the proposal would not have an impact on the viability and viability of the Town Centre.

**RECOMMENDATION** that planning permission be **REFUSED** for the following reasons:

1. The proposed leisure of the building is contrary to employment designation of the site and the allowing of such alternative uses on zoned industrial land would mitigate against the priority of the Local Planning Authority in maintaining a range and choice of readily available employment sites contrary to policy E10 of the Bromsgrove District Local Plan 2004 and policy PA6 of the West Midlands Regional Spatial Strategy 2004.
2. The proposed location of the development is not within or on the edge of an established town centre and the sequential test provided is not conclusive in respect of the availability of more sequentially preferable sites. As such, the proposal is contrary to policies RAT3 and DS13 of the Bromsgrove District Local Plan 2004 and the advice of PPS4 (Planning for Sustainable Economic Growth).
3. There is insufficient information to demonstrate that the proposal can provide adequate parking and a safe means of access and egress from the site and therefore the proposal is contrary to policy TR11 of the Bromsgrove District Local Plan 2004.