

Planning Committee

Wed 28 Aug
2013
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL


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a
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- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, most items of business before the Executive Committee are Key Decisions.
- Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:

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If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact the following:

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REDDITCH BOROUGH COUNCIL
PLANNING COMMITTEE



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GUIDANCE ON PUBLIC
SPEAKING

The process approved by the Council for public speaking at meetings of the Planning Committee is (subject to the discretion and control of the Chair) as summarised below:

in accordance with the running order detailed in this agenda and updated by the separate Update report:

- 1) Introduction of application by Chair
- 2) Officer presentation of the report (as originally printed; updated in the later Update Report; and updated orally by the Planning Officers at the meeting).
- 3) Public Speaking - in the following order:-
 - a) Objectors to speak on the application;
 - b) Supporters to speak on the application;
 - c) Applicant to speak on the application.

Speakers will be called in the order they have notified their interest in speaking to the Committee Services Team (by 12 noon on the day of the meeting) and invited to the table or lectern.

- Each individual speaker will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair. (Please press button on “conference unit” to activate microphone.)
 - Each group of supporters or objectors with a common interest will have up to a maximum of 10 minutes to speak, subject to the discretion of the Chair.
 - After each of a), b) and c) above, Members may put relevant questions to the speaker, for clarification. (Please remain at the table in case of questions.)
- 4) Members’ questions to the Officers and formal debate / determination.

Notes:

- 1) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Borough of Redditch Local Plan No.3, the County Structure Plan (comprising the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the development plan and the “environmental factors” (in the broad sense) which affect the site.
- 2) No audio recording, filming, video recording or photography, etc. of any part of this meeting is permitted without express consent (Section 100A(7) of the Local Government Act 1972).
- 3) Once the formal meeting opens, members of the public are requested to remain within the Public Gallery and may only address Committee Members and Officers via the formal public speaking route.
- 4) Late circulation of additional papers is not advised and is subject to the Chair’s agreement. The submission of any significant new information might lead to a delay in reaching a decision. The deadline for papers to be received by Planning Officers is 4.00 p.m. on the Friday before the meeting.
- 5) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Committee Services Team by 12 noon on the day of the meeting.

Further assistance:

If you require any further assistance prior to the meeting, please contact the Committee Services Officer (indicated at the foot of the inside front cover), Head of Democratic Services, or Planning Officers, at the same address.

At the meeting, these Officers will normally be seated either side of the Chair.

The Chair’s place is at the front left-hand corner of the Committee table as viewed from the Public Gallery.

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

Special Arrangements

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

Further Information

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

Fire/ Emergency instructions

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency Assembly Area is on Walter Stranz Square.

PLANNING

Committee

Wednesday, 28 August 2013

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs: Andrew Fry (Chair) Roger Hill
Alan Mason (Vice- Chair) Wanda King
Joe Baker Brenda Quinney
Roger Bennett Yvonne Smith
Michael Chalk

1. Apologies	To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.
2. Declarations of Interest	To invite Councillors to declare any interest they may have in the items on the Agenda.
3. Confirmation of Minutes (Pages 1 - 4)	To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 31st July 2013. (Minutes attached) (No Specific Ward Relevance)
4. Planning Application 2013/145/FUL - Land at Wire Hill Drive, Lodge Park (Pages 5 - 16) Head of Planning and Regeneration	To consider a Planning Application for a residential development of 12 new detached dwellings with garages. Applicant: JMH 10 Ltd (Report and Site Plans attached). (Lodge Park Ward)
5. Planning Application 2013/174/COU - 19-20 Lakeside Industrial Park, New Meadow Road, Lodge Park (Pages 17 - 26) Head of Planning and Regeneration	To consider a Planning Application for a change of use to convert two self-contained units into a D2 gymnasium. Applicant: Mr Paul Summers (Report and Site Plans attached) (Lodge Park Ward)

6. Exclusion of the Public

During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:

“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended.

These paragraphs are as follows:

subject to the “public interest” test, information relating to:

- Para 1 - any individual;**
- Para 2 - the identity of any individual;**
- Para 3 - financial or business affairs;**
- Para 4 - labour relations matters;**
- Para 5 - legal professional privilege;**
- Para 6 - a notice, order or direction;**
- Para 7 - the prevention, investigation or prosecution of crime;**

may need to be considered as “exempt”.

7. Confidential Matters (if any)

To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)



Planning Committee

31st July 2013

MINUTES

Present:

Councillor Andrew Fry (Chair), Councillor Alan Mason (Vice-Chair) and Councillors Roger Bennett, Brandon Clayton (substituting for Councillor Mike Chalk), Bill Hartnett (substituting for Councillor Joe Baker), Roger Hill, Wanda King, Brenda Quinney and Yvonne Smith

Officers:

J Bayley, S Edden, C Flanagan and A Rutt

Committee Services Officer:

J Smyth.

22. APOLOGIES

Apologies for absence were received on behalf of Councillors Joe Baker and Mike Chalk.

23. DECLARATIONS OF INTEREST

Councillors Brandon Clayton and Roger Hill declared Other Disclosable Interests in Item 6 - Planning Application 2013/143 (272 Evesham Road, Headless Cross), as detailed in Minute 27 below.

24. CONFIRMATION OF MINUTES

RESOLVED that

The minutes of the meeting of the Planning Committee held on 3rd July 2013 be confirmed as a correct record and signed by the Chair.

.....
Chair

**25. PLANNING APPLICATION 2013/094/FUL –
LAND AT THE VICARAGE, CHURCH ROAD, WEBHEATH**

Residential development of 6 dwellings.

Applicant: Chancery Two Ltd

RESOLVED that

having regard to the Development Plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration Services to GRANT Planning Permission, subject to:

- 1) The satisfactory completion of a Section 106 Planning Obligation to ensure that:**
 - a) Financial contributions are paid to Redditch Borough Council in respect to off-site open space, pitches and equipped play, in accordance with the Council's adopted SPD on Open Space Provision;**
 - b) a financial contribution is paid to Redditch Borough Council towards the provision of wheelie bins for the new development;**
 - c) a financial contribution is paid to Worcestershire County Council in respect to education provision;**
 - d) a financial contribution is paid to Redditch Borough Council towards the future maintenance of the wildlife corridor, and the land transferred, or other suitable maintenance arrangements as agreed; and**
- 2) the Conditions and informatives as summarised in the main report.**

**26. PLANNING APPLICATION 2013/127 –
49D PIPERS ROAD, REDDITCH**

Creation of a new B/B8 industrial Unit with Single-storey office facilities adjacent 49D Pipers Road, and extension incorporating single-storey offices to existing unit, together with car parking and associated external works, including new perimeter fence

Applicant: Presstek Ltd

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the Conditions and Informatives summarised in the report.

**27. PLANNING APPLICATION 2013/143 –
272 EVESHAM ROAD, HEADLESS CROSS**

Change of use to provide additional surgery space at
First floor and ancillary offices / storage space

Applicant: Kingfisher Dental Practice

The following people addressed the Committee under the Council's public speaking rules:

Mr S. Vick – resident – objecting
Mr B. Gandy – resident – objecting
Mrs E. Mitchell – Agent for the Applicant.

RESOLVED that

a decision on this matter be DEFERRED for Officers to discuss, with the Applicant, the potential for a Staff Travel Plan and re-design of the current parking facilities in an attempt to provide additional parking spaces for staff and clients.

(Prior to consideration of this Item, Councillors Brandon Clayton and Alan Mason declared other disclosable interests in view of the fact that they were registered patients of the Kingfisher Dental Practice, the Applicant. Councillors Clayton and Mason withdrew from the meeting and took no part in its consideration or voting thereon.)

**28. TREE PRESERVATION ORDER (NO.144) 2013 - TREES ON
LAND AT 27 AVENUE ROAD, ASTWOOD BANK -
CONFIRMATION**

The Committee considered a report which proposed the long term protection of a number of mature and significant trees considered to be of positive benefit to public amenity and therefore worthy of retention.

RESOLVED that

Tree Preservation Order (No.144) 2013, as detailed in the Schedule attached at Appendix 1 to the report and the Site Plan (issued under separate cover in the Site Plan Pack), be confirmed without modification.

The Meeting commenced at 7.00 pm
and closed at 8.05 pm

.....
CHAIR

PLANNING COMMITTEE

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PLANNING APPLICATION 2013/145/FUL

ERECTION OF 12 NEW DETACHED DWELLINGS WITH GARAGES

LAND AT WIREHILL DRIVE REDDITCH

APPLICANT: JMH 10 LTD
EXPIRY DATE: 5TH SEPTEMBER 2013

WARD: LODGE PARK

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on extension 3206 (e-mail: steve.edden@bromsgroveandredditch.gov.uk) for more information.

(See page 15 for Site Plan)

Site Description

The application site consists of a triangular shaped area of grass, located adjacent to both the Warwick Highway (to the south) and Wirehill Drive (to the north). The land falls away, steeply in parts, in a south-west to north-east direction towards Wirehill Drive.

Beyond the western boundary are the properties 1-7 Gaydon Close. Beyond Wirehill Drive, to the north lies a further residential area, Himbleton Close. The northern boundary to the site contains a mixed species hedgerow which includes a semi-mature Oak Tree which is protected by means of TPO No.142.

Proposal Description

This is a full planning application to erect twelve, three bedroomed detached dwellings.

Two house types are proposed. House type A (6 no.) would have an integral garage, with House type B (6 no.) having an attached single garage. All dwellings would have additional in curtilage parking.

Every house would be formed of brickwork walls under a tiled roof.

Vehicular access to serve the development is proposed to be formed in two places, both off Wirehill Drive. The first would be at a point approximately 25 metres to the east of the existing vehicular access serving Himbleton Close. This would serve Plots 1 to 10. The second would be located to the east of the existing protected oak further to the east. This access would serve Plots 11 and 12.

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Relevant Key Policies:

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk

www.redditchbc.gov.uk

National Planning Policy

The National Planning Policy Framework (NPPF)

Borough of Redditch Local Plan No.3

- R.1 Primarily Open Space
- R.2 Incidental Open Space
- CS.6 Implementation of Development
- CS.7 The Sustainable location of development
- CS.7 Landscape Character
- B(HSG).6 Development within or adjacent to the curtilage of an existing dwelling
- B(BE).13 Qualities of Good Design
- C(T).12 Parking Standards (Appendix H)
- B(NE).1a Trees, Woodland and Hedgerows
- S.1 Designing out Crime

Paragraph 215 of the NPPF states that due weight be given to relevant policies in existing plans according to the degree of consistency with the NPPF (the closer the policies of the plan to the policies of the NPPF, the greater the weight that may be given). In accordance with paragraph 215 of the NPPF, the above policies should be afforded due weight, as the aspirations of these policies are consistent with the NPPF.

Supplementary Planning Guidance / Documents

Encouraging Good Design
Designing for community safety
Open space provision

Worcestershire Waste Core Strategy 2012-2027 (adopted Nov 2012)

WCS.17 Making provision for waste in all new development

Constraints

Borough of Redditch Tree Preservation Order (TPO) No.142

Relevant Site Planning History

Application no	Proposal	Decision	Date
2008/305/RC4	Outline application for residential development	Approved	05.11.2008

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Public Consultation Responses

The application has been advertised by writing to neighbouring properties within the vicinity of the application site, by display of public notices on site, and by press notice.

Responses against

4 comments received raising the following points:

- Mature hedgerow across site should be retained/protected
- The site should be retained as a recreational area for the local community
- Increase in traffic would cause noise disturbance
- Loss of green space
- Unsustainable form of development
- Vehicular and pedestrian safety would be compromised if permission were to be granted
- The land should not be developed in principle
- The proposals would harm the character of the area
- Wildlife in the area would be adversely affected
- Concerns raised regarding subsidence
- The proposed development would be on elevated ground and would impact upon privacy
- This area was originally to be retained as a sound barrier to prevent noise from the adjoining highways

Petition

A petition of 14 signatures has been received from residents raising concerns of road safety, site history and loss of green space.

Other issues which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application.

Consultee Responses

County Highway Network Control

Formal comments are awaited although the highways engineer has informally stated that the proposed development is acceptable in highway terms and therefore raises no objection. Further detail including any recommended highway conditions and informatives will be reported in an update paper

Worcestershire Regulatory Services (Environmental Health)

Comments summarised as follows:

The applicant should demonstrate that appropriate noise attenuation has been considered in the design of the development. Such attenuation could include the use of an acoustic barrier fence to the rear gardens (running parallel to the Warwick Highway). Due to the proximity of the proposed development site to nearby properties, a construction environmental

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management plan should be submitted in order to ensure that residential amenities are safeguarded during the construction period.

RBC Arboricultural Officer

No objections are raised provided the Oak Tree and hedge line to be retained on the boundary of Wirehill Drive are afforded full protection in accordance with BS5837:2012 during construction works. An arboricultural method statement should be provided for the Councils consideration together with a full landscape plan and specification to include the intended routing of all utility service lines.

Severn Trent Water

No objections. Drainage details to be subject to agreement with Severn Trent

RBC Community Safety Officer

Has recommended and communicated measures to the applicant's agent which would improve the scheme from a community safety perspective. Comments that boundary treatments need to be robust to the rear of Plots 1 and 12. Gable end windows should be introduced at Plots 1 and Plots 8 in order to increase overlooking and natural surveillance in the interests of designing for community safety

North Worcestershire Water Management

Notes that the site is not located within an area of fluvial flood risk and there is no evidence of the site being affected by past surface water flooding. A public foul sewer is located nearby and therefore connection to this is unlikely to be a problem provided the applicant has received consent from Severn Trent Water to connect

WCC Educational Services

Confirm that a financial contribution towards education provision would NOT be required in this case

Waste Management team

Wheelie bin requirement confirmed for inclusion in the planning obligation

Background

Planning permission was granted for residential development in outline form under 2008/305/RC4 following this applications presentation at the RBC Planning Committee on 4th November 2008. The application site under that application included a much smaller triangular wedge to the immediate north of the hedgerow containing the oak tree referred to earlier and included the land right up to the Wirehill Drive / Gaydon Close road junction. Under the current application, no dwellings are proposed to be erected on this area of land as was the wish of the RBC Planning Committee in 2008, although the proposed vehicular access linking Wirehill Drive to the larger triangle of land would need to cross this area.

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The outline consent granted in 2008 has now lapsed and therefore no consent for residential development (in principle) exists. It is therefore necessary to re-examine the principle of whether residential development should be permitted together with the other details submitted as part of this (full) planning application.

Assessment of Proposal

The key issues for consideration are as follows:

- a) Principle of development
- b) Design, appearance and layout
- c) Impact of the development upon nearby residential amenities
- d) Impact of the proposals on highway safety
- e) Sustainability
- f) Planning Obligation requirements

Principle of development

The site which would contain the proposed twelve new dwellings is designated as Primarily Open Space within the Local Plan, where Policy R.1 applies. The smaller triangle of land as referred to above, from which access to the site is to be gained, is undesignated within the Local Plan and thus can be considered as incidental open space under Policy R.2. Policy R.1 is a criteria based policy, whereby in assessing applications for development on Primarily Open Space certain factors will be taken into account. These factors and *your Officers responses* to these are listed as follows:

- i), The environmental and amenity value of the area
Given the topography of the land the site has no particular or notable amenity value
- ii) The recreational, conservation, wildlife, historical and visual and community amenity value of the site
The site as a whole performs a visual open space function but has little wildlife or community value
- iii) The merits of retaining the land in its existing open use, and the contribution or potential contribution the site makes to the character and appearance of the area
The hedgeline and protected oak tree, together with the triangle of land to the immediate north adjoining Wirehill Drive make a contribution to the open character and appearance of Wirehill Drive, although the larger triangle which is proposed for residential development does not
- iv) The merits of protecting the site for alternative open space uses
It would be difficult to suggest appropriate alternative open space uses on the site given the topography of the land

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v) The location, size and environmental quality of the site

The location, size and quality of the open space is considered to be compromised by the sites close proximity to Wirehill Drive

vi) The relationship of the site to other open space areas in the locality and similar uses within the wider area

There are other open spaces within Lodge Park, including the Lodge Park Pool area, which lies within 300 metres of the site by means of the nearest footpath

vii) Whether the site provides a link between other open areas or a buffer between incompatible land uses

In this case the site neither provides a link between other open areas nor a buffer between incompatible land uses as it is surrounded by residential development

viii) That it can be demonstrated that there is a surplus of open space and that alternative provision of equivalent or greater community benefit will be provided in the area at an appropriate, accessible locality

The Councils Open Space Needs Assessment shows that there is a deficit and therefore no surplus of open space in the Lodge Park ward. However, the ward abuts the Arrow Valley Park and therefore is in close proximity to high quality open space provision

ix) The merits of the proposed development to the local area or the Borough generally

The merits of the proposal should be considered holistically against the positive and negative points raised above and will be addressed further in the conclusion of this section.

The assessment of the site in relation to the above criteria has shown that the smaller triangular area to the immediate north performs a visual open space function and that it lies in a ward with a deficit of open space in relation to the Borough average. For these reasons your Officers have continued to resist the construction of new dwellings within the smaller area to the north which is incidental open space and subject to Policy R.2 in the Local Plan. This area therefore remains free from development. This serves to protect the hedgerow and maintain the visual amenity of the flatter area of the site in relation to Wirehill Drive.

Members will be aware that the Council cannot at present demonstrate a five year supply of housing land as required under the NPPF, a fact that should be given weight in the consideration of this application. Having carefully re-assessed this application afresh from that submitted in 2008, your officers have concluded that there are no 'in principle' policy reasons why the site cannot be developed for housing purposes subject to acceptability of the other

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matters as listed below and consider that the need for housing outweighs the benefits of protecting this small and low quality area of open space.

Design, appearance and layout

Policy both nationally and locally requires new developments *inter alia* to respect and respond to the local distinctiveness of an area. The layout of the development is that of a simple cul-de-sac arrangement, similar albeit smaller in scale to the existing development of Gaydon Close (to the west) which is similarly accessed via Wirehill Drive.

It is noted that the surrounding character and pattern of development varies between approximately 36-60dph, and comprises some semi detached, but mostly terraced housing. The proposed detached development of 12 new dwellings would represent a low density development with a resultant lower number of vehicle trips than might occur if the site were to be developed at a higher density commensurate with the sites surroundings.

The hedge line clearly visible from Wirehill Drive would be retained and therefore much of the development would be partially screened from Wirehill Drive.

The proposed development is considered to be acceptable in appearance, with each plot easily achieving garden sizes which accord with minimum sizes set out in the Councils adopted SPG 'Encouraging Good Design'. Officers have concluded that the development would not be inappropriate and over-intensive in appearance. The dwellings would complement in appearance those of the existing surrounding area.

The proposed use of a cul-de-sac layout is encouraged from a secured by design perspective. Defensible space to properties has been introduced, and the lack of terraced properties has prevented the use of shared rear access alleyways which are not generally encouraged. Passive surveillance over parking areas has been accommodated as per the requests of the Community Safety Officer by the introduction of windows to side gable elevations.

Impact upon nearby residential amenity

The proposed development by virtue of its siting and scale would not have an overbearing or visually intimidating impact upon nearby properties. Within all new developments it is necessary to assess whether the Councils minimum separation distance of 22 metres would be achieved between rear facing windows serving a proposed development and rear facing windows to existing development. The 22 metre distance is achieved in respect of each plot.

Representations received comment that the site was originally to be retained as a sound barrier to prevent noise from the adjoining highways such as Wirehill Drive. Officers would comment that road noise from traffic travelling along Wirehill Drive would be unlikely to be higher than presently experienced

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by occupiers of numbers 1 to 7 Gaydon Close due to the presence of the proposed Plots 1 to 6 (running parallel to the rear gardens of these properties) which would be more likely to reduce noise spill arising from vehicles travelling along Wirehill Drive.

Clearly many forms of new built development have the potential to disturb and inconvenience nearby occupiers during the construction phase. In the case of permission being granted for this development, it is recommended that hours of operation on site be restricted by condition. Action can be taken separately and immediately by Environmental Health Officers under the Environmental Protection Act if a statutory nuisance is considered to exist.

Worcestershire Regulatory Services have commented in respect of the proposed development's proximity to the busy Warwick Highway to the south and the issue of noise intrusion for future occupiers of the development. Officers would comment that only Plots 6 and 7 would be materially closer to the Warwick highway than those of numbers 7 to 15 Gaydon Close further to the west. Although a thick belt of mature trees exists between the southern boundary of the application site and the Warwick Highway further to the south, it is recommended that a condition be imposed in the case of permission being granted which would require an acoustic fence to be provided along the southern boundary to the site, in the interests of protecting the amenities of future occupiers of this development.

Impact of the proposals on highway safety

County Highways officers have examined the proposals and have informally raised no objection to the proposals on highway safety grounds commenting that the additional vehicle trips associated with such a development would not have a detrimental impact upon the surrounding highway network. Any recommended highway conditions will be reported separately within an update paper. Parking provision on site would accord with parking standards, having regards to requirements for three bedroomed dwellings.

Sustainability

The site lies within the urban area of Redditch, and is therefore considered to be in a sustainable location. Officers are satisfied that the site links with cycle and public transport provision in the area, and it is considered that the site could be accessed by a variety of modes of transport, in line with planning policy objectives.

Planning Obligation required

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation which in this case would cover:

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- A contribution towards playing pitches, play areas and open space in the area, due to increased demand/requirement from future residents, is required in compliance with the SPD.
- A contribution to provide refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy

A contribution towards education provision would also normally be sought in accordance with the SPG, however the county team have confirmed that there is no justifiable need for a contribution in this case and it is therefore not included.

At the time of writing, the planning obligation is in draft form.

Conclusion

Notwithstanding nearby residents concerns over the proposed new development, the proposals are considered to accord with national and local policy criteria. Officers consider that this detailed application is wholly acceptable having regards to the site's constraints and all other material considerations. Approval of this application would meet some of the demonstrated housing need in the Borough which is considered to outweigh the need to retain this area as open space. The proposal is considered to comply with the planning policy framework and is unlikely to cause harm to amenity or safety. Subject to the satisfactory completion of the planning obligation, this application can be recommended for approval.

Recommendation

That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Regeneration to GRANT planning permission subject to:

a) The satisfactory completion of a S106 planning obligation ensuring that:

- * Contributions are paid to the Borough Council in respect to off-site open space in accordance with the Councils adopted SPD
- * A financial contribution is paid to the Borough Council towards the provision of wheelie bins for the new development

and

b) Conditions and informatives as summarised below:

Conditions

1. Development to commence within three years

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2. Materials to be submitted – walls and roof
3. Landscaping scheme to be submitted to LPA
4. Landscaping scheme to be implemented in accordance with details agreed
5. Arboricultural method statement
6. Tree protection measures for on-site working
7. Development in accordance with plans (listed)
8. Construction Environmental Plan to be submitted
9. Provision of an acoustic fence – details to be provided
10. Limited working hours during construction period

Informatives

1. Reason for approval
2. Drainage
3. S106 agreement is attached to this consent
4. LPA acted in a positive and proactive manner
5. Community safety informative

Procedural matters

This application is being reported to the Planning Committee because the application is classified as 'major'; the recommendation is that permission be granted subject to a planning obligation and because two or more objections have been received.



Planning & Regeneration
 Town Hall
 Walter Stranz Square
 Redditch
 Worcs B98 8AH

Project: **2013/145**

Drawn: EG

Drawing: **Land at Wirehill Drive**

Scale: 1/1250

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PLANNING COMMITTEE

28th August 2013

PLANNING APPLICATION 2013/174COU

PROPOSAL: CHANGE OF USE TO CLASS D2 GYMNASIUM (CLASS D.2)

LOCATION: 19 – 20 LAKESIDE INDUSTRIAL ESTATE, NEW MEADOW ROAD, LAKESIDE, REDDITCH

APPLICANT: PAUL SUMMERS

WARD: LODGE PARK

(See page 25 for Site Plan)

The author of this report is Sharron Williams, Planning Officer (DM), who can be contacted on extension 3372 (e-mail: sharron.williams@bromsgroveandredditch.gov.uk) for more information.

Site Description

The site is located in a Primarily Employment Area within the Lakeside Industrial Estate and forms part of a cul de sac of similar designed factory units with adjacent off street communal car parking bays. The two units each have personnel door entrances and roller shutter door frontages on the front elevation with no internal openings within the units.

Proposal Description

Permission is sought to convert the two self-contained units into a gymnasium (Class D.2). Internal works are proposed to create an opening between the two units, changing room facilities are proposed to be adapted from the existing wc facilities within each unit. No external works are proposed as part of the change of use proposals.

Hours of opening are proposed to be as follows:-

Monday – Friday	07:00 - 21:00
Saturday	09:00 - 17:00
Sunday and Bank Holidays	10:00 - 16:00

Relevant Key Policies

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk

www.redditchbc.gov.uk

National Planning Policy

National Planning Policy Framework (NPPF)

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Borough of Redditch Local Plan No.3

CS.7	The Sustainable Location of Development
E(EMP).3	Primarily Employment Areas
E(EMP).3a	Development Affecting Primarily Employment Areas
E(TCR).1	Vitality and Viability of the Town Centre
E(TCR).4	Need and Sequential Approach
C(T).2	Road Hierarchy
C(T).12	Parking Standards

Supplementary Planning Guidance / Supplementary Planning Documents

Designing for Community Safety
Employment Land Monitoring

Other relevant corporate plans and strategies

Town Centre Strategy (TCS)
Redditch Economic Development Strategy

Relevant Site Planning History

None

Public Consultation Responses

No comments received.

Consultee Responses

County Highway Network Control
Informally advised that they raise no objection, any conditions requested will be reported on the update papers
Community Safety

Worcestershire Regulatory Service

Comments awaited.

Development Plans

- The units are located in a 'Primarily Employment Area'. Borough of Redditch Local Plan No.3 policy E(EMP).3 would apply. This policy states that acceptable uses in this area will normally be B1, B2 & B8. The proposed use is assumed to be D2. Therefore the proposal would need to meet the criteria contained in the policies to demonstrate why non-employment development should be permitted.
- It is considered that the proposed use as a gymnasium falls within the NPPF definition of 'main town centre uses' (NPPF Annex 2: Glossary). Paragraph 24 of the NPPF requires applications for main town centre uses to be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered. A Sequential Test needs to be carried out to determine if there are any

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suitable sites in Redditch town or district centres or on the edge of the centre. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

- Borough of Redditch Local Plan No.3 policies (CS7, E(TCR).1) echo the national policy by directing leisure uses/uses that attract a lot of people to the town centre in the first instance.

Economic Development Unit

Advised that whilst they appreciate the mix of uses within this particular industrial area, the location of the application is within a separate cul de sac that is generally traditional industrial / commercial units. The two units are of a good size for employment uses and are valuable in respect to creating a mixed portfolio of employment land for the Borough. Therefore keen to retain for B class uses.

Assessment of proposal

The key issues for consideration in this case are:-

Principle of Change of Use

One of the Core Planning Principles in the NPPF states that planning should proactively drive and support sustainable economic development to deliver business and industrial units and that every effort should be made to meet the business and development needs of an area. Due to the size of these units it is likely that they would generally be sought after by businesses and therefore, should remain available for potential B1/B2/B8 users.

The NPPF states that investment in business should not be over-burdened and opportunities should be available to support existing business sectors in respect to expanding or contracting. Occupying the unit with a leisure facility restricts the availability of this size unit for existing business sectors who may wish to expand in the area.

The NPPF seeks to ensure that town centres are promoted as a positive, competitive town centre environment and includes leisure as one of the uses that should be promoted in a town centre location.

The NPPF still applies a sequential test for proposals that are town centre uses but proposed outside the town centre.

The application is supported by a Statement which refers to a sequential test of alternative sites that the applicant has considered. The sites considered were as follows:-

- 2 – 4 Evesham Walk
The site was spread across two floors and was considered to be too small.

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- Grosvenor House
Considered to be too small, and comprising of multiple offices, the landlord was also reluctant for the use to change to D2. Site not suitable.
- Canon Newton House
Considered to be too small and general office space. Not suitable.
- Unit 12 Kingfisher Business Park
Spread across two floors so not suitable for gymnasium with offices already provided inside. Outside town centre. Not suitable.
- 29 Dunlop Road, Hunt End and 26 Dunlop Road, Hunt End
Further away from town centre, with limited car parking in an area completely industrial and no retail. Site comprised of offices taking up potential gym floorspace. Not suitable.
- 28 Crossgate Road, Park Farm
Outside town centre, mainly two storey office, pure industrial site with no parking. Not suitable.

Officers consider that there are other town centre sites that could be used for this facility that have not been taken into consideration by the applicant. In addition, it is considered that the applicant has not adequately addressed the requirements of the sequential test to warrant the site to be used for a town centre facility. Under para. 27 of the NPPF it clearly states that where an application fails to satisfy the sequential test it should be refused.

The NPPF also requires adequate, up to date evidence about the economic and environmental characteristics and prospects of the area in order to assess the existing and future supply of land available for economic development and its sufficiency and suitability to meet identified needs. An annual update report has been compiled by the LPA - Redditch Borough Employment Land Review Update 2011. The summary of that report concludes that there is a large land supply issue with regard to meeting employment needs in the Borough. Therefore, it is imperative that the site remains available for potential employment users.

The proposal would conflict with the principles of the NPPF and due to the nature of the proposal; it is likely that a leisure use in the location proposed could potentially draw investment out of the town centre, which may be harmful to the vitality and viability of the centre.

The site is within an area designated for Primarily Employment Uses in the Borough of Redditch Local Plan No.3 where the primary aim of Policy E(EMP).3 is to maintain uses within Classes B1 (Business), B2 (General Industry) or B8 (Storage or Distribution). The change of use of this unit to a gymnasium (Class D2) would be detrimental to the aims and objectives of E(EMP).3 of Local Plan No.3.

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Policy E(EMP).3 states that non-employment development within Primarily Employment Areas will only be considered where it can be demonstrated that the loss of the site will not have an unacceptable impact on the supply of employment land within the Borough and that the use is compatible with the use of adjacent land for employment purposes. It should also be demonstrated that the site is not capable of being developed for employment use. This application is contrary to all of the points detailed under this policy.

The application is supported by a Statement providing background information in respect to the proposal. The statement clarifies that a floorarea of 560 sq m is generally desired for a gymnasium facility. The site is approximately 525 sq m. and is considered to be a blank canvas in terms of unit shell, and is suitable for adapting for this use. The Statement refers to looking at alternative premises for the proposed use, but it was felt that the application site would have suitable off street car parking and bus route links. The statement emphasises the other uses that exist within this industrial area, such as a café, children's soft play area, limited retail, and boxing club. However, most of these uses are located close together in a different part of this industrial estate, whilst the application site is located close to other units that are more traditionally used for industrial / commercial uses. The statement refers to draft Local Plan No. 4 in respect to the health of residents and the need to reduce obesity in the area. In addition, the applicant has placed emphasis on building on the 'Olympic Legacy'. Whilst officers would support the intentions the applicant has for the proposal this would be further supported if the site was an accessible town centre location.

The applicant has not demonstrated that the site is not capable of being developed for employment use, or that the loss would not have an unacceptable impact on the supply of employment land in the Borough. The applicant has not demonstrated that the current use of the site for employment purposes raises unacceptable environmental or traffic problems.

The proposal would also be contrary to Policy E(EMP).3a which requires development to be compatible with the use of Primarily Employment Areas. This application would restrict the current and future use of this complex for employment purposes. As this location is a primarily employment area the proposed leisure use would attract a large number of people which could have various amenity implications on the surrounding uses as well as a high demand for parking, this use would not be considered compatible with the existing surrounding employment uses.

Policy CS.7 of the Borough of Redditch Local Plan No.3 states that uses that attract a lot of people will be directed to the Town Centre. The proposed development, being one such use would be ideally suited to a town centre site rather than an out of centre location such as the application site, which has relatively poor public transport links. The proposal is therefore considered to be unsustainably located having regard to that Policy. In addition, the proposal would not comply with Policy E(TCR).1 which seeks to maintain and enhance the

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vitality and viability of the Town Centre by encouraging a wide range of facilities such as retail, commercial, public offices, community facilities, entertainment and leisure. This application is contrary to this policy as it has not fully considered the use of the town centre for this facility as per the policy requirement. Given that this use would attract a large volume of people, it is appropriate that it be provided in a town centre location, therefore, the approval of this use outside of the town centre would be contrary to Policy E(TCR).1 which seeks to maintain and enhance the vitality and viability of the town centre.

The Supplementary Planning Guidance on Employment Land Monitoring (2003) makes a clear distinction between redundant employment land and unoccupied employment land. There is a reasonable expectation that this site will be reused for employment purposes and as such should still form part of the employment land portfolio until all other aspects of the SPG are fulfilled and the current Development Plan no longer requires the site for employment purposes. However, as there is an acute shortage of employment land within the Borough it is very unlikely this situation will occur.

It is important to note that planning application 2011/282 was refused for similar reasons for a gymnasium at Trafford Park (19 Trescott Road), emphasis was placed then that the site had been unoccupied for a considerable time and that there were no town centre locations available for the use. The applicant appealed against the Council's decision and the proposal was also dismissed at appeal. The site is now occupied by an employment use. In addition, members will be aware that planning permission has recently been granted this year for a gymnasium facility in the former TJ Hughes unit in the town centre. Therefore, there are sites in the town centre that can be used for this type of facility, and it is important not to allow an inappropriate use in an employment location and hinder the variety of the Borough's mixed portfolio of employment land.

Highways and parking

The proposal would involve utilising communal car parking facilities at the side of the units as well as in front of the units. Verbal discussions with County Highway Network Control have clarified that the proposal is unlikely to raise any objections.

Conclusion

The proposal would be on land allocated for primarily employment use and would take away the availability of employment land that is sought after in the Borough to meet the Council's strategic employment requirements and would be contrary to policies in the Local Plan No.3. In addition, the proposed use ought to be located in the town centre given the nature of the use and the volume of people who would use it. Such a use in the town centre would maintain its vitality and viability. Locating a leisure use outside of the town centre would have a detrimental impact on the centre and would conflict with Local Plan policies. Given that the proposal is not located within the town centre or the edge of centre, a sequential assessment is required. The assessment that has been

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submitted does not adequately demonstrate a thorough assessment of available town centre locations and as such does not address para 26 of the NPPF and policy E(EMP).3 of the Local Plan No.3.

There is also a concern that the provision of a leisure facility in the middle of a modern employment complex would not be compatible with the surrounding employment units, and could have an impact on amenity in the area, as well as parking, and could potentially hinder interest in the remaining unoccupied units for Class B uses.

For these reasons, officers consider that the proposal should be resisted in the interests of protecting employment land within the Borough.

Recommendation

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

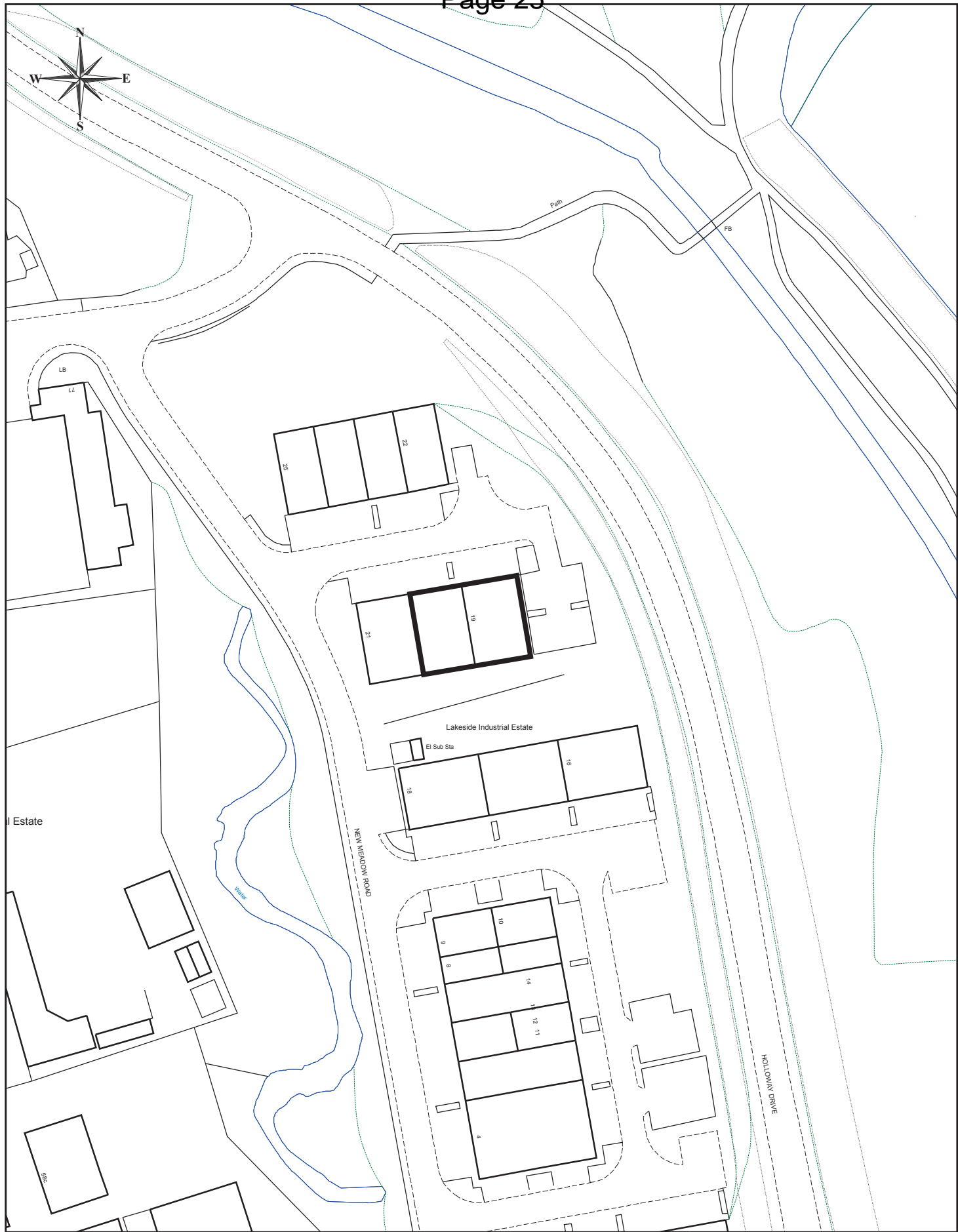
1. The proposed change of use to a gymnasium (Class D.2) would result in a loss of land designated for employment uses (B1, B2, and B8). In the absence of any justification for this loss, the proposal is considered to be harmful to the employment land supply for the Borough and would be contrary to Policy E(EMP).3 of the Borough of Redditch Local Plan No.3. The proposal would also conflict with the principles of the National Planning Policy Framework.
2. The provision of a gymnasium (Class D.2) in a designated Primarily Employment Area would hinder the amenities of the adjacent employment units and as such would not be compatible with the potential and existing employment uses in this complex and as such would be contrary to Policy E(EMP).3a of the Borough of Redditch Local Plan No.3.
3. Documents submitted by the applicant to justify the location of a gymnasium outside the town centre are insufficient to address the sequential assessment required under para 26 of the National Planning Policy Framework and it is also therefore contrary to Policy E(EMP).3 of the Borough of Redditch Local Plan No.3. It has not been possible to identify reasons to support this use in this location as a full justification has not been provided.
4. The provision of a gymnasium (Class D.2) in a location outside of the town centre would by its very nature, have a detrimental impact on the vitality and viability of the town centre and would be contrary to Policies CS.7 and E(TCR).1 of the Borough of Redditch Local Plan No.3 and conflict with principles of the National Planning Policy Framework.

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Procedural matters

All applications for Class D2 use are reported to Planning Committee for determination as they fall outside the scheme of delegation to officers.



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