



# Planning Committee

Wed 15 Nov  
2017  
7.00 pm

Council Chamber  
Town Hall  
Redditch

**REDDITCH** BOROUGH COUNCIL

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**If you have any queries on this Agenda please contact**

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# **REDDITCH BOROUGH COUNCIL**

## **PLANNING COMMITTEE**



## **GUIDANCE ON PUBLIC SPEAKING**

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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) Ward Councillors
  - d) Applicant (or representative) to speak on the application.

Speakers will be called in the order they have notified their interest in speaking to the Democratic 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.

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**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. 4 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) Members of the public are now able to record all or part of this meeting either by making an audio recording, taking photographs, filming or making notes. The exception to this involves exempt / confidential information to be considered, when members of the public may be excluded from the meeting, the reason(s) for which will be defined in the Exclusion of the Public item on the Planning Committee Agenda.

An area of the Council Chamber has been set aside next to the Press for any members of the public who wish to do this. The Council asks that any recording of the meeting is done from this area to avoid disrupting the proceedings. Members of the public should now be aware that they may be filmed or recorded during the course of the meeting.

- 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 Democratic Services Team on 01527 881411 Extn.1411 or email on: [d.parkerjones@bromsgroveandredditch.gov.uk](mailto:d.parkerjones@bromsgroveandredditch.gov.uk) before 12 noon on the day of the meeting.

**Further assistance:**

If you require any further assistance prior to the meeting, please contact the Democratic Services Officer (indicated on the inside front cover), Head of Legal, Equalities and 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.

# Planning

COMMITTEE

Wednesday, 15th November,  
2017

7.00 pm

**Council Chamber Town Hall**

## Agenda

### Membership:

Cllrs:

Andrew Fry (Chair)  
Yvonne Smith (Vice-Chair)  
Roger Bennett  
Michael Chalk  
Matthew Dormer

Wanda King  
Gareth Prosser  
Jennifer Wheeler  
Nina Wood-Ford

### 1. Apologies

### 2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests and / or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

### 3. Confirmation of the Minutes of the Planning Committee meeting held on 11th October 2017 (Pages 1 - 4)

### 4. Update Reports

To note Update Reports (if any) for the Planning Applications to be considered at the meeting (circulated prior to the commencement of the meeting)

### 5. Application 2017/00973/OUT - Field 2865, Moors Lane, Feckenham, Worcestershire - Mr Gerry Eost (Pages 5 - 12)

Report attached / site plan under separate cover.

### 6. Application 2017/01021/FUL - Unit 30, Hunt End Industrial Estate, Dunlop Road, Redditch - Ms Rachel Price-Whittle (Pages 13 - 20)

Report attached / site plan under separate cover.

### 7. Planning Appeal Outcomes - Information Report (Pages 21 - 24)

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## Planning Committee

Wednesday, 11 October 2017

### MINUTES

#### Present:

Councillor Andrew Fry (Chair), Councillor Yvonne Smith (Vice-Chair) and Councillors Roger Bennett, Natalie Brookes, Michael Chalk, Matthew Dormer, Wanda King, Gareth Prosser and Pat Witherspoon

#### Officers:

Steve Edden, Helena Plant and Amar Hussain

#### Democratic Services Officer:

Jan Smyth

#### 28. APOLOGIES

Apologies for absence were received on behalf of Councillors Jenny Wheeler and Nina Wood-Ford. Councillor's Natalie Brookes and Pat Witherspoon were respectively confirmed as Councillor Wheeler and Councillor Wood-Ford's substitutes for the meeting.

#### 29. DECLARATIONS OF INTEREST

Councillor Andy Fry (Chair) an Other Disclosable Interest in Agenda Item 6 (Application 2017/00764/FUL – Mercian Square, Market Place, Town Centre, Redditch) as detailed in Minute 33 below.

Councillors Andy Fry (Chair), Yvonne Smith (Vice-Chair), Roger Bennett, Natalie Brookes, Mike Chalk, Matthew Dormer, Wanda King, Gareth Prosser and Pat Witherspoon declared collective Other Disclosable Interests in Agenda Item 7 (Planning Application 2017/00952/FUL – 84 Oakly Road, Southcrest, Redditch) as detailed in Minute 34 below.

#### 30. CONFIRMATION OF MINUTES - 13TH SEPTEMBER 2017

##### RESOLVED that

the minutes of the meeting of the Planning Committee held on 13<sup>th</sup> September 2017 be confirmed as a correct record and signed by the Chair.

.....  
Chair

# Planning

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### 31. UPDATE REPORTS

The published Updates for the various Applications to be considered were noted.

### 32. APPLICATION 2017/00749/OUT THE GOLDEN CROSS PUBLIC HOUSE, UNICORN HILL, TOWN CENTRE, REDDITCH NEW RIVER RETAIL

Outline Planning for the erection of 8 apartments in a single block (matters of access and layout to be considered under the application)

Mr Abel Bunu, the Applicant's Planning Agent, addressed the Committee under the Council's public speaking rules.

#### **RESOLVED that**

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

- 1) the satisfactory completion of a Section 106 planning obligation ensuring that:**
  - a) the Applicant provides contributions to the Borough Council in respect to off-site open space, pitches and equipped play, in accordance with the Council's adopted SPD; and**
  - b) a financial contribution is paid to the Borough Council towards the provision of wheelie bins for the new development; and**
- 2) the Conditions and Informative as set out on pages 9 to 11 of the main agenda report.**

### 33. APPLICATION 2017/00764/FUL MERCIAN SQUARE, MARKET PLACE, TOWN CENTRE, REDDITCH MRS DEBORAH BONHAM-BULLICK

Public Artwork to celebrate the life and works of John Bonham, Son of Redditch and drummer with Led Zepplin – 31<sup>st</sup> May 2048 to 25<sup>th</sup> September 1980

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



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Mrs Deborah Bonham-Bullick - Applicant,  
Mr Mark Richard - Sculptor  
Mrs Ros Sidaway - Applicant's Agent

**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 the Conditions and Informatives set out on pages 17 to 18 of the main agenda report and minor changes to the layout with respect to re-siting of the wheelchair access, reduction in the extent of hard surfacing and possible minor re-siting of sculpture.**

(Officers reported on a late representation received from the Police Crime Risk Manager and Officer responses and an additional representation received from the Council's Arboricultural Officer, all as detailed in the published Update Report, copies of which were provided to Committee Members and public gallery prior to the start of the meeting.)

Officers also updated Members on late proposals for minor amendments to the scheme in terms of a slight change in the location of the disabled access, the reduction in hard surfacing and the position of the Memorial that would require further consideration. Members were therefore asked to agree to delegated powers being given to the Head of Planning and Regeneration Services to grant permission following consideration of the proposed amendments.)

(Prior to consideration of this matter, Councillor Fry declared an Other Disclosable Interest in that he had extended family connections to the Bonham family. Councillor Fry remained and participated and voted on the matter.)

**34. APPLICATION 2017/00952/FUL  
84 OAKLY ROAD, SOUTHCREST, REDDITCH  
MR BOON YENG**

Erection of 6 no. apartments with minor amendment of  
Application No. 2-16/282/FUL

**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:**

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- 1) **The satisfactory completion of a supplemental Section 106 obligation to link this application to approved Planning Application 2016/282/FUL, to ensure:**
  - a) **contributions towards open space and playing pitches due to increased demand / requirements from future residents, as required in compliance with the SPD; and**
  - b) **contributions for refuse and recycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy; and**
- 2) **the Conditions summarised on pages 22 and 23 of the main agenda report.**

(Prior to consideration of the Application, Councillors Andy Fry (Chair), Yvonne Smith (Vice-Chair), Roger Bennett, Natalie Brookes, Mike Chalk, Matthew Dormer, Wanda King, Gareth Prosser and Pat Witherspoon, declared a collective Other Disclosable Interest in this matter, in that the applicant was known to them. All Members remained and considered and voted on the matter.)

The Meeting commenced at 7.00 pm  
and closed at 7.57 pm

## **PLANNING COMMITTEE**

15th November 2017

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**Planning Application 17/00973/FUL**

**Change of use of a field (currently used for grazing sheep) into a cricket pitch, to be used by Feckenham Cricket Club for 3rd-team and junior games. No building work is proposed.**

**Field 2865, Moors Lane, Feckenham, Worcestershire.**

**Applicant: Mr Gerry Eost  
Ward: Astwood Bank And Feckenham Ward**

**(see additional papers for site plan)**

The author of this report is Emily Farmer, Planning Officer (DM), who can be contacted on Tel: 01527 881657 Email: emily.farmer@bromsgroveandredditch.gov.uk for more information.

### **Site Description**

The application site is an agricultural field currently used for the grazing of sheep. The field is located to the east of Moors Lane with an existing access to the north west of the field. Moors Lane is characterised by sporadic residential dwellings to the north at the junction with the Saltway and becomes more agricultural in character travelling south. The field is undulating with a slight decline from north to south. Beyond the application site lies Andy's Barn Farm to the south and there is a small agricultural shelter within the far side of the field to the north.

### **Proposal Description**

The application proposal is to use the field as a cricket pitch in association with Feckenham Cricket Club. The proposal does not include the provision of a pavilion/clubhouse with suitable changing facilities, toilets, stores or formalised car parking. The applicants explain in their submission that all they propose is the laying of 3-4 wickets in the field centre and the rolling and cutting of the field.

### **Relevant Policies :**

#### **Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development

Policy 9: Open Countryside

Policy 19: Sustainable Travel and Accessibility

Policy 16: Natural Environment

Policy 27: Rural Economic Development

Policy 43: Leisure, Tourism and Abbey Stadium

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### Others

NPPF National Planning Policy Framework

### Relevant Planning History

No relevant history.

### Consultations

#### **Sport England**

By providing new pitches that could help address established playing pitch deficiencies, the proposal could potentially meet the objectives of the English Cricket Board. As it stands, the application does not provide sufficient details to adequately demonstrate that provision of a suitably designed pitch, a pavilion with suitable changing facilities/toilets/stores and associated car parking are proposed. Therefore, based upon the limited information submitted, Sport England objects to the application as it stands.

#### **Parks & Green Space Development Officer**

The site lies at the centre of an important ecological corridor which is defined by Brandon Brook Meadow (Local Wildlife site), Shurnock Meadows (Local Wildlife site) and the SSSI Wylde Moor, and is close to the Bow Brook, the site is covered by the Biodiversity Action Plan (BAP) dispersal extent recorded on the County Councils habitat inventory. The SSSI has multiple recordings of principally protected species - all of which could be adversely affected by the activities which may be planned here. Due to the limited information submitted for this application I am unable to comment.

#### **Worcestershire Wildlife Trust**

The site falls in very close proximity to Worcestershire Wildlife Trusts reserve and the SSSI Wylde Moor Site as well as being in close proximity to a number of other high value ecological receptors including designated sites. There is also reason to believe that the site itself may have some ecological value. Therefore the Local Planning Authority is required to have consideration to further ecological information, prior to determination, in line with planning guidance and the LPA's duties under the Natural Environment and Rural Communities Act 2006.

#### **Feckenham Parish Council**

No objection to the principle of development, however there is insufficient detail to make an objective comment.

#### **Highways Redditch**

No objection. The field is located off an un-adopted road (Bridleway) and the existing field access is to be used. The intensification of the site is not considered to have a severe impact on the highway network as to recommend refusal.

#### **Drainage Engineers Internal Planning Consultation**

No objection subject to condition.

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**Worcestershire County Council Countryside Service**

It should be noted that under section 34 of the Road Traffic Act 1988 any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular access in connection with the development, has a right to do so. If such private rights do exist then we note that the bridleway is narrow in places and we would hope for suitable arrangements/guidance to be put in place with private users to ensure that priority is given to public users of the right of way (e.g. Walkers, horseriders and cyclists). Furthermore, the submitted plan shows an area of informal parking on the western edge of the field obstructing the definitive line of Bridleway FH-680. Obstruction of the line of the bridleway with parked cars should be avoided and any informal parking should be located away from bridleway FH-680.

**Natural England**

As submitted, the application could have potential significant effects on Feckenham Wyldes Moor SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

**Public Consultation Response**

A site notice was placed on the gate at the vehicular access of the site on 22.09.2017 and an advertisement was placed in the Redditch Standard on 29.09.2017.

37 letters of support have been received. It is noted that four of these letters of support had no text. The majority of the letters of support made generalised comments of which are not planning considerations in regards to the cricket club, and the community rather than specific observations regarding the application proposal. The further comments raised are summarised as follows;

- The field would be used for a short time and can revert back to its current use
- Occasional noise would not have impact on the nature reserve
- The proposal would discourage anti-social behaviour within the village
- The development would have a negligible impact on current infrastructure
- Young children would benefit from time within the natural environment

1 Letter of objection has been received from a neighbouring property, the contents of the objection has been summarised as follows;

- The location is unsuited for the associated traffic
- The applicant has underestimated the proposed vehicles accessing the site given this is an 11 aside team plus associated umpires and support staff
- The site is adjacent to Feckenham Wyldes Moor Wetland Reserve. This fragile 'flagship reserve' is a Site of Special Scientific Interest managed by the Worcestershire Wildlife Trust (WWT) and concern is raised to impact on this SSSI.
- Noise nuisance
- Maintenance issues of un-adopted road

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### **Assessment of Proposal**

The main issues for consideration are as follows:

#### **Principle**

The site is located within the designated Open Countryside and therefore should comply with Policies 9 and 27 of the Borough of Redditch Local Plan. Policy 9, Open Countryside seeks to protect the countryside for its own sake and prevent unsustainable, dispersed patterns of development. Furthermore, having regard to this policy, applicants are required to demonstrate with evidence, the need for the proposed development to be within the Open Countryside. Policy 27 Rural Economic Development states that proposed development should be accessible via sustainable transport and not generate traffic levels unsustainable for the rural road network.

The proposed application is accompanied by a statement outlining the need for the additional pitch; however, this does not provide a great level of detail and does not demonstrate the requirement for the development to be located in the Open Countryside. Furthermore, the application site is 1 mile from the existing cricket club and 0.7 miles from the southern edge of the settlement of Feckenham. Therefore, given the siting of the proposed cricket pitch, away from the existing use on Mill Lane and within largely undeveloped countryside, the proposal would create a dispersed pattern of development directly conflicting with these policies. In addition to this, the site is accessed via a bridleway and would be completely reliant on the use of private vehicles. Therefore the application does not constitute a sustainable form of development and would generate traffic levels unsuitable for the rural road. The proposal is therefore contrary to Policies 9 and 37 of the Borough of Redditch Local Plan No. 4.

#### **Landscape Character**

The application site is an open field used for sheep grazing, with a hedgerow on the west boundary along the bridleway and mature trees on the other boundaries. The site is undulating with a slight decline from north to south and completely devoid of built form. The farm to the south is not highly visible from the site and there are some sheep grazing on the field to the north. The objective of Policy 9 is to protect and enhance the high quality of Redditch's rural landscape. No built form is proposed as part of this application; however future pressure may be likely on site following any granting of the change of use for associated facilities. The comments provided from Sport England suggest that a pavilion with suitable changing facilities/toilets/stores and associated car parking would be necessary. Provision of such facilities would significantly alter the character of the area and would not be welcomed in such an open and agricultural setting. The applicants have not provided any details to establish whether any engineering operations, levelling or new surfaces would be required to facilitate the use and if any equipment will be left onsite or how this would be arranged. Presently, insufficient information has been submitted to establish the impact on the landscape character of the area.

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### Highways

The Highway Authority have been consulted on this application and do not consider the intensification of the site, based on the figures provided by the applicant would be so significant as to have a severe impact on the highway network having regards to Paragraph 32 of the NPPF. In making these comments the Highway Authority have considered the wider highway network given Moors Lane is an un-adopted privately owned road. Given the road is un-adopted the Highway Authority would have no control over the use and upkeep on this lane. Having regard to the status of the lane the applicants would be required to ensure that they have lawful right of access to the site and the maintenance of the road is upheld. This is a private legal issue to be dealt with outside of the planning process.

### Public Rights of Way

The plans submitted indicate that there would be parking in the field along the western boundary; no information has been given as to whether this area would have hardstanding or the amount of parking required to facilitate the use. The Countryside Access Mapping Officer has raised concerns given the siting of this parking would be over existing Bridleway FH-680. Obstruction of this bridleway would not be supported. Furthermore, given access to the site would be reliant on this bridleway and it is narrow in places, suitable arrangements/guidance should be put in place with private users to ensure that priority is given to public users of the right of way (e.g. Walkers, horseriders and cyclists). No information has been submitted to demonstrate whether any conflict arising through the intensification of the proposed use on the bridleway could be mitigated.

### Protected Species

The site lies at the centre of an important ecological corridor which is defined by Brandon Brook Meadow (Local Wildlife site), Shurnock Meadows (Local Wildlife Site), the Site of Special Scientific Interest (SSSI) Wylde Moor, and is close to the Bow Brook, a site covered by the Biodiversity Action Plan (BAP) dispersal extent recorded on the County Councils habitat inventory. The SSSI has multiple recordings of principally protected species in the locality. Policy 16 of the Borough of Redditch Local Plan No. 4 states that new land use changes likely to have an adverse impact on SSSI's, Local Wildlife Sites and Local Nature Reserves, directly or indirectly, will not be allowed unless there are no reasonable alternative means of meeting that development need and the reasons for development clearly outweigh the intrinsic nature conservation value of the site or network of sites.

The Wildlife and Countryside Act 1981 (WCA) protects a number of species and their habitats in England, Scotland and Wales. The Local Planning Authority are obligated by law (Natural Environment and Rural Communities (NERC) Act 2006) to make sure that they have all the information on the presence of protected species at a site before they make a decision on a planning application. In the absence of such definitive information the Local Planning Authority are unable consider the likely impact on protected species and their habitat and would be failing in its legal duty if it was recommended that planning permission was granted until this information was forthcoming. In this instance the

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applicants have not submitted any surveys to identify habitats which are likely to support protected species or the presence of any other ecological features on site. Given insufficient information has been submitted to establish whether any protected species would be impacted by this proposal and no mitigation has been demonstrated it is not possible to establish whether the proposal would result in significant harm to biodiversity. The Local Planning Authority is therefore unable to discharge its legal duty having regard to the NERC Act 2006.

### Other Matters

It is noted that a number of letters of support have been received predominately related to the health and wellbeing benefits to the community as a result of this proposal. Policy 43 of the Borough of Redditch Local Plan seeks to support applications for leisure facilities where the proposal is located in places that are sustainable and accessible by a choice of transport modes and where visitors can be accommodated without detriment to the local economy and environment. Furthermore Policy 27 promotes sustainable rural economic development proposals which deliver economic, social and environmental benefits to the local community. The proposal for an additional cricket pitch would have some benefits to the local community, however, given the proposal is solely for the use as a cricket pitch, this would only be beneficial to a section of the community. Notwithstanding this, the site is not considered to be sustainable or be accessible by a choice of transport modes and therefore the proposal fails to meet the criteria of Policy 43.

### Conclusion

The creation of a new cricket pitch is considered to have some benefits to the local community by way of generating access to additional local sport facilities. The weight to be afforded to this benefit is somewhat limited given it would only provide for a section of the community involved in cricket. Therefore having regard to this, the impact on the Open Countryside, the unsustainable location of the proposal, the possible conflicts with the Public Rights of Way and the lack of information regarding protected species the application is not considered to be an appropriate facility in this location and is recommended for refusal. The application has been submitted to the Council with no details in regards to provisions to meet the English Cricket Board standards, ecology or impact on the Public Right of Way. Therefore, the Council are unable to assess the impact of the proposal in relation to these important details.

### **RECOMMENDATION:**

**That having regard to the Development Plan and to all other material considerations, planning permission be Refused for the following reasons:**

### **Reasons for Refusal**

- 1) The proposed new cricket pitch is located 1 mile south of the existing Feckenham Cricket Club and 0.7 miles south of the settlement of Feckenham. Given this distance it is considered that the proposal would create a dispersed pattern of development and not protect the high quality rural environment. The application is



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therefore contrary to Policy 9 of the Borough of Redditch Local Plan No. 4 and paragraph 28 of the NPPF.

- 2) The objective of Policy 9 of the Borough of Redditch Local Plan No. 4 is to have a high quality environment and to protect, promote and enhance the quality of the Borough's landscape. The application site is a field, with hedgerow boundaries, devoid of built form. Insufficient information has been submitted to understand the extent of the parking required on site and whether the parking area shown on the plans would have hardstanding. Furthermore insufficient information has been submitted to establish whether any engineering operations, levelling or new surfaces would be required to facilitate the use and if any equipment will be left onsite or how this would be stored. Therefore the Council are unable to establish the impact of the proposal on the character of the landscape. The proposal is therefore contrary to Policy 9 of the Borough of Redditch Local Plan No. 4 and paragraph 109 of the NPPF.
- 3) The site is accessed via bridleway FH-680 with no public transport facilities; therefore, the development would be completely reliant on the use of private vehicles. The application is not considered to constitute a sustainable form of development and would generate traffic levels unsuitable for the rural road network. The proposal is therefore contrary to Policy 27 of the Borough of Redditch Local Plan No. 4 and paragraphs 29-32 of the NPPF.
- 4) The submitted plan shows an area of informal parking on the western edge of the field obstructing the definitive line of Bridleway FH-680. Paragraph 75 of the NPPF requires planning policies protect and enhance public rights of way and access and Local Authorities should seek opportunities to provide better facilities for users. Therefore the proposal is contrary to paragraph 75 of the NPPF.
- 5) The site lies at the centre of an important ecological corridor which is defined by Brandon Brook Meadow (Local Wildlife site), Shurnock Meadows (Local Wildlife site) and the SSSI site of Wylde Moor, and is close to the Bow Brook. Insufficient information has been submitted to establish whether the development is likely to have an adverse effect on the SSSI or Local Wildlife Sites, directly or indirectly. No alternative means of meeting the development has been identified and no mitigation has been proposed. The Council are therefore unable to discharge its legal duty under the Natural Environment and Rural Communities (NERC) Act 2006 and in addition the proposal is contrary to Policy 16 of the Borough of Redditch Local Plan No. 4 and paragraph 109 and 118 of the NPPF

**Procedural matters**

Councillor Clayton has requested that this application be considered by Planning Committee rather than being determined under delegated powers. The reason provided was that the Council should support local sporting teams and encourage local residents to take up sport in Redditch.

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**Planning Application 17/01021/FUL**

**Change of Use of industrial unit to a mixed use health complex which encompasses: fitness studio, personal training studios, massage therapy room, functional gym space, cafe, retail shop and education centre**

**Unit 30, Hunt End Industrial Estate, Dunlop Road, Redditch, Worcestershire, B97 5XP**

**Applicant: Rachel Price-Whittle**  
**Ward: Astwood Bank And Feckenham Ward**

**(See additional papers for site plan)**

The author of this report is Claire Gilbert, Planning Officer (DM), who can be contacted on Tel: 01527 881655 Email: [claire.gilbert@bromsgroveandredditch.gov.uk](mailto:claire.gilbert@bromsgroveandredditch.gov.uk) for more information.

### **Site Description**

The application site is located on Dunlop Road in Hunt End Industrial Estate. It is a single storey semi-detached metal clad and brick Industrial Unit that has a general business use for B1, B2 and B8 uses. The unit was last occupied by a manufacturing company, who vacated the premises in June 2017. The unit has a shared access with the adjoining unit (Unit 28) which is currently occupied by Clarke Oil Ltd.

The site is located within the Astwood Bank & Feckenham Ward in Redditch Borough and is located on land which falls within an area designated as a Primarily Employment Area on the Borough of Redditch Local Plan No.4 Policies Map.

### **Proposal Description**

This is a full application for the change of use from General Business (B1, B2 and B8) use to a health and fitness centre, with the main use being classed as a D2 Leisure use.

### **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

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NPPG National Planning Practice Guidance

### Relevant Planning History

None

### Consultations

#### **Town Centre Co-ordinator consultation expired 1.11.2017**

No Comments Received To Date

#### **Highways Redditch consultation expired 1.11.2017**

Recommends that the permission be Refused because the application is considered to be contrary to the NPPF paragraphs 32 & 35 and the adopted Highway Design Guide which forms part of the Local Transport Plan; this document was updated in February 2016.

The change of use of industrial unit to a mixed use health complex which encompasses: fitness studio, personal training studios, massage therapy room, functional gym space, cafe, retail shop and education centre has been proposed is unacceptable as it stands.

The car parking layout proposed is unacceptable - It is noted both units at one time received HGVs to the area in front of the access adjacent to the flower bed would have been kept clear. The applicant has proposed to include 2 car parking spaces at this location; parking spaces 10 and 11 which could impede HGVs entering and leaving unit 28.

Location of car parking spaces 12 and 13 would impede access to bays 1 to 8 on the entering or exiting the parking bays.

The mixing of customers / school children and HGVs would not be recommended in this instance due to the nature of a shared access.

Applicant has indicated in his statement (sec 2.3) the car park to the right would be available to customers, this car park has not been included within the redline plan; therefore these car parking spaces cannot be counted towards car parking allocation.

Applicant states within the statement (sec 4.25) that 20 car parking spaces are available - however only 13 have been provided within the red line plan (not sure if W/C are disabled car parking spaces).

Applicant has indicated 15 - 20 staff would be on site at any one time; applicant to provide full justification with regards to car parking allocation that has been provided for staff and customers.

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Applicant has also failed to provide the location for cycle parking.

### **Economic Development And Regeneration Service consultation expired 1.11.2017**

The planning application seeks approval for change of use of an existing vacant, Unit 30, Hunt End Industrial Estate which is currently designated for B1,B2 or B8 use. The applicant wishes to apply for change of use to D2 to provide a mixed use health complex.

The unit in question has only been vacant since June 2017. Policy dictates that a vacant unit must be marketed for a period of 2 years and 3 months in order to ensure that businesses within the B1,B2 or B8 use category have ample opportunity to be aware of the vacant unit. There is no evidence that the unit has been marketed for business use.

There is no evidence to suggest that Unit 30 is no longer viable for B1,B2 or B8 use and for this reason we would not support an application for change of use at this stage.

### **Redditch Strategic Planning and Conservation consultation expired 1.11.2017**

In conclusion, this application cannot be supported from a Planning Policy perspective. The key reasons are summarised as follows:

- The application is contrary to Policy 24 of BORLP4.
- The applicant has not provided robust supporting evidence in relation to criteria (i) and (ii) or (iii) of Policy 24 in order to establish that a non-employment development should be permitted.
- The application is contrary to Policies 30 and 43 of BORLP4.
- The applicant has not undertaken a sequential assessment to demonstrate that this proposal could not be located in a more sustainable location in terms of paragraph 24 of the NPPF.

### **Public Consultation**

6 Letters sent out to the neighbouring industrial units on 11.10.2017

Site notice put up near to site on 12.10.2017

Press notice put into the Redditch Standard on 20.10.2017

Overall public consultation period expires 03.11.2017

1 representation received in objection

Comments are summarised as follows:

- Insufficient parking arrangements for proposed use, given the amount of staff and the different uses proposed within the unit.
- Proposed parking arrangements- adjacent car park large to the right of the unit and ample roadside parking outside of the unit are not for their use.

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- The road outside of the unit is very much in use as discussed with artic lorries turning and parking constantly
- The shared gated access needs to be clear at all times for artic lorries to turn in and out, this would mean that parking spaces 10 & 11 on the plan would be a definite no straight away and as also discussed the lorries do also need to reverse into each side of the yard for deliveries to both units, a mutual agreement for both parties meaning spaces 12 & 13 would also not be possible.
- The application states that they want to work with St Augustine's School encouraging students to become involved, from a health and safety point of view having students roaming around freely while we are operating fork lift trucks and articulated lorries could put them at huge danger, if they are unaware of how industrial sites work.
- An active industrial yard is the most unsuitable place for all of these people to be walking around

Other non material planning issues have been raised within this representation; these cannot be taken into consideration as part of our determination of this application.

### Assessment of Proposal

#### **Principle of Change of Use**

The proposal is for a D2 Leisure Use with associated uses which would include: cafe, shop, educational centre and massage therapy rooms. The National Planning Policy Framework (NPPF) defines this type of use as main town centre use; and sets out that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre, and are not in accordance with an up-to-date Local Plan.

Paragraph 24 of the NPPF comments 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 Redditch Borough Local Plan adopted 2017 echoes this.

The NPPF at paragraph 27 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 above factors [NPPF para 26], 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 and impact tests have been carried out.

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The applicant has submitted a planning statement with this application. However, no evidence has been submitted 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 24 of the NPPF. Rather than an out of centre location such as the application site that has relatively poor public transport links.

The proposal is therefore considered to be contrary to policy 30 and 43 of Redditch Borough Council Local Plan 2017 and the NPPF.

The site 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 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.

Policy 24 of the Redditch Borough Council Local Plan Adopted 2017 policy clearly states that non employment development within designated employment areas will only be permitted when it meets criteria (i) and (ii) or criterion (iii), which state:

- 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 0.10ha, which the Strategic Planning Team do not consider would cause or accentuate a significant shortage of employment land at this time. However, the applicant has provided no information to demonstrate that either of the requirements of Criterion (ii) have been met in order to be policy compliant.

In order to be compliant with criterion (ii) the Council requires a site to be marketed for approximately two years and three months (Employment Land Monitoring SPG, para 2.10) before alternative uses are considered, as this is considered to represent a reasonable length of time to ensure that a site is genuinely redundant for its intended use.

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It is unlikely that the applicant can demonstrate that the site has been appropriately marketed for this period as the application form states that the previous use of the site ended in June 2017.

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 in terms of Policy 24, it is considered that the application and its supporting evidence is contrary to policy.

### **Compatibility of Uses**

Policy 24 of Borough of Redditch Local Plan No.4 requires that proposed uses be compatible with the use of Primarily Employment Areas so as to not restrict the current or future use of primarily employment areas (as defined on the Policies Map) for employment purposes.

Your officers agree with the comments received from the Worcester County Highway Department and the public representation received, who raise concerns regarding compatibility of uses.

The site is in a location made up of industrial units, and has a shared access arrangement with the adjoining industrial unit, which is currently occupied. The nature of the proposed use would be incompatible with the surrounding business uses and the types of vehicular movements these businesses create, such as fork lift truck, delivery and HGV movements. Your officers consider that there would be a conflict between these vehicular movements and pedestrians wishing to access the proposed leisure use.

The applicant has not demonstrated that there would be sufficient parking within the forecourt of the proposed unit to alleviate a conflict between pedestrians using this facility and surrounding vehicular movements, especially given the shared access arrangement with the adjoining unit. There is also no information or indication as to how the unit's forecourt would be segregated from the adjacent forecourts to improve customer safety.

Overall therefore your Officers consider that the proposed use would compromise the day to day operating activities of the existing and future business occupiers within this industrial area, contrary to policy 24 of the Borough of Redditch Local Plan No. 4.

### **Conclusion**

To conclude, although the Council would like to promote and support new and improved leisure uses within the Borough, as set out in Policy 30 and 43 and the NPPF this type of use would be 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.



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The applicant has not provided evidence of an unsuccessful and appropriate marketing period for this property to demonstrate that the unit could not be used for appropriate (B1, B2 or B8) type employment uses.

The proposal would be incompatible in relation to the surrounding business uses and the types of vehicular movements these businesses create. There is no indication that there is sufficient parking or segregation within the unit's forecourt to alleviate pedestrian and vehicular conflict. It is therefore considered that a leisure and health use in this location, which would attract a large number of people, would compromise the day to day activities of existing and future business occupiers within this location, especially day to day activities which take place outside of the business units.

Overall therefore your officers believe that the proposal is contrary to the policies in the Local Plan and in the NPPF.

### **RECOMMENDATION:**

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

- 1) The applicant has failed to satisfy Paragraph 24 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 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 Policy 20, 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 (B1, B2, B8) 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.
- 3) The nature of the proposed use would be incompatible with the surrounding business uses and the types of vehicular movements these businesses create, such as fork lift truck, delivery and HGV movements. The proposed use would create a conflict between these vehicular movements and pedestrians wishing to access the proposed leisure use, which would give rise to a highway safety concern. As such the proposal would be contrary to the provisions of Policy 20 and 24 of the Borough of Redditch Local Plan No.4.
- 4) The Proposed parking arrangement would be insufficient for the proposed use. No clear justification has been provided for this in the application. Due to the nature of the existing business uses in the locality of the site, it is considered that this would

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have a detrimental impact on highway safety. As such the proposal would be contrary to Policy 20 of the Borough of Redditch Local Plan No.4, the NPPF and the adopted Local Transport Plan 3.

**Procedural matters**

This application is reported to Planning Committee for determination because the application is for a change of use to a D2 leisure use, which falls outside the scheme of delegation to Officers.

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**APPEAL OUTCOMES – INFORMATION REPORT**

Responsible Portfolio Holder	Councillor Greg Chance
Responsible Head of Services	Ruth Bamford

**1. Purpose of Report**

To receive an item of information in relation to the outcomes of recent planning appeal decisions. Officers will answer any related questions at the meeting as necessary.

**2. Recommendation**

**The Committee is asked to RESOLVE that**  
  
**the item of information be noted.**

**Report**

**3. Financial, Legal, Policy and Risk Implications**

There are no financial, legal, policy or risk implications for the Council arising from these decisions. However the Committee is asked to note that the appeal at Bradley Green Barn was the subject of an application and award for costs. The Council and the applicant are now in the process of agreeing the level of this award.

**4. Background**

Relevant planning application files.

**5. Consultation**

There has been no consultation other than with relevant Borough Council Officers.

**6. Author of Report**

The author of this report is Helena Plant (Development Management Manager) who can be contacted on 01527 881335 (e-mail [h.plant@bromsgroveandredditch.gov.uk](mailto:h.plant@bromsgroveandredditch.gov.uk)) for more information.

**7. Appendices**

Appendix - Outcomes of Planning Appeals

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**APPENDIX 1: OUTCOMES OF PLANNING APPEALS**

Reference	Site location	Proposal	Ward	RBC Decision type	Type of appeal	Appeal type	Appeal outcome
2016/185/COU PRO  Case Officer: Mr Richard Lambert	Priest Bridge Farm, Dark Lane, Bradley Green, Redditch, Worcestershire B96 6TJ	Conversion of agricultural building to residential dwelling.	Astwood Bank And Feckenham Ward	Prior Approval Required But Not Granted	Appeal against prior approval	Written Representation	Appeal Allowed 25/05/2017
2016/375/FUL  Case Officer: Julie Male	47 Crumpfields Lane, Redditch, Worcestershire B97 5PN	Proposed single storey double garage	West Ward	Refused Application	Household er Fast Track	Fast Track Appeal	Appeal Allowed 22/05/2017

**REDDITCH BOROUGH COUNCIL**

2016/225/FUL  Case Officer: Steve Edden	Astwood Business Park, Astwood Lane, Astwood Bank, Worcestershire B96 6HH	Construction of two new buildings: building G to be used as children's play in association with building F (class D2) and building H to have a flexible use for employment purposes in classes B1 and B2. Retrospective application for the removal of earth bunding, the formation of a hardstanding area for parking and the formation of a new surface water attenuation pond.	Astwood Bank And Feckenham Ward	Refused Application	Appeal Against Refusal	Hearing	Part Allowed/Part Refused 27/10/2017
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