



Planning Committee

Wed 15 Feb
2023
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

*making
difference*

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If you have any queries on this Agenda please contact

**Gavin Day
Democratic Services Officer**

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GUIDANCE ON FACE TO FACE MEETINGS

If you have any questions regarding the agenda or attached papers, please do not hesitate to contact Gavin Day (gavin.day@bromsgroveandredditch.gov.uk)

PUBLIC SPEAKING

For this meeting the options to participate will be in person, by joining the meeting using a video link, or by submitting a statement to be read out by officers.

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.
- 3) Public Speaking - in the following order:-
 - a. Objectors to speak on the application;
 - b. Ward Councillors (in objection)
 - c. Supporters to speak on the application;
 - d. Ward Councillors (in support)
 - e. 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 Monday 13th February 2023) and invited to the table or lectern.

- 4) Members' questions to the Officers and formal debate / determination.

Speakers will be called in the order they have notified their interest in speaking to the Democratic Services Team and invited to address the committee in person or via Teams.

Each individual speaker will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair.

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.

Notes:

- 1) Anyone wishing to address the Planning Committee on applications on this agenda must notify Gavin Day from the Democratic Services Team on 01527 64252 (Ex 3304) or by email at gavin.day@bromsgroveandredditch.gov.uk before **12 noon on Monday 13th February 2023**
- 2) Advice and assistance will be provided to public speakers as to how to access the meeting and those using the video link will be provided with joining details for Microsoft Teams. Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting by Teams, and those speakers will be given the opportunity to submit their speech in writing to be read out by an officer at the meeting. Please take care when preparing written comments to ensure that the reading time will not exceed three minutes. Any speakers wishing to submit written comments must do so by **12 noon on Monday 13th February 2023**
- 3) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, re available to view in full via the Public Access facility on the Council's website www.redditchbc.gov.uk
- 4) 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.
- 5) Although this is a public meeting, there are circumstances when the committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded.
- 6) 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 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 February,
2023

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	Michael Chalk (Chair)	Brandon Clayton
	Timothy Pearman (Vice-Chair)	Alex Fogg
	Salman Akbar	Andrew Fry
	Imran Altaf	Bill Hartnett
	Tom Baker-Price	

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 Minutes (Pages 7 - 16)

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. 22/01237/S73 - Accident And Emergency Department, The Alexandra Hospital, Woodrow Drive (Pages 17 - 24)

6. 22/01518/FUL - Benson For Beds, Redditch Ringway, Redditch, Worcestershire, B98 8DU (Pages 25 - 30)

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Planning Committee

Wednesday, 18 January 2023

MINUTES

Present:

Councillor Michael Chalk (Chair), Councillor Timothy Pearman (Vice-Chair) and Councillors Salman Akbar, Imran Altaf, Tom Baker-Price, Andrew Fry, Bill Hartnett, Anthony Lovell and Emma Marshall

Also Present:

Councillor Sid Khan

Officers:

Helena Plant, Steve Edden, Simon Jones, Charlotte Wood and Max Howarth (of Anthony Collins)

Democratic Services Officer:

Gavin Day

50. APOLOGIES

Apologies were received from Councillors Alex Fogg and Brandon Clayton with Councillors Emma Marshall and Anthony Lovell attending as substitutes respectively.

51. DECLARATIONS OF INTEREST

Councillor Emma Marshall declared an interest in regard to agenda item 9 (Minute No 58) in that the application was on her Ward and that she had expressed her opinion on social media.

52. CONFIRMATION OF MINUTES

RESOLVED that

1. The Minutes of the Planning Committee meeting held on 23rd November 2022 be approved as a true record and signed by the Chair.
2. The Minutes of the Planning Committee meeting held on 7th December 2022 be approved as a true record and signed by the Chair.

.....
Chair

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53. UPDATE REPORTS

An update report was received by Members who indicated that they had received sufficient time to read the update report and were happy to proceed with the meeting.

54. 22/01356/FUL - 21 ANSLEY CLOSE, REDDITCH, WORCESTERSHIRE, B98 0AX

The Chair announced that agenda items 5,6 and 7 (Minute No's 54, 55 and 56), would be presented together. The Chair further clarified that due to these being separate applications, Members would have the opportunity to debate and vote on each individual application separately.

The proceeding applications had been reported to the Planning Committee because the land subject to these applications was currently owned by Worcestershire County Council. As such the applications fell outside the scheme of delegation to Officers.

Officers presented their report and in doing so drew Members' attention to pages 1 to 21 of the Site Plans and Presentations Pack.

The applications were for numbers 20,21 and 29 Ansley Close, Matchborough East, and sought the change of use of highway land to a private residential garden.

Officers informed the Committee that the applications were deferred from the previous Planning Committee meeting on 7th December 2022 pending a site visit by Members. On 17th December 2022 two Members attended a planned site visit with the Case Officer and a further three Members indicated that they had carried out individual site visits.

Officers drew Members' attention to page 7 of the Site Plans and Presentations Pack to highlight the extent of the works which had taken place at all three sites and which also showed how the sites would have appeared prior to the development in question.

After the deferral from the Planning Committee meeting on 7th December 2022, Officers sought representations from West Mercia Police (WMP) on the issue of crime. WMP had conducted a site visit on 14th December 2022 to survey the site and presented no reason to object to the applications.

Members then began their debate on the first application for 21 Ansley Close.

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Members commented that although moving the boundary caused a reduction in the grass verge and width of the passageway, it also removed a number of potential areas where a person could have concealed themselves. It was also noted that the pathways were still of a reasonable width and when considered alongside the adjoining pathways, Members did not consider that there was a significant safety concern.

Members further commented that upon visiting the site it was clear that the work had been carried out a number of years ago, although they did not agree with the land grab, there was no justifiable reason to refuse the application.

On being put to the vote it was

Resolved that

having had regard to the development plan and to all other material considerations, planning permission be granted subject to the Conditions, as detailed on page 23 of the Public Reports Pack.

55. 22/01358/FUL - 29 ANSLEY CLOSE, REDDITCH, WORCESTERSHIRE, B98 0AX

On being put to the vote it was

Resolved that

having had regard to the development plan and to all other material considerations, planning permission be granted subject to the Conditions, as detailed on page 27 of the Public Reports Pack.

56. 22/01363/FUL - 20 ANSLEY CLOSE, REDDITCH, WORCESTERSHIRE, B98 0AX

On being put to the vote it was

Resolved that

having had regard to the development plan and to all other material considerations, planning permission be granted subject to the Conditions, as detailed on page 31 of the Public Reports Pack.

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**57. 21/00249/FUL - LAND NORTH OF DROITWICH ROAD,
DROITWICH ROAD, FECKENHAM, WORCESTERSHIRE**

The application was being reported to the Planning Committee because:

- an objection had been received from the Parish Council. As such the application had resulted in a formal objection being received from a statutory consultee, which had not been resolved through Officer negotiation.
- The application was a major development because it exceeded 2 hectares in area. As such the application fell outside the scheme of delegation to Officers.

Officers presented their report and in doing so drew Members' attention to pages 23 to 43 of the Site Plans and Presentations Pack.

The application was for the Land North of Droitwich Road, Feckenham and sought the change of use from agriculture to a mixed use of agriculture and the keeping of horses, erection of two stables, a hay store and retention of the vehicular access and parking area

Officers detailed to Members the history of the application in that

- The application was a part retrospective application and some of the development in the application had been completed.
- The site was subject to a previous retrospective application (20/00194/FUL) which was refused planning permission on 19.05.2020, the applicant had then been subject to enforcement action in the form of an enforcement notice.
- During the course of an appeal against the enforcement notice the Planning Inspectorate was unhappy with the wording of the notice and therefore gave Officers the opportunity, without prejudice to withdraw the notice, which they subsequently did.
- In the immediate period after the original enforcement action was withdrawn and before a revised one was drafted and issued, a second planning application was submitted by the applicant.
- Officers decided to validate and process the application because it was materially different from the first and to ascertain the views of statutory consultees

Officers highlighted the site location within the greenbelt and its proximity to a non-designated heritage asset (Feckenham medieval

manorial site), as detailed on page 25 of the Site Plans and Presentations Pack.

There was an error noted in the Site Plans and Presentations Pack in that pages 42 and 43 were identical, Members were therefore shown the correct slides during the Committee which detailed the proposed site plans correctly.

Officers outlined the vehicular access changes to the site, detailing that the southern entrance would no longer be used and that the northern entrance would be retained. Additionally, some of the hedgerow at the northern entrance would be removed to allow for larger visibility splays, as detailed on page 34 of the Site Plans and Presentations Pack.

Officers highlighted that the ridges and furrows on site had been damaged by previous development. However, there would be very little further impact. It was noted that to try and reverse the work could risk causing further damage when removing the previously added material.

Finally, Officers detailed to Members that in approving the application it would allow Officers to monitor the development via Conditions and a management plan, whereas if Members were minded to refuse the application, and then an enforcement notice was served this could not deliver long term management of the asset.

At the invitation of the Chair Councillor Hugo Hammersley (of Feckenham Parish Council), Councillor Alan Smith (of Feckenham Parish Council) and Mr Andrew Fisher (resident) addressed the Committee in objection to the application. Mrs Charlotte El Hakiem (agent for the applicant) addressed the Committee in support of the application.

Officers clarified the following points during questions from Members:

- That although the National Planning Policy Framework (NPPF) stated that only one retrospective application could be submitted for an application, that figure was for guideline purposes only and that in this instance the applications were considered materially different and that it was deemed acceptable to consider the application on its own merit.
- That there were no objectors from technical consultees which could cause difficulties with the Council being able to defend its position at appeal if Members were inclined to refuse the application.

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- That intensive agriculture practices could cause damage to the ridge and furrows; this would not be a change of land use.
- That Condition 6 addressed the drainage issue. The details required by this Condition would have to be submitted to and approved by the Local Planning Authority within a prescribed timescale.
- That the application did not seek to increase the hardstanding on site but sought retrospective permission to retain the track and carparking area.
- That regarding the comments from Historic England, as detailed on page 42 of the Public Reports Pack, the Council did not seek to justify the harm that resulted from the works but weighed it up against the public benefits of the proposal, in that approval allowed them a solution for a long term management of the site using Conditions.

Members then discussed the application which Officers had recommended be granted.

Councillor Hartnett proposed an Alternative Recommendation that the application be rejected as it was detrimental to the greenbelt, the Alternative Recommendation was seconded by Councillor Akbar.

Members were displeased that the application was retrospective in nature and expressed the opinion that the development should not have happened and that ignorance to what was permitted was not an excuse.

Members were mindful that should they refuse the application and enforcement action was taken then the Council would have less powers to control the future management of the non-designated heritage asset, special wildlife site and surface water drainage.

Members commented that they appreciated that damage was caused during the development, however, if the application was refused and the land was then sold, the new owner would be able to use intensive farming practices under the current land designation and that further damage could be sustained to the ridge and furrow system.

During the debate, Members sought clarification and further details on the following matters:

- Whether further loss of the ridge and furrows would be caused by the development.
- Updated surface water drainage plan.
- The impact of the development on surface water runoff.

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- The impact of the development upon the pond on site
- Ground levels, direction of slope across the site
- Officers' response to the Worcestershire Wildlife Trust (WWT) representation.
- Whether Officers were satisfied that the harm to the ridge and furrow was justified as per the representation submitted by Historic England - "The Council must be satisfied that there is justification for that harm, and weigh it against any public benefits of the proposals"
- Explanation of what a 'watching brief' referred to in proposed condition 2 entailed

Further to the preamble above, Councillor Marshall proposed a Second Alternative Recommendation that the application be deferred in order for Officers to investigate and report on the aforementioned areas of concern, the Second Alternative Recommendation was seconded by Councillor Baker-Price.

The Legal Officer advised Members that they should vote on the Second Alternative Recommendation first and if that was not carried then they would return to the initial Alternative Recommendation.

In summing up the Second Alternative Recommendation, Councillor Marshall thanked all attendees for their patience during the debate but expressed the opinion that although it was a big decision, there were still a number of questions to be answered so she believed that a deferral was the most appropriate solution.

On being put to the vote it was

Resolved that

having had regard to the development plan and to all other material considerations, the application be deferred pending further information to be supplied by the applicant and Case Officer to answer the questions raised by the Committee, as detailed in the preamble above.

At this stage in the meeting the Chair announced an adjournment.

Accordingly, the meeting stood adjourned from 21:00 hours to 21:08 hours.

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58. 22/01171/FUL - GREENLANDS PLAYING FIELDS ADJ, SOUTH REDDITCH SPORTS AND SOCIAL CLUB, THROCKMORTON ROAD, REDDITCH, WORCESTERSHIRE, B98 7RS.

Having reconvened it was noted that the application was being reported to the Planning Committee because the application site related to land that belonged to Redditch Borough Council. As such the application fell outside the scheme of delegation to Officers.

Officers presented their report and in doing so drew Members' attention to pages 45 to 55 of the Site Plans and Presentations Pack.

The application was for the Greenlands Playing Fields Adjacent to South Sports and Social Club and sought the installation of a Multi-Use Games Area (MUGA) which consisted of a steel fence system and a tarmacadam base painted sports line marking.

Officers detailed the position of the MUGA on page 51 of the Site Plans and Presentations Pack, also highlighting the 5x5 football pitch which after consultations with Sports England had been retained as part of the development and would be remarked.

The free-standing exercise equipment was highlighted by Officers on page 52 of the Site Plans and Presentations Pack.

Officers detailed that the MUGA would be situated 100m from the closest houses. The Officer further detailed that although some consultees mentioned that it could attract anti-social behaviour, the close proximity to the social club could also serve as a deterrent due to natural surveillance during the day when the social club was occupied.

During questions from Members, Officers clarified the following points:

- That the previously mentioned surveillance was not in the form of CCTV coverage but was in relation to daytime monitoring by users of the social club.
- That the two different noise suppressant material "neoprene plugs" and "thermoplastic plugs" as detailed on pages 65 and 69 of the Public Reports Pack, respectively performed the same purpose and was just a slight design change.
- That there would be goals situated around the MUGA to enable its use length or widthways, and there would be entrances to aid disabled access.

Members then considered the application.

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Members stated that they were aware of a few MUGAs in Redditch but they had not been aware of any substantial anti-social behavioural problems directly associated with them.

Members were also supportive of utilising the existing recreational area and expressed the opinion that it needed to remain free and publicly accessible.

On being put to the vote it was

Resolved that

having had regard to the development plan and to all other material considerations, planning permission be granted subject to the Conditions and the Informative, as detailed on pages 69 and 70 of the Public Reports Pack.

The Meeting commenced at 7.00 pm
and closed at 9.24 pm

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**PLANNING
COMMITTEE**15th February 2023

Planning Application 22/01237/S73**Variation of condition 2 of application 21/00444/FUL - reconfiguration of north and west car parks and minor alterations to Quinneys Lane to bring it up to adoptable standards****Accident And Emergency Department, The Alexandra Hospital, Woodrow Drive, Redditch, Worcestershire, B98 7UB****Applicant: Mr Lewin
Ward: Greenlands Ward****(see additional papers for site plan)**

The case officer of this application is Sarah Hazlewood, Planning Officer (DM), who can be contacted on Tel: 01527881720 Email: sarah.hazlewood@bromsgroveandredditch.gov.uk for more information.

Site Description

The site comprises the Alexandra Hospital situated to the south of Redditch close to the boundary with Stratford upon Avon District. To the east of the site lies Tudor Grange Academy and to the south a new residential development accessed off Nine Days Lane. The hospital site itself is access off Woodrow Drive to the north of the site.

Proposal Description

The application seeks some minor changes to the approved application 21/00444/FUL which granted consent in 2021 for the construction of 2 new staff car parks including additional infill car parking around the site and the repositioning of the helipad.

It is now proposed to reorientate the north car park which includes the removal of the helipad and change the layout of the car parking spaces provided to the west of the hospital building. In addition, some changes are proposed to the Quinneys Lane entrance to bring it up to the standards required for it to be adopted by the Highway Authority.

Relevant Policies:

Borough of Redditch Local Plan No. 4
Policy 1: Presumption in Favour of Sustainable Development
Policy 16: Natural Environment
Policy 18: Sustainable Water Management
Policy 20: Transport Requirements for New Development
Policy 44: Health Facilities

Others

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NPPF National Planning Policy Framework (2021)
NPPG National Planning Practice Guidance

Relevant Planning History

18/01252/FUL	Permission for an additional 3 year extended use of a temporary building (previously granted under planning permission 2015/164/FUL) adjacent to the Emergency Department to be used as temporary staff accommodation	Granted	09.11.18
21/00444/FUL	Creation of 2 new staff car parks and demolition of 2 existing staff carparks, plus creation of some additional infill car parking spaces around the trust site and repositioning of helipad	Granted	17.09.21
21/00447/OUT	Outline application for the removal of existing carpark and demolition of existing apartment buildings (Use Class C3). Proposed new residential development of up to 92 homes (Use Class C3) with all matters, except the access road from Woodrow Drive to a point 100m west of the junction with Quinneys Lane, reserved (scale, layout, appearance, landscaping).		Pending consideration

Consultations**Highways Redditch**

Given the proximity of Quinneys Lane to the public highway (Woodrow Drive), should the Council be minded to approve the application, conditions need to be applied now that the proposed development also includes alterations to Quinneys Lane

North Worcestershire Water Management

The proposed development site is situated in the catchment of Woodrow Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Based on the EA's flood mapping risk to the site from surface water flooding is indicated. Correctly designed drainage will mitigate any flood risk from surface water on the site.

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Comments were made previously under planning application 21/00444/FUL. Based on the changes I have no additional comments to make.

Arboricultural Officer

Having inspected the small section of woodland that will be affected I have no objection to the proposal as shown on drawing (80)001 Rev T2 as although there are a few Field Maple and Ash trees which have some age most of the stock that is to be removed is of early pole stage development and over densely planted which has led to the tree developing with poor quality form. The other parking alterations do not create any impact of concern on any trees.

However, although there is some replacement tree planting proposed within the scheme mainly on the Northern boundary of the site local to the existing Heli Pad and to which we need to have a specification for, in view of the number of trees needing to be removed under this scheme, I would request that the level of mitigation tree planting is increased.

There is ample scope in land available to the North of the proposed Heli Pad site car park to do this either by increasing the width of the tree line immediately adjacent to the carpark or increasing the width of the hedge / tree line on the boundary of the Hospital site with Woodrow Drive. I would request that the tree planting is of mixed native species of at least 10-12cm stem girth (Selected Standard) grade trees avoiding the use of any Ash.

Public Consultation Response

Initial publicity undertaken:

A site notice was displayed 07.10.22 which expired 31.10.22

A press advert was published 30.09.22 which expired 17.10.22

A further publicity exercise was undertaken following the receipt of amended plans and revision to the proposal description:

A site notice was displayed 12.01.23 which expired 05.02.23

A press advert was published 13.01.23 which expired 30.01.23

One representation has been received which raises concerns around cycle parking provision at the site.

Assessment of Proposal

The use of various parts of the site for replacement car parking provision has been established through the granting of application 21/00444/FUL and these works, with respect to the south car park, have commenced on site.

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The supporting statement submitted with the application explains that the removal of the existing staff car parking space will result in the loss of 307 spaces, however this revised proposal will see the reinstatement of 323 spaces, a gain of 16 spaces.

The highway authority has been consulted on the proposal as originally submitted and raised no objection. During the course of considering the application the proposal was amended to include works to Quinneys Lane in order to bring it up to adoptable standards. Following consultation with respect to this element of the proposal a number of conditions have been recommended by the Highway Authority. These conditions are listed below and are considered reasonable in relation to the development proposed.

The proposal, in relation to the north car park reorientation, results in the loss of a number of trees on the site. The tree officer has been consulted on the proposal with the full comments reported above. No objection is raised to the loss of the trees; however Members will note that an increase in the replacement tree planting has been requested. It is considered that this can be adequately controlled by planning condition, with the applicant having control of the land necessary for the suggested replacement planting locations.

An ecology survey has been submitted with the application however it is now over 24 months old and therefore an update has been requested. Given that no notable protected species were found in this location previously, it is considered unlikely that a major population of protected species will be present now. However, the update will provide comfort in this regard and the results of which will be present to members by way of the committee update.

Ordinarily, the conditions applied to the original application would be transferred across to this application, except where circumstances have changed or the conditions on the original permission have been discharged. In this case, officers are aware that conditions 13 and 14 in relation to slowworm translocation have been discharged. Condition 3 in relation to surface water drainage has been discharged insofar as it relates to the southern car park which is under construction. It is therefore considered necessary to transfer this condition across to this permission in so far as it relates to the northern carpark, however conditions 13 and 14 are no longer required.

It is considered that all other conditions relating to the previous permission remain valid and are recommended accordingly.

One representation has been received in relation to the application which raises concerns regarding cycle parking provision at the site. Whilst this is noted, the proposal does not include facilities for additional cycling provision and no conditions requiring additional facilities has been recommended by the Highway Authority.

RECOMMENDATION:

That having regard to the development plan and to all other material

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considerations, planning permission be **GRANTED** subject to the following conditions:

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of application 21/00444/FUL.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following plans and drawings:
301 P0 – Highway Works
2327_PHD_A_XX_DR_A_(80)001 Rev T2
327_PHD_A_XX_DR_A_(10)001 Rev P4

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

3. Prior to any works above foundation level commencing on site a scheme for surface water drainage will be submitted to and approved in writing by the Local Planning Authority. The scheme should provide appropriate levels of surface water attenuation. This scheme should be indicated on a drainage plan and the approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

4. No trees or hedges on the application site, or the branches or roots of trees growing onto the site from adjacent land, other than those shown on the plans hereby approved shall be topped, lopped, felled or uprooted without the specific written permission of the Local Planning Authority

Reason: To safeguard the visual amenities of the area.

5. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the trees or hedgerows which are shown as retained on the approved plans both on or adjacent to the application site shall be protected with fencing around the root protection areas. This fencing shall be constructed in accordance with the guidance in the British Standard BS5837:2012 and shall remain as erected until the development has been completed. There shall be no storage of plant/materials within the Root Protection Areas of any retained trees.

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Reason: In order to protect the trees which form an important part of the amenity of the site.

6. No works of any kind shall be permitted within or through the Root Protection Areas of trees or hedges on and adjacent to the application site to be retained on site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of concrete mixing plants or fuel tanks.

Reason: In order to protect the trees which form an important part of the amenity of the site.

7. Any excavations within the root protection areas must be carried out by hand and in accordance with BS5837:2012.

Reason: In order to protect the trees which form an important part of the amenity of the site.

8. The Development hereby approved shall not be first brought in to use until details of the provision of proposed dropped kerbs and tactile paving, where appropriate, associated with the various car parks have been submitted to and approved in writing by the Local Planning Authority and installed on site.

Reason: In the interests of highway safety.

9. The Development hereby approved shall not be brought in to use until details of the proposed accessible car parking spaces have been submitted to and approved in writing by the Local Planning Authority and installed on site. These spaces shall thereafter be kept available for disabled users as approved.

Reason: To provide safe and suitable access for all.

10. The Development hereby approved shall not be brought in to use until details of the proposed electric vehicle charging spaces have been submitted to and approved in writing by the Local Planning Authority and installed on site. The spaces shall thereafter be retained on site.

Reason: To encourage sustainable travel and healthy communities.

11. The Development hereby approved shall not be brought into use until a draft Signage and Marking Strategy document, setting out appropriate changes to existing signage and road markings associated with parking and wayfinding, has been submitted to and approved in writing by the Local Planning Authority.

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Reason: In the interests of highway safety.

12. The existing car parks shall not be closed until all of the replacement parking has been built and is available for operational use.

Reason: To help prevent any indiscriminate parking during the construction phase and to ensure the safe and free flow of traffic onto the highway.

13. The northern car park hereby approved shall not be first used until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason: To minimise the effect and enhance the character of the development.

14. All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of 5 years from the date of planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season (October-March), unless the Local Planning Authority gives its written consent to any variation. Any tree, hedge or shrub scheduled for retention which is lost for any reason during development works, shall be replaced with a tree, hedge or shrub of a size and species to be agreed in writing with the Local Planning Authority and planted during the first planting season after its loss.

Reason: to enhance the character of the development.

15. Prior to highways works commencing at Quinneys Lane, a Traffic Management Plan will be submitted to, and approved by, the Local Planning Authority (and Worcestershire County Council). This shall include but not be limited to the following:-
- Detailed works programme and order of works;
 - Details of how access for Hospital traffic will be maintained at all times;
 - Detailed traffic management plans, including the type and location of any temporary signing, lining or signals; and
 - Details of how traffic accessing the Hospital site from Woodrow Drive will retain priority over traffic leaving the Hospital site via Quinneys Lane.

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The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved.

REASON: In the interests of highway safety and the efficient operation of the local road network, particularly Woodrow Drive.

16. Prior to highways works commencing at Quinneys Lane, a Construction Traffic Management Plan will be submitted to, and approved by, the Local Planning Authority (and Worcestershire County Council). This shall include but not be limited to the following:-

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- Details of any temporary construction accesses and their reinstatement; and
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

REASON: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

Procedural matters

This application is reported to Planning Committee for determination because the application is for major development and as such the application falls outside the scheme of delegation to Officers.

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Planning Application 22/01518/FUL**Change of use of premises to a gym within Class E and minor external alterations****Benson For Beds, Redditch Ringway, Redditch, Worcestershire, B98 8DU,****Applicant: Pure Gym Limited
Ward: Central Ward****(see additional papers for site plan)**

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

Site Description

The application site comprises an existing retail warehouse unit, which is located to the east of Redditch Town Centre. It provides existing floorspace of approximately 900 sq. m. It is accessed from Redditch Ringway with vehicle egress to Ipsley Street. This small retail park comprises three retail units, with the other two larger units occupied by Wickes and Halfords.

The application site and the Wickes unit share car parking for 113 vehicles. To the south of Ipsley Street and the application site is Trafford Retail Park, whilst to the north of the ring road and the site there are retail units occupied by Dunelm and Lidl. There are residential properties to the rear of the application site on St Georges Road and Other Road.

The site is situated within an area that is designated as being part of the Town Centre in the Borough of Redditch Local Plan No 4 Policies Map.

Proposal Description

The proposal is for the change of use of the premises from a retail shop (Class E) to a gym (Class E) and some minor external alterations which includes changing the entrance doors. The gym use is proposed to operate on a 24hrs basis to provide access to all including those who work shifts.

In 1987, planning permission was granted under application reference 1986/387/FUL for two non-food retail warehouses at the site. This permission was subject to a condition (condition 4) which restricted the use of the premises as well as a legal agreement. In 1992 two further planning permissions were granted for the variation of condition no. 4 of the 1987 permission (ref. 1992/091/S73) and for alterations to one of the retail warehouses to form new offices, entrances and exits (ref. 1992/093/FUL). The application site was formed as a sub-division of the original larger unit under the terms of the 1992 permissions. However, the use of the unit continues to be controlled by condition no. 4 of planning permission ref. 1992/091/S73 which states:

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'Unit 1 shall be used only for a purpose falling within Class A1 of the Town and Country Planning (Use Classes Order) 1987 and for no other purpose whatsoever'.

Following recent changes to the Use Classes Order, Class A1 retail and Class D2 gym uses now both fall within Class E ('Commercial, business and service'). Under the terms of s55 of the Town and Country Planning Act 1990, the introduction of an alternative use within the same use class would not comprise 'development' for the purposes of the Act. However, the wording of the existing planning condition disappplies the normal operation of the Use Classes Order and prevents non-retail uses that would otherwise now fall within the same use class (Class E). Consequently, this planning application seeks a new, full planning permission for the use of the application site as a gym within Class E.

Relevant Policies:**Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 19: Sustainable travel and Accessibility

Policy 30: Town Centre and Retail Hierarchy

Policy 31: Regeneration for Town Centre

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

Policy: 41 Shopfronts and Shopfront Security

Policy 43: Leisure, Tourism and Abbey Stadium

Others

Redditch High Quality Design SPD

National Design Guide

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

Relevant Planning History

1986/387	Two Non-food Retail Warehouses, Ancillary Offices, Garden Centre and Parking Areas	Approved subject to Legal agreement	05.01.1987
1992/091/S73	Variation Of Condition 4 Of The Planning Permission 86/387	Approved subject to legal agreement	23.04.1992

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1992/093/FUL	Alterations To Form New Offices/Entrance And Exits.	Approved	06.04.1992
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Consultations**Highways Redditch**

No objections. The site is located within a retail park and has the benefit of 113 shared car parking spaces.

I have not requested electrical vehicle charging points or cycle parking due to the shared use of the car parking spaces.

Community safety

The Community safety team have been consulted on this application, but no comments have been received to date.

Public Consultation Response

Site notice posted 18.01.2023 expires 11.02.2023

3 Neighbour letters sent 16.01.2023 expires 09.02.2023

No responses received to date.

Assessment of Proposal**Principle**

Policy 43 of Borough of Redditch Local Plan sets out that leisure proposals will be supported where they are located in places that are sustainable, principally Redditch Town Centre; and, they support sustainable leisure developments and benefit the economy or the Borough and enhance community facilities.

Given the site is situated within the designated Town Centre of Redditch and that it is a new use of a currently vacant unit, the proposal is considered to be acceptable in principle.

Highways

Worcestershire County Highways have raised no objection to the proposed change of use. They have set out that the site is located within a retail park and has the benefit of 113 shared car parking spaces.

They have also noted that they have requested electrical vehicle charging points to be provided or cycle parking due to the shared use of the car parking spaces.

Amenity

The site is situated within the designated town centre. To the east or rear of the premises there are residential properties. However, due to the siting of the entrance and car

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parking it is not considered that the proposed use would have an adverse impact of the amenities of these existing occupiers.

Character and appearance

The changes that are proposed to the existing building are fenestration changes and include the insertion of new doors to the front elevation and a new wider fire exit to the side elevation. It is not considered that these alterations to the building would effect the character or appearance of the building or the area.

Community safety

The Community safety team have been consulted on this application, but no comments have been received to date.

The gym is proposed to operate on a 24-hour basis to provide access to all including those who work shifts and key workers. The applicant has set out that the number of visitors to the gym at night would be low and that gym members will normally arrive individually and are almost certain to do so during night-time hours. Consequently, they do not consider there would be issues that might potentially be associated with other leisure uses such as large groups of people, loud conversation, or anti-social behaviour.

They have also set out that the proposed development is not expected to have any adverse impacts on crime and safety and that it is considered that it would actually promote natural surveillance within the vicinity of the application site at all hours, which will help to deter crime and anti-social behaviour. Secure entrance facilities will be provided, and a comprehensive network of CCTV will also be installed within the gym.

Legal agreement

Alongside the restrictions of the use imposed by condition of planning permission granted under application reference 1992/091/S73, the use of premises is also controlled by way of a legal agreement, which restricts the use of the premises and the sale of certain goods from it. However, the clauses of this legal agreement do not specifically restrict the use of the premises as a gym. Due to this, provided the proposed use does not deviate from that of a gym, it is considered that a deed of variation would not be required in this case. However, in order to secure the use and ensure that the clauses of the legal agreement are not triggered, it is considered to be essential that a condition is imposed (if permission is granted) to restrict the premises and the permission to that of a use falling within Class E(d) uses only.

Conclusion

Overall, the proposal accords with the policy and is therefore considered to be acceptable.

RECOMMENDATION:

That having regard to the development plan and to all other material

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considerations, planning permission be **GRANTED** subject to the following conditions:

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Drawing No. 105 Location Plan and Site Plans
Drawing no. 104 Rev. A Proposed Elevations
Drawing No. 102 Rev. B Proposed Floor Plans

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

3. The unit outlined in red on Drawing No. 105 (Location Plan and Site Plans) shall only be used for purposes falling within Class E(d) of the Use Classes Order and for no other use.

Reason: In order to define the permission and to protect future use of premises in line with Section 52 agreement dated 28th November 1986 and deed of variation dated 23 June 1992

Informative

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.

Procedural matters

This application is being reported to the Planning Committee because the application falls outside the scheme of delegation to Officers.

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