



# Planning Committee

Wed 17 Jan  
2024  
7.00 pm

Council Chamber  
Town Hall  
Redditch

**REDDITCH** BOROUGH COUNCIL

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a  
difference*

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

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# ***GUIDANCE ON FACE TO FACE MEETINGS***

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If you have any questions regarding the agenda or attached papers, please do not hesitate to contact Gavin Day ([gavin.day@bromsgroveandredditch.gov.uk](mailto: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 15<sup>th</sup> January 2024) 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.

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.

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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](mailto:gavin.day@bromsgroveandredditch.gov.uk) before **12 noon on Monday 15<sup>th</sup> January 2024.**
- 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 15<sup>th</sup> January 2024.**
- 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](http://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, Democratic and Property Services, or Planning Officers, at the same address.

At the meeting, these Officers will normally be seated either side of the Chair, who will be seated at the front left-hand corner of the Committee table as viewed from the Public Gallery.



# Planning

Wednesday, 17th January,  
2024

7.00 pm

Council Chamber Town Hall

## Agenda

### Membership:

Cllrs:	Peter Fleming (Chair)	Chris Holz
	Imran Altaf (Vice-Chair)	Sid Khan
	Juma Begum	Anthony Lovell
	Andrew Fry	Timothy Pearman
	Bill Hartnett	

### 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 - 14)

### 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. 23/01154/FUL - Arrow Valley Park, Battens Drive, Redditch, B98 0LJ (Pages 15 - 18)

### 6. 23/01265/FUL - 8 Thornhill Road, North Moons Moat, Redditch, B98 9ND (Pages 19 - 24)

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## Planning Committee

Wednesday, 6th December,  
2023

### MINUTES

#### Present:

Councillor Peter Fleming (Chair), Councillor Imran Altaf (Vice-Chair) and Councillors Brandon Clayton, Sharon Harvey, Joanna Kane, Sid Khan, Emma Marshall and Kerrie Miles

#### Officers:

Amar Hussain, Helena Plant, Steve Edden, Rosie Paget and Emily Darby

#### Democratic Services Officers:

Gavin Day

#### 50. APOLOGIES

Apologies were received from Councillors Juma Begum, Bill Hartnett, Andy Fry, Tomothy Pearman, Chris Holz and Anthony Lovell, With Councillors Sharon Harvey, Joanna Kane, Kerrie Miles, Emma Marshall and Brandon Clayton in attendance as substitutes.

#### 51. DECLARATIONS OF INTEREST

Councillor Brandon Clayton declared an interest in respect of Agenda item 7 (minute No56), in that he expressed his opinion on the application during a forum and therefore could be considered pre-determined. He left the Meeting for the entirety of item and took no part in the debate or decision thereof.

#### 52. CONFIRMATION OF MINUTES

The minutes of the Planning Committee held on 8<sup>th</sup> November 2023 were presented to Members.

#### **RESOLVED that**

**The minutes of the Planning Committee held on 8<sup>th</sup> November 2023 were approved as true and accurate records and signed by the Chair.**

Chair

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## 53. UPDATE REPORTS

The Chair drew Members attention to the update report circulated to Members prior to the meeting.

Members indicated that they had sufficient time to read the report and were happy to proceed with the meeting.

## 54. 23/00387/S73 - DOROTHY TERRY HOUSE, EVESHAM ROAD, REDDITCH, B97 5EN

The application was reported to Planning Committee for determination because the application was a Section 73 application which concerned a major development being recommended for approval, as such the application fell outside the scheme of delegation to Officers.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 5 to 9 of the Site Plans and Presentations pack.

The application was for Dorothy Terry House, Evesham Road, Redditch B97 5EN and was a section 73 application which sought the amendment of Conditions 7 and 8 attached to the planning permission 2010/137/FUL.

Officers detailed the two Conditions which were to be amended by the application. Condition 7 was in relation to updating the plans list for the development and the change to Condition 8 sought to remove a restriction from the original development, Condition 8 stated that only those with a dementia diagnosis could take residency at the care home.

Officers further detailed that the application did not seek to change the C2 classification and would not prevent those with dementia taking residency, however, it would also permit those who fell within the C2 category who also had additional needs but without a Dementia Diagnosis.

There were no proposed alterations to the site which included car parking and the provision of a café, laundry and hair salon exclusively for use of those residents at the care home.

Officers sought delegated approval as an amended Section 106 Deed of Variation was required.

At the invitation of the Chair, Jamie Lindon-Lewis the applicant addressed the Committee in support of the application.



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Officers clarified the following points after questions from Members.

- Should approval be granted there would be no changes for those residing at Dorothy House as the C2 classification would still be valid.
- No additional support units were proposed, the application only sought to change those who would be permitted to use the care home.

Members then proceeded to debate the application.

Members expressed their support for local businesses and believed assistance should be given to ensure that they remained viable, Members further expressed the opinion that it would not cause any issues opening up the criteria to allow a wider range of people with additional needs to use the site. On being put to a vote it was.

**RESOLVED that**

**having had regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning, Regeneration and Leisure Services to grant planning permission subject to:-**

- a) The satisfactory completion of a deed of variation to the extant Section 106 planning obligation to an Extra Care Facility.**
- b) Conditions as detailed on pages 17 and 18 of the Public Reports pack.**

**55. 23/00940/FUL - BURNT MEADOW ROAD, MOONS MOAT  
NORTH INDUSTRIAL ESTATE, REDDITCH,  
WORCESTERSHIRE, B98 9HJ**

Officers drew Members to the contents of the Update Report.

The application was reported to Planning Committee for determination because the application was for major development (more than 1000 sq metres of new commercial / Industrial floorspace) and it required a Section 106 Agreement and as such the application fell outside the scheme of delegation to Officers.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 11 to 29 of the Site Plans and Presentations pack.

The application was for Honeywell, Burnt Meadow Road, North Moons Moat Industrial Estate, Redditch, Worcestershire, B98 9HJ and sought the partial demolition of existing building with the

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erection of 4 new buildings, parking, landscaping and ancillary works.

Officers drew Members attention to pages 12 and 13 of the Public Reports pack and detailed to Members the proposed changes on site.

Unit 2 identified on page 13 of the Site Plans and Presentations pack would be retained during the development with a slight extension to accommodate office space. Units 1, 3, 4 and 5 would be new units.

There were 3 Trees subject to a Tree Protection Order (TPO) on the site, all were mature oak specimens and their retention was sought and Conditioned under the application. Most of the tree screening especially along the north of the site would also be retained.

Officers detailed that the area was designated as local employment and there were no objections to the development subject to appropriate Conditions.

Officers clarified the following points after questions from Members.

- The nearest bus stop was next to the site and was serviced by the number 62 bus. A Section 106 contribution was requested by Worcestershire County Council (WCC) Highways, to support the local public transport provision.
- The parking provision was examined by WCC Highways, who had determined that there would be enough parking available to accommodate the units on site occupied at 100% capacity. There would also be Cycling and Electronic Vehicle Charging Points (ECPs).
- That the trees protected by TPOs would be safeguarded under Conditions 12 and 13. It was also detailed that additional trees would be planted to replace any other trees felled during the development.
- Page 19 of the Public Reports pack detailed a number of uses under B2 which would not be permitted under the development. The storage of hazardous materials would fall outside of a B2 use.
- An Air Quality Assessment was submitted dated April 2023, Worcestershire Regulatory Services (WRS) had no objections and welcomed the inclusion of ECPs.
- Condition 14 covered mitigation and enhancement measures, this needed to be approved by Officers and would ensure a bio-diversity gain for the development.

Members then debated the application.

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Members welcomed the Section 106 contribution to encourage the use and enhancement of public transport and were satisfied that the amount of parking on site would meet the needs of the development and not contribute to any issues with parking in the wider area.

On being put to a vote it was

**RESOLVED that**

**having had regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning, Regeneration and Leisure Services to grant planning permission subject to:-**

- a) **The satisfactory completion of an appropriate legal mechanism ensuring that contributions (up to a value of £19,500) were sought.**
- b) **Conditions as detailed on pages 28 to 33 of the Public Reports pack, with the revision to Condition 3 outlined on page 5 of the Update Reports pack.**

**56. 23/00966/FUL - AGRICULTURAL BARN AT MOORS LANE, FECKENHAM, WORCESTERSHIRE, B96 6JH**

Having declared an interest in this agenda item, Councillor Brandon Clayton retired from the Planning Committee and took no part in the debate or decision thereof.

The application was being reported to the Planning Committee because the application had resulted in a formal objection being received (which was not resolved through Officer negotiation) from a statutory consultee.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 31 to 40 of the Site Plans and Presentations pack.

The application was for the Agricultural Barn at Moors Lane, Feckenham, Worcestershire, B96 6JH and sought the demolition of the existing buildings and the erection of a new dwelling with associated works.

Officers detailed to Members the site location on page 32 of the Public Reports pack and its proximity to local residences along Moors Lane, which was identified as a bridleway.

The application sought to demolish two existing farm buildings at the site and replace them with a singular central dwelling, Officers

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detailed that there was an extant approved planning permission for the conversion of the existing buildings into a 3-bed dwelling. Officers further detailed that the new proposed dwelling would be a 5-bed dwelling and would be constructed with brick and weatherboard with a tiled roof.

Officers requested an additional Condition which required that the existing buildings be removed prior to commencement and an amendment to a condition to include an additional plan reference.

At the invitation of the Chair, the applicant Mr Richard Eost, addressed the Committee in support of the application.

Officers clarified the following points after questions from Members.

- the site was approximately half a mile from the main road and that there were no obvious dedicating passing points for vehicles apart from various site access points along its length.
- Moors lane was only adopted by WCC Highways for around a third of the distance to the site, therefore, the road maintenance was shared by the adjacent properties.
- That although there were fields immediately adjacent to the property, there were other properties before and after the site along Moors Lane.
- That there was a statutory consultee objection from WCC highways, which deemed the location unsustainable, this was also the position of the Council. However, as there was an accepted fallback position with the previously approved application, on balance the application was seen as acceptable by Officers.

Members then debated the application.

Members expressed a concern with the bridleway and how the property would be serviced especially in regard to refuse collection. It was detailed that the council owns a range of vehicles for different jobs/road Conditions and that the other properties along moors lane were being serviced.

Members were happy with the application in that when comparing it to the existing fallback position there was a reduction in the building footprint on the site, this enhanced the openness of the area and therefore supported the countryside policy.

On being put to a vote it was

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**RESOLVED that**

having had regard to the development plan and to all other material considerations, planning permission be **GRANTED** subject to:

- The Conditions as outlined on pages 44 to 47 of the Public Reports Pack
- an additional Condition and an amendment to a Condition as proposed by Officers regarding the demolition of the buildings as detailed in the preamble above.

The Meeting commenced at 7.02 pm  
and closed at 7.57 pm

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**PLANNING  
COMMITTEE**

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**Planning Application 23/01154/FUL****Installation of a Pump Track between existing BMX facility and Skate Park****Arrow Valley Park, Battens Drive, Redditch, B98 0LJ****Applicant: Mr Richard Hickman: Redditch Borough Council**  
**Ward: Winyates Ward****(see additional papers for site plan)**

The case officer of this application is Steven Edden, Principal Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: [steve.edden@bromsgroveandredditch.gov.uk](mailto:steve.edden@bromsgroveandredditch.gov.uk) for more information.

**Site Description**

The site forms part of Arrow Valley Country Park, which is located on the River Arrow and comprises 900 acres of open space and incorporates Arrow Valley Lake. The park was built by Redditch Development Corporation in the 1970's and is the largest of Redditch's parks and comprises a visitor centre with a café, sailing club, BMX facility, play area and waymarked trails. A number of car parks serve the park.

The site is located within the southern section of the park to the west of Icknield Street and is located between Redditch BMX Park (to the south) and Redditch Skate Park (to the north). Access is via Icknield Street, the B4497.

The site is a flat grassed space with the frontage having a bund and a low-level security barrier which would be relocated as part of the proposals.

**Proposal Description**

The proposed development comprises the construction of an asphalt pump track suitable for all wheeled sports. The footprint of the track would be 60m x 25m with a track length of 180m ridden one way. The track would be constructed into the existing landscape and would involve some levels changes varying between 0.4 to 1.4m.

The works would involve the importation of approximately 800 tonnes of base material to form the track. Your officers have been informed that the material would come from a national supplier and is likely to be sourced within 20 miles of the site arriving in 20-ton loads in the back of a lorry. It is anticipated that between 5 to 10 lorries a day would arrive at the site for the first week of the project. No materials from the existing park would be used. The areas of the track which would not have an asphalt surface would be landscaped with topsoil and seeded.

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The proposed site layout plan shows that hedgerow trees would be planted to both the front and the rear of the site consisting of Hawthorn, Blackthorn, Hazel, Field Maple, Dog Rose and Alder Buckthorn. The saplings would be protected by temporary guards. Part of the grassed area to the rear is to be planted with wildflowers.

A "Pump Track" is a purpose-built track for cycling with a continuous circuit of rollers, banked turns and features designed to be ridden by riders "pumping", generating momentum by up and down body movements eliminating the need to pedal. By riding a course in this particular way, it allows all wheeled-based users to exercise whilst developing balance. Bicycles, skateboards, scooters and roller blades can all be used on a pump track.

The applicant states that the project would be funded via monies collected via two extant Section 106 agreements together with a shortfall met by the Leisure Services budget.

The applicant states that the pump track would be an inclusive facility, accessible to everyone free of charge without time restrictions on its opening. The proposed pump track is stated to be suitable for users with all abilities.

### Relevant Policies:

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 13: Primarily Open Space

Policy 39: Built Environment

Policy 43: Leisure, Tourism and Abbey Stadium

#### **Others**

National Planning Policy Framework (2023)

### Relevant Planning History

None specifically relevant to this application

### Consultations

#### **WCC Highway Authority**

No objection. The Construction Environmental Management Plan (CEMP) submitted with the application is acceptable and fit for purpose.



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### **North Worcestershire Water Management**

The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. The EA's flood mapping also indicates that risk to the site from surface water flooding is minimal. Based on the available information there is no reason to withhold approval of this application on flood risk grounds and I do not deem it necessary to recommend attaching a drainage condition.

### **Public Consultation Response**

No representations received

### **Assessment of Proposal**

Arrow Valley Country Park is designated as Primarily Open Space (POS) on the Borough of Redditch Local Plan no. 4 (BoRLP4) proposals map and therefore Policy 13 of the BoRLP4 is most relevant when considering the principle of new development. The main aim of this policy is to ensure that designated POS is protected, and where appropriate, enhanced to improve its quality, value, multifunctionality and accessibility.

The aims of the project are to contribute towards providing visitors with an improved experience when using this much loved and well used park having regard to current and future demand and as such the proposals are considered to meet the aims of Policy 13. Furthermore, Policy 43 of the BoRLP4 supports proposals relating to leisure facilities provided they are located within a sustainable location (such as Arrow Valley Park).

The existing 80 car parking spaces which serve this part of Arrow Valley Park would be unaffected by the proposals aside from a block of 16 spaces which would be temporarily unavailable for the duration of the construction phase. This area is proposed to serve as a (temporary) site setup and contractor parking area. The four existing disabled parking spaces which are currently located in this area would need to be temporarily relocated to the northern part of the car parking area before returning to their existing location. On site car parking is considered to meet current and future demand for spaces. Worcestershire County Council Highways Authority have been consulted and raise no objections to the proposals which include a Construction Environmental Management Plan.

Policy 39 of the BoRLP4 requires development to contribute positively to the local character of the area commenting that areas should be designed to ensure they make places better for people and in this respect the proposals are considered to be acceptable.

In view of the sites location, the development is not considered to cause any adverse impact to residential amenity. No third-party representations have been received as a result of public consultation.

In conclusion, the proposals subject to this application are considered to improve the user experience of this important and highly valued leisure facility for the community.

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Given that no technical concerns have been raised by consultees, and being in accordance with the provisions of the Development Plan, it is recommended that planning permission is granted subject to the conditions set out below.

**RECOMMENDATION:**

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

**Conditions:**

- 1) The development 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:

P2232.114A - Site Location Plan and Access details 23 Nov 2023

P2232.120A - Layout Plan 23 Nov 2023

C & K Plan and Cross Sections 23 Nov 2023

Drainage details 23 Nov 2023

Construction Environment Management Plan and accompanying site plan dated 04 Jan 2024

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

**Procedural matters**

This application is being reported to the Planning Committee because the applicant is Redditch Borough Council. As such the application falls outside the scheme of delegation to Officers.

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**Planning Application 23/01265/FUL****Change of use of an Industrial unit to a Gymnasium, Martial Arts Studio and Café****8 Thornhill Road, North Moons Moat, Redditch, B98 9ND****Applicant: Mr Jordan Peters & Dr Joshua Hill**  
**Ward: Church Hill Ward****(see additional papers for site plan)**

The case officer of this application is Steven Edden, Principal Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: [steve.edden@bromsgroveandredditch.gov.uk](mailto:steve.edden@bromsgroveandredditch.gov.uk) for more information.

**Site Description**

The application site comprises an Industrial unit with 1267m<sup>2</sup> of floor space. The ground floor consists of an open plan commercial space along with toilets, office and cleaner's store. A much smaller first floor space consists of offices, toilets, kitchenette, store and plant room.

Parking exists to the front of the unit which is shared with other adjacent commercial units.

The site is located within the Moons Moat North Industrial Estate. The site and surrounding units fall within an area designated as a Primarily Employment Area on the Borough of Redditch Local Plan No.4 Policies Map. The unit is currently vacant and has been vacant for an unspecified period of time.

**Proposal Description**

This is an application for full planning [permission for the change of use of an Industrial unit (Current use Class B1, B2 and B8) to a gym, martial arts studio and Café, all of which fall within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended).

No external alterations are proposed to the building.

The applicant has stated that the gym opening times would be Monday to Friday 05:30 - 22:00hrs and Saturday to Sunday 08:00 - 20:00hrs. The Café opening times would be 07:30 - 20:00hrs daily.

The applicant states that the main open plan ground floor space would be used as the gym with the smaller ground floor space at the front of the property to be used as a café area. The first-floor office space would be used as a Martial Arts Studio with the smaller office rooms being used as consultation/treatment rooms.

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### 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

### Relevant Planning History

1988/635/FUL	Warehouse Use for Storage including painting of specialist furniture and ancillary offices	Granted	14.10.1988
1991/028/FUL	Alterations To Provide Additional Office Accommodation	Granted	01.03.1991

### Consultations

#### **Strategic Planning Team**

Comments summarised as follows:

The purpose of Borough of Redditch Local Plan Policy 24 is to ensure that there is a sufficient supply of employment land. Development will not be permitted where it would restrict the current or future use or development of Primarily Employment Areas (as defined on the Policies Map) for employment purposes.

Policy 24 identifies that non employment development will only be permitted when:  
i. such development would not cause or accentuate a significant shortage of land for employment use in the Borough or area concerned.

In terms of the above criteria, The Local Plan makes provision for 53.57ha of land to meet Redditch's employment needs until 2030. The gross internal space of this unit is 1,267sqm. The change of use of this unit would not be considered to cause or accentuate a significant shortage of employment land by virtue of its size relative to the overall supply and delivery of employment land. It is therefore considered that the requirements of Policy 24 part i have been met. Policy 24 does however require the criteria in both part i **and** either part ii or part iii to be fulfilled.

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Policy 24 identifies that non employment development will only be permitted when:  
ii. it is no longer viable as an employment area either following a period of unsuccessful marketing or undertaking a viability assessment. It is not clear how long the unit has been vacant for nor how long the unit has been marketed for employment use. An alternative to this would be to submit a viability assessment (no viability assessment has been submitted).

Part iii of Policy 24 comments that non employment development will only be permitted when 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.

In conclusion, whilst Policy 24 Criteria / Part i) is considered to be satisfied as the proposal would not create or accentuate a significant shortage of employment land, Policy 24 requires criteria / part i **and** criteria / parts ii or iii to be fulfilled. Further details would be required to determine the acceptability of the application in line with Policy 24.

### **WCC Highway Authority**

Comments summarised as follows:

No objections

It is noted that there are 43 parking spaces at the front of the property which are shared with the smaller adjacent units. The gym's busier times are likely to be before and after general working hours and therefore the carpark is not likely to be used by the adjacent units during these busy times. There is also a yard area at the back of the unit which would be utilised for additional parking solely for the application site.

Cycle storage is proposed at the front of the site for 12 cycles which would be acceptable. Staffing levels are proposed to be 2 full time staff.

Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable highways impact and therefore there are no justifiable grounds on which an objection on highway grounds could be maintained.

### **Public Consultation Response**

One representation has been received in objection to the application.

Comments are summarised as follows:

- The introduction of a gymnasium and cafe in this location would divert business away from the Redditch town centre, potentially undermining the vitality and economic well-being of our community. Maintaining a vibrant town centre is crucial for the overall

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health and sustainability of our town, and I believe approving this application could have detrimental effects on its future

- The proposal states that the development would only generate two full-time staff positions. Given the substantial size of the unit, I find it unreasonable to sacrifice such a large space that could otherwise be utilised for industrial purposes in an area zoned for such use. Preserving this area for industrial use would not only be more fitting for the scale of the site but also has the potential to create more substantial employment opportunities, contributing positively to our local economy

### Assessment of Proposal

The proposal is for a (Class E) Leisure Use with an associated (Class E) café use.

The National Planning Policy Framework (NPPF) defines these types of use as 'main town centre uses' and comments at paragraph 90 that planning policies and decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation.

Paragraph 91 of the framework sets out that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are neither in an existing centre and are not in accordance with an up-to-date Local Plan. Paragraph 91 goes on to say 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 Borough of Redditch Local Plan echoes this commenting that the Town Centre is the preferred location for leisure / eating establishment type uses.

The NPPF at paragraph 95 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 considerations in [NPPF para 94], 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 have been carried out.

There is no evidence to suggest 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 91 of the NPPF. The application site is undeniably in an out of centre location close to the administrative boundary with Bromsgrove District Council and has relatively poor public transport links.

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The proposal is therefore considered to be contrary to Policy 30 and 43 of the Borough of Redditch Local Plan and the provisions of the NPPF.

Policy 24 of the Local Plan clearly states that non employment development within designated employment areas will only be permitted when it meets criteria (i) and (ii) or criterion (iii)

- 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 0.265ha, which the Strategic Planning Team do not consider would cause or accentuate a significant shortage of employment land at this time.

In order to be compliant with criterion (ii) the Council requires a site to be appropriately marketed before alternative uses are considered to ensure that a site is genuinely redundant for its intended use or that a viability assessment be carried out. The applicant has provided no information to demonstrate that either of the requirements of criterion (ii) have been met.

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, it is considered that the application is contrary to Policy 24.

### Conclusion

To conclude, whilst the Council promotes and supports new and improved leisure uses within the Borough, as set out in Policy 30 and 43 and the NPPF this type of use is 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.

The applicant has not provided evidence of an unsuccessful and appropriate marketing period for this property to demonstrate that the unit is not viable or appropriate for employment use.

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Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Assessing this application on its merits, I concur with the objections received from the member of the public set out above and consider that the application fails to represent a policy compliant form of development. As such, the recommendation can only be one of refusal.

### **RECOMMENDATION:**

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

- 1) The applicant has failed to satisfy Paragraph 91 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 and eating establishment 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 Policies 19, 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 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.

### **Procedural matters**

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