

**Redditch Borough Council
Planning Committee**

**Committee Updates
9th November 2016**

2016/109/FUL Johnsons Cars Ltd, Clive Road

No Updates

2016/225/FUL Astwood Business Park, Astwood Lane

Members will be aware that this application was considered at Planning Committee on 12th October 2016. The application was deferred to allow Members to visit the site. The site visit took place on Friday 4th November 2016

Additional Information received following the meeting of 12th October 2016

Public Consultation Responses

One letter has been received objecting to the application

The letter makes the following comments:

- o We are the proprietors of TDS leisure, Ipsley Street, Mount Pleasant and are in the process of turning our Sports Hall into a Trampoline Park which will be opening February 2017.
- o Our site has the required D2 classification therefore no planning permission is required to change the use of the building.
- o The Park will be approximately 7,500-8,000 sq ft in size consisting of 5,000 sq ft of Trampoline/activity area which will hold 40 people at a time (per hour), suitable for children of all ages and adults too. The remaining 2,500 - 3,000 sq ft will be used for 2 Party rooms seating up to 25 children in each room; Downstairs Café; Large upstairs Gallery for adults to watch their children (seating approx 80 people); Drinks/ cold food counter in Gallery; Toilets; Reception area
- o The opening of our Trampoline Park will create at least 12 part time and 2 full time jobs.
- o Being situated on Ipsley street Mount Pleasant (behind Primark) we are only a few minutes' walk from the Bus Station, Train station and Taxi ranks which we feel is ideally located not just for Redditch residents, but also for the people of surrounding Towns and Villages.
- o We are confident that some of the local businesses will benefit from an increased number of people using our facility not to mention the parents, grandparents who are likely to pop into the Town Centre after visiting the us.
- o Opening a Trampoline Park on Ipsley Street will not cause any disruption to the surrounding area. You can walk to the site from the Town Centre and from the bus and train stations

The letter comments that TDS leisure, Ipsley Street is in a sustainable, central location unlike the site at the Astwood Business Park which is in the Green Belt and the countryside, only accessible by car. We object to this application for these reasons.

Consultee Responses

Redditch Borough Council Town Centre Co-ordinator

Comments summarised as follows:

Objections to the application on the following grounds:

From a Town Centre Strategy perspective I would not be able to support the Astwood Business Park application.

The National Planning Policy Framework at Paragraph 24 is concerned with the sequential approach to development. It requires applications for main town centre uses to 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.

The applicant has submitted a sequential assessment. I note that one of the sites evaluated is that described as Land Adjacent to Prospect Hill: ref 3.12 of the sequential assessment. This site is located within Redditch Town Centre and is part of a larger area outlined for redevelopment in the adopted Local Plan and emerging Local Plan 4 as well as the Council's Church Road SPD.

In LP3, the area is referred to as the North West Quadrant and is covered by Policy E(TCR).6. In LP4, the site forms part of the Town Centre Strategic Site and Policy 31 Regeneration for the Town Centre is of particular relevance.

Policy 31 identifies Church Road/North West Quadrant as "the preferred location for convenience and comparison retail as part of a mixed-use development also incorporating food and drink and leisure developments."

The applicant has discounted the site due to inadequate height and car parking, however I disagree with the assumptions that have been made. The site is cleared, so the height cannot be an issue and as it is in a highly sustainable location (with car parking close by) I don't believe this is an issue either.

I am aware that planning permission has recently been granted for an extension to the Redditch Youth and Community Centre, which enables the sports hall to be used as a trampoline park. From a town centre perspective, these proposals are greatly encouraged since they are likely to promote growth to the town centre economy in a highly sustainable location.

Further Officer comments

The applicant has asked your officers to amend the description of the development such that Class B8 (Storage and Distribution uses) would not be permitted to occupy the proposed building H.

The applicant has sought to amend the description of the application as stated at the top of Page 19 of the main agenda such that it now reads as follows to accommodate this minor change:

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.

On this point, your officers would wish to draw the attention of the Committee to the fact that

permitted development rights allow a B1 or B2 use to change to that of a B8 use without requiring planning permission where the floorspace to be changed does not exceed 500 square metres. Building H has a proposed floor area of 1,570 sqm and therefore it is quite possible that roughly a third of this building could be used for B8 purposes in the future without requiring planning consent. This matter does not require further analysis since it does not alter the reasons for refusal set out in the report.

The applicant has stated that in the case of an approval the applicant would accept a condition to restrict the use of Building G to a children's indoor play centre (including children's trampoline park) only and no other use falling within Class D2. This matter was discussed at the meeting of the 12th October 2016. Your officers would advise members that National Guidance contained within the NPPF comments that Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On this point, your officers would comment that the spirit of the Town and Country Planning (Use Classes) Order is to allow movement between one Assembly and Leisure (D2) use to another without the need to apply for planning permission. Your officers would therefore advise that it would not be reasonable to attach such a condition.

The applicant has now provided indicative internal images of the proposed trampoline park which will be available to view via the powerpoint presentation.

Members will note from the Council's Town Centre Co-ordinators' comments above, that a sequential assessment of alternative sites has now been carried out. Your officers have examined the findings of the report and concur with the comments of the Council's Town Centre Co-ordinator. The site described as Land Adjacent to Prospect Hill comprises part of the Town Centre Strategic Site where Policy 31 identifies this as the preferred location for convenience and comparison retail as part of a mixed-use development also incorporating food and drink and leisure developments. The site is in a highly sustainable location with car parking close by or which could be provided on-site. Your officers disagree with the assumptions that have been made with respect to the suitability of the site and do not believe that the site should have been discounted.

Planning permission has indeed recently been granted for an extension to the Redditch Youth and Community Centre (ref 2016/299), which enables the sports hall to be used as a trampoline park. This site is again in a highly sustainable location which demonstrates to your officers that such facilities can be located in more appropriate locations.

The recommendation remains that planning permission should be refused for the reasons set out below. Refusal reason 3 as set out on Page 31 of the main report has been amended to reflect the fact that a sequential test has now been carried out. The recommendation with 4 refusal reasons and informatives is set out in full below.

RECOMMENDATION:

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

- 1) The site is identified in the Development Plan for the area as falling within the Green Belt where there is a presumption against inappropriate development. In such an area, development is limited to that which is not inappropriate to a Green Belt and which would preserve its openness. The proposals do not meet any of the policy criteria in Paragraph 89

of the National Planning Policy Framework and as such the proposals would amount to inappropriate development, which by definition, is harmful to the Green Belt. The development would result in significant adverse visual harm to, and would reduce the openness of the Green Belt and would fail to comply with two of the 5 key purposes of the Green Belt, as set out under Paragraph 80 of the NPPF, which are to assist in safeguarding the countryside from encroachment and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. No very special circumstances exist or have been put forward to overcome the harm to the Green Belt. As such the proposal is considered to be contrary to Policy B(RA)1 of the adopted Borough of Redditch Local Plan No.3 and the provisions of the National Planning Policy Framework

- 2) The proposed development, located in the green belt, partly situated on a green field site, and shown as a landscaped area on previously approved plans, would be visually conspicuous and prominent when viewed from public vantage points thus constituting visual harm to the green belt and harm to the landscape character of the area, contrary to Policy CS.8 of the adopted Borough of Redditch Local Plan No.3. and the provisions of the National Planning Policy Framework
- 3) Paragraph 24 of the National Planning Policy Framework requires that a sequential test be applied to planning applications for main town centre uses that are not in an existing centre. The Council considers that the applicants sequential test has failed to identify that there are sequentially preferable site/s to the application site. The creation of a D2 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 CS7 of the adopted Borough of Redditch Local Plan No.3 and the provisions of the NPPF.
- 4) The proposed erection of Buildings G and H represents an unacceptable intensification of commercial uses and vehicle movements in an unsustainable rural location, where such uses would be more appropriately located in the Redditch Urban Area. The application would be contrary to sustainability principles and objectives contained within Policy CS.7 of the adopted Borough of Redditch Local Plan No.3. and the National Planning Policy Framework

Informatives

- 1) The development is hereby refused in accordance with the following drawings:

Appropriate references to be inserted here
- 2) The local planning authority is aware of the requirement in the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicants in a positive and proactive manner, seeking solutions to problems arising in relation to applications.

Council Officers and the applicant have met to discuss concerns raised by the local planning authority prior to the applications determination. The applicant considered that the proposals should be determined as submitted.

2016/237/FUL Bus Depot, Plymouth Road

No Updates

2016/238/FUL Bus Depot , Plymouth Road

Further Neighbours Comments received-

We have lived by the bus station for 30 years and have accepted the noise generated and have had no problems, but feel on this occasion, we must lodge an appeal, as to the siting of the bus wash and fuel tank, which are both close to the border of our property. With the added work which will be coming from the Church Road site, hence the application for an additional workshop bay, activity is going to increase, thereby causing extra noise and pollution. At present the existing bus wash and fuel tank is far enough away to have not caused any problems.

With the new location of the bus wash and fuel tank we are concerned about the noise levels generated, environmental issues, contamination and health issues from the fumes of diesel when buses are being filled etc etc. There is nothing known about the size of the fuel tank and the bus wash appears not to be enclosed within a building as it is at present, so the full impact and implications are not known.

Whilst we appreciate there is a business to be run, with a two acre site, is it necessary to place the fuel tank and bus wash so close to the boundary lines as to risk impacting the well being not only for ourselves but for the occupants of three of the six new properties [please study planning ref 2014/237/ful as to their proximity] when the south end of the site is bordered by either allotments or very long gardens, so would not impact anyone at all.

Regulatory Services – (Verbal) Aware that fuel tank and new wash are shown on the plan. Did not originally comment on the layout in general as the wash is/was contained within the building. No detail of either. Fuel tanks are covered by separate legislation in connection with fuel storage on sites and is covered by The Control of Pollution (Oil Storage) (England) Regulations 2001 . This ensures distances from boundaries and bunds enclosures as required. Satisfied that this is dealt with as above.

Regulatory Services would not normally request additional surveys as also note the levels around the site but new external wash in this location should have an appropriate Noise assessment carried out in accordance with BS4142 and conditions are applied appropriately as required.

Members will note the additional neighbour comments and further commentary from Regulatory Services. The applicant has already commissioned a noise assessment and subject to receipt of a noise assessment, no adverse results and a satisfactory response from regulatory services that the Recommendation being changed as follows:

RECOMMENDATION:

That subject to the receipt of a satisfactory noise survey that authority be Delegated to the Head of Planning and Regeneration Services to Grant Planning Permission subject to conditions and any further informatives.

Members should note that the reason for bringing the application to Committee as shown on their agenda pack is incorrect. Please see corrected reason below;

Procedural matters

This application is being reported to the Planning Committee because two or more objections have been received.

2016/283/FUL Unit 41A, Evesham Walk

No Updates

2016/285/FUL Lodge Stores, 17 Flyford Close

No Updates