

Planning Committee

Wed 10th Aug
2011
7pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

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Your main rights are set out below:-

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- Automatic right to inspect minutes of the Council and its Committees

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- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, most items of business before the Executive Committee are Key Decisions.
- Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:

www.redditchbc.gov.uk

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

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REDDITCH BOROUGH COUNCIL **PLANNING COMMITTEE**



GUIDANCE ON PUBLIC **SPEAKING**

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

in accordance with the running order detailed in this agenda (Applications for Planning Permission item) and updated by the separate Update report:

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

Speakers will be called in the order they have notified their interest in speaking to the Planning Officers (by the 4.00 p.m. deadline on the Friday before the meeting) and invited to the table or lecturn.

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

Notes:

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

Further assistance:

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

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

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

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

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

Chair

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

Running Order

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

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

Decisions

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

Members of the Public

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

Special Arrangements

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

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

Further Information

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

Fire/ Emergency instructions

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

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

Do Not stop to collect personal belongings.

Do Not use lifts.

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

The emergency Assembly Area is on Walter Stranz Square.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

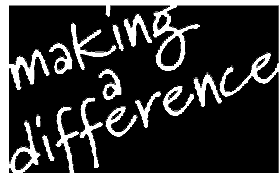
- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

and

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



PLANNING COMMITTEE

10th August 2011

7pm

Council Chamber, Town Hall

Agenda

Membership:

Cllrs: Michael Chalk (Chair) Bill Hartnett
 Roger Hill (Vice-Chair) Robin King
 Peter Anderson Wanda King
 Andrew Brazier Brenda Quinney
 Malcolm Hall

<p>1. Apologies</p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any interest they may have in the items on the Agenda.</p>
<p>3. Confirmation of Minutes (Pages 1 - 4)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 13th July 2011. (Minutes attached)</p>
<p>4. Planning Application 2011/087/FUL - Lowans Hill Farm, Brockhill Lane, Redditch (Pages 5 - 14) Head of Planning and Regeneration</p>	<p>To consider a Planning Application for the reconstruction of farmhouse building to create two dwellings and conversion of existing barns to create five dwellings, erection of garage buildings and stores. Applicant: Persimmon Homes South Midlands Ltd (Report attached – Site Plan under separate cover) (Batchley & Brockhill Ward)</p>
<p>5. Planning Application 2011/152/S73 - Homebase Ltd, Abbey Retain Park, Alvechurch Highway, Redditch (Pages 15 - 22) Head of Planning and Regeneration</p>	<p>To consider a Planning Application to vary Condition 5 of Planning Permission 2009/082/FUL, to allow retailing to the public from an approved mezzanine level. Applicant:: Essex County Council Pension Fund (Report attached – Site Plan under separate cover) (Abbey Ward)</p>

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<p>6. Planning Application 2011/177/OUT - Land east of Brockhill Lane, Redditch</p> <p>(Pages 23 - 38)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a mixed development of 171 dwellings, public open space and outline application for 4,738 square metres of Class B1 (Business) floorspace and access.</p> <p>Applicant: Persimmon Homes Ltd</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Batchley & Brockhill Ward)</p>
<p>7. Planning Application 2011/179/COU - Unit 14 New Meadow Road, Lakeside Industrial Estate, Redditch</p> <p>(Pages 39 - 42)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a change of use from B1 (Business Use) to A3 (Café Use).</p> <p>Applicant: Ms A Bennett</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Lodge Park Ward)</p>
<p>8. Planning Application 2011/185/FUL - Upper Floor adjacent Apollo Cinema, Kingfisher Square, Redditch</p> <p>(Pages 43 - 46)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for an external extension to the upper level of the existing Kingfisher Shopping Centre to provide 772 square metres of new retail floorspace (Use Class A3 – A5).</p> <p>Applicant: Scottish Widows PLC and Scottish Widows Unit Fund Ltd</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Central Ward)</p>
<p>9. Planning Application 2011/186/FUL - Land at Winyates Green Allotments, Furze Lane, Redditch</p> <p>(Pages 47 - 50)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Retrospective Planning Application for the installation of a portacabin.</p> <p>Applicant: Mr L Clarke</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Winyates Ward)</p>

10. Exclusion of the Public

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

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

These paragraphs are as follows:

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

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

may need to be considered as “exempt”.

11. Confidential Matters (if any)

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



Planning Committee

13th July 2011

MINUTES

Present:

Councillor Michael Chalk (Chair), Councillor Roger Hill (Vice-Chair) and Councillors Andrew Brazier, Wanda King, Juliet Brunner (substituting for Councillor Peter Anderson) and Alan Mason (substituting for Councillor Bill Hartnett)

Also Present:

M Collins (as a Standards Committee observer)

Officers:

S Edden, A Hussain and A Rutt and S Skinner

Committee Services Officer:

I Westmore

13. APOLOGIES

Apologies for absence were received on behalf of Councillors Peter Anderson, Malcolm Hall, Bill Hartnett, Robin King and Brenda Quinney.

14. DECLARATIONS OF INTEREST

Councillor Andrew Brazier declared a prejudicial interest in view of the fact that he had a pre-determined view in the application for prior approval 201/127/GDO (Highway verge at Green Lane, Callow Hill) as detailed at minute 17, below.

15. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 15th June 2011 be confirmed as a correct record and signed by the Chair.

.....
Chair

**16. PLANNING APPLICATION 2011/126/COU –
20 UNICORN HILL, REDDITCH**

Change of use at ground floor from offices to restaurant and hot food take-away; change of use at first floor from offices to 2 No. flats and restaurant; minor external alterations to building.

Applicant: Dr A Bandalli

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the conditions and informatives summarised in the main report and the additional condition and informatives as summarised below:-

Additional Condition

“5. Details of a refuse storage facility to be submitted.”

Additional informatives

- “3. No burning of materials on site.**
- 4. Lighting – standard information item.**
- 5. Drainage.**
- 6. Food premises licence required.”**

**17. APPLICATION FOR PRIOR APPROVAL 2011/127/GDO -
HIGHWAY VERGE AT GREEN LANE, CALLOW HILL**

15m monopole, equipment cabinet and ancillary apparatus

Applicant: Vodafone UK Ltd. and Telefonica O2 UK Ltd.

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

Ms R Campbell – objector

Ms A Massey – objector

Councillor Andrew Brazier (Ward Councillor, objecting on behalf of various residents).

RESOLVED that

having regard to the Development Plan and to all other material considerations, Prior Approval of the Local Planning Authority be REFUSED for the following reasons:

- “1) **The siting of the proposed installation would be in close proximity to a significant number of residential properties such that it would be likely to have an adverse effect on their amenity and outlook, as well as having the potential to give rise to the fear of negative health effects. As such, the proposal is considered to be contrary to PPG8 and Policy B(BE)13 of the Borough of Redditch Local Plan No.3.**
- 2) **Whilst a need for the development has been demonstrated, alternative sites are not considered to have been fully explored and it is considered likely that less harmful sites could be found that would still provide the required coverage. The proposal is therefore considered to be contrary to the requirements of the policy guidance contained within PPG8: Telecommunications.”**

(This decision was taken contrary to Officer recommendation for the reasons stated above.)

(Prior to consideration of this item, Councillor Andrew Brazier declared that, as a Ward Councillor for the area and representing the views of a number of local residents, he had a pre-determined view on this matter. He also withdrew from the meeting prior to the Committee’s debate on the matter.)

**18. PLANNING APPLICATION 2011/157/FUL –
1 HARTLEBURY CLOSE, CHURCH HILL**

First floor extension over existing garage

Applicant: Mr A Sifford

RESOLVED that

having regard to the Development Plan and to all other material considerations , Planning Permission be GRANTED, subject to the conditions and informatives as summarised in the main report.

The Meeting commenced at 7pm
and closed at 7.54pm

.....
CHAIR

REDDITCH BOROUGH COUNCIL**PLANNING
COMMITTEE**

10th August 2011

PLANNING APPLICATION 2011/087/FUL**RECONSTRUCTION OF FARMHOUSE BUILDING TO CREATE TWO
DWELLINGS AND CONVERSION OF EXISTING BARNs TO CREATE
FIVE DWELLINGS, ERECTION OF GARAGE BUILDINGS AND STORES****LOWANS HILL FARM, BROCKHILL LANE, REDDITCH****APPLICANT: PERSIMMON HOMES SOUTH MIDLANDS LTD**
EXPIRY DATE: 1ST JUNE 2011**WARD: BATCHLEY & BROCKHILL**

The author of this report is Ailith Rutt, Development Management Manager, who can be contacted on extension 3374
(e-mail: ailith.rutt@bromsgroveandredditch.gov.uk) for more information.

(See additional papers for Site Plan)

Site Description

Existing suite of historic farm buildings which appear to have been poorly maintained in recent times, but show evidence of use until recently, probably within 2-5 years. The buildings are 1-2 storeys, arranged around a courtyard and were originally designed for agricultural purposes such as animal housing, feed store and equipment storage.

Adjacent to these buildings is a site where a farmhouse stood until it was recently burnt down. Since its recent vacation, the site has been subject to vandalism and Anti Social Behaviour.

The site is accessed along an unmade track leading from Hewell Road adjacent to Lowans Farm Cottages, which front Hewell Road. The track leads uphill to the farm site and is bounded by hedgerows on both sides.

Proposal Description

The detailed plans associated with this application have been amended since the application was submitted, in order to address various comments raised by the Conservation Adviser. Therefore, this description of the proposal represents the proposed development, as amended, in order that it provides an accurate description for the purposes of consideration and determination.

The application proposes the conversion of the remaining farm buildings to five residential units and the erection of a pair of semi detached two storey dwellings in the location of the former farm house.

The four sides of the courtyard would each become a dwelling, and the detached cart shed would also be converted to a single dwelling. The courtyard area would be a surfaced area for vehicular and pedestrian access

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and includes parking arrangements for some of the dwellings. To the rear of the buildings, on the 'outside' of the courtyard, each dwelling would have a rear garden area adjacent to the agricultural fields that surround the site.

Two new timber car ports are proposed within the site. The barn to the east of the site would also be extended, on the northern side for a covered parking area and on the southern side a small single storey extension to form a utility room. This would be in place of what seems to have been a previous extension that no longer exists on the site.

Two plans showing access to the site have been submitted for consent. These show two alternatives. The first shows the existing access track from Hewell Road being improved to cater for the potential traffic movements, whereas the other shows how the site would be accessed if the adjacent residential development of the site to the south were to occur as proposed under planning application 2011/177/OUT, which can be found earlier on your agenda papers. It is the case that the application can be considered and determined on the basis of either the one arrangement or the other, and so effectively two possible accesses would be possible if permission were granted.

The application is supported by a Design & Access Statement, a climate change statement, a completed West Midlands sustainability checklist, a contaminated land phase 1 study, a drainage plan, a bat report and a landscape character assessment.

Relevant Key Policies

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

www.communities.gov.uk

www.wmra.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National Planning Policy

PPS1 (& accompanying documents) Delivering sustainable development

PPS3 Housing

PPS9 Biodiversity and geological conservation

PPG13 Transport

Regional Spatial Strategy

Whilst the RSS still exists and forms part of the Development Plan for Redditch, it does not contain any policies that are directly related to or relevant to this application proposal. Therefore, in light of recent indications at

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national level that such policy is likely to be abolished in the near future, it is not considered necessary to provide any detail at this point in relation to the RSS.

Worcestershire County Structure Plan

SD2	Care for the environment
SD4	Minimising the need to travel
T1	Location of development
T3	Managing car use
T4	Car parking
IMP1	Implementation of development

Borough of Redditch Local Plan No.3

CS7	Sustainable location of development
B(BE)11	Buildings of local interest
B(BE)13	Qualities of good design
B(BE)19	Green architecture
B(RA)3	Areas of development restraint
C(T)12	Parking standards
B(NE)1a	Trees, woodland and hedgerows

Supplementary Planning Guidance / Supplementary Planning Documents

Encouraging good design
Open space
Education
Designing for community safety

Other Relevant Corporate Plans and Strategies

Redditch Sustainable Community Strategy (SCS)

Local Plan Designations

The site includes land designated as an ADR (area of development restraint) and a very small quantity of Green Belt on the north eastern edge of the site.

The relevant policies seek to retain ADR land for development beyond April 2011 and to maintain the openness of the Green Belt.

Core Strategy Update

The Core Strategy along with other Local Development Framework documents will eventually replace the Local Plan. It has been published and consulted upon, and therefore counts as emerging policy to which some weight can be given in the decision making process. The current version is the 'revised preferred draft core strategy'.

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The Core Strategy contains objectives for the overall approach to development in the Borough up until 2026, as well as strategic policies. The policies that could be considered of relevance to this decision are:

- 4 Sustainable travel and accessibility
- 8 Housing provision
- 29 Brockhill East strategic site

Policy 29 includes a list of criteria which development on this site and others near it should meet in order for proposals to be considered favourably.

Relevant Site Planning History

Appn. no	Proposal	Decision	Date
2009/077/DEM	Demolition of former farmhouse and outbuildings	Refused	28/6/09

An application to the Department for Culture, Media & Sport (DCMS) for the buildings on this site to be added to the statutory list of buildings was being considered, and therefore the demolition was not considered acceptable due to the historic merit of retaining the built form. The application to the DCMS was denied, due to insufficient historic or local architectural merit, however the buildings will be considered when the local list is next reviewed and it is likely that they will be recommended for inclusion by Officers.

Public Consultation Responses**Responses in favour**

1 comment received raising the following points:

- Support the proposal in principle as reuse of vacant buildings
- Attention to detail should result in buildings worthy of inclusion on the local list
- Should add buildings to local list once development complete

Responses against

1 letter of objection has been received raising the following concerns:

- The access road would encroach into open space
- Barn owl information in support of the application is contradictory
- The nearest bus service is too infrequent for commuters and currently under threat of total cessation

Consultee Responses***Development Plans Team***

Confirm that the proposals are compliant with existing and emerging policy framework and note an over provision of parking relative to the standards in the local plan appendix

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Conservation Adviser

No objection to the amended scheme providing conditions are attached to ensure appropriate boundary walls and structural planting are agreed and implemented

Arboricultural Officer

No objection as proposal is appropriate and sympathetic in terms of tree works and planting proposals

Drainage Officer

No comments received

Landscape & Biodiversity Officer

No objection subject to conditions and informatives regarding nocturnal survey work

Leisure Services

No comments received

County Highway Network Control

No objection subject to conditions and informatives

County Education

No contribution required as sufficient capacity available in local schools

Worcestershire Regulatory Services: Environmental Health

No objection subject to conditions regarding hours of construction and informatives regarding burning on site

County Archaeologist

No objection subject to conditions ensuring that recording of the historic form of the buildings and site are completed to an agreed standard prior to occupation

Bromsgrove District Council

No objection

Crime Risk Manager

No objection

Severn Trent Water

No comments received

Worcestershire Wildlife Trust

No objection

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Procedural matters

This application is reported to Planning Committee for determination as it is recommended for approval subject to a planning obligation.

Assessment of proposal

The key issues for consideration in this case are as follows:

Principle

The site lies largely within the designated ADR, which is reserved for possible development beyond the 2011 plan period. Applications within ADR land should be considered under policies relating to development within the countryside, in order to protect ADR land for future development. Within the open countryside, the re-use of existing vacant buildings is considered to be appropriate both in terms of retaining and revitalising buildings of local historic interest and also in terms of sustainability. It is considered that the principle of residential development on this site is acceptable because of the proximity of the site to existing residential development and that proposed in the emerging core strategy. Within the core strategy, this site falls within an identified strategic site for residential development at Brockhill East where the evidence points towards a demand for further housing and that this is a sustainable and appropriate location for residential development.

Whilst some of the north eastern edge of the site falls within the Green Belt, there are no proposed structures to be built within it, and therefore the policy protection of the openness of the green belt would not be compromised as a result of this scheme. It is considered that the openness should be protected by the imposition of conditions preventing freestanding structures from being erected in the rear gardens through removing appropriate Permitted Development Rights.

Design and Layout

The conversion of the former farm buildings has been designed sympathetically so that their form, character and appearance would be protected as much as possible, through the retention of existing openings and keeping to a minimum the punching of new ones in the external walls of the building. The internal form and structure of the buildings would also be largely retained, leading to five different dwellings all designed to be in keeping with the existing historic built form on the site. Each of the five conversion properties would have a substantial private rear garden area, and the layout of the site has been designed so that each property would have its own identifiable parking areas, including visitor parking spaces. Each dwelling also has a cycle store/shed that is accessible from the access drive to the site. The conversion design is such that there would not be any overlooking between the properties.

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The new build pair of semis has been designed to reflect the appearance of the farmhouse that had previously stood on the site. Whilst it has been altered to some extent and the internal layout is different as the built form now provides a pair of semis rather than a single large dwelling, this is considered to be acceptable. Each of the semis would have four bedrooms with the accommodation arranged over three floors, including a small bedroom within the roof space. The bulk and massing of the building is not overly large or dominant for the site or its surroundings and would not result in a detrimental impact on the landscape character of the site or any longer vistas. Each dwelling would have sufficient amenity space and parking arrangements and are orientated and designed so that they do not cause any harmful impacts on surrounding residential amenities.

Therefore, both the conversions and the new build dwellings are considered to comply with the detailed policy requirements for dwellings and as such are considered to be acceptable in that regard.

Historic Environment

Due to the sensitive nature of the buildings to be converted and their historic interest, it is welcomed that minimal alterations are proposed to the external elevations of the buildings. In order to protect their historic integrity, it is recommended that Permitted Development Rights (PDRs) be removed so that porches, extensions and changes to the roofs cannot be carried out without first seeking planning consent. This can be ensured through the imposition of conditions.

The re-use of historic buildings of interest is both policy compliant and sustainable and it is therefore considered important to encourage such development proposals wherever possible, particularly where buildings are not in good repair.

Landscaping and trees

Some information has been provided in relation to the landscaping and tree works needed as part of this proposal, which is considered to be acceptable. The loss of natural planting has been kept to a practical minimum, with the perimeter hedging proposed to remain in place. However, it has been recommended that some structural planting be required through the imposition of a condition, to ensure that the impact on the landscape of the reuse of the site be minimised. Similarly, it is important to ensure that any boundary treatments between properties, dividing up what was the farmyard area, be of sympathetic design and materials. With this in place, it is considered that the natural environment would not be compromised as a result of the proposal.

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Highways and access

No objections in terms of access arrangements and safety have been raised and these are therefore considered to be acceptable. The proposal includes 28 parking spaces, which would equate to 2 spaces per dwelling and 2 visitor spaces per dwelling. Whilst this is significantly in excess of the standards set out in Appendix H of the Local Plan, given the unique nature and location of the site and the recent amendments to PPG13 to remove the 'maximum' nature of parking standards, this is considered acceptable in this case. The parking spaces have been set within the overall layout of the site in such a way that they are considered to be sympathetic to the setting of the buildings and easily identifiable to users of the site. Therefore, these elements of the proposal are considered to be acceptable.

Both the proposed access arrangements are considered to be acceptable and therefore both can be included within the recommendation below. This would result in both gaining consent, and then either could be implemented in the future depending on whether other developments in the vicinity occur.

Sustainability

The site is considered to be in a sustainable and easily accessible location and the re-use of existing buildings in preference to replacing them is also considered to be sustainable in nature. There are no further concerns with this proposal in this regard.

Planning Obligations

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation. Normally, the following would be required under the adopted policy framework:

- A contribution towards County education facilities in compliance with the SPD; and
- A contribution towards playing pitches and play areas in the area due to the increased demand/requirement from future residents in compliance with the SPD.

As there is capacity of places in the schools within the catchment area no education contribution is required in this case.

The applicant has agreed to provide the appropriate open space maintenance, play equipment and pitch provision contributions as detailed in the SPG.

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Conclusion

The proposal is considered to comply with the current and emerging planning policies that apply; it is thought to be unlikely to result in any adverse impacts to safety or amenity; it is considered to be an appropriate method of retaining buildings of local historic merit and is therefore considered to be acceptable.

Recommendation

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

- a) a planning obligation ensuring that the Council are paid appropriate contributions in relation to the development for pitches, play areas and open space provision in the locality to be provided and maintained; and**
- b) conditions and informatives as summarised below:**

Conditions

- 1. Time limit for commencement of development
- 2. PDRs removal
- 3. Historic building recording
- 4. Highways condition(s)
- 5. Structural planting
- 6. Boundary walls details
- 7. Hours of construction restriction
- 8. Materials to be submitted and agreed
- 9. External lighting supports details to be agreed
- 10. No development until remaining bat survey work has been agreed and completed
- 11. Approved plans specified

Informatives

- 1. Reason for approval
- 2. NB S106 attached to consent
- 3. Highway informatives
- 4. NB both access arrangements included in consideration and decision

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PLANNING APPLICATION 2011/152/S73

**APPLICATION TO VARY CONDITION 5 OF PLANNING PERMISSION REF.
2009/082/FUL TO ALLOW RETAILING TO THE PUBLIC FROM THE
APPROVED MEZZANINE LEVEL**

**HOMEBASE LTD, ABBEY RETAIL PARK, ALVECHURCH HIGHWAY
REDDITCH**

**APPLICANT: ESSEX COUNTY COUNCIL PENSION FUND
EXPIRY DATE: 3RD AUGUST 2011**

WARD: ABBEY

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

(See additional papers for Site Plan)

Site Description

The Homebase store forms part of the Abbey Retail Park within an overall site area of 1.22 hectares. It lies adjacent to the Alvechurch Highway, and is accessed from a roundabout where the highway meets Middlehouse Lane. The large rectangular building currently containing the Homebase store – (approximately 2908 m² with an additional 743 m² garden centre) also includes Argos to its southern end (933 m²). Beyond this building, further to the south, lies the Sainsbury's Store. The Homebase store, subject to this planning application is of brick and tile construction with a large, sparsely landscaped surface parking area to the Eastern side of the site.

To the west of the building is the service yard. Beyond this are residential properties which front onto Birmingham Road. Their rear gardens back onto the rear of the existing store.

It is a typical retail outlet, with a large parking area to its frontage, including trolley storage areas.

Proposal Description

This is an application to vary Condition 5 of planning permission ref: 2009/082/FUL to allow retailing to the public from an approved mezzanine level.

By way of background, the 2009 application above granted planning permission for the installation of 1,777 m² of new floor space at mezzanine level. The mezzanine floor space was to be distributed as follows:

1. Homebase 848 m²
2. 'New Unit' 929 m²
3. The unit currently occupied by Argos (formerly Allied Carpets) was not affected by the proposals.

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The mezzanine level approved under application 2009/082/FUL has yet to be implemented.

It should be noted that the 'New Unit' above is that which would sit between the Argos store to the south and Homebase to the north. The creation of this unit was approved under application 2008/352/CPL. A subsequent and more recently approved application 2011/084/S73 allows a Chemists/Opticians to operate from the premises. At the time of writing, the future occupier has yet to occupy this unit.

Condition 5 of planning permission ref. 2009/082/FUL states:

"The mezzanine area to the current Homebase store highlighted in a light yellow colour on drawing number 4376-37 (proposed first floor plan) shall be used for storage and display use ancillary to the main retail use of the store, and shall not be used for retailing to the general public."

The reason given for imposing the Condition was:

"In the interests of ensuring that the vitality and viability of the Town Centre is not prejudiced, in accordance with Planning Policy Statement 6 (Planning for Town Centres) and Policy E(TCR).1 of the Borough of Redditch Local Plan"

The applicant proposes to vary Condition 5 such that it would read:

"The floorspace hereby approved within the Homebase unit highlighted in a yellow colour shown on drawing number 4376-37 (proposed first floor plan: application 2009/082/FUL) shall be used for uses restricted to non-food retail as covered by Condition 3 (1988/242)"

Reason:

"In order to ensure that the vitality and viability of the Town Centre is not prejudiced, in accordance with Planning Policy Statement 4 (Planning for Sustainable Economic Growth) and Policy E(TCR).1 of the Borough of Redditch Local Plan"

As stated in the relevant planning history section later in this report, application 1988/242 is the original consent for the erection of D.I.Y unit, garden centre and non-food retail warehouse on the site.

If permission were to be granted under this application, only the 848 m² of mezzanine space (highlighted above) would be affected, since it is only this floorspace that is covered by Condition 5.

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Relevant Key Policies:

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

www.communities.gov.uk

www.redditchbc.gov.uk

National Planning Policy

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPG13 Transport

Borough of Redditch Local Plan No.3

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

The site is designated as part of a Primarily Employment Area within the Local Plan, which includes the whole retail park and some industrial and commercial units to the south of the site.

SPDs

Designing for Community Safety

Relevant Site Planning History

1988/242/FUL	Erection of D.I.Y unit, garden centre and non-food retail warehouse	Approved	02.06.1988
2008/352/CPL	Certificate of Lawfulness (proposed use) To confirm that the proposed occupation of a retail premises by a catalogue retailer is lawful	Approved	05.12.2008
2008/362/FUL	External alterations to building	Approved	07.01.2009
2009/082/FUL	Creation of 1777 sq m of floor space at mezzanine level	Approved	15.07.2009
2011/053/FUL	Partial widening of service road within service yard	Approved	01.04.2011
2011/084/S73	Variation of Condition 2 (1988/242) To allow additional goods and a Chemist /Optician to operate	Approved	26.05.2011

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Public Consultation Responses

None received

Consultee Responses***County Highway Network Control***

No objection

RBC Development Plans Section

Comments summarised as follows:

Insufficient evidence has been put forward to determine impact on the town centre and the sequential assessment to identify more central sustainable locations. In addition, the application fails to justify the loss of employment land.

RBC Economic Development Unit

Comments that although the subject property is on land zoned as a primarily employment area, it has not been used for employment use for a number of years. Given the surrounding uses, the property is very unlikely to attract an occupant for B1, B2 or B8 use, even if it was available, and is therefore unlikely to be used for employment use in the future.

Procedural matters

Where consultation responses received contradict the Officers recommendation, an application needs to be reported to the Planning Committee for determination. In this case, RBC Development Plans comments differ from those of the Case Officer.

Assessment of Proposal

The key issues for consideration are as follows:-

Employment designation of the site

Local Plan No.3 designates that the site falls within a wider area designated for employment purposes where Policy E(EMP).3 would apply. The site is already in use for retail purposes and has been for approximately 23 years since the buildings original use as a DIY centre. The adjacent unit was formerly occupied by Allied Carpets before more recently becoming an Argos store. An application in respect to the Unit created under the Certificate of Lawfulness application 2008/352/CPL will shortly see Boots the Chemist occupy the 929 m² 'middle' unit within the building. Further, Sainsbury's, where a huge range of goods are retailed to the public is situated a little further to the south. Sainsbury's have an extant consent to extend the store.

In practical terms, your Officers agree with the comments received from the Councils Economic Development Officer that there is little chance of this site ever returning to B1, B2 or B8 use since the building is a purpose built retail

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outlet. In addition it could be argued that an Industrial Employment user for example is unlikely to wish to locate near to a supermarket to the south and the residential development of Birmingham Road immediately to the west. Indeed, Policy E(EMP).3a warns about the incompatibility of different uses in close proximity to one another. Therefore, notwithstanding the sites employment designation in LP3, Officers consider that the lands (B1, B2 and B8) employment use has already been lost since the building already has established retail use.

Vitality and Viability of the Town Centre

Since the site is outside the Town Centre, the proposed development needs to be considered in terms of the policy tests set out in the national planning framework and in the Borough Local Plan. Planning Policy Statement 4 clearly states that *significant adverse impact* on the town centre would need to be demonstrated for an application to be refused planning permission. The applicant's retail offer is unlikely to compete adversely with any existing town centre units and therefore, any adverse impact is likely to be minimal rather than significant as would need to be the case under the terms of PPS.4. The mezzanine floorspace application granted in 2009 allows the retailer to display goods such as beds, kitchens, bathrooms to the general public, although physically paying for those goods would need to take place on the floor below. In practical terms, by varying the condition in the manner suggested by the applicant, day to day operational activity at the site would not change materially from that of the present situation.

Applying the Sequential Test

For such proposals, PPS.4 and Policy E(TCR).4 of LP3 require that applicants demonstrate (using the sequential test) that there are no more sequentially preferable sites nearer the town centre. However, the tests relating to the extension of an existing store are less rigorous and dependant on the floor area of the proposal. Officers have discussed the availability of sequentially preferable properties and sites with EDU Officers and have also had regard to PPS.4's requirement that sites and buildings are available or are likely to become immediately available in the interests of providing certainty to developers. Officers have concluded that there are no sequentially preferable sites or buildings suitable for the applicant's business model and therefore the applicant is considered to have complied with the policy requirements set out under PPS.4 and Policy E(TCR).4 of LP3.

Parking, access and highway safety

The existing car park contains 155 parking spaces, six of which are for disabled parking. Under the implementation of application 2009/082/FUL, the number of disabled parking bays will be increased to eight, and 16 cycle parking spaces will be introduced where none are provided at present. In order to accommodate these changes the overall car parking provision will be reduced by four spaces to 151 spaces.

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A transport assessment produced by the applicant's agent has concluded through surveys taken at the site that the maximum occupancy of the car park during a weekday would (if permission were granted for the proposals) increase from 44 to 78 spaces. The 151 space car park would therefore operate at just over 50% of its capacity during Monday to Friday.

The parking analysis summarised from the transport assessment indicates that for the weekend period, the busiest times are from 1100 hrs to 1200 hrs where parking accumulation would increase from 102 occupied spaces to a maximum of 145 occupied spaces as a result of the proposed development, falling short of the 151 space capacity. The surveys carried out show that parking accumulation would drop to 130 occupied spaces between 1200 hrs to 1300 hrs and to 100 occupied spaces between 1000 hrs to 1100 hrs on weekends.

A travel plan is required to be submitted (by condition) under the terms of extant planning application 2009/082/FUL in the interests of promoting sustainable travel habits. The pedestrian and vehicular circulation routes through and within the site are considered to be safe and direct and thus are beneficial to all users. The delivery arrangements would remain largely as existing. A partial widening of the existing service strip to the rear of the building (backing on to rear gardens to Birmingham Road) approved under application 2011/053/FUL which will improve service arrangements has yet to be implemented. County Highways raise no objections to the proposals in terms of their impact on highway safety.

Conclusion

The application site has no realistic chance of ever returning to employment class (B1, B2 and B8) use. Any impact upon the vitality and viability of the town centre in this case is likely to be considered minimal rather than significant and no sequentially preferable sites offering a floorspace requirement of 848 m² are considered to be readily available to meet the applicant's business model. As such, it is considered reasonable in this case to allow Condition 5 to be varied in the manner suggested below.

Recommendation

That having regard to the development plan and to all other material considerations, permission to vary Condition 5 (application 2009/082/FUL) be GRANTED subject to the imposition of the revised condition and summarised informatives below:

Revised Condition:

5. The floorspace hereby approved within the Homebase unit highlighted in a yellow colour shown on drawing number 4376-37 (proposed first floor plan: application 2009/082/FUL) shall be used for uses restricted to non-food retail as covered by Condition 3 (1988/242)

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Reason:

In order to ensure that the vitality and viability of the Town Centre is not prejudiced, in accordance with Planning Policy Statement 4 (Planning for Sustainable Economic Growth) and Policy E(TCR).1 of the Borough of Redditch Local Plan

Informative:

1. Reason for approval
2. All other relevant conditions attached to application 2009/082/FUL still apply to the implementation of this proposal.

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PLANNING APPLICATION 2011/177/OUT

MIXED USE DEVELOPMENT OF 171 DWELLINGS, PUBLIC OPEN SPACE AND OUTLINE APPLICATION FOR 4,738 SQUARE METRES OF CLASS B1 (BUSINESS) FLOORSPACE AND ACCESS

LAND EAST OF BROCKHILL LANE, REDDITCH, WORCESTERSHIRE

**APPLICANT: PERSIMMON HOMES LTD
EXPIRY DATE: 4TH OCTOBER 2011**

WARD: BATCHLEY & BROCKHILL

The author of this report is Ailith Rutt, Development Management Manager, who can be contacted on extension 3374

(e-mail: ailith.rutt@bromsgroveandredditch.gov.uk) for more information.

(See additional papers for Site Plan)

Site Description

The site consists of a large area of land which includes the following areas:

The area of land leading from the roundabout at the junction of Salters Lane, Brockhill Drive, Brockhill Lane and Hewell Road north and east where an access road has previously been granted planning permission to the south of the existing residential development at Wheelers Lane.

The area of land east of the access track that leads from Hewell Road to Lowans Hill Farm which includes the land rear of the existing industrial uses on Hewell Road.

Proposal Description

There are two distinct elements to this proposal:

- 1) The first is the full detailed application for 171 dwellings which would be accessed via the road leading from the roundabout, across the existing open space and then along leading eastwards and roughly parallel with the southern site boundary. The existing track to Lowans Hill Farm would be improved to provide access along the side of the open space corridor containing the Red Ditch. At approximately the mid point along the access road, a road leading north would join, and that road would be used to access the remainder of the housing. The housing would front the main access roads and the open space to the west of the site, and as such the layout incorporates rear parking areas and pedestrian routes which permeate the site. To the northern end of the site on the steeper slope between the proposed dwellings and the site of Lowans Hill Farm would be public open space provision.

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The dwellings would be a mix of 2, 3 and 4 bed units as follows:

Size	Private Market	Affordable	Totals
2 bed	8	34	42
3 bed	54	20	74
4 bed	49	6	55
	111	60	171

The dwellings proposed are similar in style and design to those on the adjacent recent Brockhill development at Oaklands. They are of brick and tile construction, and 2 – 2½ storeys in height, arranged in small blocks or detached. Around the periphery the dwellings face west across the open space towards the Oaklands, south onto the main spine road proposed and across the valley towards the town centre, and north onto the open space and up the hill towards Lowans Hill Farm. All the dwellings have street frontages. To the eastern boundary of the site, the dwellings face east beyond the site towards what is shown on the masterplan as future open space.

- 2) The second element is the outline application including access details for commercial development. Matters of appearance, landscaping, layout and scale are reserved for future consideration, and therefore only the principle of the use and the access details provided are to be considered here. The approximate location of the units is shown on the layout plan, as a result of the access details being provided.

The proposal is for B1 office/business uses to be located to the southern end of the site, along the boundary at the rear of the existing industrial occupiers. The main access road into the site would lie to the north of these units, with the residential accommodation beyond and further north. Access points from the main route into the site are shown, with an indication of how six buildings might be arranged with car parking around them to accommodate these uses, however these details are indicative only at this stage.

The application also includes the access details for these developments, which are the road layout, including the main spine roads and the roads that would serve the residential development.

A masterplan has been included within the application to demonstrate how this application could be Phase One of a larger development area which would include significantly more housing and a district centre including a school. However, the application for consideration here today could be built as a 'stand alone' housing development as it is a comprehensive scheme in its own right. Therefore, there should be no further consideration of further phases at this stage.

The application is supported by a design & access statement, a climate change statement, a Secured by design statement, an open space

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assessment, an affordable housing delivery plan, a statement of community involvement, a completed West Midlands sustainability checklist, a transport assessment, a residential and workplace travel plan, a flood risk assessment, a noise assessment, a landscape and visual appraisal, an ecological appraisal, a tree assessment, a contaminated land study and an archaeological assessment.

Relevant Key Policies

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

www.communities.gov.uk

www.wmra.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National Planning Policy

PPS1	(& accompanying documents) Delivering sustainable development
PPS3	Housing
PPS4	Planning for sustainable economic growth
PPS5	Planning for the historic environment
PPS7	Sustainable development in rural areas
PPS9	Biodiversity & geological conservation
PPG13	Transport
PPG17	Planning for open space, sport & recreation
PPG24	Planning and noise
PPS25	Development & flood risk

Regional Spatial Strategy

Whilst the RSS still exists and forms part of the Development Plan for Redditch, it does not contain any policies that are directly related to or relevant to this application proposal. Therefore, in light of recent indications at national level that such policy is likely to be abolished in the near future, it is not considered necessary to provide any detail at this point in relation to the RSS.

Worcestershire County Structure Plan

SD2	Care for the environment
SD4	Minimising the need to travel
D6	Affordable housing needs
T1	Location of development
T3	Managing car use
T4	Car parking
T10	Cycling and walking
RST4	Recreational walking routes
RST5	Recreational cycling routes

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IMP1 Implementation of development

Borough of Redditch Local Plan No.3

CS2	Care for the environment
CS5	Achieving balanced communities
CS6	Implementation of development
CS7	Sustainable location of development
CS8	Landscape character
S1	Designing our crime
B(HSG)5	Affordable housing
B(BE)13	Qualities of good design
B(BE)19	Green architecture
B(BE)28	Waste management
B(BE)29	Construction waste
B(NE)1a	Trees, woodland and hedgerows
B(NE)3	Wildlife corridors
B(RA)3	Areas of development restraint
L2	Education provision
E(EMP)6	North west Redditch master plan – employment
C(T)2	Road hierarchy
C(T)12	Parking standards
R1	Primarily open space
R3	Provision of informal unrestricted open space
R4	Provision and location of children's play areas

Supplementary Planning Guidance / Supplementary Planning Documents

Encouraging good design
Open Space
Education
Designing for community safety
Affordable housing

Other Relevant Corporate Plans and Strategies

Worcestershire Community Strategy (WCS)
Worcestershire Local Area Agreement (WLAA)
Worcestershire Local Transport Plan (WLTP)
Redditch Sustainable Community Strategy (SCS)

Local Plan Designations

The site includes land designated under 'IN67' for employment purposes, an area designated as an ADR (area of development restraint) and some Primarily Open Space.

The relevant policies seek to protect IN67 land for employment generating uses such as B1, B2 and B8; ADR land for residential development beyond April 2011 where it has been subject to a review in a Development Plan

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Document; and POS from most types of development under the criteria in Policy R1 of the Local Plan.

Core Strategy Update

The Core Strategy is the document that will eventually replace the local plan, and is currently working through the process towards adoption. It has been published and consulted upon, and therefore counts as emerging policy to which some weight can be given in the decision making process. The current version is the 'revised preferred draft core strategy' (January 2011).

The Core Strategy contains objectives for the overall approach to development in the Borough up until 2026, as well as strategic policies. The policies that could be considered of relevance to this decision are:

- 4 Sustainable travel and accessibility
- 8 Housing provision
- 9 Effective and efficient use of land
- 21 Historic environment
- 29 Brockhill East strategic site

Policy 29 includes a list of criteria which development on this site and others near it should meet in order for proposals to be considered favourably.

Relevant Site Planning History

Application reference	Description	Decision	Date
2011/054/OUT	171 dwellings fully detailed and outline B1 space	Refused	25 May 2011
2010/008/FUL	14 dwellings, open space and access road	Granted	21 April 2010
2009/103/FUL	14 dwellings, open space and access road	Refused	11 Aug 2009
2006/290/OUT	Mixed use A1 retail, B1a office and D1 nursery	Refused Part allowed (not A1 use) at appeal	14 Sep 2006 30 Nov 2007

Application 2011/054/OUT was for a very similar scheme to that proposed here however it also included some land designated as Primarily Open Space. It was refused for the following reason:

The proposed development would represent an intrusion into designated Primarily Open Space as designated within the Borough of Redditch Local Plan No.3. Policy R1 seeks to protect such

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designated land and the proposal would conflict with criteria i, ii, iii and v of this policy.

These policy criteria relate to the protection of Primarily Open Space for its environmental and amenity value, its recreational, conservation, wildlife, historical, visual and community amenity value, the contribution the site makes to the character and appearance of the area and the location, size and environmental quality of the site.

This application has been submitted to address this reason for refusal, following amendments to the proposed scheme.

Public Consultation Responses

Responses in favour

The **Barn Owl Trust** has commented that subject to conditions the development is acceptable from their perspective.

Responses against

88 letters of objection have been received raising the following concerns:

- No proven need for the development – there are existing vacant residential and commercial units in the town that should be brought back into use
- Site is unsustainable as it is not close to shops and services
- Approving this application would assume future approval of the masterplan and therefore the loss of Green Belt in the future
- Loss of Green Belt is unacceptable
- Minimal difference from previous application so should be refused for the same reason
- Other issues raised last time not addressed
- The link road along the edge of the open space has not been relocated
- The scheme is an average suburban scheme with insufficient sustainability features, no good design and no CHP scheme included
- Affordable housing is clustered together
- Affordable housing is not clustered together and should be
- Affordable housing should be for purchase not rent, to match the existing tenure patterns in the area
- Car parking areas are not overlooked
- Increase in highway safety issues on existing road network
- 5 arm roundabout will be a highway safety disaster
- The development would cause noise, light and air pollution
- Loss of hedgerows is unacceptable
- Insufficient infrastructure capacity
- Flooding will still occur
- Impact of carcasses from F&M not taken into account
- Inadequate parking provision for office accommodation likely to lead to parking overspill

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- Premature application as the core strategy is not yet adopted
- Developer/resident negotiations should take place first and developer should listen to local concerns

The last 4 points are not material considerations in the determination of this application and should therefore be discounted.

It should be noted that some of the representations stated that whilst they do not object to the principle of the development, some of the details are of concern, as noted above.

Whilst we have received 88 representations, they do not represent as many as 88 properties, as there are several cases where we have received more than one letter from the same address. There are also several letters that are identical and have been received from several different addresses..

Some anonymous representations have been made, however they are not reported here as they cannot be taken into consideration in the determination of this application.

Members of the Committee are reminded that it is the content of the representations and not the quantity that is a material consideration in the determination of this application.

Consultee Responses***County Highway Network Control***

No objections in relation to details of access/parking arrangements. Negotiations regarding the details relating to planning obligations are currently ongoing because the evidence of need for contributions towards off site highway improvements are marginal, and therefore more work is required in order to confirm this matter. Further information will therefore be provided on the Update paper in relation to these matters.

Worcestershire Regulatory Services Environmental Health

No objection subject to conditions and informatives including the provision of noise mitigation prior to occupation of any residential properties to protect residents from noise from the adjacent power station.

Drainage Officer

No objections subject to conditions and informatives.

Economic Development Unit

Support the proposals as they would work towards meeting the identified needs of the Borough in employment terms.

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Development Plans

Confirm that the proposals are largely compliant with existing and emerging policy framework and raise a few minor issues that are dealt with separately.

Biodiversity Officer

No objections subject to mitigation measures being implemented.

Tree and Landscape Officer

Broadly in support of proposals, subject to additional recommendations which could be addressed through the imposition of conditions.

Leisure Team

No objections

Housing Officer

The tenure type, the mix of sizes of dwellings proposed for affordable provision comply with the requirements of the current housing policies and therefore would go some way towards meeting the identified local housing need in this area and so housing officers are able to support this scheme.

Waste Management Team

No objection subject to the provision of litter and dog bins on primary paths which can be dealt with through the imposition of conditions and via clauses in the planning obligation.

County Education Officer

No objection subject to clauses within the planning obligation as proposed by the applicant. Confirmation that capacity in local schools exists for this site, but not sufficient to cater for any further phases of development in this area. Therefore, it is suggested that contributions be sought towards the provision of a new school on a later phase, rather than in relation to places that would be needed by the development. This has been included within the draft planning obligation.

County Archaeology

No objection subject to a condition requiring the recording of the Iron Age enclosure found on the site prior to the commencement of any development.

Crime Risk Manager

No objection subject to the imposition of conditions regarding secured by design and agreement of details of the access and gating arrangements.

Worcestershire Wildlife Trust

Welcome design features that encourage biodiversity and so raise no objections subject to conditions to ensure their full implementation and the enhancement of biodiversity opportunities on the site.

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Severn Trent Water

No objection subject to a condition regarding drainage details and an informative regarding the protection of on site sewers.

Environment Agency

No objection subject to agreement and implementation of mitigation measures.

Bromsgrove District Council

No comments received

Health and Safety Executive

No comments to make – scheme not of sufficient size to be considered.

Procedural Matters

This application is reported to Planning Committee for determination because it is a major application recommended for approval, because it has a planning obligation requirement and because more than two letters of objection have been received.

Assessment of Proposal

The assessment section of this report has been split into two sections below, one to deal with the detailed residential element of the application and one to deal with the outline business element. A section at the end will conclude comprehensively.

Detailed Residential Proposal

Principle

The residential element of the proposal is located within an area designated within Local Plan 3 as an ADR and as such the site is protected for potential residential development to meet local needs beyond the end of the plan period, subject to consideration in a Development Plan Document. The emerging core strategy identifies this site and other land around it as a sustainable location for mixed use development including residential to meet local needs and thus considers it a strategic site. It also identifies a local housing need.

The other evidence that has been compiled to inform the compilation of the core strategy has also identified a need for residential development and that a development of this size would be required in order for the Borough's housing land supply to be met. The residential development potential at this site contributes towards the Council's five year land supply.

Therefore, it is considered that the principle of the development of this site for residential purposes accords with both the current and the emerging local policy framework and consideration of the details follows.

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Affordable Housing

The previous approval of 14 residential units on the adjacent site fell below the threshold at which affordable housing provision is sought (15 units) and thus did not contribute to the Borough stock. However, it was noted that should further development come forward on the adjacent site (i.e. this application site) that the previous consent should be taken into consideration when determining the quantum of affordable housing provided on the site.

Therefore, the 171 units proposed here and the 14 already approved have been added together, before establishing the 40% policy requirement of 74 units. These will largely be provided across the current application site, although all of the 14 units previously approved will now be provided as affordable housing as part of this development and the remaining 60 be located within this site. This is considered to be an appropriate approach, as it takes a holistic view of the two sites together, which are in the same control, in order that the Borough as a whole benefits from the full provision in accordance with policy requirements.

Open space, play and recreation

The open space shown on site is greater in area than the policy requirement and includes some informal equipped play. It is noted that it is the intention of the applicant to transfer the open space to the Council for future maintenance, with a commuted sum towards the maintenance costs and the provision of play equipment. This also complies with the policies set out in the SPD and the identified local need.

It is likely that if further development phases were to occur as per the proposed masterplan and emerging Strategic Site policy, playing pitches would be provided in the vicinity of the current application site as the demand for them would rise to a sufficient level that their provision would be required.

The only designated Primarily Open Space included within this application lies to the south west of the site. It is the triangular area facing the roundabout. The only proposed development within it is the access road that has already been granted planning permission and therefore this application represents no further loss of open space. The residential development proposed in this application is located entirely within the designated ADR.

Design and layout

The design and appearance of the proposed dwellings is similar in style, materials, bulk, massing and size to those of adjacent residential estates at Brockhill further to the west, particularly the recent Oaklands development. It is therefore considered that the overall character of the proposed residential development would be appropriate to the surrounding developments in the area.

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The layout of the proposed dwellings is such that each property would have sufficient amenity space and separation to meet the adopted standards. Therefore there are no concerns regarding overlooking, loss of light, privacy etc between the proposed dwellings.

Both the layout and the design of the dwellings is sympathetic to the topography of the site, such that taller buildings are further down the slope and therefore the overall impact in landscape terms is considered to be appropriate and acceptable.

The crime risk manager has indicated that the design and the features such as boundary treatments are such that the site would be secure and it is recommended that the conditions are imposed as advised. It is therefore considered that the proposals would not result in any features that would increase crime or safety issues, and that it complies with the policy framework.

The design and location of development is such that it would be unlikely to result in any noise, light or air pollution and there have been no objections on these grounds from environmental health officers when commenting on the proposals.

Landscaping and trees

There is minimal existing planting on the site currently, with the exception of some hedgerows that form field boundaries. These are retained in the form and layout of the proposed new development. The survey of the site and the proposals are considered to be acceptable and the new development proposed includes significant additional trees, including tree-lined avenues along the main thoroughfares.

Highways, parking and access

The highways engineers have raised no objections to the layout and parking arrangements proposed and as such these are considered to be acceptable. The application proposes two spaces per dwelling, which is above the standards for the smaller units, but meets the standards for the larger units. Now that standards are for guidance only, due to the recent change in PPG13 which removed the concept of maximum standards.

Due to the significant size and nature of the proposal, the County Highway Officer is also advising on the impact of the proposed development on the wider highway network, in order that appropriate requirements can be included in the planning obligation. It is likely that contributions towards the upgrading of existing junctions near the site would be required in order to mitigate any potential harm caused by the additional traffic flows in the area generated by the new development.

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The applicant has indicated a willingness to provide contributions towards upgrading the Hewell Road roundabout outside the swimming pool and the Birmingham Road/Windsor Road junction adjacent the railway bridge. The applicant also proposes to put some money in a bond for a set period in case it becomes apparent that further highway measures such as adding double yellow lines or other road markings are required once the development is implemented. The bond would then be used to pay for such identified works. Negotiations between the applicant and the County Council continue and further details will be reported in the Update paper.

The main spine route shown proposed through the site, which would access both the residential and B1 elements of the proposal, would be considered as a local distributor road. The Local Plan policies seek to ensure that such roads do not include individual residential driveways and industrial/commercial access points from these roads where they serve more than 150 dwellings, however in this case the Highways Officer has advised that it is considered to be acceptable because the design policies of the Local Plan have been superseded by the national guidance contained within Manual For Streets 1&2. Further, the number of accesses off the main spine route has been minimised through the design process such that each residential access serves several properties, and similarly one of the B1 accesses is to serve several units. There is therefore not perceived to be any likely harm to highway safety from the proposed design, and the junctions all meet the required specifications.

The applicant has also agreed to enter into a bond (for a specified period) to be used for any future unanticipated highway works such as the addition of double yellow lines, in case of need. This is dealt with in the planning obligation section below, and remains under discussion.

It is not considered that the location of an access road adjacent to, but not intruding into, the designated open space would cause any harm to the amenity value of the open space. This road accesses residential properties, but does not show any continuation that could link in the future to other sites, and therefore previous issues about its future extension no longer apply.

Sustainability

Due to the increasing standards demanded through the Building Control regulations separate from the planning process, it is anticipated that this development would be implemented to a highly sustainable standard, if consent is granted. The supporting information indicates that in most areas the proposal is to a good standard of sustainability, and that every dwelling would have features such as water butts, compost bins and secure cycle storage. Building regulations will further require sustainability features to be integrated into the buildings.

Planning Obligation

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

- A contribution towards County education facilities would normally be required in relation to the private market housing proposed; and
- A contribution towards playing pitches, play areas and open space in the area due to the increased demand/requirement from future residents is required in compliance with the SPG; and
- The proposal would also require that 40% of the dwellings be provided as affordable units for social housing in line with SPD policy and their retention for this purpose in perpetuity.

However, in this case, the issues are slightly different, as noted under the separate headings above. Therefore, in this case, the planning obligation as proposed would seek the following:

- A contribution towards a future school in the area and a time limit for return of unspent funds; and
- The transfer of the on-site open space to Council ownership with a commuted sum for ongoing maintenance; and
- A contribution towards play equipment; and
- 74 residential units to be provided as affordable housing and retained as such in perpetuity; and
- Highways matters as agreed with County colleagues.

An agreement has been drafted with input from the applicant's and the Council's solicitor on this basis, however some matters of detail are not yet agreed at the time of writing, as noted above.

Outline Business Proposal

The location of the B1 units proposed falls within the IN67 designation within Local Plan 3, which is designated for B1 (business), B2 (general industrial) and B8 (storage and distribution) uses. Both the Local Plan and the evidence base for the emerging core strategy identify a need for this type of development and an appropriateness to site it in this location. As such, the principle of the B1 units proposed in this location is considered to be acceptable.

There are no concerns raised by the Highways Officer in relation to the access road and the access points leading from it to the B1 locations, and therefore there are no concerns raised regarding access and safety. Matters

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of pedestrian/cycle access and parking requirements would be dealt with under the detailed layout provided in a future application and so are not of concern here. The adjacent highway is of a suitable standard that it could support a future bus service which might assist in accessing the site sustainably, however bus service provision is not a matter that can be controlled through the planning arena.

Other Issues

Matters of scale, appearance, layout and landscaping are reserved for a future application where such details would be provided and considered under the policy framework at that time. There are no planning obligation requirements directly related to the business element of the proposal, although the highway works required clearly relate to the proposed development as a whole and the likely volume of traffic and trips generated.

Linked Issues

The policy framework identified the need for the B1 units within the plan period 2006-2011 on site IN67, however the residential development of the ADR land was not required until after that plan period. Due to the timing of this application beyond the beginning of 2011, and therefore the current local plan period, it is not considered necessary to require that the B1 units be provided ahead of the residential development as the need for the residential element of the proposals here is as current as that for the B1 uses. In fact, the residential development and resultant implementation of the spine road would make the use of the IN67 land for employment uses more likely and thus to some extent the residential development could be seen as enabling the potential employment uses to come forward.

The regulations require a time limit for commencement of development to be attached to a planning consent, and also, where reserved matters are involved, that a time limit for the submission of further details be attached. In this case, two linked conditions are recommended, to cover the full residential element of the proposal and also the outline B1 elements, such that the residential should commence within the usual three years from granting of consent, and that the B1 element cannot commence until the relevant outstanding reserved matters have been granted and that these should be submitted within three years of the consent being granted and implemented within five years. This reflects the usual standard conditions, but combines them appropriately for the nature of this application.

Conclusion

It is acknowledged that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, it is considered necessary to place weight on the emerging core strategy as well as the local plan.

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In consideration of all the above matters, it is therefore considered that the proposal complies with the relevant local and national planning policy framework (including the draft national planning policy framework document) and would be unlikely to cause harm to interests of amenity or safety, providing sufficient conditions are imposed.

Recommendation

Officers are seeking an either/or resolution from Members in this case as follows, in that Officers would carry out whichever of the two recommendations below applied:

Either:

1. **That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Regeneration to GRANT planning permission subject to:**
 - a) **a planning obligation ensuring that**
 - **On site open space is provided and maintained in perpetuity; and**
 - **A contribution towards equipped play facilities is paid to the Council; and**
 - **74 residential units are for the provision of social housing in perpetuity; and**
 - **A financial contribution is paid to the County Council towards the future provision of a school in the vicinity of the site; and**
 - **A contribution towards off site highway improvements is provided to the County Council as agreed; and**
 - and**
 - b) **conditions and informatives as summarised below:**

Conditions

1. Development to commence within three years
2. Development to occur only once all reserved matters approved for the part of the site being developed
3. Reserved matters – define and require submission within five years
4. Materials to be agreed
5. Landscaping – what further details required and when to be implemented
6. Tree protection and mitigation
7. Litter and dog bin provision
8. Secured by design
9. Drainage as per STW request – implement agreed mitigation

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10. As requested by highways
11. As requested by WRS
12. Implementation of appraisals and assessments in full
13. Recording of Iron Age enclosure prior to commencement of development
14. Approved plans specified
15. Marketing strategy for B1 uses to be agreed and implemented.
16. Gate/access details to be agreed
17. Biodiversity enhancement opportunities to be maximised
18. As requested by EA – mitigation work to be agreed and implemented

Informatives

1. Reason for approval
2. Note that there is a S106 agreement attached
3. Secured by Design
4. Drainage info
5. Highways info
6. Environmental health info

Or:

2. **In the event that the planning obligation cannot be completed by 3rd October 2011, Members are asked to delegate authority to the Head of Planning & Regeneration to refuse the application on the basis that without the planning obligation the proposed development would be contrary to policy and therefore unacceptable due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements, and that none of the dwellings could be restricted to use for affordable housing in line with current policy requirements.**

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PLANNING APPLICATION 2011/179/COU

CHANGE OF USE FROM B1 (BUSINESS USE) TO A3 (CAFE USE)

UNIT 14 NEW MEADOW ROAD, LAKESIDE INDUSTRIAL ESTATE REDDITCH

APPLICANT: MS A BENNETT
EXPIRY DATE: 31ST AUGUST 2011

WARD: LODGE PARK

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

(See additional papers for Site Plan)

Site Description

The site is located in a Primarily Employment Area within the Lakeside Industrial Estate. The premises are one of many modern glazed and metal clad Industrial Units, accessed off New Meadow Road. The existing unit is unoccupied and has been on the Councils (Economic Development) computer database since August 2010. The unit was formerly occupied by a B1 (Business use). A large number of (shared) car parking spaces are provided within this complex of units. Unit 14 measures 98 square metres in area.

Proposal Description

This is a full application for the change of use of this vacant B1 unit to an A3 use. The applicant has specified in this case that the unit would be used as a Café. The Town and County Planning (Use Classes) Order 1987 as amended also states that restaurant uses fall under the A3 category of the order which is sought under the application. No details have been submitted regarding a likely menu of foods which would be sold to customers at the unit although floor plans have been submitted which show that the existing toilets to the rear of the unit would be retained and that the servery and cooking area would be located to the northern side of the unit. Tables and chairs would be accommodated within the remainder of the available floorspace (26 covers / place settings). Access to the Café would be via the existing set of double doors facing towards the communal car parking area to the east.

Relevant Key Policies:

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

www.communities.gov.uk

www.redditchbc.gov.uk

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National Planning Policy

PPS4 Planning for Sustainable Economic Growth

Borough of Redditch Local Plan No.3

CS.7 The Sustainable Location of Development
E(EMP).3 Primarily Employment Areas
C(T).12 Parking Standards
S1 Designing out crime

SPDs

Designing for community safety

Relevant Site Planning History

None relevant to Unit 14

Adjacent unit (Unit 8)

2011/077/COU Change of Use from B2 to D2 (Boxing Club)
approved 04.05.2011

Public Consultation Responses

None received

Consultee Responses

County Highway Network Control

No objection

Worcestershire Regulatory Services

No objection. To protect nearby amenities, recommends the imposition of a condition in the event of planning permission being granted in respect to a scheme of odour control being submitted to the LPA prior to development commencing

RBC Development Plans Section

Comments awaited

Police Crime Risk Manager

Comments awaited

RBC Economic Development Unit

Comments that the unit is currently vacant and that the property has been on the Council's EDU database since 27th August 2010

Procedural matters

All applications for Class A3 use are reported to Planning Committee for determination.

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Assessment of Proposal

The key issue for consideration in this case is the principle of change of use.

Principle of Change of Use

The site is within an area designated as a Primarily Employment Area in the Borough of Redditch Local Plan No.3 where the primary aim of Policy E(EMP).3 of Local Plan No.3 is to maintain uses within Classes B1 (Business), B2 (General Industry) or B8 (Storage or distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and to safeguard employment land.

The change of use of this unit to an A3 (Café and Restaurant) use within the Town and Country Planning (Use Classes) Order 1987 (as amended) is therefore at odds with the aims and objectives of Policy E(EMP).3 of Local Plan No.3.

The above policy states that non-employment development within Primarily Employment Areas will only be considered where it can be demonstrated that the loss of the site will not have an unacceptable loss on the supply of employment land within the Borough and that the use is compatible with the use of adjacent land for employment purposes. It should also be demonstrated that the site is not capable of being developed for employment use. No such evidence has been advanced with this application. Notwithstanding application 2011/077/COU as detailed earlier in this report, where planning permission for a non-employment use was granted earlier this year against the advice of your Officers, the majority of units in this area are in employment use. Whilst the unit is currently vacant, it appeared on the Councils vacant units database as recently as August 2010 and therefore Officers do not consider that the unit could not be let to an employment user (falling within the B1, B2 or B8 category) in the future. The proposal is therefore in the opinion of your officers to be in conflict with adopted Policy E(EMP).3 of Local Plan No.3.

Policy CS.7 of the Borough of Redditch Local Plan No.3 states that uses that attract a lot of people will be directed to the Town Centre. The proposed development, being one such use would be ideally suited to a Town Centre site rather than an out of centre location such as the application site, which has relatively poor public transport links. The proposal is therefore considered to be unsustainably located having regard to that Policy.

Conclusion

Your Officers consider that this proposal should be resisted in the interests of protecting employment land within the Borough. Such uses should be located within or on the periphery of the Town Centre and the application on this basis is recommended for refusal.

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Recommendation

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

1. The proposed change of use to A3 would result in a loss of land designated for employment (B1, B2, B8) purposes. In the absence of any justification for this loss, the proposal is considered to be harmful to the employment land supply of the Borough and therefore contrary to Policy E(EMP).3 of the Borough of Redditch Local Plan No.3.
2. The creation of an A3 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 CS.7 of the Borough of Redditch Local Plan No.3.

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PLANNING APPLICATION 2011/185/FUL

EXTERNAL EXTENSION TO UPPER LEVEL OF EXISTING KINGFISHER SHOPPING CENTRE TO PROVIDE 772 SQ.M OF NEW RETAIL FLOORSPACE (USE CLASS A3 - A5)

UPPER FLOOR ADJACENT CINEMA, KINGFISHER SQUARE, REDDITCH

APPLICANT: SCOTTISH WIDOWS PLC & SCOTTISH WIDOWS UNIT FUND LTD

EXPIRY DATE: 1ST SEPTEMBER 2011

WARD: CENTRAL

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

(See additional papers for Site Plan)

Site Description

The site currently forms a flat roof at the rear of the cinema at the upper level of the bus station. It is also the location for mechanical and electrical equipment that serves some of the malls and existing tenants. The area is screened from view by the provision of 2m high louvre screen walls to the flat roof area.

Proposal Description

This is a full application for an external alteration to the upper floor of the Kingfisher Shopping Centre to provide 772 square metres of restaurant / take-away floorspace. Plans submitted indicate that the area would split to form two restaurant areas. Internal arrangements would be finalised once tenants have committed to occupying the space. Externally, the adjacent flat roof areas behind the louvre screens would be used for the relocated existing and new mechanical and electrical plant. Access for the public and staff alike would be via the existing Atrium and escalator that serves this and the three lower levels. The entrance to the restaurants would be immediately opposite that of the entrance to the Apollo cinema. The close proximity of the cinema is intended both to complement the existing offer and to increase dwell time of the visitors to the centre. Servicing for the units would be from Izod Street which is accessed directly off the Ring Road. Izod Street is the dedicated service area that currently serves the existing tenants in this part of the centre. The roof for the proposed development would be in curved profile metal sheeting with metallic silver cladding (walls) below. This would match with the existing built development.

Relevant Key Policies:

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the

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legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk

www.redditchbc.gov.uk

National Planning Policy

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth

Borough of Redditch Local Plan No.3

CS.7 The Sustainable Location of Development
E(TCR).1 Vitality and Viability of the Town Centre
E(TCR).5 Protection of the retail core
E(TCR).12 Class A3 and A5 uses
B(BE).13 Qualities of Good Design
B(BE).14 Alterations and Extensions to buildings
S1 Designing out crime

SPDs

Designing for community safety;
Encouraging Good Design

Other relevant corporate plans and strategies

Redditch Sustainable Community Strategy (SCS)
Town Centre Strategy (TCS)

Relevant Site Planning History

None

Public Consultation Responses

None received

Consultee Responses

Town Centre Co-ordinator

No objection

County Highway Network Control

No objection

Worcestershire Regulatory Services

No objection

RBC Development Plans Section

Comments awaited

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Police Crime Risk Manager

Comments awaited

Procedural matters

All applications for Class A3/A5 use are reported to Planning Committee for determination.

Assessment of Proposal

The key issues for consideration in this case are the principle of locating the proposed development in this location in terms of its use and the appropriateness of its design, accessibility and security.

Principle

The site lies within the defined town centre where such uses are considered to be appropriate since they are considered to enhance the vitality and viability of the Town Centre as required under Policy E(TCR).1. Policy E(TCR).5: Protection of the Retail Core seeks to protect existing shop uses from non-retail (A1 Class) development where applications for change of use are proposed. This is not a change of use proposal. Further, the Policy specifically excludes the upper floor of the KSC to which the application site relates. Policy E(TCR).12 sets out that planning permission for the development of new premises for A3, A4 and A5 use will be granted where relevant criteria are met. The cumulative impact of 'clusters' of A3/A5 uses should be taken into consideration in particular, but no such clustering of restaurant / takeaway uses would occur in this area if permission were to be granted. Subject to a condition being imposed which would control odour emissions arising from cooked foods, the proposal would not have a detrimental impact upon neighbouring uses within the KSC.

The principle of the development as such is therefore considered to be acceptable.

Design of development

The internal height of the development reflects the existing level of the roof of the atrium and the eaves of the curved roof to the cinema. The roof would be curved to match that of the cinema's with the highest point of the new roof being lower than that of the cinema. The geometric form of the roof together with materials which would be used in its construction (profiled metal sheeting) would mirror and co-ordinate effectively with that of the existing cinema roof. The development would therefore complement the existing roofscape. Externally, the development would have little impact visually. The development would be visible from the north but would only be seen from any long views that are available. From the south-west, the development would be visible from the ring road although the majority would be masked by existing storage areas adjacent to Car Park 1 which serve existing units on the mall level below. To the west, the development would be entirely masked by the existing cinema. It is considered that the proposed design is appropriate in this location.

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Access to development

The site is within a sustainable town centre location, very near to both the train and main bus station. The centre is well served by a number of multi storey car parks. Car Park One is adjacent to the bus station and provides lift access directly to the cinema level and the proposed development. Access from the bus station is also available via lifts.

Security

Security would be provided through the existing centre's security suite and personnel. Entry is only available from the existing mall and due to its location there is no public access to the perimeter of the development. Access to the adjacent flat roof area is only available to security and maintenance staff. As such there are not considered to be any security / crime risk issues with the proposals. The Police Crime Risk Manager has been consulted. Any comments received will be reported in the update paper.

Conclusion

The proposed development would be considered to complement existing uses within the shopping centre and in particular, the Apollo cinema. The proposals would enhance the vitality and viability of the Town Centre and, being compliant with relevant policy criteria, Officers support the application.

Recommendation

That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the conditions and informatives as summarised below:

1. Development to commence within three years
2. Odour extraction details to be submitted to and approved in writing by the Local Planning Authority
3. Approved plans defined

Informatives

1. Permission does not include the approval of any signage / adverts
2. Reason for approval

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PLANNING APPLICATION 2011/186/FUL

RETROSPECTIVE APPLICATION - INSTALLATION OF A PORTACABIN

LAND AT WINYATES GREEN ALLOTMENTS, FURZE LANE, REDDITCH

APPLICANT: MR L CLARKE
EXPIRY DATE: 6TH SEPTEMBER 2011

WARD: WINYATES

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

(See additional papers for Site Plan)

Site Description

The Winyates allotments are located at the end of Furze Lane. Immediately to the north of the allotment boundary lies a gravelled car park and turning area, also accessed via Furze Lane. To the east lie number 15 Furze Lane, and properties 6, 7, 8, 9, 10 and 11 Jays Close whose rear gardens face towards the allotments. An 8 metre wide grassed area forms a 'buffer' between the edge of the allotment boundary and rear close board fencing serving the above properties in Jays Close and number 15 Furze Lane.

Proposal Description

This is a full (retrospective) planning application for permanent consent to erect a rectangular portacabin. The portacabin has been on the site for several months. The structure would accommodate a meeting room, small kitchen and a single disabled toilet. The portacabin measures 9.8 metres in length and 3 metres in width with a height of 2.6 metres. The portacabin has 'khaki' green coloured paint applied to it. The building is situated 2 metres in from the allotment boundary line to the east. Together with the presence of the 8 metre wide 'buffer' strip, the building would be 11 metres away (at its nearest point) from the closest property – number 15 Furze Lane, further to the east. The northern side of the portacabin runs parallel to fencing which separates the allotments from the car park to the north. A distance of 9.3 metres exists between the portacabin and the above fencing.

The applicant proposes to plant screening to the northern edge of the portacabin, attach a wooden pergola style structure and solar panel to the south facing elevation for energy generation should permission be granted.

Relevant Key Policies:

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

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www.communities.gov.uk
www.redditchbc.gov.uk

National Planning Policy

PPS1 Delivering Sustainable Development

Borough of Redditch Local Plan No.3

B(BE).13 Qualities of Good Design
B(BE).22 Temporary Buildings and Uses

SPDs

Encouraging Good Design

Other relevant corporate plans and strategies

Redditch Sustainable Community Strategy (SCS)

Relevant Site Planning History

None

Public Consultation Responses

None received

Consultee Responses

County Highway Network Control

No objection

Worcestershire Regulatory Services

No objection

Procedural matters

This application is reported to the Planning Committee at the request of the Head of Planning and Regeneration.

Assessment of Proposal

Principle of development

Policy B(BE).22 of the Local Plan should be given careful consideration in the determination of this application since this policy deals specifically with proposals for temporary buildings such as portacabins. The policy states that temporary buildings should only be granted consent in exceptional circumstances and where it is clear that the applicant's intention is to erect a permanent building (where the Council would expect that building to exhibit sufficient quality in its design and appearance to warrant a permanent consent). Where such a statement of intent has been received, or a planning application granted, temporary consents are allowed but for a maximum of

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two years, after which time the structure would be expected to be removed, with the land re-instated to its former use or a permanent alternative provided.

Design and appearance

After careful consideration of this application, and having had particular regard to policies B(BE).13 and B(BE).22 of the Borough of Redditch Local Plan, your Officers have concluded that the application does not warrant a permanent or a temporary planning consent for the following reasons:

As confirmed in writing by the applicants, the portacabin is second hand and on close inspection has already deteriorated significantly in appearance, a process which will naturally occur more rapidly than with permanent buildings. The building has been obtained by the Winyates Green Allotment Association through national lottery funding and the applicant has confirmed that funding would not be in place to site a permanent building of say brick and tile construction on the site. Under the terms of Policy B(BE).22 above, Officers do not consider that it would be reasonable to grant a temporary two year consent in the circumstances. Your Officers consider that granting a temporary two year consent is highly likely to lead to an application to renew that consent in August 2013. At this juncture, Officers would refer Members to the Town and Country Planning Act 1990 which states that a building would become immune from enforcement action if it can be proven that it has been in-situ for more than four years. This may therefore lead to a permanent consent for a building which, by virtue of its design and appearance would in the opinion of your Officers cause demonstrable harm to the character and appearance of the area. The nature of such a temporary building means that its deterioration through wind, rain, snow and damp will be hastened due to its thin walls, flat roof and lack of proper foundations.

Exploration of other options

The aspirations of the Winyates Green Allotment Association in their supporting statement who comment that the building would be used as a meeting point for food growers to share ideas is laudable, and meets with the vision and aims of the Redditch Sustainable Community Strategy in promoting community cohesion. However, Officers are aware that a meeting room to the northern side of Furze Lane exists at a point just 50 metres due east of the allotments boundary. The association states that the use of this room was explored but was either difficult to book or too expensive to hire.

Impact upon residential amenity

The proposal would not give rise to a loss of privacy to the nearest residential dwelling and any noise emanating from the portacabin is unlikely to be materially greater than that arising from the use of the allotment plots themselves. However, the portacabin is visually prominent from first floor windows – particularly those of number 15 Furze Lane.

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Highway Implications

There are no highway implications since a large car park exists 10 metres to the north of the portacabin. County Highway Network Control raise no objection to the proposal.

Conclusion

As a permanent building, the portacabin, by reason of its design and appearance would detract from and harm the visual amenities of the area particularly when viewed from the adjacent car park to the north of the allotment boundary. The granting of a temporary consent in this case is more likely than not to lead to renewal applications leading to the buildings permanence. Under the terms of the Councils adopted Temporary Buildings and Uses Policy B(BE).22 the application is recommended for refusal.

Recommendation

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

1. The portacabin, by reason of its design and appearance detracts from the character and appearance of its surroundings, harming the visual amenities of the area. The development is therefore contrary to Policies B(BE).13 and B(BE).22 of the Borough of Redditch Local Plan No.3