

# Planning Committee

2nd November 2011

## MINUTES

### Present:

Councillor Roger Hill (Vice-Chair in the Chair) and Councillors Peter Anderson, Bill Hartnett, Wanda King, Alan Mason (substituting for Cllr Robin King) and Brenda Quinney

### Also Present:

M Collins (Observer for Standards Committee)

### Officers:

S Edden, A Hussain, A Rutt and I Westmore

### Committee Services Officer:

J Smyth

### 41. APOLOGIES

Apologies for absence were received on behalf of Councillors Mike Chalk, Malcolm Hall and Robin King.

### 42. DECLARATIONS OF INTEREST

Councillor Bill Hartnett declared a personal and prejudicial interest in relation to Item 6 (Church Hill District Centre Application – Extension of time for completion of Planning Obligation), as detailed separately at Minute 46 below.

### 43. CONFIRMATION OF MINUTES

#### RESOLVED that

- 1) the minutes of the meeting of the Committee held on 3rd October 2011 be deferred for Officers to seek further clarification on the accuracy of the record in relation to the inclusion of additional conditions in respect of Planning Application 2011/227/FUL (Church Hill District Centre, Tanhouse Lane, Church Hill); and

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Chair

- 2) the minutes of the meeting of the Committee held on 5th October 2011 be confirmed as a correct record and signed by the Chair.

44. **PLANNING APPLICATION 2011/219/FUL –  
J SAINSBURY'S SUPERMARKET,  
ALVECHURCH HIGHWAY, REDDITCH**

Erection of Class A1 store extensions to side and front, elevational changes including new shop front and canopy, alterations to car park layout, new landscaping, relocated recycling facilities and associated plant, and removal of petrol filling station from site

Applicant: Sainsbury's Supermarkets Ltd

Mr D Lazenby, Town Planning Manager for Sainsbury's Supermarkets Ltd, addressed the Committee under the Council's public speaking rules.

**RESOLVED that**

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

- 1) the completion of a Section 106 Planning Obligation towards:
  - a) Fishing Line Road cycle lane works;
  - b) Lydham Close underpass works;
  - c) pedestrian signage works; and
  - d) Riverside roundabout works;
- 2) the Conditions and Informatives as stated in the main report and as summarised below:

**Conditions:**

1. Commencement within three years
2. Fishing Line Road access point – details of restriction to bus/emergency vehicle use only and measures in the event of failure to be agreed and implemented
3. Uses as specified and not for any other, even those within the same Use Class

4. Extensions not to be brought into use until the parking area is fully laid on surfaced and marked out
5. Bus shelter to be provided prior to occupation of extended store (adjacent to bus stop)
6. Hard and soft landscaping details to be submitted and agreed
7. Hard and soft landscaping implementation timing restriction
8. Construction hours on site (to protect nearby residential amenity in Birmingham Road)
9. Parking during construction to be agreed
10. Details of phasing of development to be provided and agreed to ensure customer safety and vehicle accessibility during construction
11. No external storage on the site at all at any time
12. As requested by STW
13. CCTV details to be submitted and agreed
14. Approved plans specified
15. The entire store resulting on site from the implementation of this consent shall continue to comply with condition 2 of consent reference 1987/693/OUT in order to protect the town centre

### Informatives

- i) Reason for approval
- ii) S106 Agreement to be read in conjunction with consent
- iii) Adverts may need separate consent, except where replacing existing
- iv) As requested by Severn Trent Water
- v) For advice on Secured by Design contact Crime Risk Manager;

**OR:**

3. In the event that the planning obligation cannot be completed by 7th November 2011, authority be delegated to the Head of Planning and Regeneration to REFUSE the Application on the basis that, without the planning obligation, the proposed development would be contrary to policy and therefore unacceptable owing to the resultant detrimental impacts it could cause to community infrastructure, by a lack of provision for their improvements; and

- 4) **In the event of a refusal on this ground and the Applicant resubmitting the same or a very similar Planning Application with a completed legal agreement attached, authority be delegated to the Head of Planning and Regeneration to GRANT planning permission, subject to the conditions and informatives as stated in Resolution 2 above.**

(Members noted that, as satisfactory amended plans showing the access onto Fishing Line Road being restricted to buses only, had been received, the reference to this outstanding matter in the Officer's recommendation was, therefore, no longer relevant.)

**45. PLANNING APPLICATION 2011/245/COU –  
SHRUBBERY HOUSE, 47 PROSPECT HILL, REDDITCH**

Change of use from B1 (Office) to  
D1 (Non-Residential Institution) for an  
education centre offering English, maths  
and science tuition for 6 – 16 age groups

Applicant: Mr J Hussain

Mr J Hussain, the Applicant, addressed the Committee under the Council's public speaking rules.

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the conditions and informative summarised in the main report and the following additional informative:**

- “2. In the interests of highway safety and in order to prevent vehicular / pedestrian conflict, the Applicant is obliged to refer persons visiting the premises by motor vehicle to the availability of nearby parking facilities located outside, but in close proximity to, the application site and that parking within the application site by such persons is prohibited at all times.”**

(In considering the Planning Application Members felt it appropriate, in the interests of highway and pedestrian safety, to include an additional Informative requesting the Applicant to consider referring its visitors to a nearby car park and prohibiting parking within the application site.)

**46. CHURCH HILL DISTRICT CENTRE APPLICATION –  
EXTENSION OF TIME FOR COMPLETION OF PLANNING  
OBLIGATION**

The Committee considered a report relating to extending the deadline for completion of a Section 106 Agreement in respect of Planning Application 2011/227/FUL (Church Hill District Centre, Tanhouse Lane), which was granted at the Planning Committee meeting held on 3rd October 2011, subject to various conditions and informatives and the completion of a Section 106 Agreement by the 22nd November 2011.

Members were advised that, owing to the complexities of the legal document, the Section 106 Agreement had been unlikely to be completed by the due date and Officers had sought a short extension to the deadline rather than issue a refusal as the matter was nearing completion. It was noted that the Chair, Councillor Mike Chalk, had already been consulted and had been agreeable to the extension.

Members were also asked to consider recommending to the Council that the current Scheme of Delegation to Officers be updated to include such exceptional variations to deadline dates, in consultation with the Committee Chair, in similar future circumstances.

**RESOLVED that**

**the deadline for completion of the necessary Section 106 Planning Obligation be changed from 22nd November 2011 to 31st January 2012; and**

**RECOMMENDED that**

**the Scheme of Delegation to Officers be updated to include authority, in consultation with the Committee Chair, to vary such deadline dates in similar circumstances in the future.**

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillor Bill Hartnett declared a personal and prejudicial interest as a Board Member of Redditch Co-operative Homes and Accord Housing Group and withdrew from the meeting prior to the Committee's consideration of the item.)

**47. APPEAL OUTCOME –  
THE TIN HOUSE, BLAZE LANE, HUNT END**

The Committee received information relating to the outcome of an appeal against a refusal of planning permission, namely:

Planning Application 2010/227/OUT  
Outline Planning Permission for the  
erection of a replacement dwelling with  
detached garage and store

**RESOLVED that**

**Members note that, the appeal against the Council's decision to refuse planning permission, taken by Officers under delegated powers, on grounds of it being considered inappropriate development in the Green Belt, had been DISMISSED.**

**48. APPEAL OUTCOME –  
9 MATCHBOROUGH CENTRE, MATCHBOROUGH WAY**

The Committee received information relating to the outcome of an appeal to remove a condition imposed under a retrospective Planning Permission, namely:

Planning Application 2010/244/COU  
Change of use of premises from  
A1 (Shops) to A5 (Hot Food Takeaway)

**RESOLVED that**

**Members note that, the appeal to remove Condition 2 of the Planning Permission, relating to restricting the hot food takeaway element to pizzas only, as stated in the original Decision Notice, had been ALLOWED subject to an alternative Condition being imposed to allow other hot foods, with the exception of fried foods, to be sold for takeaway.**

(In acknowledging the Inspector's decision, Members requested that Officers monitor the situation to ensure compliance with the new condition.)

**49. APPEAL OUTCOME –  
HIGHWAY VERGE OFF CLAYBROOK DRIVE**

The Committee received an item of information in relation to the outcome of an appeal against a refusal of prior approval, namely:

Planning Application 2011/030/GDO  
Siting and design of a 15m monopole,  
equipment cabinet and ancillary apparatus

**RESOLVED that**

**Members note that, the appeal against the Council's decision to refuse prior approval, on the grounds of the siting and appearance of the installation, had been ALLOWED.**

**50. APPEAL OUTCOME –  
STABLES FARM SHOP, ASTWOOD LANE, ASTWOOD BANK**

The Committee received an item of information in relation to the outcome of an appeal against two refusals of Planning Permission and an Enforcement Notice, which the Planning Inspectorate chose to link together for one hearing as they were all related to the same application site, namely:

Planning Applications 2011/039/S73 and 2011/052/S73  
Variation of conditions relating to the source of produce  
sold in the farm shop, opening hours of the farm shop  
and tea room and number of covers in the tea room

Enforcement Notice 2010/195/ENF  
Alleged change of use of ancillary shop floor to retail,  
of field to car parking, erection of storage units,  
WC extension and canopy porch and  
insertion of windows in team room

**RESOLVED that**

**Members note that, the appeal against the Council's decision to refuse the application for a variation of conditions, taken by Officers under delegated powers, on the grounds that the terms put forward by the Applicant could not be varied, was ALLOWED in part in that both the terms of the Conditions and the Enforcement Notice were varied.**

**51. APPEAL OUTCOME –  
32 PETERBROOK CLOSE, OAKENSHAW**

The Committee received an item of information in relation to the outcome of an appeal against a refusal of planning permission, namely:

Planning Application 2011/107/FUL  
Two-storey extension to side and  
single-storey extension to rear

**RESOLVED that**

**Members note that, the appeal against the Council's decision to refuse planning permission, taken by Officers under delegated powers, on grounds relating to the proposed development having a disproportionate, dominating and adverse effect on the design, character and appearance of the existing dwelling and street-scene, had been ALLOWED in relation to the single-storey rear extension and DISMISSED in relation to the two-storey side extension.**

The Meeting commenced at 7.00 pm  
and closed at 8.15 pm

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CHAIR