

Planning Committee

Wed 1st Feb
2012
7pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all formal Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agendas and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees

(or summaries of business undertaken in private) for up to six years following a meeting.

- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, on request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.

A reasonable number of copies of agendas and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its, Committees etc.

- 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:

Janice Smyth

Member and Committee Support Services Assistant

Town Hall, Walter Stranz Square, Redditch, B98 8AH

Tel: (01527) 64252 Ext. 3266 Fax: (01527) 65216

e.mail: janice.smyth@bromsgroveandredditch.gov.uk

Minicom: 595528

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 summarised below:

in accordance with the running order detailed in this agenda and updated by the separate Update report:

- 1) Introduction of application by Chair
- 2) Officer presentation of the report (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 the application;
 - c) Applicant to speak on the application.

Speakers will be called in the order they have notified their interest in speaking to the Committee Services Team (by 12 noon on the day of the meeting) and invited to the table or lectern.

- Each individual speaker will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair. (Please press button on “conference unit” to activate microphone.)
 - Each group of supporters or objectors with a common interest will have up to a maximum of 10 minutes to speak, subject to the discretion of the Chair.
 - 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 the Committee Services Team **by 12 noon on the day of 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

1st February 2012

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 - 8)</p>	<p>To confirm, as correct records, the minutes of the meetings of the Planning Committee held on 13th December 2011 and 4th January 2012. (Minutes attached)</p>
<p>4. Planning Application 2011/258/FUL - Teardrop Site, Bordesley Lane, Redditch (Pages 9 - 16) Head of Planning and Regeneration</p>	<p>To consider a Planning Application for the erection of a Petrol Filling Station, including forecourt shop, canopy and eight pumps, car wash, car care facilities, car parking, offset fills and associated plant and landscaping. Applicant: Sainsbury's Supermarket Ltd (Report attached – Site Plan under separate cover) (Abbey Ward);</p>
<p>5. Planning Application 2011/329/S73 - Unit 1 Matchborough Centre, Matchborough Way, Redditch (Pages 17 - 24) Head of Planning and Regeneration</p>	<p>To consider a Planning Application for the variation of Condition 1 of Planning Application 2009/019/COU in respect of a change of use from A1 (Retail) to D2 (Assembly and Leisure), in order to extend the date of expiry of the permission for an additional five years. Applicant: Mr S Marshall (Your Ideas) (Report attached – Site Plan under separate cover) (Matchborough Ward);</p>

PLANNING

Committee

1st February 2012

<p>6. Planning Application 2011/334/FUL - 9 Dale Road, Riverside</p> <p>(Pages 25 - 28)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a proposed two storey extension and alterations.</p> <p>Applicant: Mr S Hussain</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Abbey Ward);</p>
<p>7. Planning Application 2012/011/GDO - Verge east of Claybrook Drive, Redditch</p> <p>(Pages 29 - 36)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a 15m monopole, equipment cabinet and ancillary apparatus.</p> <p>Applicant: Vodaphone (UK) Ltd and Telefonica 02 (UK) Ltd</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Matchborough Ward);</p>
<p>8. Exclusion of the Public</p>	<p>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:</p> <p>“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.</p> <p>These paragraphs are as follows:</p> <p>subject to the “public interest” test, information relating to:</p> <ul style="list-style-type: none">Para 1 - <u>any individual;</u>Para 2 - <u>the identity of any individual;</u>Para 3 - <u>financial or business affairs;</u>Para 4 - <u>labour relations matters;</u>Para 5 - <u>legal professional privilege;</u>Para 6 - <u>a notice, order or direction;</u>Para 7 - <u>the prevention, investigation or prosecution of crime;</u> <p>may need to be considered as “exempt”.</p>

PLANNING

Committee

1st February 2012

9. 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 December 2011

MINUTES

Present:

Councillor Michael Chalk (Chair), Councillor Roger Hill (Vice-Chair) and Councillors Peter Anderson, Bill Hartnett, Alan Mason (substituting for Councillor Robin King) and Brenda Quinney

Also Present:

Cllr Jinny Pearce (observer as Portfolio Holder) and M Collins (observer for Standards Committee)

Officers:

S Edden, A Hussain, A Rutt and S Skinner

Committee Services Officer:

J Smyth

52. APOLOGIES

Apologies for absence were received on behalf of Councillors Robin and Wanda King.

53. DECLARATIONS OF INTEREST

Councillors Bill Hartnett and Roger Hill, declared personal and prejudicial interests in relation to Item 8 (Former Marlfield Farm First School Site, Redstone Close, Church Hill – Variation of Section 106 Planning Obligation Agreement) as detailed separately at Minute 59 below.

54. CONFIRMATION OF MINUTES

The Committee received for approval, two sets of Minutes from the 3rd October and 2nd November Planning Committee meetings.

Further to the deferral of the 3rd October minutes at the Committee's previous meeting, Members disputed the accuracy of Minute 35, in respect of an additional agreed matter (relating to waiting time restrictions on the proposed car park). The Committee agreed that a matter recorded as an 'Informative', ought properly to be recorded instead as a formal planning Condition.

.....
Chair

Accordingly it was

RESOLVED that

subject to deletion of Informative 3) 6 of Minute 35 (Planning Application 2011/227/FUL – Church Hill District Centre, Tanhouse Lane, Church Hill) of the 3rd October Planning Committee meeting and its recording instead as Condition 22 on the approved Planning Permission;

the minutes of the meetings of the Committees held on 3rd October and 2nd November 2011 be confirmed as correct records and signed by the Chair.

**55. PLANNING APPLICATION 2011/282/COU –
TRAFFORD PARK, UNIT 19 TRECOTT ROAD, REDDITCH**

Change of use from redundant factory unit (Class B.1)
to form fitness suite (Class D.2)

Applicant: Competition Line UK Ltd

Mr J Taylor, Architect and Agent and Mr G Hall, 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 REFUSED for the reasons stated in the main report.

**56. PLANNING APPLICATION 2011/286/FUL –
PHOENIX MEGASTORE, SMALLWOOD STREET, REDDITCH**

Proposed restaurant, new retail and storage area
and new self-contained flat

Applicant: Hawkfield Investments Ltd

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.

**57. PLANNING APPLICATION 2011/296/FUL –
LAND AT TEARDROP SITE, BORDESLEY LANE, REDDITCH**

Erection of a C1 Hotel (Premier Inn)
and A3 Restaurant (Beefeater)

Applicant: Whitbread

Mrs A Reeves, objector representing Scottish Widows, and Miss J Patel, the Applicant's Agent, 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 informatives summarised in the main report and update report and the following additional condition:

“12, All parking spaces to be provided on site prior to first use/occupation.”

(In order to ensure sufficient spaces were provided on the site to accommodate both uses and any future extension of the hotel to accommodate the additional 18 bedrooms, approved under the permission, Members considered it prudent to condition the proposed car parking allocation as detailed in additional Condition 12 above.)

(Informally, Officers agreed to approach the Applicant to ascertain if they would be willing to consider providing some additional appropriate off-site hedgerow planting (such as Laurels) along Bordesley Lane to afford the Crematorium on the opposite side of the road from the development some additional privacy.)

**58. PLANNING APPLICATION 2011/306/FUL –
7 OAKHAM CLOSE, OAKENSHAW**

Porch, ground floor extension, internal alterations
and first floor extension

Applicant: Mr J Bonner

Mr Bonner, 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.

(In considering the planning application, which Officers had recommended for refusal on grounds detailed in the Update report, and whilst acknowledging the Council's Policy on encouraging good design and particularly the set-back guide, Members were of the opinion that, as a number of houses in close proximity to the applicant's property had, over recent years, been extended similarly to that proposed, a flush 2nd floor extension in this location would not have a dominating effect on the design, character and appearance of the dwelling or be detrimental to the street scene.)

**59. FORMER MARLFIELD FARM FIRST SCHOOL SITE,
REDSTONE CLOSE, CHURCH HILL –
VARIATION OF SECTION 106 PLANNING OBLIGATION
AGREEMENT**

The Committee considered a variation to a Section 106 Agreement associated with Planning Permission 2010/253/FUL in relation to the development of 79 houses on the former Marlfeld Farm First School site in Redstone Close, Church Hill.

Members were asked to release the other parties involved in the agreement from the requirement for a financial contribution towards education facilities that was no longer appropriate as a result of a revision to the proposed tenure of the development, which would see the ten dwellings originally designated for sale on the open market becoming shared ownership homes, which did not require a contribution.

Some concerns were expressed that, whilst the need for social housing was important, the loss of affordable starter homes was disappointing. Officers clarified that shared ownership would give tenants the opportunity to part own their properties and provide a potential stepping stone to full ownership in the future.

RESOLVED that

the variation to the Section 106 Agreement, dated 17th January 2011 and made between:

- 1) Accord Housing Association Ltd**
- 2) Worcestershire County Council, and**
- 3) Redditch Borough Council,**

regarding the amendment to the tenure of the development in relation to affordable housing and education obligations therein, be agreed, namely:

that the tenure of the development shall be 100% affordable housing and that the requirement for the payment of a contribution towards education facilities be deleted from the Section 106 Agreement, as the contribution is now unnecessary and not required.

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

Councillor Hill also declared a personal and prejudicial interest as a member of Redditch Co-operative Homes and withdrew from the meeting prior to the Committee's discussion of the item.)

60. PLANNING COMMITTEE - CONSTITUTION – PROCEDURE RULES

The Committee was asked to consider and comment upon a draft Planning Committee Procedure Rules' document, which incorporated a number of minor amendments to current procedure, to be built into the Council's revised Constitution for 2012. It was noted that further minor amendments had been made to the published draft document at a meeting of the Constitution Review Working Party Group the previous evening. Copies of the updated document were tabled at the meeting.

Members noted and generally supported the proposed Procedure Rules, which generally only reflected existing practice. Some Members expressed concern, however, with regard to a number of the Rules, namely those relating to:

- 3.4 the Leader of the Council not being able to sit on the Planning Committee as a member or substitute;
- 4.2 neither the Chair nor the Vice-Chair, if a member of the Controlling Party Group, being a member of the Executive Committee; and
- 11. formal site visits being routinely arranged for Committee Members before consideration of major applications.

Planning Committee

13th December 2011

In respect of paragraphs 3.4 and 4.2, some Members considered the proposals might prove too restrictive on Members interested in serving on the Planning Committee, and should therefore be rejected.

Some concern was also expressed that proposals for formal pre-meeting site visits for major applications might also restrict Members ability to serve on the Committee, particularly if ever made compulsory. A formal Motion to delete these elements was therefore put to the vote but failed. The Committee did agree, however, that the word "major" should be changed, in relation to applications which would benefit from formal site visits, to "significant", as "major application" had a very specific meaning in Planning terms.

Officers clarified that the need for such site visits would be determined by Planning Officers, in consultation with the Committee Chair, on a case by case basis. The current recommended practice that Members familiarise themselves with sites on an informal basis would also continue to be encouraged.

RECOMMENDED that

subject to the word "major" in Item 11 (Site Visits) being changed to read "significant", the proposed Planning Committee Rules of Procedure be approved.

The Meeting commenced at 7.00 pm
and closed at 9.12 pm

.....
CHAIR



Planning Committee

4th January 2012

MINUTES

Present:

Councillor Michael Chalk (Chair), Councillor Roger Hill (Vice-Chair) and Councillors Andrew Brazier and Bill Hartnett

Also Present:

Jinny Pearce (Portfolio Holder/observer)

Officers:

R Bamford, A Hussain, A Rutt and S Skinner

Committee Services Officer:

J Smyth

61. APOLOGIES

Apologies for absence were received on behalf of Councillors Robin King, Wanda King and Brenda Quinney.

62. DECLARATIONS OF INTEREST

No declarations of interest were made.

63. PLANNING APPLICATION 2011/315/EXT – HOMEBASE LTD, ABBEY RETAIL PARK, REDDITCH

Extension of time application
External alterations to building and internal works
to create one additional unit as approved under
Planning Application 2008/362/FUL

Applicant: Essex County Council Pension Fund

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 report.

.....
Chair

**64. APPEAL OUTCOME –
30 HEWELL ROAD, REDDITCH**

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

Planning Application 2010/275/COU
Change of use of retail / warehouse to a restaurant

The appeal against the Council's decision to refuse planning permission had been dismissed, on the grounds that a lack of car parking to serve the development would likely be detrimental to highway safety and that the proposal would represent inappropriate development in the proposed location.

RESOLVED that

the report be noted.

**65. APPEAL OUTCOME –
LAND ADJACENT TO 656 EVESHAM ROAD, REDDITCH**

The Committee received an item of information in relation to the outcome of an appeal against a refusal of planning permission, taken by Officers under delegated powers, namely:

Planning Application 2011/008/FUL
Erection of a two-bedroomed detached dwelling

The appeal against the Council's decision to refuse planning permission had been dismissed, on the grounds that the proposed dwelling would, by virtue of its siting, design and appearance, represent inappropriate development in the location and would have an adverse impact upon the visual amenities of the area.

RESOLVED that

the report be noted.

The Meeting commenced at 7.00 pm
and closed at 7.09 pm

.....
CHAIR

PLANNING COMMITTEE

1st February 2012

PLANNING APPLICATION 2011/258/FUL

ERECTION OF A PETROL FILLING STATION INCLUDING FORECOURT SHOP, CANOPY AND 8 PUMPS, CAR WASH, CAR CARE FACILITIES, CAR PARKING, OFFSET FILLS AND ASSOCIATED PLANT AND LANDSCAPING

TEARDROP SITE, BORDESLEY LANE, REDDITCH

**APPLICANT: SAINSBURY'S SUPERMARKETS LTD
EXPIRY DATE: 8TH NOVEMBER 2011**

WARD: ABBEY

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 area of undeveloped land adjacent roads and roundabout at northern end of town, on main road network. The site is grassed with some tree and shrub growth. It is bounded to the west by the Alvechurch Highway, to the east by Bordesley Lane (leading to the Abbey Stadium), to the south by Millrace Road as it leaves the roundabout and to the north by the remainder of the undeveloped parcel of land known as the tear drop site.

Proposal Description

The application has been amended since its original submission and the amended proposal for consideration proposes the development of a Petrol Filling Station (PFS) on this site, accessed from the south end of Bordesley Lane via a slip road or a proposed new right turn lane if approaching from the north. Egress from the proposed PFS would be onto Bordesley Lane north of the crematorium exit. This would allow for a flow of traffic into, through and out of the site in a one way direction. The application proposes 8 petrol filling pumps, with a canopy above. A kiosk building for payment with a small retail sales (A1) area would be provided, with a jet wash area adjacent. Customer parking spaces served by facilities such as air and water would be located to the north west end of the site. Landscaping is proposed to the boundaries of the site, retaining as much of possible of the existing and planting where appropriate. The forecourt design would allow for 16 cars to fill with fuel at a time, with space available for a further 32 to queue within the site and off the highway.

**PLANNING
COMMITTEE**

1st February 2012

The application is supported by a Design & Access Statement, a planning statement, a transport assessment, a statement of community involvement, a contaminated land assessment, a revised Arboricultural impact assessment and method statement, a tree survey schedule, a flood risk assessment and a phase 1 ecological 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

PPS4 Planning for sustainable economic growth

PPG13 Transport

PPS23 Planning and pollution control

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

T1 Location of development

T3 Managing car use

D31 Retail hierarchy

D33 Retailing in out of centre locations

SD1 Prudent use of natural resources

SD2 Care for the environment

Borough of Redditch Local Plan No.3

CS1 Prudent use of natural resources

CS2 Care of the environment

CS3 Use of previously developed land

CS7 The sustainable location of development

S1 Designing out crime

B(BE)13 Qualities of good design

B(BE)14 Alterations and extensions

B(BE)19 Green architecture

**PLANNING
COMMITTEE**

1st February 2012

B(NE)5	Pollution implications of development
E(TCR)11a	Retail sales at petrol filling stations
C(T)1	Access to and within development
C(T)10	Traffic management
C(T)12	Parking standards (& appendix H)
R7	North West Redditch Master Plan

Supplementary Planning Guidance / Supplementary Planning Documents

Encouraging good design
Designing for community safety

Emerging Policies

The government has recently published its draft National Planning Policy Framework document (NPPF). Whilst it is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government's 'direction of travel' in planning policy. Therefore, the draft National Planning Policy Framework is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker's planning judgment in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

It is not considered in this case that this policy direction is significantly different from that in the other Development Plan documents that are relevant to this decision, and therefore is not referenced further due to it having only little weight at this stage.

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 designation of the tear drop site in the local plan has been carried forward into the core strategy largely as it was, and therefore there is no change to the approach to this proposal as a result of the core strategy.

Relevant Site Planning History

None on this site, however it should be noted that permission for a hotel and restaurant has recently been granted on the adjacent site to the north under reference 2011/296/FUL.

PLANNING COMMITTEE

1st February 2012

Public Consultation Responses

Responses against

Four comments received raising the following points:

- Contrary to policy – not a leisure use
- Inappropriate use of site
- PFS is unsightly
- Traffic flows on Bordesley Lane are not consistent due to cemetery/crematorium uses
- Bordesley Lane should be widened and opened up at northern end
- Will worsen the difficulty entering the roundabout from Millrace Road
- Increase in traffic
- Existing on-street parking would disrupt traffic flows
- Needs to be good screening/planting
- Loss of trees to boundary of site disappointing
- Loss of mature landscaping
- Loss of existing habitats
- Would affect setting of Bordesley Abbey
- Noise impact on cemetery/crematorium
- Would affect archaeology on site

Consultee Responses

County Highway Network Control

Amended proposals are considered to be acceptable and unlikely to cause significant harm to highway safety subject to conditions and informatives

Development Plans

The proposal would encourage economic growth in the town, and could be considered to be ancillary to the other leisure uses within the teardrop site. Ancillary retail uses are identified in the site designation policy as acceptable on this site, however the criteria in the PFS policy have not been met in full. (Other disciplines should also be consulted as usual)

Land Drainage Officer

No objection subject to conditions and informatives

Arboricultural Officer

The site includes two mature oak trees worthy of retention, and the proposals include their retention and maintenance to an acceptable standard. Other matters of ecological and biodiversity interest have also been catered for adequately in the supporting documentation, therefore no objection subject to conditions.

WRS Environmental Health

No objection

**PLANNING
COMMITTEE**1st February 2012

County Archaeologist

No current evidence of likelihood of significant remains on site, so no objection subject to condition regarding methodology for excavation of site and recording any items found that are of archaeological interest

Crime Risk Manager

No comments received

Severn Trent Water

No objection subject to a condition regarding drainage details

Environment Agency

Standing advice addressed by Land Drainage Officer

Assessment of Proposal

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

Principle

The site is designated in the local plan for leisure and recreational uses including uses such as hotel, restaurant and sports provision and the policy is carried forward into the draft core strategy. The policy also allows for ancillary uses to these main uses, including retail.

The use as a petrol filling station is a sui generis use, which does not fall within a defined use class and must therefore be considered on a case by case basis. Similarly, land has not been designated specifically for such a use in Redditch.

The use of this part of the tear drop site for a PFS would still allow the uses specified in the policy to be provided to the north, which already benefit from planning consent and it is also considered that a PFS would be ancillary to such recreational uses. On balance, it is therefore considered that this use is acceptable in this location.

The retail use on site is a small shop of 117m² which would operate in conjunction with the PFS and ancillary to it. The applicants have indicated that they would accept a restriction that it could only be used when the PFS is in operation in order to prevent it becoming a retail destination in its own right. It is considered that the small size of the retail offer, combined with the minimal quantity of on street parking and location away from significant customer bases is such that the retail unit on the site would on balance be acceptable. Its main function is clearly to deal with the payments made for the fuel to be purchased on the site. The uses specified in policy R7 as acceptable on this site include ancillary retail provision, and therefore it is considered unnecessary to address further the detailed criteria of policy E(TCR)11a which relates specifically to the provision of new PFSs.

**PLANNING
COMMITTEE****1st February 2012**

It is therefore considered that the principle of this use on this site is acceptable, subject to the details as considered below.

Design and Layout

The design of the built form on the site is considered to be acceptable, as it would be of aluminium and glazing in a modern style. It is relatively small and thus not dominant in views of the site, and would be appropriate relative to other built form which is visible in the area. As such, it is considered to be acceptable.

Highways and Access

The revised layout allows for a one-way through flow of traffic, without cars being boxed in when parked at pumps. It has a significant queuing capacity which is retained off the highway, and as such it is considered to represent a safe and appropriate form of development. It has only four parking spaces on site, one of which is marked as for disabled, and it would be likely to discourage use of the shop as a destination due to the minimal provision. Staff might also park in these spaces, as they are the only ones provided. The spaces for air/vacuum and the jet wash are considered to be in acceptable locations, which are accessible and of suitable size.

The access and egress arrangements are such that any disturbance to other road users has been kept to a minimum – the access and queue capacity would prevent queues tailing back onto the highway and the egress would not take priority over vehicles leaving the cemetery/crematorium site. These arrangements are all considered to be designed appropriately to allow for the safe use of the site and the surrounding road network, and therefore are compliant with policy.

Landscaping, Trees and Ecology

A survey has been provided of the current natural environment on the site, demonstrating what is worthy of retention and could be retained whilst still achieving an acceptable design solution for the PFS. There are two mature oak trees worthy of protection, which would be retained as part of the buffer along the northern boundary with the adjacent site. This would provide a wildlife corridor and a natural buffer, as well as retain important mature landscaping. Some new tree and shrub planting, as well as grass, is proposed to the perimeter of the site adjacent to Millrace Road and the roundabout, to soften the appearance and improve the biodiversity of the site. These measures and the associated details in the reports and surveys that have been submitted are all considered to be satisfactory, and therefore these elements of the proposal are in accordance with the policy framework.

Sustainability

The site is within the urban area on a main road junction such that it would minimise additional trips to seek fuel, or unsustainable trips to less accessible locations, and as such is considered to be acceptable in this regard.

**PLANNING
COMMITTEE****1st February 2012**

Other issues

The Environmental Health Officers have raised no concerns regarding noise from the proposed development, and it is therefore not possible to substantiate any concerns that have raised in this matter.

The Archaeology Officer has requested that a condition be attached to any consent granted to cover the method of recording any archaeological items of interest that might be found during construction. This is considered to be appropriate and is included below.

Whilst Bordesley Abbey is in close proximity to the site, the intervening vegetation is such that views across to it from this site are minimal, even in winter, and therefore it is not considered that the proposed development would cause any harm to its character or setting.

The applicant has stated that the site would operate between 0600-2300 Monday-Friday, 0600-2200 Saturdays and 0800-2200 Sundays. However, due to the location of the site, it is not considered necessary to restrict these hours, as there are no amenities in close proximity to the site that would be prejudiced by its operation. However, for the policy reasons above, it is recommended that a condition be imposed that the shop not trade when the PFS is not open to the public.

It is acknowledged that the granting of consent for this proposal could result in the provision of two PFSs in close proximity, off different arms of the same roundabout. However, in practical terms it is recognised that this proposal is seen as a replacement for the current PFS within the Sainsbury's store site, and that the two would not operate in tandem. However, given the policy framework, as this proposal is considered to comply with policy then this would be an unavoidable situation as it would be unreasonable to withhold this consent. As the existing PFS is outside the site boundary of this application, it is not possible to impose any restrictions on it as part of this consent.

Conclusion

The proposed use is not specifically identified in the policies relating to developments on the wider development site of which the application site is part, however it is considered to be an appropriate ancillary use that meets the relevant policy objectives and there are no material considerations identified that would outweigh this. It is therefore considered that the proposed development is acceptable in policy terms and it would be unlikely to cause substantial harm to amenity or safety, subject to the imposition of appropriate conditions.

PLANNING COMMITTEE

1st February 2012

Recommendation

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

1. Time limit for commencement of development (3 years)
2. Shop not to be open to the public if PFS is not open to the public
3. Materials/finishes to be agreed
4. Hard landscaping materials to be agreed
5. Soft landscaping to be implemented and maintained as per submission
6. Tree protection as requested by Arboricultural officer
7. Archaeology recording condition
8. As requested by highways
9. As requested by STW
10. As requested by Drainage Officer
11. Approved plans specified

Informatives

1. Reason for approval
2. As requested by highways
3. As requested by STW
4. As requested by Drainage Officer

Procedural Matters

The matter is reported to the Planning Committee for determination as it is recommended for approval and has more than one objection to it.

It should be noted that application 2011/219/FUL for a store extension and re-arranged car park layout without a PFS was granted in autumn 2011. Whilst it is likely that the two applications are related in practical terms, in considering this planning application the existing consent at the store site is not relevant, as noted above.

PLANNING COMMITTEE

1st February 2012

PLANNING APPLICATION 2011/329/S73

**VARIATION OF CONDITION 1 OF PLANNING APPLICATION REF.
2009/019/COU: CHANGE OF USE FROM A1 (RETAIL) TO D2 (ASSEMBLY
AND LEISURE) IN ORDER TO EXTEND THE DATE OF EXPIRY OF THE
PERMISSION FOR AN ADDITIONAL FIVE YEARS**

UNIT 1 MATCHBOROUGH CENTRE, MATCHBOROUGH WAY, REDDITCH

**APPLICANT: MR S MARSHALL (YOUR IDEAS)
EXPIRY DATE: 3RD FEBRUARY 2012**

WARD: MATCHBOROUGH

The author of this report is Steven Edden, Planning Officer (DM), 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 Unit, which is located within the Matchborough District Centre measures 250 square metres in area. Unit 1 was formerly occupied by Martins Newsagents (A1 retail use) who vacated the premises in March 2008. The premises were vacant from this period up until April 2009 at which time planning permission was granted for change of use and the premises has been occupied by the business "Your Ideas" (D2 use) since. The Unit is bounded by the busway to the west; a car park to the south and Unit 2 (a vacant, former flooring shop) to the east. This Unit and numbers 2, 3 and 4 face towards the central courtyard area to the north.

Proposal Description

This is an application to vary Condition 1 attached to planning application ref. 2009/019/COU which granted temporary permission for a change of use from A1 (retail) to D2 (assembly and leisure). The applicant is seeking to extend the length of time the current business "Your Ideas" can occupy the premises. A further five year extension is sought.

Condition 1 attached to application 2009/019/COU reads as follows:

- 1. The permission hereby granted shall expire three years from the date of this notice. The use hereby approved shall cease on or before that date unless agreed otherwise upon application to the Local Planning Authority.*

PLANNING COMMITTEE

1st February 2012

Reason: In order that the Local Planning Authority retains the right to reassess the use of the building in the interests of ensuring that the retail and community function of the Matchborough District Centre is not undermined in accordance with Policy E(TCR).9 of the Borough of Redditch Local Plan No.3.

The decision notice attached to permission 2009/019/COU is dated 1st April 2009. As such, the current consent will expire on 31st March 2012.

If this application was to be granted permission in accordance with the applicants proposal, it would allow the company to occupy the Unit until 31st March 2017.

Two further conditions are attached to permission 2009/019/COU (which are not to be varied under this application) but are included within this report for information purposes only, read as follows:

- 2. The permission hereby granted shall ensure solely for the personal benefit of Your Ideas Limited (company registration number 06527221) and be used in accordance with details specified in the information submitted to accompany and support this application. The use shall cease if the said company ceases to have an interest in the site unless agreed otherwise upon application to the Local Planning Authority.*

Reason: This permission has been granted only in consideration of the applicant's company's circumstances and the Local Planning Authority therefore wishes to maintain control over the future uses of this site, in accordance with Policy E(TCR).9 of the Borough of Redditch Local Plan.

- 3. The use hereby permitted shall be closed and cleared of all persons outside the hours of 0730 to 2200 hrs Monday to Saturday and 1000 to 1600 hrs on Sundays and Public Holidays.*

Reason: In the interests of protecting residential amenities in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan.

These would still apply if this application were approved.

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

**PLANNING
COMMITTEE**

1st February 2012

National Planning Policy

PPS1 Delivering Sustainable Development
 PPS4 Planning for Sustainable Economic Growth

Borough of Redditch Local Plan No.3

E(TCR).9 District Centres
 B(BE).22 Temporary buildings and uses
 S.1 Designing out crime

SPDs

Designing for Community Safety

Relevant Site Planning History

<i>Application No.</i>	<i>Description</i>	<i>Decision</i>	<i>Date</i>
2009/019/COU	Change of Use of Unit from A1 (retail) to D2 (Assembly and Leisure)	Granted	01.04.2009

Public Consultation Responses

None received

Consultee Responses***Worcestershire Regulatory Services (Environmental Health)***

No objection

Property Services

No objection

County Highway Network Control

No objection

Police Crime Risk Manager

No objection

Community Safety Team

Comments summarised as follows:

District Centres in the Borough have experienced crime and disorder issues which the Council and its partners have worked hard to address. Allowing such facilities within District Centres can bring benefits to local communities; however an increase in the numbers of people using those centres both inside and outside those facilities may increase the risk and impact of associated problems.

**PLANNING
COMMITTEE****1st February 2012**

We support the appropriate siting of facilities for young people and recognise that responsible providers will have in place policies and procedures to mitigate crime and disorder risks arising and would encourage the applicant to give an account of their policies and procedures in respect to this matter.

Development Plans

Comments summarised as follows:

The provision of retail and community facilities should continue to be the dominant function within the District Centre. The application complies with planning policy as it is providing a community facility in accordance with Policy E(TCR).9 of the Borough of Redditch Local Plan No. 3.

Assessment of Proposal

The key issues for consideration are as follows:

Impact of the continued use of the Unit on the vitality and viability of the District Centre

When application 2009/019/COU was considered at the Planning Committee meeting of 31st March 2009, the unit had been vacant since March 2008. Members of the Committee concurred with the views of Officers that permission should be granted but temporarily for three years in order to reassess the use of the building after that time in the interests of ensuring the continued vitality and viability of the District Centre. The retail and community function of the District Centre would not have been undermined in the opinion of the Committee based on the consideration of the applicants company's circumstances. Members will have noted that a second condition attached to the consent ties the occupation of the unit to the company "Your Ideas" Limited.

The relevant planning policy to consider in this case is E(TCR).9 of the Borough of Redditch Local Plan since the unit falls within the Matchborough District Centre.

The Town Centre is the primary focus for major shopping needs. District Centres are the secondary level of shopping, meeting daily needs for basic items. Typically District Centres in the Borough accommodate a newsagent, a general grocery store, a sub-post office and occasionally a pharmacy, a hairdresser and other small shops of a local nature. It is important to protect and where appropriate, enhance District Centres particularly with regard to their useful retail function. Proposals that would undermine the retail and community function of the District Centre would normally be refused planning permission.

**PLANNING
COMMITTEE**

1st February 2012

Under Para.5 of the reasoned justification for Policy E(TCR).9, it comments that the Council appreciates that in some circumstances there may be an over provision of units for retail. If during the plan period there is a problem of vacant units despite appropriate marketing and rent levels, then other uses may be acceptable in District Centres. Only developments that would not hinder the primary retailing function of the District Centre will normally be acceptable. Change of use in District Centres should only be at a level necessary to overcome a problem of vacancy as the provision of retail and community facilities should continue to be the predominant District Centre function.

In assessing this application it is important to determine whether the unit is likely to remain surplus to retail requirements. The previous tenant Martins Newsagents vacated in March 2008 when they sold the Post Office to Unit 7 (Costcutters – a grocers and general convenience store/supermarket). Without the Post Office, the store proved not to be a viable concern. The unit became vacant for approximately one year before being occupied by “Your Ideas”. During the consideration of application 2009/019/COU, Property Services commented (as landlords) that the relatively large size of Unit 1 in comparison to other smaller units nearby meant that the unit was not attractive to small traders and as such, it had proven difficult to find tenants for a unit of this size. At the time application 2009/019/COU was considered, other than Unit 1, all other units were fully let. Currently, some of the Units within the centre are vacant.

For information, the following list explains which units are occupied and which are vacant:

Unit 1	Occupied: Your Ideas	(D2 use)
Unit 2	Vacant since 30th Sept 2011: former flooring shop	(A1 use)
Unit 3	Occupied: Chemist	(A1 use)
Unit 4	Occupied: Hairdressers	(A1 use)
Unit 5	Occupied: Take-a-way	(A5 use)
(No Unit no)	Occupied: Public House	(A4 use)
Unit 6&7	Occupied: Supermarket and PO	(A1 use)
Unit 8	Occupied: Take-a-way	(A5 use)
Unit 9	Occupied: Café / Restaurant	(A3 use)
Unit 10	Vacant since 11th May 2011: former bookmakers	(A2 use)
Unit 11	Occupied: Dentists	(D1 use)
(upstairs)		
Unit 12	Occupied: Residential flat	(C3 use)
(upstairs)		
Unit 13	Occupied: Residential flat	(C3 use)
(upstairs)		

**PLANNING
COMMITTEE****1st February 2012**

Given the existing retail units which are currently operating within the centre, together with the non A1 units which add to the centre's vitality and viability, and also taking into consideration existing vacancy levels, Officers do not consider that the retail and community function of the District Centre would be undermined by allowing the continuation of the "Your Ideas" D2 use for a further period of time. Policy E(TCR).9 comments that other non-retail uses may be acceptable in District Centres where problems of vacancy occur. If permission were to be refused, three of the ten ground floor units would potentially be unoccupied from 1st April 2012 which would be detrimental to the centres vitality and viability.

This specific use is categorised as a D2 use and is specifically a youth and community organisation which works with members of the community (particularly the young) to identify projects or initiatives that will improve the quality of life for the community as a whole, supporting community members to enable ideas to be transformed into successful projects. The organisation aims to:

- Provide and identify routes to funding
- Help community members to access this funding
- Support and provide expertise to develop skills to plan and implement projects
- Develop community leadership and the aspirations of the community through successful projects.

Security

In response to the points raised by the Community Safety Team, the applicant has commented that it has sound policies and procedures in place which deal with crime and disorder issues. The Police Crime Risk Manager does not object to the proposal. By increasing occupancy at the District Centre, arguably crime is likely to be reduced while footfall for neighbouring tenants would be increased enhancing the vitality of the District Centre.

Conclusion

Officers are satisfied that the continued use of this unit would not undermine the retail and community function of the District Centre under the terms of Policy E(TCR).9. However, your Officers are minded to recommend that only a three year extension of time be permitted rather than the five years requested under the application in order that the merits of the proposal are again re-assessed after this period. This is recommended due to the relatively large size of the unit and the importance of ensuring that the retail and community function of the Matchborough District Centre is not undermined.

PLANNING COMMITTEE

1st February 2012

Recommendation

That having regard to the development plan and to all other material considerations, permission to vary Condition 1 (application 2009/019/COU) be GRANTED subject to the imposition of the revised condition and summarised informative below:

Revised Condition:

1. The permission hereby granted expires on 31st March 2015. The use hereby approved shall cease on or before that date unless agreed otherwise upon application to the Local Planning Authority.

Reason: In order that the Local Planning Authority retains the right to reassess the use of the building in the interests of ensuring that the retail and community function of the Matchborough District Centre is not undermined in accordance with Policy (E(TCR).9 of the Borough of Redditch Local Plan No.3

Informative

1. Reason for approval
2. Reminder that all other conditions attached to 2009/019/COU remain applicable.

Procedural Matters

All applications for Class D2 use are reported to Planning Committee for determination.

PLANNING COMMITTEE

1st February 2012

PLANNING APPLICATION 2011/334/FUL

PROPOSED TWO STOREY EXTENSION AND ALTERATIONS

9 DALE ROAD, RIVERSIDE

APPLICANT: MR S HUSSAIN
EXPIRY DATE: 10TH FEBRUARY 2012

WARD: ABBEY

The author of this report is Nina Chana, Planning Assistant (DM), who can be contacted on extension 3206 (e-mail: nina.chana@bromsgroveandredditch.gov.uk) for more information.

(See additional papers for Site Plan)

Site Description

The property is semi detached and is located within the urban area of Redditch. The majority of the properties in Dale Road are semi detached and were built around the early 1900's.

Proposal Description

The application seeks planning permission to build a two storey extension to the side of the property and a part two storey and part single storey extension to the rear of the dwelling. The existing conservatory is proposed to be demolished and the floor area incorporated into the lounge extension.

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

Borough of Redditch Local Plan No.3

B(BE).13 Qualities of Good Design

B(BE).14 Alterations and Extensions

Supplementary Planning Guidance - Encouraging Good Design

PLANNING COMMITTEE

1st February 2012

Relevant Site Planning History

None

Public Consultation Responses

Responses against

2 letters received raising the following points:

- Overlooking into rear garden behind
- Loss of light
- Impact on the character of the street scene

Other issues which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application.

Assessment of Proposal

The key issues for consideration in this case are the principle of the development and the siting, design, layout and amenity.

Discussion:

The proposal, on the ground floor consists of an extension to the lounge by incorporating what is currently the conservatory, a larger kitchen, a larger dining area and an additional sitting room. The first floor is proposed to have an additional bedroom, to form 4 bedrooms in total and an additional bathroom, which will be in the form of an ensuite serving bedroom four.

The proposal has been sympathetically designed to respect the current form of the dwelling and also to respect the amenity of the adjacent dwellings. There are no windows proposed in the side elevation adjacent to No 7. There are four windows in the rear elevation at first floor level, two of which are to be obscurely glazed. The proposal complies with the guidance which requires a 22 metre distance between two windows in neighbouring properties and the distance between these would be in excess of 30 metres.

The proposal has been designed in a manner whereby the loss of light situation has been considered as a result of which the rear wall of the proposal does not project any further than the existing rear wall of the adjacent property. As such, the proposal complies with policy and would not cause any significant loss of light.

In terms of the character of the dwellings and the area, the adjoining semi to the application site has been extended and the extension does not appear subservient to the existing dwelling, as consent for this was given in 1995. The Council's now adopted Supplementary Planning Guidance - Encouraging Good Design did not exist at that time. This proposal has been designed sympathetic to this guidance, and would not be detrimental to the varied character of the area.

PLANNING COMMITTEE

1st February 2012

Conclusion

It is considered that the proposal is in compliance with the relevant planning policies and guidance and unlikely that it would cause any detrimental impacts to the neighbouring properties, as such the proposal is considered to be acceptable.

Recommendation

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

- 1) Development to commence within 3 years
- 2) Materials to match dwelling
- 3) As per plans submitted

Informative

- 1) Reason for approval

Procedural Matters

This application would normally be assessed under the delegated powers granted to the Head of Planning and Regeneration, but is being reported to Committee as two letters of objection have been received and the recommendation is for approval.

PLANNING COMMITTEE

1st February 2012

APPLICATION NUMBER 2012/011/GDO

15M MONOPOLE, EQUIPMENT CABINET AND ANCILLARY APPARATUS

VERGE EAST OF CLAYBROOK DRIVE, REDDITCH

APPLICANT: VODAFONE (UK) LTD & TELEFONICA 02 (UK) LTD
EXPIRY DATE: 1ST MARCH 2012

WARD: MATCHBOROUGH

The author of this report is Steven Edden, Planning Officer (DM) 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

Wide grass highway verge adjacent to distributor road with trees set back and residential development to western side of road between verge and boundary planting. Residential properties lie to the west of Claybrook Drive, with gardens between the homes and the road, a verge and some buffer planting.

Proposal Description

New monopole 15m in height, along with associated cabinet and development. This would serve two mobile phone operators. The monopole is proposed to be painted a dark green colour.

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.worcestershire.gov.uk

www.redditchbc.gov.uk

National Planning Policy

PPS1 Delivering Sustainable Development
PPG8 Telecommunications

Worcestershire County Structure Plan

D44 Telecommunications

Borough of Redditch Local Plan No.3

B(BE).13 Qualities of good design

**PLANNING
COMMITTEE**

1st February 2012

Relevant Site Planning History

<i>Application No.</i>	<i>Description</i>	<i>Decision</i>	<i>Date</i>
2011/030/GDO	15m monopole, equipment cabinet and ancillary apparatus	Prior approval refused	31.3.2011
		Appeal allowed	5.9.2011

Public Consultation Responses**Responses in favour**

None

Responses against

One objection received raising the following concerns:

- Pole would have a detrimental impact on outlook from residential properties
- Impact on health of local residents

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

No objection subject to informative

Worcestershire Regulatory Services (Environmental Health)

No objection

General Background

A very similar application under the prior notification procedure was made under application 2011/030/GDO. Despite the officer's recommendation that prior approval should be granted, members resolved to refuse prior approval for the following reason:

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.

The applicant appealed against the decision to refuse and the Planning Inspectorate allowed the appeal. The decision letter dated 5th September 2011 is set out in full as an appendix to this report.

PLANNING COMMITTEE

1st February 2012

The applicant has been unable to agree terms with the landowner for the proposed installation allowed under application 2011/030/GDO. As such, the applicant intends to re-locate the proposed monopole to a position 7.5 metres to the north-west of the location allowed under the appeal. The revised location would be 2.2 metres in from the highway (to the eastern side) and directly opposite existing lamp post number 6773. (For information, the Inspector refers to lamp post number 6673 under Paragraph 2, Page 1 of the decision letter. This is an error and should read number 6773.)

Assessment of Proposal

Need and alternative sites

The applicant has demonstrated that there is a need for an installation in this area, through the submission of coverage plots, and these are considered to be acceptable. They have also noted that an existing consent cannot be implemented.

Policy states that to redevelop existing sites in preference to developing new sites is to be encouraged. However, the applicant has demonstrated that in this case there are no possible suitable existing sites, hence the proposed new site. It is also a shared operator proposal, which is encouraged through local and national policy.

Siting and design

New installations should not result in an increase in visual impact to such an extent that it becomes detrimental to the amenity of the site and its surroundings.

In this case it is not considered that the proposal would result in any significant harm to visual amenity and is considered not to cause significant detrimental impact due to the location being at a distance of 25 metres from the corner of the nearest residential property. Natural screening exists between that property and the proposed mast. Whilst being 7.5 metres nearer to dwellings than the position allowed under appeal, the visual impact on the streetscene would be appropriate in this location taking into consideration of existing street furniture similarly located at a distance 2 metres in from the highway.

Health considerations

Although health can be a material planning consideration, current government advice states that there is no proven health risk from masts and that they expect all future masts to fall within the ICNIRP guidelines (as referred to in the Stewart Report). The applicants have stated that their proposal would be well within these guidelines, when considered cumulatively in relation to the existing equipment in the area. In the circumstances it would therefore not be considered reasonable to refuse this application on health grounds. Officers would refer members to Paragraph 11, Page 3 of the Inspectors decision

PLANNING COMMITTEE

1st February 2012

letter which comments that little objective evidence to support local fears over health had been advanced. This remains the case.

Conclusion

The proposal is therefore considered to be compliant with policy and unlikely to cause harm to amenities in the area due to its siting and appearance.

Recommendation

That subject to the expiry of the consultation period and to all other material considerations, authority be delegated to the Head of Planning and Regeneration to determine that PRIOR APPROVAL of the Local Planning Authority IS NOT REQUIRED for the siting and appearance of the proposal and that planning permission not be required for the proposed development.

Informatives

- 1) Reason for approval
- 2) Informative as requested by Highways

Procedural Matters

This is an application under the prior notification procedure under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The Local Planning Authority has 56 days in which to decide whether to grant prior approval for the siting and appearance of the mast. (A failure to determine the application within this time period would result in default consent for the proposed development.)

This application is reported to Planning Committee at the request of Cllr Brunner due to local interest in the application.

The consultation period does not expire until 6th February, however the application could not wait to be reported to the next meeting of the Planning Committee. Any representations received between this meeting and 6th February will be considered by Planning Officers on behalf of Committee, bearing in mind the discussion and resolution of Members, and the decision issued accordingly.



Appeal Decision

Site visit made on 10 August 2011

by Sue Glover BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 September 2011

Appeal Ref: APP/Q1825/A/11/2153889

Highway Verge, Claybrook Drive, Redditch, Worcestershire B98 0FH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Vodafone (UK) Ltd and Telefonica O2 (UK) Ltd against the decision of Redditch Borough Council.
 - The application, Ref 2011/030/GDO and undated, was refused by notice dated 31 March 2011.
 - The development proposed is a 15 metre monopole, equipment cabinet and ancillary apparatus.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), in respect of development by a telecommunications code system operator for the siting and appearance of the installation of a 15 metre monopole, equipment cabinets and ancillary apparatus at the Highway Verge, Claybrook Drive, Redditch, Worcestershire B98 0FH in accordance with the terms of the application Ref 2011/030/GDO, undated, and drawing nos. 200, 300, 400 and 500 submitted with it.

Procedural Matters

2. The appellant has confirmed that the siting and details of the proposed monopole, cabinets and apparatus are as shown on drawing nos. 200 and 300. I am informed that the indicative location on drawing no. 100, which differs from the proposed site plan (drawing no. 200), is intended to provide directions to the site. The position shown on drawing no. 200 is within the grass verge of the highway and opposite lamp post 6673, no. 23 Atherstone Close, and nos. 13 and 14 Ansley Close. This description is in accordance with the Council's Statement that describes the site within a wide grass highway verge, as opposed to the indicative location which is within a belt of trees.
 3. Notwithstanding any confusion that may have arisen during the course of the application to the Council, my decision is therefore based on the location shown on the proposed site plan (drawing no. 200) rather than the indicative site location maps (drawing no. 100).
-

Main Issues

4. The main issues are the effect of the proposal on the outlook of nearby residents and any risk to health and wellbeing.

Reasons

5. The proposed monopole, cabinet and apparatus would be positioned within a wide grass verge adjoining Claybrook Drive, some 9m from the edge of the carriageway. The site lies within a spacious and verdant highway corridor, with agricultural land on one side of the highway and residential set back on the opposite side. There are extensive trees as a backdrop on both sides, although there is a more significant gap in the tree screen on the verge near no. 23 Atherstone Close and close to the end of that cul de sac.
6. The proposed 15m high monopole would be substantially higher than any nearby buildings, trees and lamp posts. I am informed that the proposed height of the monopole is the minimum necessary to clear buildings and trees to provide the required coverage across the target area. It would appear as a slim line structure with the antennae concealed within a cylindrical shroud integral to the upper part. It would have a simple, unfussy appearance and be coloured green to blend in with the surroundings.
7. There would be limited views of the monopole from across the street from nearby dwellings and gardens, although I am mindful that the tree cover would be less in the winter months. However, with its simple linear design and an appropriate colour, I do not consider that the proposed column would appear unduly obtrusive or overbearing from nearby dwellings given the separation distance and, for the most part, ample screening. The proposed equipment cabinet and ancillary apparatus would be viewed against the backdrop of the trees. They would appear small in scale and if coloured green as proposed would not appear obtrusive.
8. The proposed column would provide facilities for 2 telecommunications providers, for whom there is an identified shortage of 3G coverage in the area. This is indicated in the coverage plots submitted as part of the application to the Council. The sharing of facilities on a single column reduces the proliferation of masts and is regarded as good practice. The Council has not disputed the technical need.
9. Details are provided of alternative sites that were considered and the reasons why these were rejected. The area of search is predominantly residential and rural in character. The proposed site is as far south as possible to provide the required coverage. I am informed that alternative sites further to the north would be more directly overlooked by residential properties than at the appeal site. The Council considered that it may be possible to relocate the proposed development further from residential properties and still achieve the required coverage. However, there is no evidence that the appellant's search is unsatisfactory and no specific alternatives have been suggested by the Council. The commercial area lies further to the south beyond the area of search.

10. Given the position, scale and design of the proposal, screening, and the separation distance from nearby residential properties, I conclude that there would be no material harm to the outlook of nearby residents. The proposal does not conflict with Policy B(BE).13 of the *Borough of Redditch Local Plan No. 3* or to national guidance in *Planning Policy Guidance Note 8, Telecommunications* (PPG8) in this respect.
11. The views of local residents and other interested parties have been taken into account in reaching this decision. The proposal is in full compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines. PPG8 advises that if a proposed mobile phone base meets the ICNIRP guidelines it should not be necessary for a planning authority to consider further the health aspects of the proposal. Nevertheless, concerns have been raised on the grounds of the health and wellbeing of local residents and school pupils and I accept that their fears are relevant to my decision. On balance, however, and bearing in mind that there is little objective evidence to support local fears and that the emissions from the mast would be well within ICNIRP guidelines, I do not consider that concerns about health and wellbeing are sufficient to justify withholding approval. I have taken into account all other matters raised, but I find none that justify the dismissal of this appeal.

Sue Glover

INSPECTOR

