

Planning Committee

Wed 29th 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

email: 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

29th 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 - 4)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 1st February 2012.</p> <p>(Minutes attached)</p>
<p>4. Planning Application 2011/258/FUL - Teardrop Site, Bordesley Lane, Redditch (Pages 5 - 12) 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 8 pumps, car wash, car care facilities, car parking, offset fills and associated plant and landscaping.</p> <p>Applicant: Sainsbury's Supermarkets Ltd</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Abbey Ward);</p>
<p>5. Planning Application 2012/004/COU - 9 Dowlers Hill Crescent, Greenlands (Pages 13 - 18) Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a change of use from Class A1 (Shops) to Class A5 (Hot Food Takeaway), new shopfront and rear yard extension.</p> <p>Applicant: Mr Mohammed Qasim Rafiq</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Greenlands Ward);</p>

PLANNING

Committee

29th February 2012

<p>6. Planning Application 2012/018/RC3 - Winyates District Centre, Winyates</p> <p>(Pages 19 - 22)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for various environmental enhancements relating to demolition of existing garages, provision of additional car parking spaces and provision of refuse bin collection areas.</p> <p>Applicant: Redditch Borough Council</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Winyates Ward);</p>
<p>7. Tree Preservation Order No. (138) 2011 - Confirmation - Teardrop Site, Land at Bordesley Lane, Redditch</p> <p>(Pages 23 - 26)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a report relating to the protection of a number of significant mature trees considered to be of positive benefit to amenity and therefore worthy of retention in the longer term.</p> <p>(Report and Appendix 1 attached / Appendix 2 (Site Plan) under separate cover)</p> <p>(Abbey Ward);</p>
<p>8. Tree Preservation Order No. (139) 2011 - Confirmation - Former Dingleside Middle School and adjacent Council owned land</p> <p>(Pages 27 - 30)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a report relating to the protection of a number of significant mature trees considered to be of positive benefit to amenity and therefore worthy of retention in the longer term.</p> <p>(Report and Appendix 1 attached / Appendix 2 (Site Plan) under separate cover)</p> <p>(Greenlands Ward);</p>
<p>9. Tree Preservation Order No. (140) 2011 - Confirmation - Land off Oakenshaw Road,</p> <p>(Pages 31 - 34)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a report relating to the protection of a number of significant mature trees considered to be of positive benefit to amenity and therefore worthy of retention in the longer term.</p> <p>(Report and Appendix 1 attached / Appendix 2 (Site Plan) under separate cover)</p> <p>(Greenlands Ward);</p>
<p>10. Appeal Outcome - 80 Longfellow Close, Walkwood</p> <p>(Pages 35 - 36)</p> <p>Head of Planning and Regeneration</p>	<p>To receive information on the outcome of an appeal against refusal of Planning permission, made by Officers under delegated powers, relating to a change of use of open space to garden area and enclosure with fence.</p> <p>(Report attached)</p> <p>(Headless Cross & Oakenshaw Ward);</p>

PLANNING

Committee

29th February 2012

<p>11. Planning Enforcement Activity - Six Month Update</p> <p>(Pages 37 - 42)</p> <p>Head of Planning and Regeneration</p>	<p>To receive information relating to statistics for enforcement activity for the previous six months.</p> <p>(Report attached)</p> <p>(Various Wards);</p>
<p>12. 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>
<p>13. Confidential Matters (if any)</p>	<p>To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)</p>



Planning Committee

1st February 2012

MINUTES

Present:

Councillor Michael Chalk (Chair), Councillor Roger Hill (Vice-Chair) and Councillors Peter Anderson, Andrew Brazier, Malcolm Hall, Bill Hartnett and Brenda Quinney

Also Present:

M Collins (observer for Standards Committee)

Officers:

S Edden, A Hussain, A Rutt and S Skinner

Committee Services Officer:

J Smyth

66. APOLOGIES

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

67. DECLARATIONS OF INTEREST

No declarations of interest were made.

68. CONFIRMATION OF MINUTES**RESOLVED that**

the minutes of the meetings of the Committee held on 13th December 2011 and 4th January 2012 be confirmed as correct records and signed by the Chair.

.....
Chair

**69. PLANNING APPLICATION 2011/258/FUL –
TEARDROP SITE, BORDESLEY LANE, REDDITCH**

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 Supermarkets Ltd

Mr D Templeton, the Applicant's Agent, addressed the Committee under the Council's public speaking rules.

RESOLVED that

the Committee's decision stand DEFERRED for Officers to obtain further information about traffic flows.

(In view of concerns that the increased volume of traffic likely to be generated by the Petrol Filling Station onto the junction of Bordesley Lane and Millrace Road, together with additional traffic flow generated by the redeveloped Abbey Stadium and Pool, and recently approved Hotel and Restaurant development adjacent to this site, which Members felt would add to existing congestion problems in the area, Members deferred decision on the Application for Officers to provide more detailed information on the outcomes from the model traffic flow tests that had been conducted by the Highways Authority.

In view of these concerns, and the need for detailed Highways advice, Officers were asked to request the attendance of a Highways Team Officer at the next meeting of the Committee.)

**70. PLANNING APPLICATION 2011/329/S73 –
UNIT 1 MATCHBOROUGH CENTRE, MATCHBOROUGH WAY,
REDDITCH**

Variation of Condition 1 of Planning Application 2009/019/COU (change of use from A1 (Retail) to D2 (Assembly and Leisure) to extend the date of expiry of the permission for an additional five years.

Applicant: Mr S Marshall (Your Ideas)

Mr Marshall, 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, permission be GRANTED to vary Condition 1 of Planning Permission 2009/019/COU, subject to the imposition of the revised condition and summarised informatives as detailed below, namely:

Revised Condition

“1. The permission hereby granted expires on 31st March 2017. 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 re-assess 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.”

Informatives

**“1. Reason for approval
2. Reminder that all other Conditions attached to Planning Permission 2009/019/COU remain applicable.”**

(The Committee considered the report and information provided by the Applicant in respect of the success of Your Ideas and his request to secure use of the building for an additional 5 year permission rather than the 3 years recommended by Officers in their report, in order to be able to demonstrate the viability and sustainability of the organisation for future funding purposes.

Members felt that, given the current low demand for retail space in the area, extending the permission for five rather than three years was a sensible option that would enhance funding opportunities and enable the provision of an important community project, that was not detrimental to other retail functions in the District Centre, to continue.)

**71. PLANNING APPLICATION 2011/334/FUL –
9 DALE ROAD, RIVERSIDE**

Proposed two-storey extension and alterations

Applicant: Mr S Hussain

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.

**72. PLANNING APPLICATION 2012/011/GDO –
VERGE EAST OF CLAYBROOK DRIVE, REDDITCH**

15m monopole, equipment cabinet and ancillary apparatus

Applicant: Vodaphone (UK) Ltd and Telefonica 02 (UK) Ltd

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

Mr M Slevin, Objector
Mrs K Whitehouse – Objector
Councillor A Clayton (Ward Councillor and Objector)
Councillor J Brunner (Ward Councillor and Objector)
Mr D Holmes – the Applicant's Agent.

RESOLVED that

having regard to the application 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 proposed monopole, cabinet and ancillary apparatus and that planning permission is not required for the proposed development, subject to the expiry of the consultation period on 6th February 2012 and the informatives summarised in the report.

The Meeting commenced at 7.00 pm
and closed at 8.31 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

PPS9 Biodiversity & geological conservation

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
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)3	Wildlife corridors
E(TCR)11a	Retail sales at petrol filling stations
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
12. Development to occur in accordance with ecological mitigation strategy
13. Updated tree protection and assessment details to be provided and agreed

Informatives

1. Reason for approval
2. As requested by highways
3. As requested by STW
4. As requested by Drainage Officer
5. Other consents from other government agencies such as Natural England may also be required in relation to this development. It is the responsibility of the developer to ensure that all legislation is complied with in the course of the development.

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. The report is largely as reported on 1st February 2012, when it was deferred to seek the attendance of highway Officers to clarify the proposals and their impact on the surrounding highway network.

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**

29th February 2012

PLANNING APPLICATION 2012/004/COU

CHANGE OF USE FROM CLASS A.1 (SHOPS) TO CLASS A.5 (HOT FOOD TAKEAWAY), NEW SHOPFRONT AND REAR YARD EXTENSION

9 DOWLERS HILL CRESCENT, GREENLANDS

APPLICANT: MR MOHAMMED QASIM RAFIQ

EXPIRY DATE: 28th FEBRUARY 2012

WARD: GREENLANDS

The author of this report is Sharron Williams, Planning Officer (DM), who can be contacted on extension 3206 (e-mail: sharron.williams@ bromsgroveandredditch.gov.uk) for more information.

(See additional papers for Site Plan)

Site Description

The application site is a three storey terraced premises within a parade of 6 retail units at ground floor level and residential accommodation at first and second floor level, located on the eastern side of Dowlers Hill Crescent. The retail units are occupied at ground floor level as follows:

3 Dowlers Hill Crescent	'Classic Cuts' hairdressers (A1 use)
5/7 Dowlers Hill Crescent	'Raj Newsagents and General Store' (including off licence) (A1 use)
9 Dowlers Hill Crescent	'Mrs Bits and Bobs', currently empty (A1 use) (application site)
11 Dowlers Hill Crescent	'Flower Shop', (A1 use)
15 Dowlers Hill Crescent	'Greenlands Chinese takeaway' (A5 use)

The unit has a shopfloor with a kitchen area and WC facility to the rear. Access to the flat above is provided via a staircase at the rear of the shop. A yard at the rear is enclosed with lockable gates and comprises two storage buildings.

To the front of the parade there is a pull-in area for several cars to park. However, the main car parking facility is to the rear and side of the parade of shops.

The surrounding area is residential containing a mix of semi-detached and terraced housing.

PLANNING COMMITTEE

29th February 2012

Proposal Description

Permission is sought for full planning permission to change the use of an existing vacant shop within Class A1 (retail) to use as a hot food takeaway within Class A5. The application states that the A5 use proposed would include the takeaway of fish & chips.

Alterations are proposed to the unit and include a new aluminium double glazed shopfront, which would have low stall risers and a central doorway. Internally, the kitchen would remain the same whilst the shopfloor would have fryer units and serving counter and one set of table and chairs.

In the rear yard area, it is proposed that a cold store building be built next to the existing store buildings. A shallow mono pitched canopy is proposed to be built from the rear of the main building to create shelter in the yard area. This would be a timber support structure with translucent sheeting for the roof and sides above the existing side walls of the yard. A stainless steel extract flue with a 30 cm diameter is proposed to be installed at the rear of the building and would be visible on the rear elevation and protrude above the eaves of the roof.

The hours of opening would be 12 am midday to 12 pm midnight 7 days a week, and the applicant states that the use would employ three full time members of staff.

The application is supported by a Secured by Design Statement which refers to the proposed shop front confirming that toughened glass would be used and that a roller shutter be provided for after hour's security. Improved security locks would be used for the gates to the rear yard area, in addition to wall lights and PIR detection as standard. A further burglar alarm is proposed to be fitted to the shop, kitchen and access to the rear for the flat above.

The application is supported by a Community Involvement Statement which clarifies that there has been no community involvement prior to submitting the application.

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

**PLANNING
COMMITTEE**

29th February 2012

National Planning Policy

PPS.1	(& accompanying documents) Delivering sustainable development
PPS.4	Planning for Sustainable Economic Growth
PPG.13	Transport
PPG.24	Planning & Noise

Worcestershire County Structure Plan

D.34	Retail Developments in District and Local Centres
D.43	Crime Prevention and Community Safety

Borough of Redditch Local Plan No.3

B(BE).13	Qualities of Good Design
B(BE).14	Alterations and Extensions
B(BE).16	Shopfronts
B(BE).17	Shopfront Security
E(TCR).12	Class A.3, A.4 and A.5 uses
C(T).12	Parking standards
S.1	Designing out Crime
E(TCR).9	District Centres

The site is within the urban area of the Borough and is undesignated in the Borough of Redditch Local Plan No.3.

Other Relevant Corporate Plans and Strategies

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

Relevant Site Planning History

Appn. no	Proposal	Decision	Date
99/249	<i>9 Dowlers Hill Crescent Food preparation and retail</i>	Approved	7 Sept 1999
96/401	<i>11 Dowlers Hill Crescent Change of use to a hot food takeaway</i>	Withdrawn	21 Nov 1996

Public Consultation Responses

Neighbour consultation letters posted and a site notice erected at the site.

Responses against

21 comments received raising the following points:

- Extensive night time disturbance and noise, as well as anti social behaviour that would be detrimental to residential amenity.
- Additional litter.

PLANNING COMMITTEE

29th February 2012

- Increase in traffic and vehicles parking in this primarily residential Crescent.
- Facility not necessary when there are such facilities nearby in the Town Centre and District Centres.
- Need a shop for the community not a takeaway.
- Encourage groups of people to congregate in the area late at night.
- Will change the character of the traditional parade of shops and probably result in a shuttered premise.
- Additional odours.

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.

Consultee Responses

County Highway Network Control

No objection

Worcestershire Regulatory Service (General Hygiene)

Comments relate to general hygiene issues should permission be granted. This would be covered under other legislation outside the planning remit.

Worcestershire Regulatory Service (Community Protection)

No objection subject to conditions and informatives regarding odour control and extraction system details

Crime Risk Manager

No objections

Community Safety Officer

No comments received

Development Plans

No comments received

Waste Management

No objection subject to a condition requiring the provision of adequate litter / cigarette bins

Assessment of Proposal

The key issues for consideration in this case are:-

Principle

The area in which planning permission is sought is essentially residential in character. As such, new development should be compatible with this primary land use.

**PLANNING
COMMITTEE****29th February 2012**

Policy E(TCR).12 of the Borough of Redditch Local Plan No.3 deals with applications for new A3, A4 and A5 uses and expects such uses to be located within the Town Centre, Peripheral Zone or defined District Centres. Such sites are the most appropriate locations for these uses because they are more sustainable and likely to have less adverse impact on residential amenity and highway safety issues.

The parade of shops concerned does not form part of a District Centre for the area. It is considered that due to the facilities provided, the shops are purely of neighbourhood significance and are intended for essential day to day needs. Granting approval for the proposal would result in two of the five commercial businesses in this parade to be of hot food takeaway use. Consideration of the cumulative impact of A5 uses in this area needs to be taken into account due to the impact these proposals could have on the residential amenity through noise, smell and litter.

Officers consider that given such uses should be encouraged firstly in the Town Centre, Peripheral Zone and then District Centre, there appears to be no justification in policy terms to allow this proposed change of use in this predominantly residential area. Such A5 uses are considered likely to attract an increased volume of people and traffic resulting in disturbance by virtue of noise and of increased comings and goings, vehicle manoeuvring and a possible gathering point in the evenings. Such a use would be likely to result in serious detriment to residential amenity and the character of this residential area. The applicant has provided no information to address this policy concern.

Residents have raised concerns about the proposed use and how it could impact on residential amenity in respect to noise, disturbance, smell and character of this mainly residential area.

Design and Layout

The design of the new shopfront is considered to be acceptable and would improve the appearance of the premises. However, it has been indicated in the Design and Access Statement that roller shutters are proposed to the shopfront. Details of the roller shutters have not been submitted so it is unclear as to whether the shutters would be provided internally or externally. Officers have requested additional information on this matter.

At the rear of the building, it is proposed to enclose most of the rear yard area with a canopy, and adjacent to the existing external stores, it is proposed that a cold store be erected. However, it is unclear as to how the cold store would be constructed. Officers have requested additional information on this matter.

PLANNING COMMITTEE

29th February 2012

Further details will be provided on the Update report; however, even if the details of the design are considered to be acceptable, this would not necessarily outweigh the concerns above regarding the principle of the proposed use.

Other Issues

Little information has been submitted in the application in relation to the fume extraction other than elevational plans which indicate that a flue would be installed on the rear elevation. Whilst such details can, depending on the circumstance of the case, be agreed by planning condition, on such a sensitive site, your Officers would have expected to view more detailed proposals so that the impact of the flue upon the visual and residential amenities of the area could be fully assessed. Without these details, it is unclear as to whether or not the means of extraction would be harmful to residential amenity.

Conclusion

Being a wholly residential area, the proposals would be considered contrary to the aim of Policy E(TCR).12 which directs A5 uses to Town and District Centres and Peripheral Zone areas and away from residential areas due to such proposals likely detrimental impact upon residential amenity.

Recommendation

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

1. The proposed development would not be compatible with this primarily residential area in that it is likely to result in increased vehicular and pedestrian activity and disturbance to the severe detriment of existing residential amenity and the character of this residential area. As such, the development would be contrary to Policy E(TCR).12 of the Borough of Redditch Local Plan No.3.

Procedural matters

This application is reported to Planning Committee for determination because all change of use to A5 applications fall outside the scheme of delegation to Officers

PLANNING COMMITTEE

29th February 2012

PLANNING APPLICATION 2012/018/RC3

ENVIRONMENTAL ENHANCEMENTS – DEMOLITION OF EXISTING GARAGES, PROVISION OF ADDITIONAL CAR PARKING SPACES AND PROVISION OF REFUSE BIN COLLECTION AREAS.

WINYATES CENTRE, WINYATES

**APPLICANT: REDDITCH BOROUGH COUNCIL
EXPIRY DATE: 14TH MARCH 2012**

WARD: WINYATES WARD

(See additional papers for Site Plan)

The author of this report is Nina Chana, Planning Assistant (DM), who can be contacted on extension 3207
(e-mail: nina.chana@bromsgroveandredditch.gov.uk) for more information

Site Description

The Winyates Centre is a District Centre which was built as part of the New Town Developments in the 1970s. The centre has a number of shop units, residential flats, a public house and a medical centre. There are also a number of blocks of garages in various locations, in addition to some grass verges and amenity strips and also a large number of car parking spaces.

Proposal Description

The application proposes an additional seven car parking spaces which would be created by the removal of seven garages, and the provision of four refuse and recycling points.

The application is supported by a Design & Access Statement.

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
PPG13 Transport

PLANNING COMMITTEE

29th February 2012

Regional Spatial Strategy

QE3 Creating a high quality built environment for all
QE4 Greenery, urban greenspace and public spaces
T7 Car parking standards and management

Worcestershire County Structure Plan

T4 Car parking
SD2 Care for the environment

Borough of Redditch Local Plan No.3

B(BE).13 Qualities of good design
B(NE).1a Trees, woodland and hedgerows
R2 Protection of incidental open space

SPDs

Encouraging Good Design.

Relevant Site Planning History

None

Public Consultation Responses

Four objectors to date. Comments summarised as follows:

- detrimental effect on visual amenity
- smell from bins in the summer

Consultee Responses

County Highway Network Control

No objection

Assessment of Proposal

The key issues for consideration in this case are the effect of the loss of the garages on residential and visual amenity, the loss of the incidental grass amenity areas and the overall impact on the provision of parking spaces and refuse collection facilities for the Close and Centre as a whole.

Loss of amenity areas

Whilst policy seeks to protect incidental amenity spaces, the majority of which would remain in this Close, in considering the benefit of the communal refuse collection area, this should be weighed against other benefits and disbenefits, when considering the overall proposal here. There is only one area, in Woodcote Close, where the bins are proposed to be placed on what is currently grass verge. The remaining two areas are already hard standing surfaces. These collection areas will provide improved and central refuse disposal areas for the residential occupiers of the flats and will also provide re-cycling facilities. Therefore the small loss of amenity area is considered to be outweighed by the benefits of the facilities proposed.

PLANNING COMMITTEE

29th February 2012

Overall parking provision and removal of garages

The proposal would result in the provision of seven additional car parking spaces, which are being created as a result of the removal of garages. The Winyates Centre, as a whole is not short of car parking spaces, but the need has arisen for the removal of the garages as they are either empty or being used for storage. The removal of these garages will enhance the visual amenity of the area. There are no longer maximum standards of parking provision, and the spaces would be considered acceptable in design and visual amenity terms, and therefore are acceptable.

Sustainability

In line with current and emerging planning policy guidance, any hard surfacing to be provided should be permeable or include a Sustainable Urban Drainage system, and thus it is recommended that a condition be imposed to this effect.

Conclusion

On balance, Officers consider that the proposals here would result in an improved residential and visual amenity in this Close and Centre, and the loss of the small grass area and the removal of the garages is therefore considered to be outweighed by these benefits.

Recommendation

Having regard to the development plan and to other material planning considerations, it is recommended planning permission be granted subject to conditions and informatives as summarised below:

1. Development to commence within three years.
2. Surfacing to be permeable wherever possible for sustainability reasons.
3. Details of finishes of surfaces to be submitted and agreed prior to commencement on site, and implemented as agreed.
4. Approved plans specified.

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 four letters of objection have been received and the recommendation is for approval.

**PLANNING
COMMITTEE**

29th February 2012

**TREE PRESERVATION ORDER No. (138) 2011 – CONFIRMATION –
TEARDROP SITE, BORDESLEY LANE**

Relevant Portfolio Holder	Cllr Jinny Pearce, Portfolio Holder, Planning, Regeneration, Economic Development and Transport
Portfolio Holder Consulted	No
Relevant Head of Service	Ruth Bamford, Head of Planning and Regeneration Guy Revans, Head of Environment
Wards Affected	Abbey
Ward Councillor Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

This report proposes the long-term protection of trees that are mature and significant and therefore considered to be of positive benefit to amenity. Their value makes them worthy of retention in the longer term.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

Tree Preservation Order No (138) 2011, as detailed in the Schedule attached at Appendix 1 to the report and Plan at Appendix 2, be confirmed.

3. KEY ISSUES

Financial Implications

- 3.1 The costs of the administrative and technical processes associated with this matter may be met from within existing budgets, and the financial aspects are not a matter for the Planning Committee to consider.

Legal Implications

- 3.2 These matters are completed in line with the provisions of the Town & Country Planning Act 1990 (as amended).
- 3.3 The Legal Services Manager has been consulted with regard to the legal implications.

**PLANNING
COMMITTEE**

29th February 2012

Service / Operational Implications

- 3.4 This site is an area of undeveloped land dominated by roadside barrier planting, scrub and rough grassland. It is enclosed on one side by the A441 Alvechurch Highway and on the other side by Bordesley Lane and the Crematorium site.
- 3.5 The land is currently owned by Redditch Borough Council but is in the process of being sold for development purposes. As the site supports trees, it was deemed appropriate to survey the site to establish whether any trees are worthy of protection by means of a Tree Preservation Order (TPO), prior to being sold for development.
- 3.6 TPOs are made to protect trees (individuals, groups, areas, or entire woodlands) that contribute significantly to their local environment and to its enjoyment by the public. This is known as the public amenity value of trees. When suitable trees / woodlands are identified a provisional TPO is made which comes into effect immediately, followed by a consultation period where interested parties can make representations against or in favour of the TPO.
- 3.7 Following the consultation period a decision must be made to either confirm (in other words, make permanent) the TPO or not. If representations are received then the matter is considered by the Planning Committee, and generally if no representations are received then the TPO is confirmed by officers of the Council under delegated powers. However, when TPOs are made on council owned land, as in this particular instance, it has been decided that the matter should also be considered by the Planning Committee whether or not any representations are received.
- 3.8 Following a survey of the site, three individual trees were identified for inclusion within a new TPO. These trees are identified as T1 (horse chestnut), T2 (oak) and T3 (oak). They are all large mature specimens of good health and located in prominent locations within the site. As mature trees they add greatly to the character of the area and are of very high biodiversity value. T2 is particularly valuable in biodiversity and historical terms as it is classed as a veteran tree and would also have been a feature of the former lane that originally led to the chapel site prior to development of the current road system.
- 3.9 A TPO was therefore made to protect the future contribution that the trees will make to public amenity and biodiversity. The trees will not impact unduly on any potential development of the site; rather it is considered that their presence will greatly enhance the landscaping as mature feature trees.

**PLANNING
COMMITTEE**

29th February 2012

- 3.10 No representations have been received to date.
- 3.11 All three trees are large mature specimens located in prominent positions, and their levels of visual amenity will be further enhanced if development of the site takes place. These trees can all be comfortably retained and incorporated within a development and will enhance the site as large established landscape features. The fact that no objections to this TPO have been received from the development applicants indicates that they acknowledge the amenity value of these trees

Customer / Equalities and Diversity Implications

- 3.12 No relevant implications have been identified.

4. RISK MANAGEMENT

The risk of not protecting the trees is that, in the long term, they may cease to fall within the control of the Council and therefore be felled or pruned such that their significance and contribution to the wider area would be diminished, causing a loss to the amenity of the area.

5. APPENDICES

Appendix 1 - Proposed TPO schedule for confirmation
Appendix 2 - Plan attached under separate cover
(see Committee Plan Pack)

6. BACKGROUND PAPERS

Relevant correspondence on file.

7. Key

TPO = Tree Preservation Order.

AUTHOR OF REPORT

Name: Andrew Southcott, Tree Officer
E Mail: andrew.southcott@bromsgroveandredditchbc.gov.uk
Tel: (01527) 64252 ext 3735

**PLANNING
COMMITTEE**

29th February 2012

APPENDIX ONE**First Schedule****Trees specified individually**

(encircled in black on the attached map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Horse chestnut	404064/268793	Northern end of site adjacent to subway embankment.
T2	Oak	404291/268660	Southern end of site near Bordesley Lane.
T3	Oak	404291/268629	Southern end of site near Alvechurch Highway roundabout.

Trees specified by reference to an area

(within a dotted black line on the map)

NONE

Groups of Trees

(within a broken black line on the map)

NONE

Woodlands

(within a continuous black line on the map)

NONE

**PLANNING
COMMITTEE**

29th February 2012

**TREE PRESERVATION ORDER No. (139) 2011 – CONFIRMATION -
FORMER DINGLESIDE MIDDLE SCHOOL AND ADJOINING COUNCIL
OWNED LAND**

Relevant Portfolio Holder	Councillor Jinny Pearce, Portfolio Holder, Planning, Regeneration, Economic Development and Transport
Portfolio Holder Consulted	No
Relevant Head of Service	Ruth Bamford, Head of Planning and Regeneration Guy Revans, Head of Environment
Wards Affected	Greenlands
Ward Councillor Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

This report proposes the long term protection of trees that are mature and significant and therefore considered to be of positive benefit to amenity and their value makes them worthy of retention in the longer term.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

Tree Preservation Order No (139) 2011, as detailed in the Schedule attached at Appendix 1 to the report and Plan at Appendix 2, be confirmed.

3. KEY ISSUES

Financial Implications

- 3.1 The costs of the administrative and technical processes associated with this matter may be met from within existing budgets, and the financial aspects are not a matter for the Planning Committee to consider.

Legal Implications

- 3.2 These matters are completed in line with the provisions of the Town & Country Planning Act 1990 (as amended).

**PLANNING
COMMITTEE****29th February 2012**

- 3.3 The Legal Services Manager has been consulted with regard to the legal implications.

Service/Operational Implications

- 3.4 This site encompasses the former Dingleside Middle School and adjoining council-owned land, which is all in the process of being sold for residential development purposes. As the site supports many individuals and groups of trees, it was deemed appropriate to survey the site to establish whether any trees are worthy of protection by means of a Tree Preservation Order (TPO), prior to being sold for development.
- 3.5 TPOs are made to protect trees (individuals, groups, areas, or entire woodlands) that contribute significantly to their local environment and to its enjoyment by the public. This is known as the public amenity value of trees. When suitable trees/woodlands are identified a provisional TPO is made which comes into effect immediately, followed by a consultation period where interested parties can make representations against or in favour of the TPO.
- 3.6 Following the consultation period a decision must be made to either confirm (in other words, make permanent) the TPO or not. If representations are received then the matter is considered by the Planning Committee, and generally if no representations are received then the TPO is confirmed by Officers of the Council under Delegated Powers. However, when TPOs are made on council-owned land, as in this particular instance, it has been decided that the matter should be considered by the Planning Committee whether or not any representations are received.
- 3.7 Following a survey of the site, five individual trees were identified for inclusion within a new TPO. These trees are identified as T1 (ash), and T2 to T5 (all oaks). They are all mature specimens of good health and structure, and located in prominent locations within the site and on its boundary. As mature native trees they add greatly to the character of the area and are of high biodiversity value. The trees are also of historic value as they form part of the former field boundaries which existed in the agricultural landscape prior to the development of Redditch. A TPO was therefore made to protect the future contribution that the trees will make to public amenity.
- 3.8 Prior to the TPO being made, these trees had already been included for retention within an Indicative Site Plan for residential development approved under planning application reference 2010/210/OUT and thus have been identified as worthy of retention. This indicates an acknowledgement that the trees will enhance the visual amenity of future landscaping, and will not act as a barrier to development.
- 3.9 It should be noted that although there are some other large prominent trees within and around the boundary of the site, these were assessed and ultimately considered to be below the level of quality required for inclusion within the TPO. The reasons for this were primarily due to structural weaknesses as a result of damage, decay and poor growth habit.

**PLANNING
COMMITTEE**

29th February 2012

- 3.10 No representations have been received to date.
- 3.11 All five trees are large, mature and native specimens. They are of good health, and located in prominent positions. Their visual amenity will be further enhanced if development takes place as they will become clearly visible to many local residents. As the Indicative Site Plan has already shown, these trees can all be comfortably retained and incorporated within a development and will enhance the site as established landscape features. The fact that no objections to this TPO have been received (neither from the agent/applicant nor any local residents) indicates that the amenity value of these trees is widely accepted.

Customer / Equalities and Diversity Implications

- 3.12 No relevant implications have been identified.

4. RISK MANAGEMENT

The risk of not protecting the trees is that in the long term they may cease to fall within the control of the Council and therefore be felled or pruned such that their significance and contribution to the wider area would be diminished, causing a loss to the amenity of the area.

5. APPENDICES

Appendix 1 - Proposed TPO schedule for confirmation.
Appendix 2 - Plan attached under separate cover
(see Committee Plan Pack)

6. BACKGROUND PAPERS

Relevant correspondence on file.

7. Key

TPO = Tree Preservation Order.

AUTHOR OF REPORT

Name: Andrew Southcott, Tree Officer
E Mail: andrew.southcott@bromsgroveandredditchbc.gov.uk
Tel: (01527) 64252 ext 3735

**PLANNING
COMMITTEE**

29th February 2012

APPENDIX ONE**First Schedule****Trees specified individually**

(encircled in black on the attached map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Ash	405470/265662	Northwest corner of former school site.
T2	Oak	405484/265631	Within hedgerow to west of former school building.
T3	Oak	405502/265607	Within hedgerow to west of former school building.
T4	Oak	405544/265557	Southwest corner of site, near former entrance gate.
T5	Oak	405708/265658	Adjacent to public footpath on southeast corner of site.

Trees specified by reference to an area

(within a dotted black line on the map)

NONE

Groups of Trees

(within a broken black line on the map)

NONE

Woodlands

(within a continuous black line on the map)

NONE

**PLANNING
COMMITTEE**

29th February 2012

**TREE PRESERVATION ORDER No. (140) 2011 – CONFIRMATION –
LAND OFF OAKENSHAW ROAD**

Relevant Portfolio Holder	Councillor Jinny Pearce, Portfolio Holder, Planning, Regeneration, Economic Development and Transport
Portfolio Holder Consulted	No
Relevant Head of Service	Ruth Bamford, Head of Planning and Regeneration Guy Revans, Head of Environment
Wards Affected	Greenlands
Ward Councillor Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

This report proposes the long term protection of trees that are mature and significant and therefore considered to be of positive benefit to amenity and their value makes them worthy of retention in the longer term.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

Tree Preservation Order No (140) 2011, as detailed in the Schedule attached at Appendix 1 to the report and Plan at Appendix 2 be confirmed.

3. KEY ISSUES

Financial Implications

- 3.1 The costs of the administrative and technical processes associated with this matter may be met from within existing budgets, and the financial aspects are not a matter for the Planning Committee to consider.

Legal Implications

- 3.2 These matters are completed in line with the provisions of the Town & Country Planning Act 1990 (as amended).
- 3.3 The Legal Services Manager has been consulted with regard to the legal implications.

**PLANNING
COMMITTEE**

29th February 2012

Service/Operational Implications

- 3.4 This site is an area of grassland with a mix of remnant hedgerows supporting mature trees, and more recent barrier planting along footpaths and around the perimeter. The land ownership is currently split between Redditch Borough Council and Worcestershire County Council, but is in the process of being sold for residential development. As the site supports trees, it was deemed appropriate to survey the site to establish whether any trees are worthy of protection by means of a Tree Preservation Order (TPO), prior to being sold for development.
- 3.5 TPOs are made to protect trees (individuals, groups, areas, or entire woodlands) that contribute significantly to their local environment and to its enjoyment by the public. This is known as the public amenity value of trees. When suitable trees/woodlands are identified a provisional TPO is made which comes into effect immediately, followed by a consultation period where interested parties can make representations against or in favour of the TPO.
- 3.6 Following the consultation period a decision must be made to either confirm (*i.e.* make permanent) the TPO or not. If representations are received then the matter is considered by the Planning Committee, and generally if no representations are received then the TPO is confirmed by Officers of the Council under Delegated Powers. However, when TPOs are made on council owned land, as in this particular instance, it has been decided that the matter should be considered by the Planning Committee whether or not any representations are received.
- 3.7 Following a survey of the site, eleven individual trees were identified for inclusion within a new TPO. These trees are identified as T1 to T11 and are all oaks. They are large mature specimens of good health and are prominent features within the local landscape. As mature oak trees they add greatly to the character of the area and are of very high biodiversity value. They are also valuable in historical terms as they form part of a linear landscape feature which was originally an agricultural field boundary. A TPO was therefore made to protect the future contribution that the trees will make to public amenity and biodiversity.
- 3.8 As the trees are all located along the southern boundary of the site, there is no reason to suppose that their inclusion within a TPO would impact unduly on any residential development. As mature boundary trees they would act as screening from outside the site and enhance visual amenity and privacy for residents from within the site.
- 3.9 No representations have been received.

**PLANNING
COMMITTEE**29th February 2012

- 3.10 All eleven trees are large, prominent mature specimens. They have a high degree of visual amenity, as well as high biodiversity and historic value. These trees can all be comfortably retained and incorporated within a development and will enhance the site as large established landscape features. No objections to this TPO have been received, which indicates that the local residents acknowledge the amenity value of these trees.

Customer / Equalities and Diversity Implications

- 3.11 No relevant implications have been identified.

4. RISK MANAGEMENT

The risk of not protecting the trees is that in the long term they may cease to fall within the control of the Council and therefore be felled or pruned such that their significance and contribution to the wider area would be diminished, causing a loss to the amenity of the area.

5. APPENDICES

Appendix 1 - Proposed TPO schedule for confirmation
Appendix 2 - Plan attached under separate cover
(see Committee Plan Pack)

6. BACKGROUND PAPERS

Relevant correspondence on file.

7. Key

TPO = Tree Preservation Order.

AUTHOR OF REPORT

Name: Andrew Southcott, Tree Officer
E Mail: andrew.southcott@bromsgroveandredditchbc.gov.uk
Tel: (01527) 64252 ext 3735

**PLANNING
COMMITTEE**

29th February 2012

APPENDIX ONEFirst ScheduleTrees specified individually

(encircled in black on the attached map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Oak	404829, 265713	Grass bank north of playing field
T2	Oak	404856, 265713	Grass bank north of playing field
T3	Oak	404872, 265712	Grass bank north of playing field
T4	Oak	404890, 265712	Adjacent to NE corner of allotments site
T5	Oak	404907, 265711	Adjacent to N boundary of allotments site
T6	Oak	404923, 265711	Adjacent to N boundary of allotments site
T7	Oak	404941, 265708	Adjacent to boundary fence, N of footpath
T8	Oak	404949, 265707	Adjacent to boundary fence, N of footpath
T9	Oak	404960, 265706	Adjacent to boundary fence, N of footpath
T10	Oak	404970, 265706	Adjacent to boundary fence, N of footpath
T11	Oak	404994, 265703	Adjacent to boundary fence, N of footpath

Trees specified by reference to an area

(within a dotted black line on the map)

NONE

Groups of Trees

(within a broken black line on the map)

NONE

Woodlands

(within a continuous black line on the map)

NONE

**PLANNING
COMMITTEE**

29th February 2012

APPEAL OUTCOME – 80 LONGFELLOW CLOSE, WALKWOOD

APPEAL MADE AGAINST REFUSAL OF PLANNING PERMISSION

PLANNING APPLICATION DETAILS: 2011/192/COU

**PROPOSAL CHANGE OF USE OF OPEN SPACE TO GARDEN AREA
AND ENCLOSURE WITH FENCING**

LOCATION 80 LONGFELLOW CLOSE, REDDITCH

WARD HEADLESS CROSS & OAKENSHAW

**DECISION DECISION MADE BY OFFICERS UNDER DELEGATED
POWERS 11TH AUGUST 2011**

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.

Discussion

The case related to the proposed change of use of an area designated as incidental open space in the Borough of Redditch Local Plan No 3. The appellant wished to use the area as private garden by enclosure of the land with close board fencing to a height of 1.8 metres. The planning application was refused for the following reason:

1. The site is an area of incidental open space which contributes to the quality of the urban area and as such will normally warrant protection from development. The Council considers that the need for this development does not outweigh the current value of the land as an open area and that the proposed development would harm the character and visual amenities of the area. The proposal would therefore be contrary to Policies R.2 and B(BE).13 of the Borough of Redditch LP No.3.

Officers sought to defend that reason through written representations to the Planning Inspector.

The Inspector, like officers, noted that the overall design of the estate includes for the main part, open plan frontages to the houses and grassed areas adjacent to corner plots and that the area in question makes a positive contribution to the overall feeling of openness along this part of Longfellow Close.

PLANNING COMMITTEE

29th February 2012

The Inspector considered that the enclosing of this area would be out of character with the general open design of the original estate and considered that the fencing would be visually prominent within the wider street scene harming the visual amenities of the area. She agreed with the Council that the planting which the appellant proposed in front of the enclosure would not overcome the significant harm that enclosing the incidental open space would have upon the character and appearance of the area.

Appeal outcome

The planning appeal was DISMISSED. Costs were neither sought nor awarded.

Further issues

None.

Recommendation

**The Committee is asked to RESOLVE that
the item of information be noted.**

PLANNING COMMITTEE

29th February 2012

PLANNING ENFORCEMENT ACTIVITY – SIX MONTH UPDATE

This report provides information in relation to statistics showing enforcement activity for the previous six months.

Recommendation

The Committee is asked to RESOLVE that

the information be noted.

Financial, Legal, Policy, Risk and Climate Change Implications

Financial

There are no direct financial implications in the reports.

Legal

Legal implications are as detailed in the reports and as set out in the following Acts (as amended):-

Town and Country Planning Act 1990.
Planning and Compensation Act 1991.
Planning and Compulsory Purchase Act 2004.
Town and Country Planning (Control of Advertisements) Regulations 2007.
Anti-Social Behaviour Act 2003.
Human Rights Act 1998.
Crime and Disorder Act 1998.

Policy

Policy implications are as detailed in individual reports, the Planning Enforcement Policy and as set out in the Borough of Redditch Local Plan No. 3.

Discussion

Planning Committee has asked that detailed information is provided on a six-monthly basis with regard to the use of delegated enforcement powers, notable closed cases and enforcement activity in general.

The report comes in the form of two appendices:

Appendix 1 Review of enforcement activity for the period July to December 2012;

PLANNING COMMITTEE

29th February 2012

Appendix 2 Review of delegated authorisations and notable results for the period July to December 2012.

The author of this report is Iain Mackay (Senior Enforcement Officer) who can be contacted on extension 1301 (e-mail:- iain.mackay@bromsgroveandredditch.gov.uk) for more information.

APPENDIX 5

6 Monthly Update and Review of Enforcement. Use of delegated powers and other ongoing matters. July - December 2011							
Date of complaint	Location	Alleged Breach	Authorised	Committee/ Delegated	Action taken	Review date /Date closed	Status
05/02/2008	Clive Works, Edward Street	Condition of property	Section 215 Notice	Committee	Notice issued	02/02/2012	Demolition approved - still subject to probate
13/03/2008	Fenwick Close, Headless Cross	Condition of property	Section 215 Notice	Committee	Notice issued	02/02/2012	Direct action an option - but now on Council land
18/12/2009	Patch Lane, Oakenshaw	Insertion of window	Prosecution	Committee	Notice issued	29/12/2011	Window replaced - Notice complied with
25/01/2010	Church Green West, Jade Garden	Condition of property	Section 215 Notice	Delegated	Notice issued	31/01/2012	Upper floors completed - ground floor ongoing
12/07/2010	Stables Farm Shop, Astwood Bank	Unauthorised extensions and other works	Enforcement Notice	Delegated	Appeal	29/12/2011	Appeal part allowed + notice complied with
12/07/2011	Astwood Business Park, Astwood Bank	Car sales	Enforcement Notice	Delegated	Notice in draft	31/01/2012	Pending issue of notice
21/07/2011	Glover Street Garages, Smallwood	Condition of property	Section 330 Notice	Delegated	Notice issued	30/01/2012	Likely Section 215 Untidy Land Notice
24/08/2011	Enfield Industrial Estate, Windsor Road	Unauthorised retail sales	Enforcement Notice	Delegated	Notice in draft	31/01/2012	Pending issue of notice
12/12/2011	Spice Fusion, Evesham Road, Astwood Bank	Non-compliance with conditions	Breach of Condition Notice	Delegated	Notice issued	05/03/2012	Pending compliance

ENFORCEMENT ACTIVITY

<u>Period:</u>	<u>01/07/11</u>	To:	<u>31/12/2011</u>
Enforcement Complaints registered	→→		150
Current caseload	→→		58
Cases closed			
Closed - ceased	→→		17
Closed - PP obtained	→→		22
Closed - no evidence	→→		13
Closed - permitted development	→→		33
Closed - No Planning issues	→→		44
Closed - Not expedient/other reasons	→→		15
Closed - Notice complied with	→→		2
Enforcement notices	→→		1
Stop notices	→→		0
Temporary stop notices	→→		0
S.215 untidy land notices	→→		0
Breach of condition notices	→→		0
Planning contravention and S.330 notices	→→		15
High Hedge remedial notices	→→		0
Tree replacement notices	→→		0
Number of Notices issued	→→		16
Prosecutions initiated	→→		1
Convictions obtained	→→		1
Injunctions granted	→→		0
Injunctions refused	→→		0
Enforcement appeals received	→→		1
Enforcement appeals dismissed	→→		0
Enforcement appeals allowed	→→		1

Iain Mackay
Senior Enforcement Officer

Date:

31/12/2011

