

Planning Committee

Wed 28th Mar
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:

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REDDITCH BOROUGH COUNCIL **PLANNING COMMITTEE**



GUIDANCE ON PUBLIC **SPEAKING**

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

28th March 2012

7pm

Council Chamber, Town Hall

Agenda

Membership:

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

1. Apologies	To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.
2. Declarations of Interest	To invite Councillors to declare any interest they may have in the items on the Agenda.
3. Confirmation of Minutes (Pages 1 - 8)	To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 29th February 2012. (Minutes attached)
4. Planning Application 2012/025/FUL - Maclellan House, Clews Road, Oakenshaw (Pages 9 - 24) Head of Planning and Regeneration	To consider a Planning Application for the demolition of an existing office building and erection of a Drive-Thru Restaurant (Use Class A3/A5) with associated parking. Applicant: Mr J Peach (KFC: GB Ltd) (Report and Site Plan attached) (Headless Cross & Oakenshaw Ward);
5. Appeal Outcome - Crumpfields Farm, Crumpfields Lane, Webheath (Pages 25 - 26) Head of Planning and Regeneration	To receive information on the outcome of an appeal against an Enforcement Notice, relating to an unauthorised change of use of agricultural land to riding school and associated operational development. (Report attached) (West Ward);
6. Appeal Outcome - Woodsill Cottage, Weavers Hill, Hunt End (Pages 27 - 28) Head of Planning and Regeneration	To receive information on the outcome of an appeal against refusal of planning permission, made by Officers under delegated powers, relating to a proposed extension of a detached cottage located within the Green Belt. (Report attached) (Astwood Bank & Feckenham Ward);

7. Exclusion of the Public	During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution: “that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended. These paragraphs are as follows: subject to the “public interest” test, information relating to: Para 1 - <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> may need to be considered as “exempt”.
8. Confidential Matters (if any)	To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)



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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:

Jinny Pearce and M Collins (observer for Standards Committee) and Mr B Sharp (County Council Highways Engineer)

Officers:

A Hussain, A Rutt, S Skinner and S Williams

Committee Services Officer:

J Smyth

73. APOLOGIES

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

74. DECLARATIONS OF INTEREST

No declarations of interest were made.

75. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 1st February 2012 be confirmed as a correct record and signed by the Chair.

.....
Chair

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

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

Applicant: Sainsbury's Supermarkets Ltd

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

Mr B Sharp, a Worcestershire County Council Highway Engineer, was invited to provide expert advice on a number of detailed Highways matters.

RESOLVED that

- 1) **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 if Petrol Filling Station is not open,**
 - 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. Development not to be open to the public or commence use until S.278 off-site highway works have been completed (these include 2 lane entry to roundabout from Millrace Rd, re-surfacing and re-lining of the roundabout),**

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9. Access, turning and parking to be completed prior to use / occupation,
10. Method of maintaining safe adjacent highway during construction to be agreed and implemented,
11. As requested by Severn Trent Water,
12. As requested by Drainage Officer,
13. Approved plans specified,
14. Development to occur in accordance with ecological mitigation strategy,
15. Updated tree protection and assessment details to be provided and agreed,
16. Details of species, locations etc and programme for planting of new hedgerow planting to be agreed and implemented as agreed,
17. Details of maintenance of existing hedgerows / trees to be agreed and implemented to ensure hedging and smaller trees are retained;”

plus the following additional conditions agreed by Members at the meeting:

- “18. the egress on to the main roundabout to be two lanes wide for a minimum of 30 metres,
19. the left hand lane of these two lanes to be protected by a continuous white line and have a minimum acceleration distance of 50 metres towards Redditch,
20. traffic travelling from Birmingham to have only one lane that goes on towards Redditch,
21. the central lane, taking traffic across the island from both the petrol filling station and the main store, to be reinstated,
22. traffic exiting towards Birmingham to be separated from traffic going to the petrol filling station so that traffic exiting from the Birmingham lane can better predict when a gap is approaching,

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23. the island to be completely resurfaced before the new lanes are installed”; and

Informatives

- “1. Reason for approval
2. As requested by highways
3. As requested by Severn Trent Water”;

and additionally,

2. “any proposed advertising / signage and future screening matters to be brought to the Planning Committee for determination. ”

(The Committee considered the report and information provided by the public speakers and Mr Brian Sharp, a County Council Highway Engineer who had been invited to the meeting to provide expert highway advice following a request from the Committee at its previous meeting, when the application had been deferred.

Consideration was also given to a number of proposed additional conditions, tabled at the meeting by a member of the Committee, and which the majority of Members considered would alleviate the increased volume of traffic likely to be generated by the Petrol Filling Station onto the junction of Bordesley Lane and Millrace Road in conjunction with additional traffic generated by the redeveloped Abbey Stadium and recently approved Hotel and Restaurant development.

The Committee also considered that, given the proximity of the subject site to the Crematorium and the associated sensitivities, any advertisement / signage for the development and future screening proposals should be determined by the Committee rather than under delegated powers.)

77. PLANNING APPLICATION 2012/004/COU – 9 DOWLERS HILL CRESCENT, GREENLANDS

Change of use from Class A1 (Shops) to
Class A5 (Hot Food Takeaway),
new shop front and rear yard extension

Applicant: Mr Mohammed Qasim Rafiq

Councillor Rebecca Blake, Ward Councillor and Objector, and Mr Clive Robinson, the Applicant’s Agent, addressed the Committee under the Council’s public speaking rules.

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RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be **REFUSED**, for the reason stated in the main report.

**78. PLANNING APPLICATION 2012/018/RC3 –
WINYATES DISTRICT CENTRE, WINYATES**

Environmental enhancements -
demolition of existing garages,
provision of additional car parking spaces and
provision of refuse bin collection area

Applicant: Redditch Borough Council

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.

**79. TREE PRESERVATION ORDER NO. (138) 2011 -
CONFIRMATION - TEARDROP SITE,
LAND AT BORDESLEY LANE, REDDITCH**

The Committee received a report which proposed the long-term protection of two mature Oak trees and one Horse Chestnut Tree that were considered to be significant and of positive benefit to amenity and therefore worthy of retention in the longer term.

RESOLVED that

Tree Preservation Order No. (138) 2011, as detailed in the Schedule attached at Appendix 1 to the report and Plan at Appendix 2 (issued under separate cover in the Application Site Plans pack), be confirmed.

**80. TREE PRESERVATION ORDER NO. (139) 2011 -
CONFIRMATION - FORMER DINGLESIDE MIDDLE SCHOOL
AND ADJACENT COUNCIL OWNED LAND**

The Committee received a report which proposed the long-term protection of a group of five mature Oak trees and an Ash Tree that were considered to be significant and of positive benefit to amenity and therefore worthy of retention in the longer term.

RESOLVED that

Tree Preservation Order No. (139) 2011, as detailed in the Schedule attached at Appendix 1 to the report and Plan at Appendix 2 (issued under separate cover in the Application Site Plans pack), be confirmed.

**81. TREE PRESERVATION ORDER NO. (140) 2011 -
CONFIRMATION - LAND OFF OAKENSHAW ROAD,**

The Committee received a report which proposed the long-term protection of a group of eleven mature Oak trees that were considered to be significant and of positive benefit to amenity and therefore worthy of retention in the longer term.

Members fully supported the protection of the trees in question and queried whether it would also be possible to ensure the retention of the hedgerows either side of the trees at the location. Officers undertook to look into the potential for retaining the hedgerows as a separate matter, as protection of hedgerows was dealt with under different legislation.

RESOLVED that

Tree Preservation Order No. (140) 2011, as detailed in the Schedule attached at Appendix 1 to the report and Plan at Appendix 2 (issued under separate cover in the Application Site Plans pack), be confirmed.

**82. APPEAL OUTCOME –
80 LONGFELLOW CLOSE, WALKWOOD**

The Committee received and noted 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 2011/192/COU
Change of use of open space to
garden area and enclosure with fencing

The appeal against the Council's decision to refuse planning permission had been dismissed, on the grounds that the area of open space was a valuable contribution to the quality of the urban area and that a change of use to garden area and enclosure with fencing would harm the general character and visual amenities of the area.

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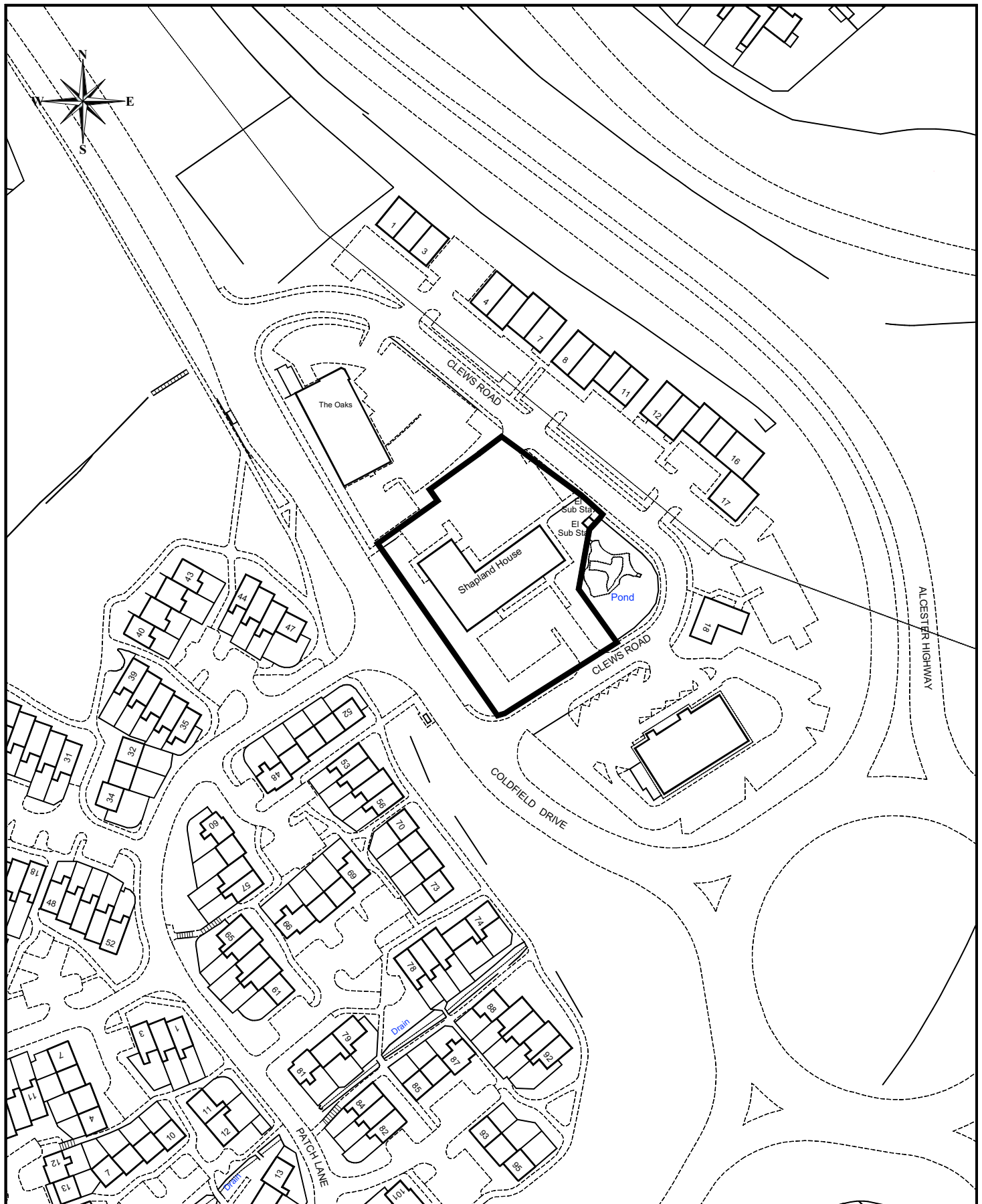
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**83. PLANNING ENFORCEMENT ACTIVITY –
SIX MONTH UPDATE**

The Committee received and noted a report which provided statistics showing enforcement activity for the previous six months.

The Meeting commenced at 7.00 pm
and closed at 8.23 pm

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CHAIR



REDDITCH BOROUGH COUNCIL**PLANNING
COMMITTEE**

28th March 2012

PLANNING APPLICATION 2012/025/FUL**DEMOLITION OF EXISTING OFFICE BUILDING AND ERECTION OF
DRIVE-THRU RESTAURANT (USE CLASS A3/A5) WITH ASSOCIATED
PARKING****MACLELLAN HOUSE, CLEWS ROAD, REDDITCH****APPLICANT: MR J PEACH (KFC: GB LTD)**
EXPIRY DATE: 28TH MARCH 2012**WARD: HEADLESS CROSS & OAKENSHAW**

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 attached Site Plan)**Site Description**

The site is approximately 0.3ha and is located at the junction of Coldfield Drive and Clews Road. It is presently occupied by a two storey, vacant office block (1,145 sqm) formed of brickwork walls under a tiled roof, together with an associated parking area. Vehicle access into the site is from two access points, both off Clews Road. To the west lies an established landscaped strip fronting onto Coldfield Drive beyond which lies residential development with access off Coldfield Drive via Patch Lane. To the south lies an operational McDonald's drive-thru restaurant and to the north and east with access off Clews Road, are a number of two storey offices, 70% of which are presently vacant.

Proposal Description

This is an application to demolish a vacant former office building (Maclellan House) and to erect in its place, a new drive-thru restaurant facility of 260 sqm (GIA) which would include space for 72 covers. The proposed site layout includes a drive-thru lane, a total of 37 parking spaces (including 2 disabled spaces and 2 "large order" spaces), 2 motor-cycle parking and 6 cycle spaces. Vehicles would access the site using the two existing accesses onto Clews Road.

The applicant states that the development would provide 41 jobs including 13 full-time and 28 part-time.

Opening hours would be:

Sunday to Thursday: 0600 to 2400hrs

Friday and Saturday: 0600 to 0200hrs

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Relevant Key Policies:

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

www.communities.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National Planning Policy

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

Regional Spatial Strategy

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

SD.3	Use of Previously Developed Land
SD.4	Minimising the Need to Travel
D.19	Employment Land Requirements
T.4	Car Parking

Borough of Redditch Local Plan No.3

CS.7	The Sustainable Location of Development
E(EMP).3	Primarily Employment Areas
E(EMP).3a	Development Affecting Primarily Employment Areas
E(TCR).4	Need and the Sequential Approach
E(TCR).12	Class A3, A4 and A5 uses
B(BE).13	Qualities of Good Design
B(BE).18	Advertisements
B(BE).19	Green Architecture
S.1	Designing out crime
C(T).12	Parking Standards

The site is within a Primarily Employment Area as designated in the Borough of Redditch Local Plan No.3

SPDs

Designing for Community Safety (2006)
Employment Land Monitoring (2003)
Encouraging Good Design (2001)

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Redditch Sustainable Community Strategy (SCS)

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.

Relevant Site Planning History

<i>Application No.</i>	<i>Description</i>	<i>Decision</i>	<i>Date</i>
1990/100/FUL	Two Storey Office block	Granted	26.04.1990
1991/549/COU	Part change of use from office to nursery school for disabled children	Granted	29.01.1992
1992/104/FUL	Erection of a sculpture	Granted	21.05.1992
1993/046/FUL	Outdoor Children's play area	Granted	25.03.1993
2002/052/FUL	Entrance porch	Granted	28.03.2002

The adjacent Mc Donald's restaurant and drive-thru was granted permission in 1990 (ref 1990/381). Opening hours were permitted to be extended in 2011

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(ref 2011/307/S73) to allow opening between 0600 to 2400 hrs Sunday to Thursday and 0600 to 0200 hrs on Friday and Saturday

Public Consultation Responses

Neighbour consultation letters posted and site notices erected at the site

Responses against

10 comments received raising the following points:

- Proposal would increase traffic problems which currently exist along Coldfield Drive towards the roundabout
- Increased pedestrians using the facility together with increased numbers of vehicles would affect safety
- Exiting Grangers Lane is difficult already. Proposal will exacerbate this
- Concerns regards noise and possible increase in antisocial behaviour
- Existing litter problems are likely to increase
- Concerns regarding loss of employment land
- General health concerns

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. Comments summarised above are views of a local ward member together with those of occupiers residing in Kempsford, Lineholt and Newton Close all of which are accessed from Grangers Lane to the south of Rough Hill Drive (A441).

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

Technically the scheme layout is satisfactory with sufficient parking and cycle facilities. Although there would likely be an increase in traffic generation from the proposal over and above a re-use of the existing building for its permitted use, the additional traffic would be negligible at peak times. Although the general road network in this area becomes congested at certain times, the minimal increase in traffic at these times would not cause harm to the highway network. There are no objections to this application subject to the imposition of conditions and informatives to any planning permission.

Worcestershire Regulatory Services (Environmental Health)

No objection

Severn Trent Water

No objection. Drainage to be subject to agreement with Severn Trent Water

Police Crime Risk Manager

There are similar existing premises to what is proposed here. The crime levels at that establishment are relatively low, although offences have

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occurred on or around that premises car park. If approval is given, it may experience similar issues. Whilst I am happy with the general layout of the site, to deter the problems outlined above, an appropriate CCTV system together with appropriate lighting should be provided. In particular, the CCTV system will need to cover the car park and access / egress to the premises.

Community Safety Team

No objection

Economic Development

The property has been on the Council's commercial database since 2nd March 2007. The property has been suggested to 35 enquirers looking for office accommodation during this time. We believe that the property has been appropriately marketed.

Development Plans

Comments summarised as follows:

The application site lies within land which is designated through saved Local Plan No.3 as within a Primarily Employment Area, as depicted on the adopted Borough of Redditch Local Plan No.3 Proposals Map.

There are two key considerations in relation to this application: the loss of employment land to a non-employment use and the location of an A3/A5 use outside of a Town Centre or District Centre location

1. Loss of employment land to a non-employment use

Draft National Planning Policy Framework (NPPF)

The NPPF clearly sets out that significant weight should be placed on the need to support economic growth through the planning system. Although it is acknowledged this application would result in the loss of part of a Primarily Employment Area it is considered that the applicants have presented a clear evidence base on which to re-consider other alternative uses for this site. With this in mind this application would bring back into use a redundant site and may trigger further economic development.

Draft Core Strategy and emerging policies

Policy 13 '*Development within Employment Areas*' states that non-employment development would only be permitted where:

- i. such development would not cause or accentuate a significant shortage of land for employment use in the area concerned;*

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- ii. *it is no longer viable as an employment area either following a period of unsuccessful marketing or undertaking a viability assessment. Consultation must be undertaken with the Economic Development unit by the applicant to ascertain this; and*
- iii. *the site is no longer appropriate for employment use because of at least one of the following reasons and these problems are incapable of resolution in the foreseeable future:*
 - *it impinges upon residential amenity;*
 - *it causes substantial highway or traffic problems;*
 - *it creates other adverse environmental effects; or*
 - *technical reasons such as land stability or fundamental infrastructure problems.”*

With regard to Criterion i) it is acknowledged that there is a significant shortage of available employment land in the Borough. The 'Redditch Borough Council Employment Land Review Update 2011' presents a clear picture of this current situation. In summary this document uses a range of scenarios to consider need up to 2031; based on the most appropriate scenarios 51 Ha of employment land is needed up to 2031. There is currently a 10.52 Ha deficit of employment land which is needed but cannot be accommodated within the Borough. The Employment Land Review Update supports the requirement to retain as much employment land as possible within the Borough for employment use and future economic opportunities.

In line with the Borough Councils Supplementary Planning Guidance 'Employment Land Monitoring' (2003) once a site is classified as redundant it has the potential to be recounted and used to contribute towards the Borough Councils employment land portfolio. This application site can now be classified as redundant however as this site does not currently contribute towards the portfolio of available sites its loss would not accentuate the shortage of employment land, it would simply prohibit it from being re-counted as a future available site.

With regard to Criteria ii it is acknowledged that the applicants have demonstrated full compliance with this criterion as identified in their supporting 'Planning, Design and Access Statement' (February 2012). They have demonstrated that the site has been marketed for the required amount of time and in a way to satisfy Economic Development Officers requirements. Through this marketing the applicants have demonstrated the lack of interest in this particular site for a B1 use. Officers acknowledge that no other B-type employment use would be suitable or feasible on this particular site.

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With regard to Policy E(EMP).3 '*Primarily Employment Areas*', this policy states that non employment uses will only be considered where:

- i. *it can be demonstrated that the site is not capable of being developed for employment use and that the loss of the site for employment use will not have an unacceptable impact on the supply of employment land in the Borough; or*
- ii. *the use of the site for employment purposes raises unacceptable environmental or traffic problems which could be alleviated by alternative use or uses; and in all cases;*
- iii. *the use is compatible with surrounding land uses in accordance with Policy E(EMP).3a (Development Affecting Primarily Employment Areas).'*

With regard to criterion i), the applicants have demonstrated that the site has been adequately marketed in line with Economic Development Officer requirements for a B1 employment use for the required length of time. Therefore it is considered that it has been demonstrated that this site is not capable of being developed for this particular use. As stated above Officers acknowledge that no other employment use would be suitable or feasible on this particular site.

Local Plan Policy E(EMP).3a '*Development affecting Primarily Employment Areas*' states:

"Development will only be permitted where it is compatible with the use of Primarily Employment Areas. Development will not be permitted where it would restrict the current or future use and/or development of Primarily Employment Areas for employment purposes."

The proposed restaurant use would not appear to have a significant impact upon the surrounding uses given the existing use of the adjacent McDonalds site and the continued functioning of other B1 uses close to this site.

2. Locating an A3/A5 use in an out of centre location

PPS4: Planning for Sustainable Economic Growth contains Policy EC14 - '*Supporting evidence for planning applications for main town centre uses*'. This policy requires a sequential assessment for planning applications for main Town Centres uses such as the application proposal where they are not in an existing centre and are not in accordance with an up to date development plan.

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The applicants have provided a sequential assessment within their supporting document '*Planning, Design and Access Statement*' which is in line with Policy EC14. Officers consider that the sequential assessment for this particular use is satisfactory and that an alternative Town Centre location for this particular type of use with reasonable access for drive-thru vehicular access is not currently available within Redditch Town Centre.

3. Conclusion

Whilst the application would trigger a loss of employment land within a Primarily Employment Area, Officers acknowledge that the applicants have marketed this site for employment uses to a satisfactory degree in line with policy requirements. Officers also acknowledge that alternative employment uses are not appropriate on this site.

The applicant has demonstrated through a sequential assessment that no alternative Town Centre locations are available for this particular use.

The supporting evidence provided by the applicant demonstrates a clear justification for a departure from the Development Plan which has to be considered acceptable at this time by Development Plans Officers.

Assessment of Proposal

The key issues for consideration are as follows:

Loss of employment land

The site lies within a Primarily Employment Area as designated in the Borough of Redditch Local Plan. As a non employment use, regard must be had to Policy E(EMP).3 which states that non employment uses will only be considered as per the criteria noted above.

The applicants have demonstrated that the site has been adequately marketed in line with Economic Development Officer requirements for a B1 employment use for the required amount of time. The property has appeared on the EDU database since March 2007 and has therefore been vacant for 5 years. Further, Officers consider that the existing Maclellan House building and the application site as a whole should be considered as redundant in policy terms in addition to being vacant. The Borough Councils Supplementary Planning Guidance Employment Land Monitoring (2003) defines redundant as the following:

"Redundant employment land – Land or buildings that meet all of the following criteria (regardless of state of buildings/land):

- * formerly occupied by B Class employment uses; and*
- * totally unoccupied for a minimum of 2 years and 3 months."*

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Although evidence cannot be advanced to this effect, Officers believe, further to discussions with EDU Officers, that Maclellan House was last used by the company 'Interserve' as offices, before becoming vacant, and that this company vacated the building either in late 2004 or 2005. Unfortunately records do not show the precise date of original vacancy. Clearly, however, the building has been totally unoccupied for a period of time greatly exceeding the minimum of 2 years and three months required by policy for the building to be termed 'redundant'. As stated by the Development Plans Officer, this site does not currently contribute towards the portfolio of available employment sites and as such, its loss would not accentuate the shortage of employment land, it would simply prohibit it from being re-counted as a future available site.

It is therefore considered that it has been demonstrated that this site is not capable of being developed for (B Class) employment use. As stated above, Officers do not consider that other employment (B2 or B8) uses would be suitable or feasible on this particular site.

The proposed use would not appear to have any significant impact upon the surrounding uses given the existing use of the adjacent McDonalds site and the continued functioning of other B1 uses close to this site, along Clews Road.

Location of development having regards to sequential test

National and Local Planning Policies require that a sequential assessment of alternative sites is provided to accompany planning applications for main Town Centre uses such as the application proposal where they are not in an existing centre and are not in accordance with an up to date development plan.

The applicants have provided a sequential assessment within their supporting document '*Planning, Design and Access Statement*' which is in line with Policy EC14 of PPS4 and Policies E(TCR).4 and CS.7 of the Borough of Redditch Local Plan. The applicant has examined available units within the Town Centre, both within the Kingfisher Shopping Centre and outside the Kingfisher Shopping Centre, together with other sites within the Peripheral Zone and within the District Centres, in that sequence as required under the terms of Policy E(TCR).4.

Officers consider that the thorough sequential assessment for this particular use is satisfactory and consider that an alternative, sequentially preferable location for this particular type of use is not currently available.

Design and Layout

The building entrance would face towards Clews Road providing an active frontage to the road whilst the drive-thru ordering and collection area are to be provided at the side of the building (facing Coldfield Drive). The building

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would occupy the footprint currently covered by the 'L' shaped Maclellan House offices. The building would be single storey and flat roofed, rising to a maximum of 6.5 metres although the majority of the building would be 4.5 metres in height. Existing buildings in the remainder of the wider area vary between the single storey adjacent McDonalds drive-thru and the three storey 'Lanner House' to the north. The proposed scale and massing of the building is considered to sit comfortably with the scale of surrounding development. No significant changes are proposed to the landscaping of the site which is already predominantly hard surfaced or built upon. The existing landscaped strip separating the site from Coldfield Drive is outside the application boundary but would continue to provide a suitable green buffer to the site.

The appearance and materials of the proposed development would be contemporary and informed by the function of the building. Where not glazed, walls would be powder coated insulated steel panels in red and white to reflect the identity of the operator.

Highways and Access

The proposals would retain and re-use the two existing vehicular access points into the site, both of which are formed from Clews Road. Highways have confirmed that the 37 car parking space arrangement, the 2 motor-cycle parking and 6 cycle spaces to be provided are acceptable to them. Both access points would offer access and egress to and from the site. Highways have also confirmed that the use of both vehicular access / egress points is acceptable. A transport study and statement have been produced to determine the likely levels of vehicle traffic generation for the proposed facility following traffic surveys. This detailed study has concluded that the increase in traffic on Coldfield Drive on the approach to the A441 roundabout would be a maximum of one vehicle every two minutes during the peak hour as a result of the development which County Highway Network Control Officers do not consider to be material. As such, highways are satisfied that the proposal would not prejudice highway safety.

Sustainability

The site is located within the urban area of Redditch and is therefore considered to be more sustainable than sites in more peripheral locations.

Measures to improve the sustainability of the building and its operation would include: reduced energy lighting; a heat recovery air conditioning plant, dual flush cisterns and waterless urinals, increased levels of insulation beyond current building regulation requirements, solar panels to the roof (to provide heating for the building), existing brick/block paving would be reused in the creation of the new on-site car parking spaces. Used cooking oil would be taken off site for treatment before turning into bio-fuel. This meets wider planning policy objectives.

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Impact on residential amenity

Policy E(TCR).12 from the Borough of Redditch Local Plan deals specifically with A3 and A5 uses and states that the preferred choice of location for such uses would be within the Town Centre, Peripheral Zone or District Centres. However, the policy recognises that in some instances, other locations may be better suited, and through the inclusion of the wording "*or elsewhere in the Borough..*" is not so prescriptive as to preclude consideration of other sites. As explained earlier, a thorough sequential assessment has been carried out which concludes that no more 'central' locations exist for such a drive-thru facility. It is still necessary to examine impact upon the amenities of neighbouring properties under this Policy. In this case, neighbouring properties are office blocks, the majority of which are vacant, and a McDonald's drive-thru. Officers consider that there would be no detrimental impact upon the amenity of these occupiers and to date, no representations have been received from these premises raising concerns. Where housing, on the opposite side (to the west) of Coldfield Drive looks towards the site, well established hedge and tree planting obscures the view of the development. The proposed buildings reduced scale, height and bulk compared to that of the existing office building would not harm outlook and visual amenity more so than at present.

In response to concerns raised regarding litter, the applicant states that they proactively manage litter whilst seeking to reduce the amount of packaging produced. At least four litter bins would be provided, each of which would be emptied at least 4 times per day including a night-time clearance.

Litter patrols in the area (up to 4 during the day) including late night litter picks would be carried out in the area immediately surrounding the site to remove the company's litter. Customers are encouraged to dispose of litter responsibly and the company works in partnership with 'Love Where You Live' (a Keep Britain Tidy campaign).

Subject to details pertaining to the precise positioning of litter bins, suggested to be agreed by condition, Officers raise no objections in respect to this matter.

Security

Both the Police Crime Risk Manager and the Council's Community Safety Team raise no objection to the proposal subject the installation of a suitable CCTV system. Officers suggest that this could be controlled by imposition of a condition.

Other Matters

The Redditch Sustainable Community Strategy which refers to health and wellbeing is a material consideration in the determination of the application,

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but should be given limited weight relative to the weight given to Policies which are stated in the adopted Borough of Redditch Local Plan No.3, and in particular, Policy E(TCR).12. Planning Inspectors at appeal, rarely if ever refer to such matters as concerns where businesses actively encourage healthy lifestyles. The applicant states that KFC takes a responsible approach to their menu production and marketing. A variety of portion sizes are provided and nutritional information is always displayed to enable customers to make an informed choice.

Finally, if approved, a separate application for advertisement consent would be submitted for consideration at a later date.

Conclusion

The redundant nature of the site despite active marketing indicates that there is a general lack of demand for B1 (office) use on this site. Other B class employment uses (B2 and B8) would be incompatible with and highly unlikely to wish to locate to such a site. The applicant has demonstrated through an acceptable sequential assessment of other more sustainable Town Centre and peripheral locations, that other, alternative sites are not available for such a drive-thru use. The proposed use is considered to be compatible with existing adjacent users. Highway Network Control raise no objection to the proposals having examined the proposals carefully in respect of highway safety. Taking into consideration the job creation potential of the proposed development and the current Planning for Growth agenda which is also a material consideration to be afforded significant weight, Officers have concluded that the application proposals are acceptable and the recommendation is therefore that permission be granted subject to the imposition of relevant and necessary conditions / informatives as suggested below.

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. Development to be carried out in accordance with approved plans
3. Materials to be used on walls and roof to be submitted
4. Boundary treatment plan to be submitted and approved in writing
5. Precise details of cycle store shown on approved plan 0000/2012/A102 rev E to be submitted for approval in writing
6. Access, turning and parking facilities to be properly consolidated surfaced etc.
7. Hard surfacing materials to be agreed
8. Hours of opening specified
9. CCTV and lighting condition

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10. Litter bin details and locations to be agreed

Informatives

1. Reason for approval
2. As requested by highways
3. Drainage
4. A separate application for Advert Consent is needed
5. Highway Notes 4 and 5

Procedural Matters

All applications for Class A3 and A5 use are reported to Planning Committee for determination as these powers are not delegated to Officers.

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**APPEAL OUTCOME –
CRUMPFIELDS FARM, CRUMPFIELDS LANE, WEBHEATH**

APPEAL MADE AGAINST AN ENFORCEMENT NOTICE

ENFORCEMENT NOTICE DETAILS: 2010/024/ENF

**PROPOSAL CHANGE OF USE OF AGRICULTURAL LAND TO
RIDING SCHOOL AND ASSOCIATED OPERATIONAL
DEVELOPEMNT**

**LOCATION CRUMPFIELDS FARM, CRUMPFIELDS LANE,
REDDITCH**

WARD WEST

DECISION NOTICE ISSUED SEPTEMBER 2011

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.

Discussion

The Enforcement Team investigated a change of use and invited a planning application, which was not forthcoming. Therefore, in order to retain control of the use of the land and prevent an uncontrolled use becoming established and immune from control, an Enforcement Notice was served.

The notice identified a breach of planning control in relation to the change of use of the land from agricultural to riding school, and some associated buildings and general paraphernalia being stored on the land.

The notice sought the cessation of the unauthorised use and the removal of the structures etc. from the land.

The appellant appealed on the ground that there was no breach of planning control and the service of the notice, on the basis of it being incorrectly served.

The Inspector considered the development on site and confirmed that a material change of use had occurred, and that unauthorised associated structures were also in place. He further considered that the notice had been correctly served. Whilst he noted that some had to be reserved due to the recipients not signing for recorded delivery mail, the re-service in person by Officers he considered to be acceptable and suitably evidenced.

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Appeal outcome

Minor changes to the wording of the notice were made by the Inspector; however these made no difference to the content and requirements of it. The Enforcement Notice was upheld subject to those amendments.

Costs were neither sought nor awarded.

Further issues

The matter has now been referred to the Enforcement Team for further action, to ensure compliance with the notice as varied.

Recommendation

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

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**APPEAL OUTCOME –
WOODSILL COTTAGE, WEAVERS HILL, HUNT END**

APPEAL MADE AGAINST REFUSAL OF PLANNING PERMISSION

PLANNING APPLICATION DETAILS: 2011/277/FUL

PROPOSAL	EXTENSIONS TO DWELLING
LOCATION	WOODSILL COTTAGE, WEAVERS HILL, HUNT END, REDDITCH
WARD	ASTWOOD BANK & FECKENHAM
DECISION	DECISION MADE BY OFFICERS UNDER DELEGATED POWERS 16TH NOVEMBER 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 extension of a detached cottage located within the Green Belt. The planning application was refused for the following reason:

1. The scale of the proposed extension both side and rear, by virtue of its size and design would have a dominating and adverse effect on the original design, character and appearance of the existing cottage and would result in disproportionate additions over and above the size of the original building. As such, the proposal is considered to be contrary to Policy D.39 of the Worcestershire Structure Plan, Policy B(RA).1 of the Borough of Redditch Local Plan No. 3 and national guidance set out in Planning Policy Guidance Note 2 'Green Belts'

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

The Inspector, like Officers, noted that the property had been extended significantly in the past by the addition of a conservatory and a two storey extension. When taken together, by floorspace and volume, the Inspector considered that the existing and proposed extensions would amount to a disproportionate addition to the original property and accordingly, the Inspector concluded that the proposals would constitute inappropriate development in the Green Belt being contrary to PPG2, Policy D.39 of the Worcestershire Structure Plan and Local Plan Policy B(RA).1.

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The Inspector considered that the two storey extension proposed, sited to the side of the cottage would be visible from the road and due to the property's elevated position would be visually conspicuous and would have an adverse effect on the openness of the Green Belt. The *very special circumstances* required to justify the development under the terms of PPG2 were not considered to exist in this case.

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.**