

Planning Committee

Tue 13th Dec
2011
7pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

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

Your main rights are set out below:-

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

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

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

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

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

www.redditchbc.gov.uk

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

Janice Smyth

Member and Committee Support Services Assistant

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

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

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

Minicom: 595528

REDDITCH BOROUGH COUNCIL **PLANNING COMMITTEE**



GUIDANCE ON PUBLIC **SPEAKING**

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

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

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

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

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

Notes:

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

Further assistance:

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

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

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

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

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

Chair

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

Running Order

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

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

Decisions

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

Members of the Public

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

Special Arrangements

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

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

Further Information

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

Fire/ Emergency instructions

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

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

Do Not stop to collect personal belongings.

Do Not use lifts.

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

The emergency Assembly Area is on Walter Stranz Square.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

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

OR

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

you have a personal interest.

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

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

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

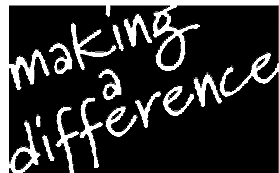
- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these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

and

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

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

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



PLANNING COMMITTEE

13th December 2011

7pm

Council Chamber Town Hall

Agenda

Membership:

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

<p>1. Apologies</p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any interest they may have in the items on the Agenda.</p>
<p>3. Confirmation of Minutes (Pages 1 - 14)</p>	<p>To confirm, as correct records, the minutes of the meetings of the Planning Committee held on 3rd October and 2nd November 2011.</p> <p>(Minutes attached)</p>
<p>4. Planning Application 2011/282/COU - Trafford Park, Unit 19 Trescott Road, Redditch (Pages 15 - 24) Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a change of use from redundant factory unit (Class B.1) to form fitness suite (Class D.2).</p> <p>Applicant: Competition Line UK Ltd</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Central Ward);</p>
<p>5. Planning Application 2011/286/FUL - Phoenix Megastore, Smallwood Street, Redditch (Pages 25 - 30) Head Planning and Reperation</p>	<p>To consider a Planning Application for a proposed restaurant, new retail and storage area and new self-contained flat.</p> <p>Applicant: Hawkfield Investments Ltd</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Central Ward);</p>

PLANNING

Committee

13th December 2011

<p>6. Planning Application 2011/296/FUL - Land at teardrop site, Bordesley Lane, Redditch</p> <p>(Pages 31 - 38)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for the erection of a C1 Hotel (Premier Inn) and A3 Restaurant (Beefeater).</p> <p>Applicant: Whitbread</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Abbey Ward);</p>
<p>7. Planning Application 2011/306/FUL - 7 Oakham Close, Oakenshaw</p> <p>(Pages 39 - 42)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a porch, ground floor extension, internal alterations and first floor extension.</p> <p>Applicant: Mr Jason Bonner</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Headless Cross & Oakenshaw Ward);</p>
<p>8. Former Marlfield Farm First School Site, Redstone Close, Church Hill - Variation of Section 106 Planning Obligation Agreement</p> <p>(Pages 43 - 48)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a variation to a Section 106 Planning Obligation Agreement associated with the development of 79 houses on the former Marlfield Farm First School site in Redstone Close, Church Hill.</p> <p>(Report attached)</p> <p>(Church Hill Ward);</p>
<p>9. Planning Committee - Committee Rules of Procedure</p> <p>(Pages 49 - 56)</p> <p>Monitoring Officer</p>	<p>To consider and comment upon proposed Rules of Procedure to be built into the Council's revised Constitution for 2012. This item includes the option to review current public speaking arrangements.</p> <p>The draft Rules endeavour to pin down current existing practices, with only a limited number of suggested adjustments (shown clearly highlighted).</p> <p>(Report attached)</p> <p>(No Direct Ward Relevance);</p>

10. Exclusion of the Public

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

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

These paragraphs are as follows:

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

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

may need to be considered as “exempt”.

11. Confidential Matters (if any)

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



Planning Committee

3rd October 2011

MINUTES

Present:

Councillor Michael Chalk (Chair), and Councillors Peter Anderson, Andrew Brazier, David Bush, Andrew Fry, Wanda King and Alan Mason (substituting for Councillor Bill Hartnett)

Also Present:

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

Officers:

R Bamford, N Chana, A Hussain, A Rutt and I Westmore

Committee Services Officer:

J Smyth

33. APOLOGIES

Apologies for absence were received on behalf of Councillors Bill Hartnett, Roger Hill and Robin King.

34. DECLARATIONS OF INTEREST

Councillors Bill Hartnett and Roger Hill, in the public gallery, declared personal and prejudicial interests in relation to Planning Application 2011/227/FUL (Church Hill District Centre, Tanhouse Lane, Church Hill) as detailed separately at Minute 35 below. Councillor Robin King, also in the public gallery, declared an interest as a Church Hill Ward member, also as detailed separately at Minute 35.

.....
Chair

**35. PLANNING APPLICATION 2011/227/FUL –
CHURCH HILL DISTRICT CENTRE, TANHOUSE LANE,
CHURCH HILL**

Mixed use development including medical centre and
retail building with car parking and landscaping,
51 dwellings, new high street and associated open space,
to form a regenerated district centre

Applicant: LSP Developments, Bellway Homes
and Accord Housing Association

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

- Mr H Croft - Objector
- Miss A New - Objector on behalf of Year 4 –
Abbeywood First School
- Master B Lowe - Objector on behalf of Year 4 –
Abbeywood First School
- Cllr B Hartnett - Ward Councillor and objector
- Cllr R King - Ward Councillor and objector on behalf of local
residents
- Mr E Sutton - Joint Applicant
- Mr M Wright - Applicant's Agent

During the debate, the Chair also exceptionally allowed Mr B Sharp (a Worcestershire County Council Highway Engineer present at the meeting), to respond to a number of Members' questions in relation to highways matters.

RESOLVED that

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

- 1) **the completion of a Section 106 Planning Obligation to ensure**
 - a) **the on-site open space is provided and maintained as such in perpetuity;**
 - b) **the 39 units are for the provision of social housing in perpetuity; and**
 - c) **a Bond is secured for Traffic Regulation Order measures such as weight restrictions and giving priority to oncoming vehicles on the new boulevard south of Church Hill Way and any other off-site junction improvements required; and**

- 2) the conditions and informatives as stated in the main report and as summarised below:
- 1) Time limit for commencement of development – three years from decision date;
 - 2) Materials to be agreed prior to commencement of development (by phase);
 - 3) Surfacing materials to be agreed prior to commencement of development;
 - 4) All hard surfacing to be permeable or sustainably drained – where not permeable, drainage details to be supplied and agreed prior to their implementation;
 - 5) Planting and replacement details to be agreed;
 - 6) Gated rear garden accesses - details to be agreed in order to ensure that they are secure;
 - 7) Shop windows to remain transparent to allow for passive surveillance and security;
 - 8) Shop shutters to be internal only, if necessary;
 - 9) Implement tree protection prior to and throughout construction phase;
 - 10) Contaminated land to be dealt with appropriately, if found;
 - 11) To be built to sustainability standards as detailed in the submission (CSH3/BREEAM);
 - 12) removal of Permitted Development Rights from residential properties to prevent over development of gardens;
 - 13) Details of ventilation and extraction leading to flues shown on plans;
 - 14) Approved plans specified;
 - 15) Flat roof materials and details to be submitted and agreed (to prevent public access);
 - 16) Fencing details to be submitted and agreed;
 - 17) Street furniture details to be submitted and agreed; and
 - 18) Allotment access gate details to be submitted and agreed.

Informatives

- 1) Reason for approval

- 2) **Advertisement consent application(s) will be required prior to display of any signage, for instance on district centre building**
 - 3) **NB S106 attached**
 - 4) **Highways informatives.**
- 3) **the following additional Conditions and Informatives:**

Conditions

- “19) **a Bat Survey to be implemented, including installation of bat boxes and dark corridors.**
- 20) **Details of the layout and access arrangements of the allotments to be agreed prior to their implementation.**
- 21) **Pedestrian crossing between car park and retail building to be agreed and implemented as such.”**

Informatives

- “5. **The applicant should discuss appropriate CCTV installation with the Council’s CCTV team; and**
6. **The Applicant should consider implementing limited waiting time restrictions in the car park to 2 to 3 hours maximum, to prevent all day parking displacing some parking elsewhere.”**

OR:

- 4) **In the event that the Planning Obligation cannot be completed by 22nd November 2011, authority be delegated to the Head of Planning and Regeneration REFUSE the Application on the basis that, without the Planning Obligation, the proposed Development would be contrary to Policy and therefore unacceptable, due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements, and that none of the dwellings could be restricted to use for affordable housing in line with current policy requirements.**

(In considering the Planning Application and having given due regard to the representations made by public speakers, the Committee agreed that there was a need to secure a Bond, as part of the Section 106 Planning Obligation, to provide for Traffic

Planning Committee

3rd October 2011

Regulation Orders in relation to additional improvement measures within the Application site and off-site junctions, if required, as detailed in Resolution 1 c) above.

Members also agreed three additional conditions in relation to the protection of bats and their habitats; access and design of the allotments; and provision of a pedestrian crossing from the Car Park to the Centre, as detailed in Resolution 3 above.

Two additional informatives were agreed in relation to provision of CCTV and limiting car parking waiting times, also as detailed in Resolution 3 above.

Members noted that, in light of the need to secure the agreed additional Bond for Traffic Regulation Orders, if further time was likely to be required to finalise the Section 106 Agreement, Officers would bring a report to the 2nd November 2011 Planning Committee meeting for the Committee to consider an extension to the current completion deadline of 22nd November 2011 (as detailed at Resolution 4 above).

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, from the public gallery, Councillor Bill Hartnett declared a personal and prejudicial interest as a Board Member of Redditch Co-operative Homes and additionally of Accord Housing Association, and as he also intended to exercise his right to speak as a Ward member / objector. He therefore withdrew from the meeting prior to the Committee's debate on the Application.

Also prior to consideration of this item and from the public gallery, Councillor Roger Hill declared a personal and prejudicial interest as he was a member of Redditch Co-operative Homes, and additionally of Accord Housing Association and the Council's Church Hill Panel, and withdrew from the meeting prior to the Committee's debate on the Application.

From the public gallery, Councillor Robin King declared an interest in that he was exercising his right to speak as a Ward member and objector on behalf local residents of his Ward.)

The Meeting commenced at 7.00 pm
and closed at 8.34 pm

.....
CHAIR



Planning Committee

2nd November 2011

MINUTES

Present:

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

Also Present:

M Collins (Observer for Standards Committee)

Officers:

S Edden, A Hussain, A Rutt and I Westmore

Committee Services Officer:

J Smyth

41. APOLOGIES

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

42. DECLARATIONS OF INTEREST

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

43. CONFIRMATION OF MINUTES

RESOLVED that

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

.....
Chair

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

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

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

Applicant: Sainsbury's Supermarkets Ltd

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

RESOLVED that

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

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

Conditions:

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

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

Informatives

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

OR:

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

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

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

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

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

Applicant: Mr J Hussain

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

RESOLVED that

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

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

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

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

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

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

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

RESOLVED that

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

RECOMMENDED that

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

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

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

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

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

RESOLVED that

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

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

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

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

RESOLVED that

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

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

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

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

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

RESOLVED that

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

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

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

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

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

RESOLVED that

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

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

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

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

RESOLVED that

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

The Meeting commenced at 7.00 pm
and closed at 8.15 pm

.....
CHAIR

PLANNING COMMITTEE

13th December 2011

PLANNING APPLICATION 2011/282/COU

CHANGE OF USE FROM REDUNDANT FACTORY UNIT (CLASS B.1) TO FORM FITNESS SUITE (CLASS D.2)

TRAFFORD PARK, UNIT 19 TRECOTT ROAD, REDDITCH

APPLICANT: COMPETITION LINE UK LTD
EXPIRY DATE: 2ND DECEMBER 2011

WARD: CENTRAL

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 site forms part of a row of similar designed factory units with adjacent off street car parking bays located within a cul de sac. The land slopes down from the north of the site, and the units are built into the slope. The unit is approximately 1250 sq m and is two storey, comprising of a pitched roof with a brick and grey clad elevation. A roller shutter door and numerous windows and personnel doors exist on the front elevation. The unit is currently unoccupied.

Proposal Description

Permission is sought to convert the factory unit to a fitness suite (Class D.2). Internal works are proposed to create changing room facilities, two studios, exercise room, associated offices and staff rooms, and two open plan fitness suites one on each floor served by a new central staircase. Some external works are proposed, mainly the insertion of a glazed main entrance in the roller shutter opening on the front elevation.

Additional car parking (16 car spaces) is proposed in the main communal car parking area to the south of the row of factory units. Also the car parking layout directly outside the unit would be revised to include an additional disabled car space to make a total of 2 car spaces. A cycle stand for 8 bicycles is proposed close to the glazed entrance of the unit.

Hours of opening are proposed to be as follows:-

Monday – Friday	06:00 - 22:00
Saturday, Sunday and Bank Holidays	08:00 - 22:00

**PLANNING
COMMITTEE****13th December 2011**

The application is supported by a Design & Access Statement, which states that the proposal would provide a fitness facility with 100 pieces of fitness equipment and ancillary studios providing space for dance, aerobics and spinning classes.

The application is supported by a Principle of Development Statement which refers to a Sequential Assessment of alternative sites that the applicant has considered. The Assessment addresses issues such as availability, suitability, viability, town centre locations prior to out of town locations. The sites considered were as follows:-

- Lakeside Industrial Estate
- Prospect House
- Threadneedle House
- Trafford Park Industrial Estate

Lakeside Industrial Estate

Considered unsuitable because of limited height negating the possibility of introducing a mezzanine level incorporating commercial storey heights. Also, not in close proximity to large residential areas and is not town centre.

Prospect House

Primarily office accommodation, the compatibility of office and leisure use in this particular arrangement would be difficult in practical terms and would make sub-division awkward.

Threadneedle House

In a good location but accommodation is spread over four floors which in terms of management and facility provision would be impractical.

Trafford Park Industrial Estate

Considered to be the most suitable in terms of adaptability of the building, with easy and immediate access to the town centre, linking infrastructure and reasonable on site car parking. The site is close to public transport routes and within acceptable travel distances to residential areas. Proposal brings a commercial building back into use. Proposal would complement surrounding commercial mixed uses.

The application is supported by a Climate Change Statement which states that the building incorporated heat loss and energy consumption when it was originally built and satisfied Building Regulations at the time of construction. New lighting installations will consist of low energy fittings that would be activated by motion sensors. Air conditioning and ventilation systems will specify and use equipment that qualifies for the Governments Enhanced Capital Allowance Scheme which encourages developers to install energy efficient plant and machinery. The utilisation of an existing building with full

**PLANNING
COMMITTEE****13th December 2011**

infrastructure facilities minimises further, any impact the proposal would have on climate change.

The application is supported by a Secured by Design Statement which states that the building exterior will not be altered other than converting the existing roller shutter door to a feature entrance screen. The roller shutter will be retained for security when the premises are not in use. Windows are minimal with all being on the public / car park elevation and are aluminium with dual locking. Ground floor doors are for escape purposes only with no ironmongery on the external face. Car parking is open aspect for ease of surveillance. CCTV cameras would be installed within the building particularly monitoring the main entrance and a security alarm would be installed.

The application is supported by a Cycle and Walking Route Statement which states that the site is served by an existing infrastructure of roads and footpaths interconnected with the established road and footpath network. The site is approximately 0.5 km from the National Cycle Network route, and cycle parking provision has been included in the proposals.

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

PPS.1 (& accompanying documents) Delivering Sustainable Development

PPS.4 Planning for Sustainable Economic Growth

Regional Spatial Strategy

PA1 Prosperity for All

PA6 Portfolio of Employment Land

T7 Car Parking Standards and Management

Worcestershire County Structure Plan

SD.4 Minimising the Need to Travel

D.19 Employment Land Requirements

D.24 Location of Employment Uses in Class B8

D.25 Use of Employment Land for Specific Uses within Class B

D.26 Office Development (Class A2 and Class B1)

T.4 Car Parking

T.10 Cycling and Walking

**PLANNING
COMMITTEE**

13th December 2011

Borough of Redditch Local Plan No.3

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

The site is within an area designated for Primarily Employment Uses in the Borough of Redditch Local Plan No.3, and is also a site allocated for employment development to meet the Borough's strategic employment requirement as designated in the Local Plan.

Supplementary Planning Guidance/Supplementary Planning Documents

Designing for Community Safety
Employment Land Monitoring

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.

Other Relevant Corporate Plans and Strategies

Town Centre Strategy (TCS)
Redditch Economic Development Strategy

**PLANNING
COMMITTEE**

13th December 2011

Relevant Site Planning History

Appn. no	Proposal	Decision	Date
93/156	Outline app – construction of 4 retail units, 7 industrial units and drive in restaurant all with associated parking facilities	Approval	13 August 1993
93/490	Reserved Matters – Construction of 5 retail units, and 4 industrial / warehouse, with associated car parking	Approval	25 March 1994

Public Consultation Responses**Responses in favour**

1 letter stating no objection to the change of use of the unit.

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

No objection to the grant of permission.

Worcestershire Regulatory Service

No comments to make in respect to this application.

Crime Risk Manager

No comments submitted.

Development Plans

Revised Draft Core Strategy The proposal would conflict with the Spatial Vision in the Revised Preferred Draft Core Strategy, as it would be a leisure provision outside of the Town Centre.

PPS.1 States that it is one of the Governments key objectives to ensure that suitable locations are provided for economic development, it is important that this site is not lost to other uses such as a D2 use.

PPS.4 The proposed use is an appropriate town centre use that can increase economic prosperity within the town centre. PPS.4 points out that a sequential assessment is required for planning applications for main town centres uses that are not in an existing centre and are not in accordance with the development plan.

Borough of Redditch Local Plan No.3 This application would restrict the current and future use of this site for employment purposes and as such would not comply with Policy E(EMP).3 and E(EMP)3a. The proposed leisure use would not be considered to be compatible with the surrounding uses for reasons including amenity and car parking.

PLANNING COMMITTEE

13th December 2011

This application is contrary to Policy E(TCR).1 as it has not fully considered the use of the town centre for this facility as per the policy requirement.

Supplementary Planning Guidance Employment Land Monitoring This document makes a clear distinction between redundant employment land and unoccupied employment land.

EDU

The property has been vacant since 16/11/10. During this time, it has been considered by 17 enquirers looking for industrial premises of this size. In the past 12 months there have been 56 enquiries from businesses looking for industrial properties between 929 and 1,393 sq m. In 2009 the average length of time an industrial unit between 929 and 1,858 sq m was on the market before being let was 441 days. Do not recognise any exceptional circumstances why this unit would not attract a B user class occupier and therefore do not support the application for change of use.

Assessment of Proposal

The key issues for consideration in this case are:-

Principle of Change of Use

It is important to clarify firstly that the application site is not in the Town Centre and it is also not located within the Town Centre Peripheral Zone as designated in Local Plan.3. This is an important distinction to bear in mind whilst considering this proposal in relation to the following policies:-

PPS.1

Key objective of PPS.1 is to provide suitable locations for economic development. This particular site is an allocated site in the Local Plan for employment development (site IN42) and has been developed for this purpose. To use the premises for a non employment use would reduce the opportunity to secure economic prosperity in this area of the Borough. It is important to note that generally this size building is sought after given the level of interest Economic Development receive in respect to enquiries for units of this size. Therefore, it is imperative that the site be available to contribute towards the employment land portfolio for the Borough. The proposal conflicts with PPS.1 guidance.

PPS.4

The applicant has submitted a Principle of Development statement which states that a sequential assessment has been carried out on 4 sites, the assessment should include the availability, suitability and viability of town centre locations before considering edge of centre locations. However, only one of the sites the applicant has considered is within the town centre, therefore, it is considered that the sequential assessment submitted is unsubstantial and weakens the applicant's case for a leisure facility outside the town centre and as such the proposal conflicts with PPS.4. In addition,

PLANNING COMMITTEE

13th December 2011

PPS.4 states that the impact of such an application on town centres should be considered; as such proposals would have a detrimental impact on the town centre. Due to the nature of the proposal, it is likely that a leisure use in the location proposed could potentially draw investment out of the town centre, which may be harmful to the vitality and viability of the centre.

Borough of Redditch Local Plan No.3

The site is within an area designated for Primarily Employment Uses in the Borough of Redditch Local Plan No.3 where the primary aim of Policy E(EMP).3 is to maintain uses within Classes B1 (Business), B2 (General Industry) or B8 (Storage or Distribution). In addition, the site forms part of a commercial complex allocated (site IN42) for employment development under Policy E(EMP).1 to meet the Borough's strategic employment requirement as designated in the Local Plan. The change of use of this unit to a fitness suite (Class D2) would be detrimental to the aims and objectives of Policy E(EMP).1 and E(EMP).3 of Local Plan No.3.

Policy E(EMP).3 states that non-employment development within Primarily Employment Areas will only be considered where it can be demonstrated that the loss of the site will not have an unacceptable loss on the supply of employment land within the Borough and that the use is compatible with the use of adjacent land for employment purposes. It should also be demonstrated that the site is not capable of being developed for employment use. This application is contrary to all of the points detailed under this policy. The applicants have not demonstrated that the site is not capable of being developed for employment use, or that the loss would not have an unacceptable impact on the supply of employment land in the Borough. The applicants have not demonstrated that the current use of the site for employment purposes raises unacceptable environmental or traffic problems.

The proposal would also be contrary to Policy E(EMP).3a which requires development to be compatible with the use of Primarily Employment Areas. This application would restrict the current and future use of this complex for employment purposes. As this location is a primarily employment area the proposed leisure use would attract a large number of people which could have various amenity implications on the surrounding uses as well as a high demand for parking, this use would not be considered compatible with the existing surrounding employment uses.

Policy CS.7 of the Borough of Redditch Local Plan No.3 states that uses that attract a lot of people will be directed to the Town Centre. The proposed development, being one such use would be ideally suited to a town centre site rather than an out of centre location such as the application site, which has relatively poor public transport links. The proposal is therefore considered to be unsustainably located having regard to that Policy. In addition, the proposal would not comply with Policy E(TCR).1 which seeks to maintain and enhance the vitality and viability of the Town Centre by

PLANNING COMMITTEE

13th December 2011

encouraging a wide range of facilities such as retail, commercial, public offices, community facilities, entertainment and leisure. This application is contrary to this policy as it has not fully considered the use of the town centre for this facility as per the policy requirement, it is noted that this proposal is in close proximity to the edge of the centre, however as this use would attract a large volume of people the town centre should be considered in the first instance.

Given that this use would attract a large volume of people, it is appropriate that it be provided in a town centre location, therefore, the approval of this use outside of the town centre would be contrary to Policy E(TCR).1 which seeks to maintain and enhance the vitality and viability of the town centre.

Supplementary Planning Guidance Employment Land Monitoring (2003)
This SPG makes a clear distinction between redundant employment land and unoccupied employment land. The applicant has stated within the proposal that this site is considered to be redundant. The SPG 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.”*

It is considered that the applicant has not demonstrated that the site meets the redundant classification and therefore it can only be assumed that the site is simply ‘unoccupied’. The SPG defines unoccupied as;

“Land or buildings with existing B Class use rights which are not in full productive use but for which there is a reasonable expectation of reoccupation for B Class use (of existing or new buildings). Such sites are not yet considered to be redundant.”

Therefore until this site reaches a redundant state it is considered there is a reasonable expectation this site will be reused for employment purposes. Should the site be considered redundant it should still form part of the employment land portfolio until all other aspects of the SPG are fulfilled and the current Development Plan no longer requires the site for employment purposes. However, as there is an acute shortage of employment land within the Borough it is very unlikely this situation will occur.

The importance of retaining this building for employment purposes are further emphasised following comments from EDU who have stated that there is a need and interest in this size unit for employment purposes, and whilst this particular unit has been unoccupied since 16th November 2010, such sized units are on average being let again after 441 days. Therefore, it is unreasonable to consider the unit as a redundant building.

PLANNING COMMITTEE

13th December 2011

Design and Layout

Notwithstanding the above concerns the proposed elevational treatment would be considered to be in keeping with the unit. However, these elevational works would also be acceptable if the use of the unit remained a Class B1, B2 or B8 use.

Highways and Parking

The proposal involves rearranging the car parking provision directly outside the frontage of the unit to provide an additional disabled car parking space. Also, an additional 16 car parking spaces are proposed to be provided to the south of the commercial complex in the cul de sac area. The maximum car parking requirement for this proposal would be 56 spaces and 3 disabled car spaces. The car parking provision directly outside the unit and including the communal car parking area (as extended) equates to 77 spaces with 2 disabled car spaces. However, the communal car parking (67 spaces) is intended for all occupiers of the 4 commercial units in the complex. Given that the complex is not fully occupied at present this provision would be acceptable, however, there could be issues of parking in the future when all the units are full (only one occupied at present). However, County Network Control has no objection to the proposal.

Conclusion

The proposal would be on land allocated for employment development, therefore, the proposed use would take away the availability of employment land that is sought after in the Borough to meet the Council's strategic employment requirements and would be contrary to policies in the Local Plan No.3. In addition, the proposed use ought to be located in the town centre given the nature of the use and the volume of people who would use it. Such a use in the town centre would maintain its vitality and viability. Locating a leisure use outside of the town centre would have a detrimental impact on the centre and would conflict with Local Plan policies. Given that the proposal is not located within the town centre or the edge of centre (Town Centre Peripheral Zone), a sequential assessment is required under PPS.4. The assessment that has been submitted does not adequately demonstrate a thorough assessment of available town centre locations and as such does not address the requirements of PPS.4 and policies E(EMP).1 and E(EMP).3 of the Local Plan No.3. There is also a concern that the provision of a leisure facility in the middle of a modern employment complex would not be compatible with the surrounding employment units, and could have an impact on amenity in the area, as well as parking, and could potentially hinder interest in the remaining unoccupied units for Class B uses.

For these reasons, Officers consider that the proposal should be resisted in the interests of protecting employment land within the Borough.

**PLANNING
COMMITTEE**13th December 2011

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 change of use to a leisure facility (Class D.2) would result in a loss of land designated for employment use (B1, B2, and B8). In the absence of any justification for this loss, the proposal is considered to be harmful to the employment land supply for the Borough and would be contrary to Policy E(EMP).3 of the Borough of Redditch Local Plan No.3. The proposal would also conflict with policies and objectives of PPS.1 Delivering Sustainable Development and PPS.4 Planning for Sustainable Economic Growth.
2. The provision of a leisure facility (Class D.2) in a designated Primarily Employment Area would hinder the amenities of the adjacent employment units and as such would not be compatible with the potential and existing employment uses in this complex and as such would be contrary to Policy E(EMP).3a of the Borough of Redditch Local Plan No.3.
3. Documents submitted by the applicant to justify the location of a leisure facility outside the town centre are insufficient to address the sequential assessment requirements set out under PPS.4 Planning for Sustainable Economic Growth and would be contrary to Policies E(EMP).1 and E(EMP).3 of the Borough of Redditch Local Plan No.3.
4. The provision of a leisure facility (Class D.2) use in a location outside of the town centre would by its very nature, have a detrimental impact on the vitality and viability of the town centre and would be contrary to Policies CS.7 and E(TCR).1 of the Borough of Redditch Local Plan No.3.

PLANNING COMMITTEE

13th December 2011

PLANNING APPLICATION 2011/286/FUL

**PROPOSED RESTAURANT, NEW RETAIL AND STORAGE AREA AND
NEW SELF CONTAINED FLAT**

PHOENIX MEGASTORE, SMALLWOOD STREET, REDDITCH

**APPLICANT: HAWKFIELD INVESTMENTS LTD
EXPIRY DATE: 8th DECEMBER 2011**

WARD: CENTRAL

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

Site Description

The site comprises an existing retail store (formerly 'Sterling Save'), now known as Phoenix Megastore. The site occupies a corner location, bounded by Summer Street to the south and Smallwood Street to the east. Beyond the site's western boundary lies a storage and service yard area associated with the premises 'Buildbase'. Staff and visitor parking is provided at an in-curtilage car park accessed via Smallwood Street. A secondary access for service vehicles is located off Summer Street to the south-west corner of the site. There are various commercial firms in other premises in Smallwood Street and Oswald Street beyond the sites western boundary, whilst there are residential properties on the south side of Summer Street.

Proposal Description

This is a full planning application to create the following:

- 1) Two storey extension to building

This would be attached to the west facing/rear of the existing building and would involve the following:

At ground floor level:

Former storage area (102m²) to be demolished, new storage area (73m²) to be created. Demolition of an existing retail area (150m²) and creation of new retail floorspace. The net increase in new retail floorspace would be 309m².

At first floor level:

New storage area (520m²)

**PLANNING
COMMITTEE****13th December 2011**

The two storey extension would be of portal frame construction having a pitched roof matching that of the existing building. Walls and roof would be clad in profiled metal panels. The extension would cover the whole of the existing rear elevation of the building (39 metres in length) and would have a width of 14 metres.

2) Change of Use of part of existing retail facility to restaurant use (ground floor)

This part of the building is located to the east of the site and faces directly onto Smallwood Street. The floorspace to be changed would be 150m² and would contain table settings for 76 people (covers).

3) Creation of first floor over (part 2 above) to form extension to restaurant

The additional floorspace to be created would be 150 m². This space would contain table settings for 66 people (covers).

In respect to part 2) above, the existing retail facility in this part of the building is constructed of brickwork walls under a flat roof. A pitched roof would be created above (pitch to match existing) in order to accommodate the extended restaurant area. The first floor would be part glazed/ part brickwork with steel clad roof.

4) Creation of new first floor flat

At the Smallwood Street / Summer Street road junction, an office facility exists at first floor level. A change of use is proposed to form residential accommodation. The facilities would include bedroom/lounge, bathroom and kitchen. The use is intended as accommodation for a member of staff involved in the day to day running of the business.

5) External alterations to building

The north facing elevation to the car park would be altered considerably in appearance. Its walls are currently finished in a combination of brickwork and render. The walls to this elevation would be finished in a mixture of profiled metal panels and glazing. The elevation fronting directly onto Smallwood Street would retain the brickwork wall which exists up to a height of 4 metres from ground level. Three existing high level windows would be replaced with three larger windows each measuring 2.75 metres in height by 2.2 metres in width. The upper floor proposed restaurant wall and its roof would be finished in profiled metal panels. Five new rooflights would be inserted in the new roof to allow natural daylight to reach to the new proposed upper floor restaurant.

**PLANNING
COMMITTEE****13th December 2011**

Proposed hours of operation would be as follows:

	Monday to Saturday	Sunday/Public Holidays
Restaurant	6pm to midnight	6pm to midnight
Retail operation	9am to 6pm	11am to 5pm

Relevant Key Policies:

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

www.communities.gov.uk

www.redditchbc.gov.uk

National Planning Policy

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

Borough of Redditch Local Plan No.3

CS.7	The sustainable location of development
E(TCR).3	Peripheral Zone
E(TCR).12	Class A3, A4 and A5 uses
B(BE).13	Qualities of good design
C(T).12	Parking Standards (Appendix H)

The site is located within the Town Centre Peripheral Zone as defined in Local Plan No.3.

Relevant Site Planning History

2007/014/COU	Change of use of part of premises to a restaurant (ground floor only)	GRANTED 12.2.2007
2011/168/FUL	Single storey extension to rear for retail use	GRANTED 15.8.2011

2007/014/COU was granted but never implemented, and has now expired.

2011/168/FUL has not been implemented. The floorspace to be created under that consent is fully covered by the proposed two storey extension referred to under part 1): proposal details (above). Granting permission for the current application would therefore mean that the consent granted under application 2011/168/FUL could not be implemented.

PLANNING COMMITTEE

13th December 2011

Public Consultation Responses

Responses in favour

One letter received in full support of all proposals

Responses against

None received

Consultee Responses

Worcestershire Regulatory Services: Environmental Health

No objection. To protect nearby amenities, recommends the imposition of conditions / informatives in the event of planning permission being granted in respect to odour control; light nuisance; refuse storage and construction times on site being limited

County Highway Network Control

No objection

Town Centre Co-ordinator

No objection

Police Crime Risk Manager

No objection

Severn Trent Water

No objections. Drainage details to be subject to agreement with Severn Trent

Assessment of Proposal

The key issues for consideration are as follows:

Principle

The site is situated within the Town Centre Peripheral Zone in Local Plan No.3 where Policy E(TCR).3 states that proposed uses which comprise one or a mix of residential, retail, commercial, light industrial, warehousing, social, community, education, leisure and entertainment uses will be given favourable consideration. All of the proposed uses: retail, storage, residential and restaurant use are therefore considered to be appropriate in this area which already contains a mix of residential and commercial uses.

Impact upon nearby residential amenity

As before, under application 2007/014/COU, the proposed restaurant would front onto Smallwood Street, a commercial street, rather than Summer Street which is mainly residential in character. This part of the proposal is considered to be acceptable having regard to Policy E(TCR).12 which deals specifically with proposals for restaurant use, where such proposals can impact upon residential amenity. No objections have been received from Worcestershire Regulatory Services in respect to this aspect.

PLANNING COMMITTEE

13th December 2011

Location of site relative to car parking facilities

The site occupies a sustainable urban location, near to the town centre and historically this retail premises has always served a relatively densely populated local area. Your Officers would suggest that many of the retail store customers walk to and from the premises. Officers consider that it is important that such facilities continue to thrive and serve local people who can easily walk to such a destination since the lack of such facilities is likely to lead to greater car borne travel contrary to sustainability objectives.

A total of 35 car parking spaces are available within the curtilage car park. Two of these are disabled spaces, and they are all marked out on site.

It is important to emphasise that the restaurant use would not be used concurrently with the retail store and as such, the sharing of car parking is appropriate. A condition to this effect is recommended. However, a number of on-street car parking spaces exist within close proximity to the site. County Highways have raised no objection to the application and Officers consider that the proposals are unlikely to give rise to highway safety issues.

Residential accommodation

Given that Policy E(TCR).3 states that residential uses are acceptable uses within the peripheral zone and that the proposed flat would make use of what is currently a vacant office, this part of the proposal is therefore encouraged.

Design

The external alterations to the elevations of the building are considered to represent an improvement over the existing building's somewhat dated appearance. The extension over the existing flat roof fronting onto Smallwood Street in particular, would greatly enhance the visual appearance of this part of the site. Submitted plans state that graffiti which has historically been applied to the facing brickwork would be removed in the redevelopment.

Security

The only aspect of the proposal which was originally a concern to your Officers was the proposed insertion of three larger windows in replacement of three smaller windows which would front directly onto the pavement serving Smallwood Street. The insertion of these windows without provision for defensible space is not ideal, although a condition would be attached to the decision notice in the case of approval stating that laminated glass for improved security should be used in their construction. The applicant is in agreement with the insertion of such a condition. The Police Crime Risk Manager has been consulted on this application and raises no objection.

PLANNING COMMITTEE

13th December 2011

Conclusion

Approval of the proposed development would be considered to enhance the aesthetics of this particular part of Smallwood Street / Summer Street whilst creating new employment opportunities in a sustainable location near to the town centre. Since national policy guidance encourages the growth of both the day time, evening and night time economy in appropriate areas and taking into consideration the lack of perceived harm to amenity or highway safety, officers can support the application.

Recommendation

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

1. Development to commence within three years
2. Development in accordance with plans (listed)
3. Hours of operation (retail) to be limited to between 9am to 6pm Monday to Saturday and from between 11am to 5pm on Sundays/Public Holidays. Hours of operation (restaurant) to be limited to between 6pm to midnight daily
4. Full details of the means of extraction, ventilation and control of odour to be submitted
5. Details of a refuse storage facility to be submitted
6. Laminated glass (to remain in perpetuity) to be used in the construction of windows labelled a,b,c facing Smallwood Street

Informatives

1. Reason for approval
2. No burning of materials on site
3. Lighting – standard information item
4. Drainage
5. A separate planning consent would be required for hot food takeaway sales (Class A5)

Procedural matters

All applications for Class A3 (restaurant) use are reported to Planning Committee for determination

PLANNING COMMITTEE

13th December 2011

PLANNING APPLICATION 2011/296/FUL

ERECTION OF A C1 HOTEL (PREMIER INN) AND A3 RESTAURANT (BEEFEATER)

LAND AT TEARDROP SITE, BORDESLEY LANE, REDDITCH

APPLICANT: WHITBREAD
EXPIRY DATE: 17TH JANUARY 2012

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 near roundabout at northern end of town. The land is largely grassed with natural scrub and shrub planting and some trees. The road is between the A441 Alvechurch Highway which lies to the west, and Bordesley Lane which lies to the east. To the north of the site is a subway under the highway with the Abbey Stadium beyond, whilst to the south is a further element of this vacant site adjacent the roundabout.

To the west beyond the Highway are residential properties and to the east beyond Bordesley Lane is the cemetery/crematorium site.

Proposal Description

The application proposed the erection of an A3 restaurant to the southern end of the site and a C1 hotel to the northern end parallel with the roads. The site would be accessed by vehicle from Bordesley Lane and include car parking to the west and north. This access divides the site into the two separate elements, and forking to north and south once in the site.

The hotel building would be three storeys with a main pedestrian entrance facing west. It would be brick with render at second floor level with slate coloured roofing tiles and buff brick soldier detailing. The design is linear, and would run parallel to the roads either side, with a central longitudinal corridor. The proposal has two sets of plans, as it is proposed in the first instance to build a 62 bed hotel, and then at a later date extend it to 80 beds. The extension to accommodate the additional 18 beds would be at the northern end of the hotel, on an area proposed for grass and landscaping. Similarly, the surrounding car park would also be provided in two phases. Due to the

**PLANNING
COMMITTEE****13th December 2011**

modular design and layout of the proposed hotel, it would be possible simply to add on the extra bedrooms at a later date relatively simply.

The restaurant building would be two storey and single storey, with ancillary facilities, a bedsit and a manager's flat at first floor level, and bar, seating, kitchens etc at ground floor. The building would be of similar materials to the hotel, with bay window features to the ground floor and render to the upper end elevations. Both buildings would benefit from stained timber windows.

The site would be landscaped, retaining much of the perimeter planting and breaking up the parking areas with planted areas to retain habitats. The restaurant would have more formal landscaping around it, and external seating areas.

The application is supported by a Design & Access Statement, a planning statement, a transport statement, a travel plan, a landscape strategy, a climate change statement, a topographical survey, a tree survey, a FRA (Flood Risk Assessment), a contaminated land assessment and a phase 1 habitat survey.

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

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

**PLANNING
COMMITTEE**

13th December 2011

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
C(T)1	Access to and within development
C(T)12	Parking standards (& appendix H)

Supplementary Planning Guidance/Supplementary Planning Documents

Encouraging good design
Designing for community safety

Other Relevant Corporate Plans and Strategies

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.

PLANNING COMMITTEE

13th December 2011

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 – the site appears not to have been developed previously

Public Consultation Responses

Responses in favour

None

Responses against

One letter received raising the following points:

- Wildlife haven should not be lost
- Noise barrier would become noise generator that would be unacceptable
- Lost gateway opportunity
- Existing hotel/restaurants nearby

Consultee Responses

Development Plans

Generally supportive of proposals as largely in compliance with policy framework.

Arboricultural Officer

No objection subject to conditions to protect trees during construction and improve their long term health and amenity value and the details of replacement planting.

Land Drainage engineer

No objection subject to condition regarding submission of further drainage details – satisfied that the proposed development would neither increase the risk of flooding elsewhere nor be prone to flooding.

Community Safety Officer

No objection subject to details being covered by conditions.

County Highway Network Control

No objection subject to conditions regarding completion of off-site highway works to link site to footpath and cycle network and on site details.

WRS: Environmental Health

No objection subject to conditions relating to any contamination that might be found during construction.

Crime Risk Manager

No comments received.

PLANNING COMMITTEE

13th December 2011

Severn Trent Water

No objection subject to a condition and informative regarding drainage details.

Environment Agency

No comments received.

Worcestershire Wildlife Trust

No comments received.

Assessment of proposal

The key issues for consideration in this case are the principle of the proposed uses, their design and layout, security and parking/access requirements.

Principle

The application proposes two of the uses specifically identified as acceptable on this site in policies of the current local plan and the emerging core strategy. Therefore, the principle of these uses is considered to be acceptable, subject to the details of the application being policy compliant.

Design and layout

The proposed buildings are of materials sympathetic to the surrounding area, and the designs are considered to be of an appropriate siting, scale and massing relative to the context of the site such that they would not result in any harmful effects on amenities or noise disturbance.

Landscaping and trees

The proposed retention of mature trees where possible is considered to be appropriate, and those to be lost are not of sufficient merit to be worthy of retention. The protection of existing trees and landscaping during construction, and the replacement and new planting to be provided as part of the development is considered to be appropriate in principle. However, some of the details are considered lacking, and therefore further details should be sought and agreed prior to implementation. A condition to this effect is included below.

The hard landscaping layout is also considered to be acceptable, and largely of porous materials to allow for sustainable drainage to occur.

Some concerns were initially raised regarding protected species and possible impacts on nearby designated wildlife sites, however these have been addressed through the submission of additional information, and as such it is not considered that the proposal would result in significant harmful effects on such interests.

Highways, access and parking

The parking provision on site complies with adopted standards in terms of both numbers and layout, and as such is considered to be acceptable. The

PLANNING COMMITTEE

13th December 2011

access arrangements from Bordesley Lane are considered to meet current design standards for a safe ingress/egress and as such are acceptable.

Current links along Bordesley Lane to the public transport network could be improved, and the County are seeking lighting and pavement improvements between the site and the subway/bus stop location to the north under their own legislation. It is therefore proposed that a condition be attached to ensure that these works are completed prior to the use of the hotel and restaurant commencing, in order that guests are able to choose to access the site from a range of methods in safety.

Sustainability

The site lies within the urban area of Redditch and as such is considered to be in a sustainable location. Further, it lies in close proximity to bus and cycle routes and this proposal would include links to both of these. The proposed development is therefore considered to be acceptable in this regard.

Other issues

Detailed comments have been received from the community safety team relating to the site and its operation. Whilst some of the comments cover matters that fall outside the remit of planning, those details that can be controlled to the benefit of users of the site (both staff and guests) and to surrounding residents should be, and conditions are therefore recommended to that effect.

There are no matters of policy that would require a planning obligation in this case, nor are there any site specific matters and as such there is therefore no need for an agreement in this case.

Concerns have been raised regarding noise from the proposed development and potential negative impacts on surrounding land uses, however the combination of the design and location of the proposal, combined with the landscaping is considered to be such that any impacts would not be sufficient to warrant refusal.

The representation also refers to matters of competition and a lack of need for such a development, however these are not matters that can be taken into account as competition is not material and there is no policy requirement to consider the need for a development of this type. Further, as the site is identified for such uses, it is considered that they should be supported in this location.

Conclusion

When taking into account all the material considerations and examining the policy framework, it is considered that the proposals comply with the policies, both adopted and emerging, and that there would be minimal harm to

PLANNING COMMITTEE

13th December 2011

amenity, such that the proposal is considered to be acceptable. It is hoped that such a development would have a positive impact on the local economy.

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:

Conditions

1. Time limit for commencement of development
2. As per plans
3. Materials to be agreed
4. Landscaping timing and replacement if dead
5. Tree protection during construction
6. Replacement planting and tree works details to be agreed
7. Boundary treatments to be agreed
8. Security matters as requested by community safety
9. As requested by highways
10. Off-site highway works to be completed prior to commencement of use/occupation
11. As requested by STW

Informatives

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

Procedural matters

This application is reported to Planning Committee because it is a major application recommended favourably.

Members are reminded that in their decision making they should consider the proposed uses on this site and not the operators, as to grant this consent would allow these uses but not restricted to these occupiers.

PLANNING COMMITTEE

13th December 2011

PLANNING APPLICATION 2011/306/FUL

PORCH, GROUND FLOOR EXTENSION, INTERNAL ALTERATIONS AND FIRST FLOOR EXTENSION

7 OAKHAM CLOSE, OAKENSHAW SOUTH

APPLICANT: MR JASON BONNER
EXPIRY DATE: 3RD JANUARY 2012

WARD: HEADLESS CROSS AND OAKENSHAW

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 proposal comprises of a detached dwelling and attached garage at the side. The front of the property faces south-west, whilst the rear of the property faces north-east. The front garden has a hard surfaced area to provide off street car parking.

The site is relatively level but is stepped in relation to adjacent dwellings due to the contours of the area.

Proposal Description

Planning permission is sought to build an extension in front of the existing attached garage, with a porch at the front, and convert the existing garage to provide a proposed playroom, WC and laundry facility.

A first floor extension is proposed above the garage and ground floor extension to provide a new bedroom with en-suite bathroom. The first floor extension would enable the enlargement of an existing bedroom.

The ground floor extension would protrude 1.2m from the front wall of the house to the same level as the proposed porch. The first floor extension would be in line with the front wall of the house and follow the existing roofline. It is proposed that the extension would be finished in materials to match the existing property.

PLANNING COMMITTEE

13th December 2011

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

Regional Spatial Strategy

QE.3 Creating a high quality built environment for all.

Worcestershire County Structure Plan

Borough of Redditch Local Plan No.3

B(BE).13 Qualities of Good Design.

B(BE).14 Alterations and Extensions.

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

Supplementary Planning Guidance/Supplementary Planning Documents

Encouraging Good Design.

Relevant Site Planning History

None

Public Consultation Responses

1 letter of objection expressing concerns regarding the size of the extension and potential overshadowing. Extension should be a smaller scale in relation to the house.

Assessment of Proposal

The key issues for consideration in this case are:

Principle

The principle of an extension at the side of the property would be considered favourably given that the application site is within the urban area of the Borough as shown in the Borough of Redditch Local Plan No.3.

PLANNING COMMITTEE

13th December 2011

Design and layout

The proposal would follow the footprint of the garage and would protrude out towards the front of the property; however, 1 metre side spacing between the garage / extension and the side boundary would be maintained.

The first floor extension would line up with the front wall of the house and not be set back. Members will be aware that the Council's Supplementary Planning Guidance on Encouraging Good Design recommends that a set back be provided for two storey side extensions to ensure that the extension is subservient to the original dwelling. It is also quite a practical approach for joining old and new brickwork.

It also enables the symmetry of the original building to be maintained.

Although the SPG does not specify a dimension for a set back, a general guide would be 750mm.

Generally Officers would seek this set back for ground and first floor level. However if the set back were to be applied at ground floor level it would seriously hinder the facilities that the applicant is hoping to achieve in the space concerned. On this occasion, Officers would accept the extent of the extension at ground floor level, but have requested that the set back be applied to the first floor extension to ensure that it would be subservient to the house, help break up rooflines and ultimately improve the streetscene.

At the time of drafting the report no amended details had been submitted. In respect to other aspects of the proposal, the scheme would be in keeping with the property and the positioning of new windows proposed would not affect the amenities of neighbouring occupiers.

Highways and access

Although an off street car parking space would be lost due to the conversion of the garage, adequate off street car parking (for 2 vehicles) would be provided at the front of the house.

Conclusion

Subject to some amendment to the first floor extension to provide a set back from the front wall of the house, the proposal is considered to be acceptable and would not have a detrimental impact on the amenities of the neighbouring occupiers or the streetscene.

Recommendation

Officers are making an either or recommendation in this case, as it is unclear whether the applicant is willing to amend the proposal:

Either

- 1. Subject to the receipt of suitably amended plans by 2 January 2012 showing a set back at first floor level, it is recommended that having regard to the development plan and to all other material**

PLANNING COMMITTEE

13th December 2011

considerations, authority be delegated to the Head of Planning & Regeneration to GRANT planning permission subject to conditions and informative as summarised below:

1. Development to commence within 3 years.
2. Materials to match existing.
3. Specified plans approved.
4. Car parking layout be of a permeable surface and be implemented before development is first brought into use.

Informative

1. Reason for approval.

Or

2. **In the event that suitably amended plans are not submitted by 2 January 2012, it is recommended that having regard to the development plan and to all other material considerations, planning permission be REFUSED for the following reason:**

The proposed two storey extensions, by virtue of their siting, size and design would have a dominating and adverse effect on the design, character and appearance of the existing dwelling and would have a consequential detrimental impact upon the street-scene. As such, the development would be harmful to the visual amenities of the area contrary to the Policies B(BE).13 and B(BE).14 of the Borough of Redditch Local Plan No.3 and the Borough of Redditch Supplementary Planning Guidance on Encouraging Good Design.

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 the agent is an employee of Redditch Borough Council.

REDDITCH BOROUGH COUNCIL**PLANNING
COMMITTEE**

13th December 2011

**FORMER MARLFIELD FARM FIRST SCHOOL SITE, REDSTONE CLOSE,
CHURCH HILL - VARIATION OF SECTION 106 PLANNING OBLIGATION
AGREEMENT)**

Relevant Portfolio Holder	Cllr Jinny Pearce, Planning, Regeneration, Economic Development & Transport
Portfolio Holder Consulted	Not applicable
Relevant Head of Service	Ruth Bamford, Head of Planning & Regeneration
Wards Affected	Church Hill
Ward Councillor Consulted	Not applicable

1. SUMMARY OF PROPOSALS

- 1.1 To consider a variation to the Section 106 Agreement (planning obligation) associated with the development of 79 houses, at the former Marlfield Farm First School site in Redstone Close, Church Hill, in order to release the other parties from a requirement that is no longer appropriate and thus should not be perpetuated, relating to a financial contribution towards education facilities, as a result of revising the proposed tenure for development.
- 1.2 This report cross-references to details approved under Planning Application 2010/253/FUL and is therefore business for the Planning Committee. (2010/253/FUL was an application for a residential development of 79 dwellings on land at the former Marlfield Farm First School site).

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

the following variation to the Section 106 Agreement, dated 17th January 2011 and made between 1) Accord Housing Association Ltd, 2) Worcestershire County Council, 3) The Council of the Borough of Redditch, regarding the amendment to the tenure of the development in relation to affordable housing and education obligations therein, be agreed:

REDDITCH BOROUGH COUNCIL

**PLANNING
COMMITTEE**

13th December 2011

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

3. KEY ISSUES

Financial Implications

- 3.1 The cost to the Council of varying the agreement will need to be borne, but the other party has agreed to bear these costs.
- 3.2 The other financial contributions required as part of the planning obligation have not been paid as yet, however, development has not commenced on site and so they are not yet due.

Legal Implications

- 3.3 The legislative framework is provided by Section 106 of the Town and Country Planning Act 1990 (as amended).
- 3.4 Planning obligations, also known as Section 106 Agreements, are typically negotiated between local authorities and developers in the context of granting planning consent. (Sometimes they can take the form of unilateral undertakings made by developers.) They provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of necessary infrastructure and facilities required by local and national planning policies.

POLICY IMPLICATIONS

- 3.5 Developers are required to provide necessary infrastructure as part of new developments having regard to standards set out in the Local Plan in force at that time.

Service/Operational implications

- 3.6 A planning obligation was sought for a financial contribution towards education facilities in relation to the 10 proposed dwellings that would be for sale on the open market as a result of the overall scheme.

REDDITCH BOROUGH COUNCIL

**PLANNING
COMMITTEE**

13th December 2011

3.7 79 dwellings have been granted permission as part of this planning application. In the Section 106 Agreement the proposal comprised of the following tenure mix:

- 61 affordable rent homes
- 8 shared ownership homes
- 10 for sale on the open market

3.8 The matter has come to light as a result of the developer's negotiations with the Homes and Communities Agency (HCA) and a resulting settlement of grant funding which considered the number of proposed units, tenure, and mix which has now been modified in order to meet the grant criteria. As such, the tenure mix needs to be amended in the Section 106 to be as follows:

- 61 affordable rent homes
- 18 shared ownership homes

Affordable Housing

3.9 The change in mix of tenure would provide additional affordable housing in this area of the Town, as the development site would be 100% affordable housing. However, the change of tenure needs to be amended in the S106 Agreement.

Contribution towards Education Facilities

3.10 The approved scheme intended to have 10 units for sale on the open market. Worcestershire County Council's Supplementary Planning Guidance (SPG) for Education Facilities requires a financial contribution for any open market housing on a development of more than five dwellings. The contribution (to be paid to the County Council) goes towards additional facilities for schools in the catchment area of the site. The SPG only applies this contribution to open market housing and not affordable housing. Given that it is now intended for the site to be 100% affordable housing there is no longer the requirement for this financial contribution. Therefore, this Head of Term needs to be deleted from the S106 Agreement and any other reference to this matter needs to be amended.

REDDITCH BOROUGH COUNCIL

**PLANNING
COMMITTEE**

13th December 2011

- 3.11 For these two combined reasons, it is considered acceptable to delete the Head of Term relating to education facilities, and amend details in respect of affordable housing in relation to the tenure of the site. These amendments can be done without hindering the spirit of the Section 106 Agreement.

Customer / Equalities and Diversity Implications

- 3.12 None identified. There are no plans to amend the permitted scheme in terms of layout and design.

4. RISK MANAGEMENT

None identified.

5. APPENDICES

There are no appendices to this report.

6. BACKGROUND PAPERS

Previously published Council reports and minutes.

Original Section 106 Agreement associated with the development of land at the former Marlfield Farm First School site, Redstone Close and the planning and legal files.

7. KEY

A **Planning Obligation** is a mechanism for requiring financial and other conditions to be attached to proposed development, and must be in compliance with the statutory planning framework.

They most commonly take the form of a legal agreement, often known as a S106 agreement relating to the relevant legislation, although they can also be Unilateral Undertakings, where a land owner undertakes to do specified actions or make specific payments, without the Council being party to an agreement. These are more commonly used in appeal situations.

REDDITCH BOROUGH COUNCIL

**PLANNING
COMMITTEE**

13th December 2011

AUTHOR OF REPORT

Name: Sharron Williams

E Mail: sharron.williams@bromsgroveandredditch.gov.uk

Tel: 01527 534061

DRAFT**PLANNING COMMITTEE PROCEDURE RULES**

(Suggested changes are indicated in ***bold italic*** or ~~struck through~~)

1. Terms of Reference of Planning Committee

- 1.1 The Council will appoint a Planning Committee.
- 1.2 The Terms of Reference of the Planning Committee are as set out in Table 2 of Part 3 of the Constitution. (*Note: copy attached below for ease of reference*)

2. Time and Place of Meetings

- 1.1 The Planning Committee shall normally meet on a four weekly cycle on dates to be set by the Chief Executive, in consultation with the Committee Chair.
- 1.2 Meetings will normally commence at 7.00 pm at the Town Hall, Redditch.
- 1.3 The time and place of Planning Committee meetings may be varied by the Chief Executive, in consultation with the Committee Chair, and any such change will be notified in the agenda.

3. Composition of the Planning Committee

- 3.1 The Planning Committee will comprise such number of Councillors as may be determined annually at the Council's Annual Meeting (9 in the 2011/12 municipal year).
- 3.2 Article 8.4 of the Articles at Part 2 of this Constitution applies to the Planning Committee. [*Reproduced here below for ease of reference:*

8.4 Qualifications for sitting on Regulatory and other Committees

Only those Councillors who have undertaken appropriate training may sit on relevant committees, sub-committees or panels; the Chief Executive, in consultation with the Member Support Steering Group, will determine the criteria to be met in respect of each committee, sub-committee or panel and the Chief Executive will determine whether individual Councillors have met those criteria.]

- 3.3 Members of the Planning Committee who cannot attend a particular meeting may arrange for an appropriately trained substitute to attend in his or her place in accordance with Article 8.4 of the Articles at Part 2 of this Constitution.

DRAFT

3.4 ***The Leader and Deputy Leader of the Council cannot be a member or the Planning Committee and cannot sit as a substitute on the Planning Committee.***

4. Chair

4.1 The Planning Committee Chair and Vice-Chair will conventionally be appointed at the Council's Annual Meeting. Failing this, the Committee will appoint one of its members as Chair at its first meeting following the Annual Council Meeting.

4.2 Neither the Chair ***nor the Vice-Chair*** will be a member of the Executive Committee.

5. Quorum

The quorum for a meeting of the Planning Committee is **3 5**.

6. Application of Council Procedure Rules

The Council Procedure Rules (as specified in Council Procedure Rule 24) will apply to all meetings of the Planning Committee, except as modified by these Rules.

7. Procedure for Determining Applications for Planning Permission

7.1 A Planning Officer will present the Officers' report.

7.2 Members of the public who have registered to speak may then address the meeting in accordance with the agreed procedure for public speaking.

7.3 Ward Members who have registered to speak may address the meeting in accordance with the agreed procedure for public speaking.

7.4 The Applicant's / Supporters' side shall always speak last.

7.5 Committee Members will be invited to ask each Speaker questions of clarification, only to ascertain that they have understood their representations.

7.6 Officers shall respond to the representations, advising the Committee on their material relevance, or otherwise.

DRAFT

- 7.7 Committee Members will then be invited to ask Planning Officers questions of clarification.
- 7.8 The Chair will then open the debate. With the consent of the Chair, members of the Committee will be entitled to address the meeting more than once.
- 7.9 Before taking the vote the Chair will ascertain whether the motion before the Committee is clearly understood.
- 7.10 If no alternative recommendation is put forward the Chair will proceed to the vote.
- 7.11 If one or more alternative recommendations are put forward the Chair will deal with these one by one in accordance with the approved constitutional rules of debate (Council Procedural Rule 13);
- 7.12 At each stage, the Chair shall :
- a) invite Planning Officers to advise the Committee on the extent to which the alternative recommendation and the reasons given for it fall within or outside planning policy; and/or
 - b) consider whether an adjournment is required to enable the Member proposing the alternative recommendation to take advice from Officers;
- and only then proceed to the vote.

8. Public Speaking

- 8.1 Members of the public, and other interested parties, shall be entitled to participate in Planning Committee meetings and may address the Planning Committee in support of or against any application for planning permission
- 8.2 Public Speaking / participation shall be permitted in accordance with the approved Procedure (the current version is attached at Appendix 1 to these Procedure Rules).

9. Members of the Planning Committee with Personal and Prejudicial Interests and Public Speaking

Members of the Planning Committee who have declared a personal and prejudicial interest in an item on the agenda at a meeting may participate in Planning Committee meetings to the extent permitted by paragraph 12 (2) of the Code of Conduct in Part 16 of this Constitution and in accordance with paragraph 8 of these Procedure Rules.

DRAFT

Once the Member has made his/ her representations, and before the Chair opens debate on the application concerned, the Member must leave the room.

10. Ward Members

- 10.1 Ward Members shall be entitled to participate in Planning Committee meetings to the extent set out under paragraph 8 of these Procedure Rules (Public Speaking) and may address the Planning Committee in support of or against any application.
- 10.2 A Ward Member wishing to address the Planning Committee must give notice to the Committee Services Team of his or her intention to do so by the same deadline set for Public Speakers, as detailed in the attached Procedure.
- 10.3 Time limits shall be the same for (Ward) Members who wish to speak in relation to a planning application as for any other Public Speaker.

11. Site Visits

Formal Site Visits shall routinely be arranged for Committee Members before consideration of any major and/or controversial applications.

12. Limit to length of Meetings

Meetings shall not proceed beyond 10.**00** pm, without the consent of the Committee by majority vote.

Any business remaining shall be deferred to the next available meeting of the Committee, or to an earlier additional meeting, as considered most appropriate by the Committee, further to Officer advice.

13. Appendices

Appendix 1. Procedure for Public Speaking.

DRAFT

PLANNING COMMITTEE - PROCEDURE FOR PUBLIC SPEAKING

1. A person wishing to address the Planning Committee must give notice to the Committee Services Team of his or her intention to do so by 4.00 pm on the Friday preceding / **12 noon on the day of** the Planning Committee meeting in question.
- ~~2. **Only persons who have previously made representations to the Planning Officers will be permitted to register to speak.**~~
2. Agenda running orders will be reviewed by the Chair before the start of the meeting to enable the Committee to consider the most controversial items first. This will normally take into account the number of Public Speakers registered per item and/or the size of the public attendance in respect of any given application.
3. The order of speakers will follow the principles of natural justice to enable the applicant a fair right of reply to those opposing a development.

The order of speaking will therefore be:

- a) **Objectors**
- b) Ward Member(s) objecting to application
- c) Members' questions to each objector (through Chair)*
- d) ***(Officer comment as appropriate.)***
- e) **Supporters**
- f) Ward Member(s) supporting application
- g) Members' questions to each supporter (through Chair)*
- h) ***(Officer comment as appropriate.)***
- i) Applicant(s)/ agent
- j) Members' questions to applicant/agent (through Chair)*
- k) ***(Officer comment as appropriate.)***

Note * Members' questions at this stage must only be *to clarify* the representations made by Public Speakers.

4. Subject as mentioned at paragraphs 5 and/or 6 below, an applicant (or agent) and/or an individual objector or supporter will each be allowed to speak for no more than 3 minutes.
5. Subject as mentioned at paragraph 6 below, where there is a group of supporters or objectors with a common interest, the group will be allowed no more than 10 minutes within which to address the Committee.

DRAFT

6. The Committee Chair shall have the discretion:
- (i) in exceptional circumstances, to allow late additions to the list of public Speakers;
 - (ii) to decide not to allow speeches, which merely repeat representations made in earlier speeches, **which are inaccurate**, or which are irrelevant to material Planning considerations; and
 - (ii) depending upon circumstances, to vary the periods of time referred to in paragraphs 4 and/or 5 above where s/he deems it appropriate.

For example, the Chair may wish to allow an individual applicant, agent, objector or supporter or a spokesperson for a group of objectors or supporters extra time within which to address the Committee, where the issues are numerous or particularly complex.

7. Members' questions will clearly extend this time but will enable issues to be fully understood.
8. For the purpose of ensuring a fair hearing, the Chair will offer the Supporters'/ Applicant's side an equivalent time to Objectors, or vice versa, where there is an imbalance between the two.
9. If several individual speakers register, it may be necessary, for the efficient conduct of the meeting, for the Chair to encourage a spokesperson to be identified. Where this is not possible, each speaker will be allowed, at the Chair's discretion, to speak separately and with suitable prompting where issues are being repeated that have been raised by a previous speaker.
10. Direct or open questioning and discussion / debate between Public Speakers and either Members or Officers will not be allowed during Public Speaking. Any such matters raised may be answered by Members / Officers only after the close of Public Speaking, or will be addressed during the subsequent debate. At no time will direct discussion between Members or Officers with a Public Speaker be permitted.
11. After the close of Public Speaking, no other inputs will be permitted from the 'public gallery', other than at the discretion of the Chair, and subject to relevant Officer advice, if exceptional circumstances warrant this.

END.

DRAFT

APPENDIX – Excerpt from Table 2 Part 3 – Committee Terms of Reference

PLANNING COMMITTEE

Number of Members	9 (or such number as is established at the Council's Annual Meeting)
Politically Balanced Y/N	Y
Quorum	3 5
Procedure Rules applicable	Planning Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22).
Terms of Reference	<ol style="list-style-type: none"> 1. To exercise all powers and duties of the Council on all matters relating to development control, including but not limited to:- <ol style="list-style-type: none"> a. considering and determining applications for Planning Permission b. Enforcement of planning control c. Building Preservation, Listed Buildings and Conservation Areas d. Tree Preservation Orders e. Control of Advertisements f. Footpath Diversion Orders under Town and Country Planning legislation g. Certificates of Lawfulness. 2. To comment on proposals for development submitted by Worcestershire County Council and other public authorities 3. To determine High Hedges applications in accordance with Part 8 of the Anti-Social Behaviour Act 2003
Special provisions as to the Chair	The Chair and the Vice-Chair shall not be members of the Executive Committee

DRAFT

<p>Special provisions as to membership</p>	<p>Only those Councillors who have undertaken appropriate training * may sit on the Planning Committee.</p> <p>The Chief Executive, in consultation with the Member Support Steering Group will determine the criteria to be met and whether individual Councillors have met those criteria.</p> <p>* = Annual Planning Committee training sessions</p>
--	---

DRAFT