

Planning Committee

Wednesday 18th July
2012
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

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- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, most items of business before the Executive Committee are Key Decisions.
- Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:

www.redditchbc.gov.uk

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

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REDDITCH BOROUGH COUNCIL **PLANNING COMMITTEE**



GUIDANCE ON PUBLIC **SPEAKING**

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

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

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

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

- Each individual speaker will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair. (Please press button on “conference unit” to activate microphone.)
 - Each group of supporters or objectors with a common interest will have up to a maximum of 10 minutes to speak, subject to the discretion of the Chair.
 - After each of a), b) and c) above, Members may put relevant questions to the speaker, for clarification. (Please remain at the table in case of questions.)
- 4) Members’ questions to the Officers and formal debate / determination.

Notes:

- 1) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Borough of Redditch Local Plan No.3, the County Structure Plan (comprising the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the development plan and the “environmental factors” (in the broad sense) which affect the site.
- 2) No audio recording, filming, video recording or photography, etc. of any part of this meeting is permitted without express consent (Section 100A(7) of the Local Government Act 1972).
- 3) Once the formal meeting opens, members of the public are requested to remain within the Public Gallery and may only address Committee Members and Officers via the formal public speaking route.
- 4) Late circulation of additional papers is not advised and is subject to the Chair’s agreement. The submission of any significant new information might lead to a delay in reaching a decision. The deadline for papers to be received by Planning Officers is 4.00 p.m. on the Friday before the meeting.
- 5) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Committee Services Team **by 12 noon on the day of the meeting.**

Further assistance:

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

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

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

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

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

Chair

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

Running Order

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

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

Decisions

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

Members of the Public

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

Special Arrangements

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

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

Further Information

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

Fire/ Emergency instructions

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

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

Do Not stop to collect personal belongings.

Do Not use lifts.

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

The emergency Assembly Area is on Walter Stranz Square.

PLANNING COMMITTEE

18th July 2012

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs: Andrew Fry (Chair) Roger Hill
 Joe Baker (Vice-Chair) Wanda King
 Michael Chalk Brenda Quinney
 Brandon Clayton Yvonne Smith
 Bill Hartnett

1. Apologies	To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.
2. Declarations of Interest	To invite Councillors to declare any interest they may have in the items on the Agenda.
3. Confirmation of Minutes (Pages 1 - 4)	To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 20th June 2012. (Minutes attached)
4. Planning Application 2012/099/FUL - 205 Evesham Road, Headless Cross (Pages 5 - 10) Head of Planning and Regeneration	To consider a Planning Application for the proposed erection of a pair of semi-detached dwellings. Applicant: Mr John Howl (Report attached – Site Plan under separate cover) (Headless Cross & Oakenshaw Ward)
5. Planning Application 2012/117/FUL - Unit 45 Heming Road, Washford, Redditch (Pages 11 - 18) Head of Planning and Regeneration	To consider a Planning Application for a proposed 1095 sq m freezer extension, including the construction of a 30 sq m link corridor to an existing coldstore facility and various site works. Applicant: Mrs Owrid (Report attached – Site Plan under separate cover) (Matchborough Ward)

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<p>6. Planning Application 2012/120/OUT - Land at Weights Lane, Redditch</p> <p>(Pages 19 - 36)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a mixed use development of up to 200 dwellings, 5000m² of b1 office floorspace with associated open space and access arrangements.</p> <p>Applicant: Gallagher Estates Ltd.</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Abbey Ward)</p>
<p>7. Planning Application 2012/132/S73 - Teardrop Site, Bordesley Lane, Redditch</p> <p>(Pages 37 - 42)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for removal of conditions 19-24 of planning permission 2011/258/ful and replacement with two conditions specifying works to riverside roundabout.</p> <p>Applicant: Sainsbury's Supermarkets Ltd.</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Abbey Ward)</p>
<p>8. Planning Application 2012/145/EXT - Astwood Farm House, Astwood Lane, Astwood Bank</p> <p>(Pages 43 - 48)</p> <p>Head of Planning and Regeneration</p>	<p>To consider an extension of time application for 2009/105/FUL and 2009/071/LBC - proposed demolition of derelict outbuilding adjacent to listed building and replace with double garage.</p> <p>Applicant: Mr J Lavery</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Astwood Bank & Feckenham Ward)</p>
<p>9. Planning Application 2012/148/COU - Building F, Astwood Business Park, Astwood Farm, Astwood Lane, Astwood Bank</p> <p>(Pages 49 - 58)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a planning application for a change of use from permitted class B1 or class B8 uses to children's indoor play centre (class D2) with associated parking.</p> <p>Applicant: Mr J Ranson</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Astwood Bank & Feckenham Ward)</p>

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<p>10. Appeal Outcome - 3 Outwood Close, Oakenshaw, Redditch</p> <p>(Pages 59 - 60)</p> <p>Head of Planning and Regeneration</p>	<p>To receive information on the outcome of an appeal made against consent to carry out works to a protected tree.</p> <p>(Report attached)</p> <p>(Headless Cross & Oakenshaw Ward)</p>
<p>11. Appeal Outcome - Mason House, 96 Evesham Road, Redditch</p> <p>(Pages 61 - 62)</p> <p>Head of Planning and Regeneration</p>	<p>To receive information on the outcome of an appeal made against refusal of planning permission.</p> <p>(Report attached)</p> <p>(Headless Cross & Oakenshaw Ward)</p>
<p>12. Exclusion of the Public</p>	<p>During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended.</p> <p>These paragraphs are as follows:</p> <p>subject to the “public interest” test, information relating to:</p> <p>Para 1 - <u>any individual;</u></p> <p>Para 2 - <u>the identity of any individual;</u></p> <p>Para 3 - <u>financial or business affairs;</u></p> <p>Para 4 - <u>labour relations matters;</u></p> <p>Para 5 - <u>legal professional privilege;</u></p> <p>Para 6 - <u>a notice, order or direction;</u></p> <p>Para 7 - <u>the prevention, investigation or prosecution of crime;</u></p>

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	may need to be considered as “exempt”.
13. 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

20th June 2012

MINUTES

Present:

Councillor Andrew Fry (Chair), Councillor Joe Baker (Vice-Chair) and Councillors David Bush (substituting for Councillor Brandon Clayton), Michael Chalk, Bill Hartnett, Roger Hill, Wanda King and Yvonne Smith

Officers:

S Edden, A Hussain and A Rutt

Committee Services Officer:

I Westmore

1. APOLOGIES

Apologies for absence were received on behalf of Councillors Brandon Clayton and Brenda Quinney.

2. DECLARATIONS OF INTEREST

There were no declarations of personal or prejudicial interest, although Councillor Andy Fry informed the meeting of minor 'interests' in relation to Planning Application 2012/107/COU (Former Astwood Bank Post Office, 1248 Evesham Road, Astwood Bank), as detailed separately at Minute 5 below, Planning Application 2012/110/COU (Continental Club, 118 Oakly Road, Redditch), as detailed separately at Minute 6 below and Planning Application 2012/118/COU (66-70 Unicorn Hill, Redditch), as detailed separately at Minute 7 below.

3. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Planning Committee held on 25th April 2012 be confirmed as a correct record and signed by the Chair.

.....
Chair

4. PLANNING APPLICATION 2012/076/FUL - 1129 EVESHAM ROAD, ASTWOOD BANK

Creation of a single storey extension between house and detached garage to the front of the property

RESOLVED that

having regard to the Development Plan and to all other material considerations, planning permission be GRANTED subject to the conditions and informatives summarised in the report.

5. PLANNING APPLICATION 2012/107/COU - FORMER ASTWOOD BANK POST OFFICE, 1248 EVESHAM ROAD, ASTWOOD BANK

Change of use from Post Office (Class A1) to restaurant/café/hot food takeaway (Class A3 / A5)

Applicant: Mr A Goldrick

Mr A Goldrick, the Applicant, addressed the Committee under the Council's public speaking rules.

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be REFUSED, for the following reason:

The proposed A3/A5 use including the potential loss of a preferred A1 use would materially impact upon, and undermine the retail and community function of the Astwood Bank District Centre, to the detriment of its vitality and viability. As such, the proposed development would be contrary to the aims and objectives of Policy E(TCR).9 and Policy E(TCR).12 of the Borough of Redditch Local Plan No.3, and Policy 20 of the Preferred Draft Core Strategy.

(Councillor Andy Fry informed the meeting that he was familiar with the applicant's family as they had been constituents of his for a number of years, but it was clarified that this did not constitute a personal interest.)

6. PLANNING APPLICATION 2012/110/COU - CONTINENTAL CLUB, 118 OAKLY ROAD, REDDITCH

Change of use of Private Members' Club to drinking establishment (Use Class A4)

Applicant: Mr B Cioch

Mr K Greda and Ms E Siwak, supporters, addressed the Committee under the Council's public speaking rules.

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be REFUSED, for the following reason:

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

(Councillor Andy Fry informed the meeting that a relative of his wife patronised the Continental Club, but it was clarified that this did not constitute a personal interest.

The Chair requested that Council Officers speak to the applicant following the meeting in connection with this application, and a licensing application which was also ongoing, to ascertain what the applicant was attempting to achieve in respect of both planning and licensing processes and what permissions, if any, might be required.)

7. PLANNING APPLICATION 2012/118/COU - 66 - 70 UNICORN HILL, REDDITCH

Change of use of part 1st floor storage area to seating area to serve restaurant (Shahi Palace)

Applicant: Mr A Miah

RESOLVED that

having regard to the development plan and to all other material consideration, planning permission be GRANTED, subject to the conditions and informatives summarised in the report.

(Councillor Andy Fry informed the meeting that he had patronised the Shahi Palace restaurant, but it was clarified that this did not constitute a personal interest.)

8. PLANNING APPLICATION 2012/121/FUL - 25 UNDERWOOD CLOSE, CALLOW HILL

First floor extension over existing dining room

Applicant: Mr D Morgan

RESOLVED that

having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the conditions and informatives as summarised in the report.

9. PLANNING COMMITTEE PROCEDURE RULES - MUNICIPAL YEAR 2012/13

Members received the Planning Committee Procedure Rules, as submitted to and agreed by the meeting of the Council on 21st May 2012, for their information.

RESOLVED that

the Planning Committee Procedure Rules be noted.

The Meeting commenced at 7.05 pm
and closed at 7.42 pm

.....
Chair

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PLANNING APPLICATION 2012/099/FUL

PROPOSAL - PROPOSED ERECTION OF A PAIR OF SEMI-DETACHED DWELLINGS

LAND ADJACENT – 205 EVESHAM ROAD, HEADLESS CROSS

APPLICANT: MR JOHN HOWL

EXPIRY DATE: 11 JUNE 2012

WARD: HEADLESS CROSS AND OAKENSHAW

(See additional papers for Site Plan)

The author of this report is Sharron Williams Planning Officer (DM), who can be contacted on extension 3372 (e-mail: sharron.williams@bromsgroveandredditch.gov.uk) for more information.

Site Description

The site comprises of a hardstanding area measuring approximately 12.1 x 17.6 metres that is partly screened with 1.7 metre high fencing whilst the frontage of the site has a picket fence and faces Evesham Road. No boundary treatment exists between the rear of the site and the adjacent property No. 205 Evesham Road. The area appears to be used as an informal parking area and storage location for wheelie bins, for the adjacent properties. No trees exist within the site however branches from trees on land at the rear overhang the site. The front of the site faces west whilst the rear of the site faces east.

The area is generally residential, with mainly dwellings fronting onto the road, although there is a small residential development to the rear of the site and there are also flats to the north of the site.

Proposal Description

It is proposed to build a pair of semi-detached dwellings with a footprint for each dwelling measuring approximately 4.5 x 7.2 metres. The ground floor for each would comprise of a kitchen, living room and WC, with two bedrooms and a bathroom at first floor level.

The dwellings would be simple in design with a canopy porch at the front, and a dormer roof at the rear. The dwellings would be finished in render and blue / black reproduction tiles.

A garden length of approximately 5.2 metres with an approximate garden area of 28.6 sq metres would be provided for each dwelling. The front garden

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would be approximately 5.2 metres in length and enables the provision of 2 off street car parking spaces for each plot.

The application is supported by a Design and Access Statement, which states that the buildings would be set back behind the building line to enable frontage parking for each dwelling. The proposed rear gardens are very small – but consistent with the adjoining rear gardens to Nos. 205 – 211. The dwellings will be designed to meet as far as possible level 3 of the Code for Sustainable Homes. The proposed dwellings would have a well lit front door access and open frontage / driveway. Access to the rear would only be via a lockable side gate.

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

National Planning Policy Framework

Regional Spatial Strategy (RSS) and Worcestershire County Structure Plan (WCSP)

Whilst the RSS and WCSP still exist and form part of the Development Plan for Redditch, they do 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 Regional Spatial Strategies and Structure Plans are 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, or the WCSP.

Redditch Borough Council Documents***Borough of Redditch Local Plan No.3***

CS.7	The Sustainable Location of Development
B(HSG).6	Development within or adjacent to the Curtilage of an Existing Dwelling
B(BE).13	Qualities of Good Design
C(T).2	Road Hierarchy
C(T).12	Parking Standards

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Relevant Site Planning History

Appn. no	Proposal	Decision	Date
1996/247	Outline application - 2 dwellings on land adjoining 205 & 211 Evesham Road	Approved	24 July 1996
1997/049	Proposed 2 dwellings on land adjoining 211 Evesham Road	Approved	1 April 1997

Public Consultation Responses**Responses in favour**

1 letter of comment submitted by CPRE raising the following points:
It is a windfall and urban infill in a dense residential district. The proposal is for semi-detached properties which are in keeping with the local area.

Responses against

1 letter of comment received raising the following points:

- There will not be enough parking available.
- The occupants to the properties park on the street and this prevents lack of observation to ongoing traffic when leaving the property onto the main road.
- Properties will affect natural light in nearby dwellings

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

Recommends that permission be refused. The proposal will result in the displacement of parking from the site which is currently used by adjacent residents. The proposal will lead to an increase in on street parking on Evesham Road, which will adversely affect the free flow of the highway, and be contrary to highway safety.

Severn Trent Water Ltd

No objection to the proposal and recommend a condition.

Worcestershire Regulatory Services

Recommend conditions and guidance relating to hours of construction, lighting, and no burning on site.

Assessment of Proposal

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

Principle

The site is within the urban area and is undesignated in the Borough of Redditch Local Plan No. 3. However, the area is predominantly residential. Therefore, the principle of additional dwellings in this area is acceptable. Given the urban location of the site, which is preferable sequentially to more remote sites, the proposal would comply with policy CS.7 of Local Plan No.3.

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Design and layout

The design of the proposed dwellings would be very simple but in character with the adjacent older cottage style properties. The streetscene plan submitted as part of the application adequately demonstrates that the dwellings are of a similar scale, height and mass to the existing properties. As such the proposal would comply with policy B(BE).13 of Local Plan No.3.

The layout of the proposed dwellings would result in the proposed rear garden lengths to be approximately 5.2 metres with an approximate garden area of 28.6 sq metres. This garden provision for each dwelling would be substandard. The guidance in the SPG on Encouraging Good Design requires 11 metres garden length or 70 sq metres garden area. Therefore, the proposal would not comply with the SPG and policy B(HSG).6 of Local Plan No.3. However, the adjacent older cottage style properties have similar sized rear gardens. In addition, planning permission was granted for two dwellings on land adjacent 211 Evesham Road in 1996 where the rear gardens were also substandard and it was recognised at the time of determining the application that a relaxation would be appropriate provided a reasonable garden area would still exist.

With regards to this proposal, Officers would consider the character and local distinctiveness of the area in respect to the layout of the housing and how they would relate to the older houses adjacent to the site. Providing housing with a layout complying with the guidance would on this occasion, be out of character with the area. Therefore, although the proposed dwellings would be slightly set back from the older properties the design of them in respect to appearance and layout in terms of garden area would be in character with the area and as such would complement the street scene. Whilst the proposal would not fully comply with the Council's SPG on Encouraging Good Design, and conflicts with policy B(HSG).6 in respect to the garden provision, the proposal would not harm the character of the area, and is considered acceptable.

It is considered unlikely that the proposed dwellings would have an impact on the amenities of the neighbouring occupiers in respect to overlooking.

Highways and Access

The site fronts onto Evesham Road which is a Local Distributor road as designated in the Local Plan No.3. Access to the properties would be via Evesham Road. Off street car parking for 2 cars is proposed in front of each dwelling. The car parking provision for the proposed dwellings would comply with the Council's car parking standards. However, at present, the area of land is currently used (informally) by the other occupiers of the existing older properties. This has resulted in an objection from County Highway Network Control who has concerns that the proposal would lead to an increase in parking on Evesham Road, adversely affecting the free flow of the highway. In addition, a neighbour objection submitted reflects the same concern.

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Whilst Officers appreciate the concerns raised, Officers have considered that the same effect could arise if the application site were to be fenced off enabling no off street car parking. The applicant could do this regardless of the outcome of this application and result in the same impact on the highway. In addition, the applicant has provided the following information to support the proposal:

'Owners of the adjoining row of cottages have no legal right to park on this land, and at present, properties are let without parking. However, I have given permission to owners / tenants to park on the land, free of charge on the understanding that this can be withdrawn at any time.'

Given that on street car parking could arise regardless of the outcome of the application, taking into account that the proposal provides two off street car parking spaces for each of the dwellings proposed, and that the location of the development fronts onto a local bus route in a sustainable location, it is considered on balance, that the proposed access and parking arrangements are acceptable on this occasion.

Conclusion

Despite an objection from County Network Control regarding potential on street car parking issues, it is considered that the proposal would not give rise to additional on street car parking that could still arise if the site was inaccessible for parking. Whilst the proposal does not fully comply with the general garden space requirements set out in the Council's SPG on Encouraging Good Design as referred to in policies B(HSG).6 of the Borough of Redditch Local Plan No. 3, the proposal would be in character with the area in terms of scale, mass and design. Therefore, the proposal is considered to be acceptable.

Recommendation

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

1. Development to commence within 3 years.
2. Materials to be submitted.
3. Limited hours during construction.
4. Car parking provision during construction.
5. No burning on site.
6. Approved plans specified.

Informatives

- 1 Reason for approval.
- 2 Drainage details to be submitted.

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3 Vehicular crossing.

Procedural Matters

This application is reported to Planning Committee for determination because one of the consultees has formally objected to the application and the matter has not been resolved by Officers.

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PLANNING APPLICATION 2012/117/FUL

PROPOSED 1095 SQ M FREEZER EXTENSION, INCLUDING THE CONSTRUCTION OF A 30 SQ M LINK CORRIDOR TO AN EXISTING COLDSTORE FACILITY AND VARIOUS SITE WORKS.

UNIT 45 HEMING ROAD, WASHFORD, REDDITCH

APPLICANT: MRS OWRID
EXPIRY DATE: 30TH JULY 2012

WARD: MATCHBOROUGH)

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 was formerly the Arrow Valley Social Club that has since been demolished. The site comprises of a hardstanding area where the club building used to be. A substantial linear tree planting buffer of a varying width 13 – 21 metres exists to the north of the site, some of this tree belt forms part of the application site. The western boundary and what would have been the eastern boundary of the club site also has perimeter tree planting. Most of the tree planting would have been planted at the time this area of the New Town was developed. Pedestrian access to the former club was off Matchborough Way, whilst vehicular access to the former club was off Hemming Road.

The application site also includes an existing industrial building (unit 45) that has vehicular access off Hemming Road. The building is two storey height (7 metres) and has a red brick and brown clad finish. The existing use of the unit is for the cold storage of goods and its distribution.

To the north beyond the application boundary is a residential area, whilst to the east, west and south of the site, the area is predominantly industrial / commercial.

Proposal Description

Permission is sought to extend unit 45 to provide a freezer extension. The extension measuring approximately 36 x 31 metres (1125 square metres) would be a detached building with an overall height of 13 metres. The building would be located to the south of the site but would be situated behind the western tree planting area. The building would comprise of a pitched roof that would be a profiled metal clad panels to be finished in a Goosewing Grey

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colour. The walls would comprise of composite panels of two colours, the low level walls to be finished a grey /white colour, whilst the high level walls would be a silver finish. Some detail would be provided on the western elevation of the building creating some interest to the streetscene. Personnel doors would be provided around the extension, however, two loading bays would be provided on the north elevation.

A 3 metre wide corridor would be provided to link the extension to the existing unit and would be 4.3 metres high and comprise of composite panels finished in a grey / white colour.

A new vehicular access would be provided off Matchborough Way to serve the extension, a roadway connection would be provided to link the two sites. Staff and disabled car parking will remain as existing and accessed off Hemming Road. A total of 23 car parking spaces plus two disabled spaces would be provided. A cycle shelter is also proposed and would be located close to the car parking bays. A 2.4 metre high security fence that would have a green powder coated finish is proposed along the Matchborough Way boundary of the site.

The proposal would result in the removal of several trees to the south of the proposed access road. Also the tree planting located on the former eastern boundary of the social club (located in the centre of the application site) would be removed.

The application is supported by a Design & Access Statement which explains that the existing unit operates at full capacity and the company currently rent additional freezer storage facilities off site. This has introduced various inefficiencies and additional costs into the operation of the business. The proposal will allow the company to operate from a single site and will rationalise their delivery and despatch. The size of the extension has been determined by the need to provide an efficient racking layout within a compact enclosure. Providing a compact building shape reduces to a minimum the refrigeration heat losses through the fabric of the building. The new entrance onto Matchborough Way also provides a pedestrian access to allow easy access between the nearby bus stops and the buildings. The site operating times are normally 08:00 – 17:30 and between 08:00 – 20:30 hours during peak times (August through to December).

The application is supported by a Transport Statement which states that at present there are 5 deliveries a day accessed off Hemming Road and spread throughout the day. There are 4 HGV despatch lorries that leave the site between 05:00 – 07:00 hours. All lorries return between 11:00 -17:00 hours and are loaded up for the next day between 15:00 – 17:00 hours and then parked overnight. The proposed delivery operations would remain the same off Hemming Road, whilst the proposed despatch arrangements would be via the new access off Matchborough Way, and would be loaded in the same way

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as at present, however, once loaded two of the lorries would be parked overnight in the service yard of the existing unit whilst the other two loaded lorries would be parked overnight next to the proposed loading bays.

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 Framework

The NPPF supports existing business sectors, taking account of them expanding or contracting in order to encourage sustainable development and building a strong and competitive economy. The proposal would contribute towards economic prosperity as it involves the expansion of an existing business and as such will assist towards building a strong, responsive, sustainable and competitive economy. Therefore, the proposal would comply with the relevant aims of the NPPF.

Regional Spatial Strategy (RSS) and Worcestershire County Structure Plan (WCSP)

Whilst the RSS and WCSP still exist and form part of the Development Plan for Redditch, they do 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 Regional Spatial Strategies and Structure Plans are 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, or the WCSP.

Borough of Redditch Local Plan No.3

S.1	Designing Out Crime
B(BE).13	Qualities of Good Design
B(BE).14	Extensions and Alterations
E(EMP).2	Design of Employment Development
E(EMP).3	Primarily Employment Areas
E(EMP).3a	Development Affecting Primarily Employment Areas
C(T).2	Road Hierarchy
C(T).12	Parking Standards
R1	Primarily Open Space

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The site is mainly within an area designated for Primarily Employment Uses in the Borough of Redditch Local Plan No.3, a linear strip to the north of the application site (varying width 4 – 8 metres) is within an area designated as Primarily Open Space in Local Plan No.3 whilst Matchborough Way is designated as Local Distributor Road in Local Plan No.3.

Supplementary Planning Guidance / Supplementary Planning Documents

Borough of Redditch Designing for Community Safety Supplementary Planning Document

Borough of Redditch Employment Land Monitoring Supplementary Planning Guidance

Borough of Redditch Encouraging Good Design Supplementary Planning Guidance

Relevant site planning history

Appn. no	Proposal	Decision	Date
2004/559	Change of use to cold storage of goods and distribution	Approved	24th Nov 2004

Public Consultation responses**Responses against**

Two comments received raising the following points:

- Potential to generate more noise, at present freezer units left running outside 24/7, more noticeable during summer evenings.

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

Recommend conditions.

Worcestershire Regulatory Services

No objections to the proposal.

Arboricultural Officer

No protected trees or any others of individual note, the barrier mix on the northern and western boundaries are very important for screening the development. Therefore, this should be retained intact as far as possible during and following development. Plans show an access point off Matchborough Way that could impact on existing tree planting, however, no details submitted to clarify this matter.

Crime Risk Manager

No comments submitted.

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Severn Trent Water

No objection subject to a condition regarding drainage details.

Assessment of Proposal

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

Principle

The site is within an established employment area that is zoned for Primarily Employment Uses in the Borough of Redditch Local Plan No.3. Therefore, an extension to provide cold storage (Class B.8 use) facilities would be acceptable and comply with policies E(EMP).3 and E(EMP).3a of the Borough of Redditch Local Plan No.3, as well as core planning principles identified in the National Planning Policy Framework.

The northern edge of the application site is within an area designated as Primarily Open Space in the Borough of Redditch Local Plan No.3 although the area concerned is heavily tree planted. Policy R.1 would apply and discourages the total or partial loss of Primarily Open Space. The proposed access road would cut into two corners of this designated area, but would not result in the removal of trees in this location of the site. 57.5 square metres of Primarily Open Space would be lost as a result of the access road. It is considered that the loss of these small areas of the Open Space would not have a detrimental impact on the environmental and amenity value of the area concerned which in this case, serves to provide a substantial tree buffer between two environmental areas, therefore the proposal does not conflict with Policy R.1 of Local Plan No.3.

Design and Layout

The proposal makes the best use of the site with the building footprint being located behind an established row of tree planting when viewed from Matchborough Way. Whilst the building would be quite tall, the proposal would be in scale with the neighbouring buildings including unit 45 and due to the detail and cladding proposed, the extension would create interest into the streetscene. The proposal would comply with Policies B(BE).13, B(BE).14 and E(EMP).2 of the Borough of Redditch Local Plan No.3.

Whilst the proposed elevations would have a silver / grey / white finish to it, the existing building has a brown colour finish. Officers have requested clarification as to whether the applicant intends to replace the cladding on the existing building in order to provide a uniform finish for the building when extended.

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Landscaping and Trees

Established tree planting exists on the site, none of it is protected by the Area Tree Preservation Order that covers this area of the borough, however, the tree planting provides an important buffer between the industrial areas and the residential areas, as well as screening. Several trees and some shrub planting will be removed to construct the new vehicular access. However, it is likely that the trees concerned would be those to the south of the vehicular access and not those within the area designated as Primarily Open Space.

The row of tree planting that currently divides the former social club site and unit 45 (middle of application site) would be removed. The Arboricultural Officer has no objections to the removal of these trees.

Highways and Access

The proposed layout of the site as extended would provide a total of 23 car spaces and 2 disabled car parking spaces, exceeding the Council's car parking requirements. The proposed car parking provision complies with Policy CT.12 of the Borough of Redditch Local Plan No.3. County Highway Network Control has no objection to the proposed vehicular access and car parking, and recommends conditions which are considered reasonable to impose.

In addition, a cycle shelter is proposed within the site for staff to use. Also, a footpath link shall be provided within the site to enable improved pedestrian access to a regular bus service on Matchborough Way.

Other Issues

Objections have been received from residents of Haseley Close and Frankton Close stating that they experience a droning/humming noise from the industrial units during the summer nights. Having considered this matter on site, there was a noticeable noise from the air conditioning units that serve unit 45, however, due to their positioning; it is unlikely that they would generate a noise issue to the residents concerned. However, there was a noticeable noise from units off Bartleet Road. As a result of the consultation process, Worcestershire Regulatory Services has no objection to the proposal and did not raise noise issues.

Officers have requested more information regarding the potential positioning of air conditioning units for the extension, and also more information regarding the overnight parking of refrigerated lorries in front of the proposed loading bays.

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Statements submitted suggest that there may be a possibility in the future that the site as extended may be sub-divided. Due to the orientation of the car parking to the extension, there would be concern that the car parking provision would not be adequately subdivided as a result. Therefore, it is considered prudent to impose a condition requiring that should the application site be split that prior approval be sought.

Conclusion

The proposal would be an acceptable use in this location given that is in a Primarily Employment Area and would comply with the relevant policies of Local Plan No. 3. The design of the extension would enhance the streetscene and would comply with relevant policies. Adequate car parking and access arrangements would be satisfactory and the proposal is considered to be acceptable.

Recommendation

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

- 1 Development to commence within 3 years.
- 2 Materials to be used on walls and roofs to be submitted and approved.
- 3 Plans approved specified.
- 4 Boundary treatment to be submitted and approved.
- 5 Hours of work during construction to be limited.
- 6 Car parking provision during construction.
- 7 Access, turning and parking.
- 8 Tree protection to be provided and existing trees to be retained except for those indicated to be removed.
- 9 Landscape scheme to be submitted and implemented.
- 10 Prior planning approval be sought to subdivide the application site in the future to ensure adequate parking for each part.

Informatives

- 1 Private apparatus within the highway.
- 2 Alteration of highway to provide new or amend vehicle crossover.
- 3 Drainage plans for the disposal of surface water and foul sewage to be submitted and approved.

Procedural matters

This application is reported to Planning Committee for determination because the application is for major development (more than 1000 sq metres of new commercial / industrial floorspace), and also because the application has generated 2 letters of objection under the consultation process and as such the application falls outside the scheme of delegation to Officers.

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PLANNING APPLICATION 2012/120/OUT

MIXED USE DEVELOPMENT OF UP TO 200 DWELLINGS, 5000M² OF B1 OFFICE FLOORSPACE WITH ASSOCIATED OPEN SPACE AND ACCESS ARRANGEMENTS

LAND AT WEIGHTS LANE, REDDITCH

**APPLICANT: GALLAGHER ESTATES LTD
EXPIRY DATE: 2 AUGUST 2012**

WARD: ABBEY

(See additional papers for Site Plan)

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

Site Description

The site is bounded by the railway line to the west, the A441 Alvechurch Highway to the east and Weights Lane to the north. Weights Lane is the district boundary; beyond is land controlled by Bromsgrove District Council.

The site is a green field, currently used for agricultural grazing purposes. There is a pair of semi detached cottages of painted brick and clay tile to the Weights Lane frontage near the railway line, and these are excluded from the application site. The field is largely grassed and contains two solitary mature trees which are protected by a TPO (Tree Preservation Order).

North of Weights Lane the fields slope down towards the River Arrow and then the valley rises to the north on the other side of the river.

To the west of the railway line is more agricultural land, with the site being opposite the Abbey Stadium across the A441. The Abbey Stadium site is quite open, with a grass bund mound separating it from the road. To the south of the site are residential properties on Birmingham Road. Some front directly onto the Alvechurch Highway, however, most are accessed from Birmingham Road.

Proposal Description

This is an outline application seeking to establish the principle of residential and office development on this site along with detailed access arrangements. All other matters of detail are reserved for future consideration. Therefore matters of layout, appearance, scale and landscaping are not for consideration here but reserved for a future application.

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The access arrangements show a roundabout inserted into the A441 at the point where it meets Weights Lane, with four arms off it; the A441 north and south, Weights Lane and an access into the proposed development. However, the plans also show where the Weights Lane arm could lead in a north west direction along the River Arrow corridor, to demonstrate the potential for a future Bordesley bypass route.

The application is supported by a design and access statement including a climate change statement & a secured by design statement, a statement of community involvement, a sustainability report, an ecological appraisal, a landscape and visual impact assessment, a noise and vibration assessment, an air quality technical note, a flood risk assessment with drainage strategy, a drainage & flood report, a sewerage report, an Arboricultural survey, a geo-environmental assessment, a transport assessment, a travel plan and an archaeological desk based assessment. There are also landscape and highways masterplans included for illustrative purposes.

The application proposes that open space provision associated with the proposed residential development would be provided on land to the north of Weights Lane and that an overprovision would occur in order that some of the land could then be used in the future for the provision of the Bordesley Bypass (if required) without reducing the provision below the required levels.

Additional information and amended plans have been received during the course of the application in order to address comments made by consultees, as detailed below

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

NPPF – National Planning Policy Framework.

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 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.

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Further, the only element likely to have been of relevance related to the housing targets for the different authorities in the West Midlands. Whilst this was reviewed in the compilation of the replacement document, and published, it was never adopted and as such remains as only one of many material considerations in determining planning applications.

Worcestershire County Structure Plan

SD2	Care for the environment
SD4	Minimising the need to travel
D6	Affordable housing needs
T1	Location of development
T3	Managing car use
T4	Car parking
T10	Cycling and walking
RST4	Recreational walking routes
RST5	Recreational cycling routes
IMP1	Implementation of development

Borough of Redditch Local Plan No.3

CS2	Care for the environment
CS5	Achieving balanced communities
CS6	Implementation of development
CS7	Sustainable location of development
CS8	Landscape character
S1	Designing our crime
B(HSG)5	Affordable housing
B(BE)13	Qualities of good design
B(BE)19	Green architecture
B(BE)28	Waste management
B(BE)29	Construction waste
B(NE)1	Overarching policy of intent
B(NE)1a	Trees, woodland and hedgerows
B(NE)3	Wildlife corridors
B(NE)10a	Sites of national wildlife importance
B(NE)10b	Sites of regional or local wildlife importance
B(RA)2	Housing in the open countryside outside the green belt
B(RA)3	Areas of development restraint
L2	Education provision
E(EMP)6	North west Redditch master plan – employment
C(T)2	Road hierarchy
C(T)11	Road schemes
C(T)12	Parking standards
R1	Primarily open space
R3	Provision of informal unrestricted open space
R4	Provision and location of children's play areas
R5	Playing pitch provision

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Local Plan Designations

The entire site lies within a larger parcel of land designated as ADR (area of development restraint) and containing all of a road reserve element identified within the ADR.

The relevant policies seek to protect the land from development that would prevent the future implementation of a Bordesley bypass (and support such development) and ADR land for development beyond April 2011 where it has been subject to a review in a Development Plan Document, with no specific use or uses identified.

Supplementary Planning Guidance / Supplementary Planning Documents

Encouraging good design
Open Space
Education
Designing for community safety
Affordable housing

Other relevant corporate plans and strategies

Worcestershire Community Strategy (WCS)
Worcestershire Local Area Agreement (WLAA)
Worcestershire Local Transport Plan (WLTP)
Redditch Sustainable Community Strategy (SCS)
Town Centre Strategy (TCS)

Emerging policies

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 draft Core Strategy contains objectives for the overall approach to development in the Borough up until 2026, as well as strategic policies. A further version will be published in the future prior to its examination and adoption for use, for which the evidence base is currently being compiled and published.

The draft Core Strategy contains objectives for the overall approach to development in the Borough up until 2026, as well as strategic policies. The policies that could be considered of relevance to this decision are:

- 2 Natural environment
- 3 Flood risk & water management
- 4 Sustainable travel and accessibility
- 7 Development strategy

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- 8 Housing provision
- 9 Effective and efficient use of land
- 10 Affordable housing
- 12 Location of new employment
- 13 Development within employment areas
- 21 Historic environment
- 23 High quality and safe design
- 29 Brockhill East strategic site

Policy 29 includes a list of criteria which development on this site and others near it should meet in order for proposals to be considered favourably. It identifies an area east and north of Brockhill where further residential (and other) development to meet the needs of the Borough could reasonably and sustainably be located.

Emerging evidence supporting the emerging policies

Since the most recent public consultation on the emerging core strategy, other documents have been published within the public arena that provide the evidence on which future policies will be supported and justified. These include:

Employment Land Review 2011 (ELR)
Strategic Housing Land Availability Assessment (SHLAA)
Strategic Housing Market Assessment (SHMA)

Relevant Site Planning History

Application reference	Description	Decision	Decision date
2011/270/OUT	Outline up to 220 dwellings, open space and access	Refused	21 December 2011

This application was refused for the following reasons (in summary):

1. Principle of developing residential properties on ADR unacceptable when considered as open countryside
2. Residential development on the site would prejudice future employment development opportunities
3. Lack of S106 agreement to make contributions/provision for education, open space, sport, recreation and affordable housing
4. No certainty that the related open space would gain consent and development would be unacceptable without it as under-provision would result
5. Inadequate drainage details provided therefore full assessment not possible

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Public Consultation Responses**Responses against**

Two letters of comment received raising the following points:

- Both roundabout and junction not required – should only have roundabout
- The TA should include the cumulative impact bearing in mind the other developments in the vicinity which already benefit from planning permission
- Play areas should be within the housing area
- TPO tree should be fully protected during construction
- Layout is cramped and more consideration should be given to open space, ponds and facilities associated with the river Arrow

Other response

Alvechurch Parish Council have requested that they be informed of the decision and identified various relevant material considerations which are addressed in the assessment section of the report. They have not expressed an opinion either for or against the application.

Consultee Responses***Development Plans team***

Current local plan designation is ADR (Area of Development Restraint) with future uses to be identified through plan process according to need at time and protection of land to facilitate bypass provision.

A new plan is not yet adopted, however the evidence base and draft core strategy show the site as part of the wider 'Brockhill East strategic site' which is designated for a mix of uses; some of the strategic site now benefits from planning consent. The evidence base demonstrates that the application site would be appropriate for employment (B1 office) uses, and demonstrates a need for such development within the Borough. It has also been demonstrated that the residential development quota in the core strategy policy could be accommodated to the west of the railway line.

The mixed use proposed which allows for future bypass provision is therefore not objected to in principle.

Concern raised that the open space provision would not be within the residential development but adjacent to it and that its deliverability (in the adjacent district council area) is uncertain. Also that connectivity with the wider strategic site is not provided for in terms of walking/cycling links in the future.

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Land Drainage Engineer

Previous refusal reason has been addressed. Further information required regarding technical matters that could be dealt with through condition if necessary; these relate to flood mitigation, as the proposal would not create flood risk to residential or commercial properties (existing or proposed), but does raise concerns that the A441 would flood more/worse than currently. Support proposed water treatment methods.

Landscape & Countryside Officer

No objection to principles set out in landscape assessment but would seek further information at reserved matters stage through the imposition of conditions now.

Leisure

Various matters of detail raised that can be addressed through the imposition of conditions or the detail in the reserved matters application(s). These include mitigation for loss of existing boundary hedging, safe crossing on Weights Lane to access open space and the location and provision of play equipment.

Legal

Draft planning obligation under compilation in liaison with applicant's solicitors.

Arboricultural Officer

- Two mature trees on site are subject to a TPO and are shown to be retained. Retention welcomed.
- Notes that landscaping is a reserved matter to be dealt with in the future.
- The indicative location of some of the proposed development is too close to some of the remaining trees and hedgerows that exist on site and it should be possible to ensure their long term retention and their protection during construction
- Arboricultural report shows insufficient detail – the remainder could be required through the imposition of conditions as principles are acceptable

Housing Strategy Team

Raised detailed matters regarding size, tenure etc that can be fed into the design process and planning obligation ahead of a reserved matters application being made.

Waste Management Team

No comments received

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County Highway Network Control

Further technical information and some minor amendments have been requested in order to address minor details of concern, including the puffin crossing, bus stop locations and T junction technical design. These are all matters that would be dealt with in a S278 agreement between County and the applicant, but need to be addressed in case they result in slight changes to the layout and access arrangements.

Contributions towards sustainable schemes and signage for the employment area have also been requested by the Sustainable Schemes Team, as well as a contribution towards enhancing the subway under the A441 and the pedestrian links to it from the site.

County Archaeologist

No evidence of significant deposits has been found. Therefore, no objection subject to a condition providing for any potential finds during construction.

County Education Officer

(Carried forward from previous application) Would seek reduced contributions as capacity exists at middle and high school levels, but is needed at primary level.

Bromsgrove District Council

No comments received

North Worcestershire Economic Development Unit

No comments received

WRS Environmental Health

No objection subject to conditions regarding potential for contaminated land (following phase one information), noise, construction times and informatives relating to burning and light nuisance.

West Mercia Constabulary

No objection subject to conditions regarding boundary fencing/gates for the B1 element of the site and a note that parking courtyards are not encouraged. Reserved matters details should meet Secured by Design standards.

Severn Trent Water

No objection subject to a condition regarding drainage details

Highway Agency

No objection

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Network Rail

Object as wish to ensure that land north of Weights Lane remains free from obstruction and available for their use during the construction of the Weights Lane – Alvechurch passing loop, and thus postpone this development beyond Summer 2014.

Environment Agency

No comments received

Worcestershire Wildlife Trust

No comments received

Warwickshire Wildlife Trust

No comments received

HSE

No comments received

Assessment of Proposal

The key issues for consideration in this case are the principle of residential and commercial development on this site, the access details and the impact of the proposal on the potential future bypass development.

Principle

LP3

The acceptable use on this site can be considered in a number of different ways. Firstly, Local Plan 3 designated the site as ADR, for which the policy suggests that the site should be considered as being in open countryside, until the plan has been reviewed and the need for the site in the future, and the use for which it would be required, can be established. The proposed development would not be considered appropriate within a countryside location, and would therefore be recommended for refusal.

Emerging Core Strategy and evidence of need

However, the evidence base in support of the emerging core strategy identifies a need for a significant quantum of development (both residential and commercial) within the Borough, in fact, possibly more than could physically fit within the Borough boundaries. Therefore, this emerging evidence should be taken into account and the development of the site be considered.

Residential

If the need for development within the Borough is given considerable weight, it should be noted that the site forms part of the wider Brockhill strategic development area, which is identified in the emerging core strategy as a site for a mix of uses, including both residential and commercial.

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Commercial

The emerging evidence in the Employment Land Review (ELR) points towards this being an appropriate site for employment (commercial) uses. The site is identified in the ELR for employment uses, other than an element retained for the road reserve. There is a significant shortfall of land available for such uses within the Borough relative to the demand that has been identified for the next plan period. Therefore, to lose the site in its entirety to housing was not considered acceptable under the previous application. However, this application now proposes a mix, including 5000m² of B1 (office) space, which meets the demand identified in the ELR. This is supported by the draft core strategy designation as a strategic site for a mix of uses and is therefore now considered to be acceptable.

Road reserve

As part of the LP3 designation for future use, the site is noted as being needed in order to facilitate the implementation of the proposed Bordesley Bypass. This bypass is proposed within the current Local Transport Plan 3 and therefore is still an aspiration of the County Council, although there is no information available yet on a funding strategy and a previous planning permission has now lapsed. It would therefore be unacceptable to allow development that would prevent its future implementation. The onus therefore falls on the applicant to demonstrate that the proposed development and access would not result in the prevention of the future implementation of the bypass.

The highway engineer has confirmed that the proposed development would not prevent the future provision of the Bordesley Bypass, in fact it would facilitate it to some extent by providing an appropriate access point to it from both the existing highway network and the remainder of the strategic site. Given that this application has come ahead of any further detailed work relating to requirements for financial contributions, and in recognition of the physical infrastructure contribution that would result from this development, this is considered to be sufficient at this stage.

Gateway feature

Policies suggest that this site should be designed such that it forms an inviting and welcoming gateway feature into the town when arriving from the north on the A441. It is considered that this could be designed suitably for a variety of uses and thus does not prejudice the type of development that it would be acceptable to accommodate on this site. As this is an outline application, it is considered possible that a reserved matters residential scheme could include such a gateway feature, and therefore there is no concern in this regard.

Wider context of strategic site and the place of this development within it

This is the second site within the 'Brockhill East Strategic Site' designation that has been reported to Committee. Despite both applications coming forward ahead of the core strategy adoption, it is considered that there is

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sufficient evidence in each case to support the proposals. However, they should not be considered in isolation, and any impacts that the site as a whole would have on demands for infrastructure etc should be considered and where possible addressed at this stage. However, due to the timing of the application, the full requirements have not yet been identified.

In this case, it is considered that the implementation of the roundabout, (and thus the facilitation of the beginning of the Bordesley Bypass), and the improvement of Weights Lane by widening, re-aligning and resurfacing along most of its length east of the railway line, would be significant infrastructure elements required to be provided in order to facilitate the development of the whole strategic site. Therefore, whilst other necessary improvements are not yet identified in detail, this is considered to be a significant contribution and thus no further infrastructure requirements are considered to be necessary in this case.

Landscaping and trees

These matters will be dealt with at reserved matters stage, and the two mature trees on the site benefit from protection which would remain if this application is granted permission.

Highways and Access

The proposed roundabout is as shown on the previous application plans and has been confirmed as acceptable by the Highway Engineer, and the designs meet the necessary policies and standards such that this is considered to be acceptable. Therefore it would be adequate to provide access to the proposed dwellings and would not result in any harm to the existing road network. The modelling has also taken into account traffic generation from other nearby sites where planning permission has recently been granted, even in cases where it is yet to be fully implemented. Details of internal road layouts, standards, and parking provision would be dealt with through the reserved matters application(s). Conditions should be imposed to deal with the submission and agreement of these details.

The right turn lane to be added to the centre of the A441 to facilitate access to the office development proposed is also considered to be acceptable, subject to the deletion of the proposed pedestrian crossing; amended plans showing this have been received. The crossing is not required, as the development is not considered likely to result in sufficient demand for this when considered against the highways technical guidance and two other options – at the roundabout and via the existing subway – would be available for use in any case.

The current bus stop locations may need to be altered slightly, due to the proposed T junction. However, this would be dealt with under the highway works agreement and needs no further consideration here.

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Open space and play

When considering the development site as a whole, the applicant is able to demonstrate that the quantum of open space to be provided 'on-site' would exceed the required amounts set out in the current SPG and that even should the bypass be implemented in future, then a sufficient amount equal to the policy requirements would remain. Therefore, the proposal is considered to be compliant with policy and acceptable in this regard. However, in this case, the majority of the open space lies outside the Borough boundary and therefore this Council retains less control over this element of the development, as demonstrated in the recommendation below. If it is considered that planning permission should be granted for this mixed use development, and that the open space is required to be provided as part of that, then this permission cannot be given with any certainty until the application in Bromsgrove for the open space has been granted consent and the details of any conditions regarding its delivery are known.

In terms of the provision and long term maintenance of the open space and equipped play areas, this would normally be controlled through the planning obligation, in order to ensure their standard and retention in perpetuity.

The illustrative layout plans accompanying the application show two small areas of open space among the residential development, around the existing protected trees. However, both these are too small to be functional, and may not be large enough to ensure the protection of the tree roots. Therefore, this detail will need to be designed and considered carefully at reserved matters stage and a condition to that effect is considered appropriate.

Drainage

As a result of recent changes to the drainage legislation and partnership working across the County, it is now necessary for the drainage elements of proposals such as this to become controlled by the Council. Therefore, it is necessary to seek the transfer of the pond and other drainage facilities into the control of the Council and then to seek a contribution towards their ongoing maintenance, similarly to the other 'public' elements of the site. In cases where these are not accessible from the public highway, rights of access are also required. These matters can all be included within a planning obligation.

Sustainability

The site is on the edge of the town, served by some public transport routes, and identified for meeting future development needs. The detailed design should include sustainable design features and therefore it is not considered necessary to address this matter further at this stage.

The highway team responsible for sustainable schemes have requested that contributions be sought towards off-site footpath connections, improvements to lighting on adjacent footpaths, links to the national cycle network (NCN),

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signs on existing cycleways and signage on the commercial element of the site, to include directional and map information. This will add to the accessibility and sustainability of the site, and is therefore considered to be compliant with policy and appropriate. The applicants have accepted these proposals.

Planning Obligation

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation:

- A contribution towards County education facilities would normally be required in relation to the private market housing proposed; and
- A contribution towards playing pitches, play areas and open space in the area due to the increased demand/requirement from future residents is required in compliance with the SPG; and
- The proposal would also require that 40% of the dwellings be provided as affordable units for social housing in line with SPD policy and their retention for this purpose in perpetuity.

However, in this case, the issues are slightly different, as noted under the separate headings above. Therefore, the planning obligation as proposed would seek the following:

- A contribution towards County primary education in relation to the private market housing; and
- The provision of on-site open space and equipped play areas and their future maintenance in perpetuity; and
- A contribution towards off-site playing pitch provision; and
- 40% of the dwellings to be provided as affordable units for social housing in line with SPD policy and their retention for this purpose in perpetuity; and
- The transfer of the SuDs facilities (including the balancing pond) and a contribution towards their future maintenance and the provision of a right of access if appropriate; and
- Contributions towards off-site sustainable links as requested by the County Sustainable Schemes Team; and

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- Contributions towards information provision relating to the B1 (office) development; and
- A contribution towards the enhancement of the existing subway crossing of the A441 and the pedestrian links to it from the site.

Other issues

The comments received in the representations are either addressed within the assessment above or are not relevant at this stage, as they relate to matters of detail which are reserved for future application(s).

Network Rail raise concerns that are not planning matters, that are being dealt with by the relevant landowners and their agents. Therefore no further consideration of their comments is necessary as part of the determination of this planning application.

Conclusion

There are many matters of principle to balance in this case. Under the adopted development plan, the site should be considered as open countryside and as such residential development would be unacceptable. Taking into account more recent, emerging policy and evidence in support of it, the site is part of a wider strategic site designated for a mix of uses. However, other evidence suggests that this site would be appropriate to meet an identified employment need so it seems that a mix of employment and residential uses should be accommodated on this site. This approach is supported in the emerging NPPF and in current planning policy and legislation in that development should be supported due to the presumption in favour of sustainable development on sites such as this.

The road reserve is within the adopted and emerging policy framework, and the applicants have demonstrated that their proposals would not prejudice the future development of a bypass and therefore that element of policy has been satisfied by this proposal.

Recommendation

Due to the application for planning permission for the open space associated with the residential development being considered on 23rd July by Bromsgrove District Council's Planning Committee, and therefore the resultant uncertainty regarding this element of the development, an either/or scenario is recommended below, based on the two likely possible outcomes of that meeting. Officers are seeking delegated authority to carry out whichever of the two below becomes possible following the Bromsgrove decision.

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EITHER:

In the event that Bromsgrove Council grant planning permission for the associated open space on the land to the north of Weights Lane, the following recommendation would apply:

That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Regeneration to GRANT planning permission subject to:

a) A planning obligation ensuring that:

- On site open space and play equipment is provided and maintained in perpetuity; and
- Off-site playing pitch contributions; and
- 40% residential units are for the provision of social housing in perpetuity; and
- A financial contribution is paid to the County Council towards primary education provision; and
- Sustainable drainage solutions are implemented and transferred with an ongoing maintenance contribution; and
- Contributions towards Sustainable Schemes relating to footpaths, cycle routes and the B1 development; and
- Contributions towards enhancements of the subway and links to it;

and

b) Conditions and informatives as summarised below:Conditions

1. Time limit for commencement of development
2. Clarification of reserved matters and timings for their submission
3. Drainage details to be implemented as per the FRA
4. Flood mitigation measures to be submitted, agreed and implemented
5. Water treatment to be implemented as per submission
6. Boundary hedging – retain where possible and replace where not; details to be submitted, agreed & implemented
7. Implement in accordance with the recommendations of the landscape assessment
8. Tree protection – fencing pre-commencement, retain during construction and design to ensure future retention
9. Damage to trees during construction – if occurs liaise with arboricultural officer to take appropriate remedial action
10. Prior to submission or at submission of first reserved matters application, full detailed arboricultural report to be submitted, agreed and implemented
11. Archaeology protection and what to do if any found
12. Contaminated land mitigation

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13. Noise disturbance minimisation
14. Construction hours limited
15. Boundary fencing/gate details of commercial element to be submitted, agreed & implemented
16. Drainage as requested by STW
17. As requested by highways
18. Details of internal roads, parking provision to be included with layout reserved matters
19. On site open space/root protection to be included in reserved matters application(s)

Informatives

1. Reason for approval
2. No burning on site
3. Light pollution minimisation
4. Secured by design (inc comment on parking courtyards)
5. NB consultee comments when designing RM application(s)
6. As requested by Highways
7. Reserved matters should meet Secured by Design standards

and

- c) Any minor amendments as necessary in response to the decision at Bromsgrove, such as additional or amended conditions.**

OR:

In the event that Bromsgrove Council refuse planning permission for the associated open space on the land to the north of Weights Lane, the following recommendation would apply:

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

1. *no certainty of POS provision*

The proposed development relies upon open space provision in the control of another Local Planning Authority without the benefit of an extant consent. As such the lack of certainty relating to the provision of the associated public open space and play areas would result in an unacceptable potential lack of facilities and thus an increased demand on existing facilities across the Borough contrary to Policies R4 & R5 of the Borough of Redditch Local Plan No.3 and SPD Open Space.

2. *no S106*

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The lack of a formal agreement to make a contribution towards public open space, pitch and equipped play provision, education provision, to ensure the provision of affordable housing on the site and to make contributions towards sustainable schemes is contrary to the requirements of Policies CS6, CS7, L2 and B(HSG)5 of the Borough of Redditch Local Plan No.3 and SPDs Open Space Provision, Affordable Housing and Education Provision. Therefore the proposed development would result in an increase in the demand on local facilities with no compensation or enhancement of existing facilities, thus resulting in harm to the wider community around the site, and a lack of a range of sizes and types of housing to meet the needs of the whole community.

Informative note

List of plans to which decision relates

Procedural Matters

In cases such as this where the application site straddles the boundary between two local planning authorities (LPAs) then either each determines the element within their jurisdiction, as in this case; or one delegates decision making authority to the other, who then considers the whole proposal comprehensively. In this case, identical applications have been received by both Councils and the element within Bromsgrove District's area, where open space is proposed, will be reported for determination at their Planning Committee meeting on Monday 23rd July 2012.

This application is a major application which must be reported to committee where there is a favourable recommendation.

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PLANNING APPLICATION 2012/132/S73

REMOVAL OF CONDITIONS 19-24 OF PLANNING PERMISSION 2011/258/FUL AND REPLACEMENT WITH TWO CONDITIONS SPECIFYING WORKS TO RIVERSIDE ROUNDABOUT

TEARDROP SITE, BORDESLEY LANE, REDDITCH

APPLICANT: SAINSBURY'S SUPERMARKETS LTD
EXPIRY DATE: 17TH JULY 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 roundabout at northern end of town, on main road network. The site is grassed with some tree and shrub growth. It is bounded to the west by the Alvechurch Highway, to the east by Bordesley Lane (leading to the Abbey Stadium), to the south by Millrace Road as it leaves the roundabout and to the north by the remainder of the undeveloped parcel of land known as the tear drop site.

Proposal Description

Planning application 2011/258/FUL was for the erection of a Petrol Filling Station including forecourt shop, canopy and 8 pumps, car wash, car care facilities, car parking, offset fills and associated plant and landscaping. It was reported to the Planning Committee for determination, and following deferral for further information, was approved subject to additional conditions at member request.

This application seeks to remove conditions 19-24 of that planning permission and replace them with two alternatives. The conditions to be removed are:

- 19) Prior to the occupation/use of the development hereby permitted engineering details of the egress on to the main roundabout to be two lanes wide for a minimum of 30m shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway and in accordance with PPG13.

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- 20) Prior to the occupation/use of the development hereby permitted engineering details of the left hand lane to be protected by a continuous white line and have a minimum acceleration distance of 50m towards Redditch shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway and in accordance with PPG13.

- 21) Prior to the occupation/use of the development hereby permitted engineering details of the single lane for Birmingham-Redditch traffic shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway and in accordance with PPG13.

- 22) Prior to the occupation/use of the development hereby permitted engineering details of the reinstatement of the central lane of the traffic island shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway and in accordance with PPG13.

- 23) Prior to the occupation/use of the development hereby permitted engineering details of the means of separation of PFS and Birmingham traffic shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway and in accordance with PPG13.

- 24) Prior to the occupation/use of the development hereby permitted the Alvechurch Highway traffic island shall be resurfaced, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway and in accordance with PPG13.

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And the replacement conditions would be:

- a) The Riverside Roundabout and approaches shall be remarked in accordance with drawing number 9W7604-1200-02 RevA as approved by the highway authority. These works shall be completed prior to first use of the development.
- b) The Riverside Roundabout and approaches will be resurfaced as shown on drawing number 9W7604-700-02 RevA as approved by the highways scheme in order to accommodate the revised road marking scheme. Such works shall be completed prior to first use of the development.

The application is supported by a technical transport note and a covering letter suggesting that the conditions as they stand are difficult to implement and in some cases would not result in safe highway flows and use. The replacement conditions are proposed to secure safe and efficient traffic flows around the site.

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 Framework***Regional Spatial Strategy & Worcestershire County Structure Plan***

Whilst the RSS and WCSP still exist and form part of the Development Plan for Redditch, they do 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 them.

Borough of Redditch Local Plan No.3

CS1 Prudent use of natural resources

CS2 Care of the environment

CS7 The sustainable location of development

B(BE)13 Qualities of good design

C(T)1 Access to and within development

C(T)10 Traffic management

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Emerging policies

The Core Strategy is the document that will eventually replace the local plan, and is currently working through the process towards adoption. It has been published and consulted upon, and therefore counts as emerging policy to which some weight can be given in the decision making process. The current version is the 'revised preferred draft core strategy' (January 2011).

The Core Strategy contains objectives for the overall approach to development in the Borough up until 2026, as well as strategic policies.

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

Relevant site planning history

The only application is the one that this seeks to vary, and it is detailed above. The decision notice is appended to this report for information.

Permission for a hotel and restaurant has been granted on the adjacent site to the north under reference 2011/296/FUL.

Public Consultation Responses

None received

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

No objection

Assessment of Proposal

Conditions 19-24 which the applicant now seeks to remove were attached because of member concerns regarding the circulation of traffic entering and leaving the PFS site, in an attempt to make traffic travel at appropriate speeds, to build capacity on the roundabout and to prevent queuing back from Bordesley Lane onto the roundabout. However, the detail was so fine, and without evidence that it has now emerged following further investigation and design work, that these are not matters that should be controlled to this extent.

All of these off-site matters would normally be dealt with by the county highway authority as part of their works on the development, and this would be separate from the planning process.

When considering the imposition of conditions on planning permissions, one should be mindful of the guidance contained in Circular 11/95: The Use of Conditions in Planning Permissions, which gives six tests that all conditions should comply with. These are that the conditions should be:

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- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects

(By necessary, the guidance suggests that without the imposition of the condition, the application would be likely to be refused).

When looking at conditions 19-24 in the light of these tests, it is difficult to see how they would be enforceable, and therefore it is difficult to see what they might achieve in practice. However, consideration should also be given to the proposed replacement conditions.

Given that the conditions were originally attached in an attempt to control the circulation of traffic entering and leaving the PFS site, to make traffic travel at appropriate speeds, to build capacity on the roundabout and to prevent queuing back from Bordesley Lane onto the roundabout, then it is also considered that no alternative conditions are required as this would all be considered, agreed and implemented as a result of the S278 agreement that the applicants and the county highway authority would enter into as part of implementing the development.

It is acknowledged that the works shown on the two plans submitted do need to be implemented to meet these policy aims, and therefore rather than the two proposed conditions, it is suggested that a single condition requiring that all the offsite highway works associated with the development and required by the highway authority be completed prior to the PFS opening to the public.

Such a condition would be necessary to ensure that the PFS did not result in increasing queuing at the roundabout; it would be relevant to the planning application; enforceable, as trading could be prevented until such time as the off-site works were completed; it is clearly definable; and it is considered to be a reasonable replacement.

Conclusion

It is therefore considered that the proposed development is acceptable in policy terms and it would be unlikely to cause substantial harm to amenity or safety, subject to the imposition of a replacement condition.

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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. Do off-site highway works to satisfaction of highway authority prior to commencement of trade to public from the site.

Informatives

1. Reason for approval
2. Conditions 1-18 of planning permission 2011/258/FUL remain in place and should be complied with in full.

Procedural Matters

The matter is reported to the Planning Committee for determination as it seeks to vary a decision recently made by members and thus the Director considers it appropriate to be reported.

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PLANNING APPLICATION 2012/145/EXT

**EXTENSION OF TIME APPLICATION FOR 2009/105/FUL AND
2009/071/LBC - PROPOSED DEMOLITION OF DERELICT OUTBUILDING
ADJACENT TO LISTED BUILDING AND REPLACE WITH DOUBLE
GARAGE**

ASTWOOD FARM HOUSE, ASTWOOD LANE, ASTWOOD BANK

**APPLICANT: MR J LAVERY
EXPIRY DATE: 26TH JULY 2012**

WARD: ASTWOOD BANK & FECKENHAM

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

(See additional papers for Site Plan)

Site Description

The site is a derelict outbuilding which is located within the curtilage of a Grade II Listed Farmhouse, which is known to have been constructed in the 17th Century. The outbuilding, subject to this application is constructed of brick with a clay tiled roof and was built around 1850. In the 20th Century, it was doubled in length, hence the two different types of bricks, but the majority of this section has now collapsed. The site is located within the designated Green Belt as identified on the Borough of Redditch Local Plan No.3 proposals map.

Proposal Description

This extension of time application relates to permissions 2009/105/FUL and 2009/071/LBC. Permission was granted most recently under application 2009/105/FUL on 20th July 2009.

Under the above applications, the proposals were stated as follows:
Demolition of existing outbuilding and to replace with a double garage. The replacement double garage is to be constructed in the same location as the existing outbuilding which is to be demolished. The proposal would be 8.5 metres in length, 6 metres in depth with a height of 5.5 metres, to be built with a lightly rusticated multi-red brick with a natural lime mortar, hand made plain clay tiles, cast iron rainwater goods and all external joinery to be painted soft wood. The extension of time application submitted here would grant approval for works identical to those described above.

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Relevant Key Policies:

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

www.communities.gov.uk

www.redditchbc.gov.uk

National Planning Policy

The National Planning Policy Framework (NPPF)

Regional Spatial Strategy and Worcestershire County Structure Plan

Whilst the RSS and WCSP still exist and form part of the Development Plan for Redditch, they do 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 Regional Spatial Strategies and Structure Plans are 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, or the WCSP.

Borough of Redditch Local Plan No.3

B(BE).13 Qualities of Good design

B(BE).14 Alterations and Extensions

B(BA).1 Extent of and control of development in the Green Belt

Supplementary Planning Guidance - Encouraging Good Design

Relevant Site Planning History

2009/071/LBC	Demolish outbuilding and replace with double garage	Approved	16.06.2009
2010/105/FUL	Demolish outbuilding and replace with double garage	Approved	20.07.2009

Public Consultation Responses

One letter received in objection to the proposals. Comments are summarised as follows:

- Access to the building is dangerous requiring vehicles approaching the garage to either reverse in or out through a narrow shared gateway

Other issues raised are civil matters and not material considerations in the determination of this application

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Consultation Responses

County Highway Network Control

Comments that the proposal has no effect of the highway given the remote location from the public highway and that therefore no objection is raised

Conservation Officer

No objection to proposals

Background

Due to the general economic slowdown, the previous government enacted legislation to allow an applicant (via a formal application) to be able to extend the length of time before the commencement of that development, provided that the 'original' consent (the application to be extended) in itself is extant. In this case, the 'original' consent is indeed extant but will expire on 20th July 2012. Subject to no material changes to the planning policy framework in the intervening period, the legislation allowing 'extension of time' applications would normally consider an additional three year extension of time to be reasonable.

Assessment of Proposal

In considering such applications, it is only relevant to consider what has changed since the previous approval, both in terms of the planning policy framework under which the decision should be made, and also, any significant physical changes to the site and/or its surroundings that might result in different impacts from the proposed development. In terms of policies, The National Planning Policy Framework, which was enacted on 27th March 2012, replaces the former National Guidance set out within Planning Policy Guidance / Statements which formed part of the policy framework during the 2009 applications. PPS and PPG guidance is no longer relevant under the new framework. The new NPPF does not raise any different issues in the consideration of this particular application.

Policies within the Borough of Redditch Local Plan No.3 which were considered under the earlier applications have not changed, and the same policies are used here and would be in the future (until at least March 2013) for such development proposals. No material changes to the development plan are considered to have occurred since the 2009 approval which would affect the impact of this extension of time proposal. Officers would inform members that little if any physical changes to the sites surroundings have occurred since the 2009 consents.

The plans which have been submitted under this application are identical to those plans approved under the 2009 applications. The issues which were considered to be relevant under those applications are as follows:

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Principle of demolition having regards to setting of Listed Building

The outbuilding to be demolished is located within the curtilage of a Grade II Listed Building. The 'setting' of the listed farmhouse therefore needs to be maintained and protected. The existing outbuilding does not hold any particular merit in terms of its character. The nature of its construction reflects how the building was originally used as part of the working farm. The loss of such a building in this location would not affect the appearance or the character of the listed farmhouse. Due to the current condition of the outbuilding, it would be appropriate to demolish it with a new garage which would be of benefit to the occupiers of the farmhouse.

Design and appearance of garage

The design, layout and appearance of the double garage is acceptable in its proposed form further to detailed advice having been obtained from the Council's Conservation Advisor on these matters. The building is considered to be of a size and sited in such a location such that it would be sympathetic to the setting of the listed building and would not be harmful to its appearance and historic interest.

Other matters

The objections raised by the occupier of a nearby property are largely civil matters which cannot be considered in the determination of the application. There are no highway safety implications associated with the proposed development as confirmed by County Highway Network Control. Officers are satisfied that the proposals would not have a detrimental impact upon neighbour amenity.

Conclusion

The planning policy framework under which this application should be determined has changed in the intervening period but not materially in terms of considering an application of this nature. The site itself and its surroundings have not changed such that the context of the site should be considered differently. It is therefore deemed that the proposed development would accord with policy criteria and would not result in harm to amenity, the setting of the nearby listed building or safety. Officers consider it reasonable to allow an extension of time to implement this consent for a further three years, subject to the inclusion of conditions as summarised below.

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Recommendation

That having regard to the development plan and to all other material considerations, planning permission to allow an extension of time for a further three years to implement the consent be GRANTED subject to conditions and informatives as summarised below:

- 1) Development to commence within 3 years
- 2) Materials to be used on walls and roof to be agreed
- 3) As per plans submitted

Informative

- 1) Reason for approval

Procedural Matters

This application would normally be assessed under the delegated powers granted to the Head of Planning and Regeneration, but is being reported to Committee as the applicant is related to a former employee of Redditch Borough Council.

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PLANNING APPLICATION 2012/148/COU**CHANGE OF USE FROM PERMITTED CLASS B1 OR CLASS B8 USES
TO CHILDREN'S INDOOR PLAY CENTRE (CLASS D2) WITH
ASSOCIATED PARKING****BUILDING F, ASTWOOD BUSINESS PARK, ASTWOOD FARM,
ASTWOOD LANE, ASTWOOD BANK****APPLICANT: MR J RANSON
EXPIRY DATE: 27TH JULY 2012****WARD: ASTWOOD BANK & FECKENHAM**

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

(See additional papers for Site Plan)

Site Description

Building F is one of six buildings (the others being known as buildings A, B, C, D and E) which were refurbished and converted to provide offices, light Industrial, general Industrial and storage floorspace under application 2007/061/FUL and subsequent applications for planning permission. Building F has brown profiled metal sheet cladding to its walls and roof and has an internal floor area of approximately 1,586 square metres. The site is in a rural area accessed from a farm road which itself is accessed from Astwood Lane.

Proposal Description

The permitted use of Building F is Class B8 – storage and distribution uses, by virtue of permission 2007/061/FUL, or Class B1 – business uses under permission 2010/080/COU. The proposal is to change the permitted use of the building (from B1 or B8) to a use which would fall under Class D2 (Assembly & Leisure) of the Town and Country Planning (Use Classes) Order 1987 as amended – specifically for use as a children's indoor play centre. The proposed business 'Imagination Street' already operates a similar centre in Bromsgrove which has been in existence since July 2009. The company proposes to occupy the whole of the building which would provide a large internal space for soft play frames and other activities. The ground floor space would be used to provide a reception area, servery and kitchen, an office, four small 'party rooms' and toilets, although the majority of the floor space would be left open to accommodate play equipment and provide for activities. A smaller mezzanine floor area (192 square metres) would also be created providing five further small party rooms and toilets. No changes are proposed to the external appearance of the building. Parking provision for 50 vehicles including three bays designated for disabled drivers would be made

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adjacent to the front of the building. This part of the site is a rough gravelled area where car parking currently takes place on an ad-hoc basis.

Proposed opening times would be:
Monday to Saturday: 10:00 to 18:00 hrs
Sundays 10:30 to 17:30 hrs

The applicant's agent states that based on their existing operation at Bromsgrove, the site would attract approximately 65 to 75 visitors per day, seven days per week. Approximately seven full-time members of staff would be employed by the business as well as another 25 part-time members of staff.

The applicant seeks permission for an unrestricted D2 use, which could at any point include other Assembly & Leisure uses, not just that proposed here.

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

The National Planning Policy Framework (NPPF)

Regional Spatial Strategy and Worcestershire County Structure Plan

Whilst the RSS and WCSP still exist and form part of the Development Plan for Redditch, in light of recent indications at national level that Regional Spatial Strategies and Structure Plans are 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 or the WCSP.

Borough of Redditch Local Plan No.3

B(RA).1	Control of development in the Green Belt
B(RA).5	Reuse and conversion of buildings
CS.7	The Sustainable Location of Development
E(TCR).4	Need and the Sequential Approach
C(T).12	Parking Standards

The site is located within the designated Green Belt as shown on the Borough of Redditch Local Plan No.3 Proposals Map

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Relevant Site Planning History

2007/061/FUL	Refurbishment and conversion of buildings A, B, C, D, E, and F to provide offices, light Industrial, general Industrial and storage floorspace. (Building F limited to Class B8 use)	Approved	11.09.2008
2010/080/COU	Change of Use of building F from Class B8 use to Class B1 use (not implemented to date but remains valid until June 2013)	Approved	09.6.2010
2010/238/COU	Use of land for the display and sale of motor vehicles (adjacent site)	Refused Appeal Dismissed	28.10.2010 31.03.2011
2012/057/COU	Change of use of building F from permitted class B1 or class B8 uses to children's indoor play centre (class D2) with associated parking	Withdrawn	25.04.2012

Public Consultation Responses

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

Responses in favour

1 letter received. Comments summarised as follows:

- Good play space facility for children in the local area
- Ideal community meeting place
- Job creation for the local area
- Will be of economic, social and educational benefit to Redditch

Responses against

4 letters received raising the following concerns:

- Unacceptable use in green belt location
- Inappropriate use in a rural area contrary to sustainability objectives
- Detriment to highway safety due to further vehicle movements – accidents in area are likely to increase. Area has a high accident rate already
- Use is more suited to a town centre location
- Additional vehicle movements would harm residential amenity
- Incompatible with existing Industrial uses

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- Noise pollution concerns
- No footpaths or street lighting on Astwood Lane / access drive to the site nor public transport facilities able to reach this remote location
- Asking a bus company to stop outside the play centre would not reduce the volume of traffic accessing the site, since that service would have to run more frequently

Consultee Responses

County Highway Network Control

Comments summarised as follows:

The Planning Statement submitted by the developer confirms that the majority of public transport services are over 2 Kilometres from the application site. Mention is made of the possible re-routing of the number 70 service, however, no evidence has been provided in support of this, nor has a business case been submitted to substantiate the viability of the proposal. The available footpaths are un-surfaced rural footpaths and there are no cycleways within a reasonable distance from the development, therefore there are no reasonable methods of reducing car usage. The inclusion of these services as evidence of a sustainable location is not accepted by the Highway Authority.

The applicant has suggested from experience of their operations elsewhere that there will be 'a considerable degree of car sharing', however, there is no supporting evidence to indicate how significant. Furthermore, the projected arrival by 'other modes' is quoted at 5%, given the reasons above and the rural location, as opposed to the town centre location of the other facility, we do not therefore accept this percentage.

No firm evidence of proposed traffic/trip generation has been submitted. The Imagination Street facility in Bromsgrove is in a Town Centre location with adequate walking, cycling and public transport links. It is therefore not appropriate to compare the two sites. A detailed analysis of trip generation would be required rather than by using 'assumed' figures submitted.

On the basis of the information submitted, the anticipated increase in vehicle trips on the rural network as a result of this proposal is unacceptable, and is considered to be contrary to highway safety policy.

It is therefore recommended that the application is refused permission.

RBC Development Plans Section

Comments summarised as follows:

This application is a re-submission of planning application 2012/057/COU. As the proposal remains the same as the previous application the comments made for 2012/057/COU remain relevant for this application and are

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duplicated below. Additional supporting information has been submitted with this application therefore the comments below concentrate on this.

The planning policy comments for 2012/057/COU raised concerns regarding the location of the proposed development and sustainable transport. The proposed use is Class D2 'Assembly and Leisure'. Annex 2 of The National Planning Policy Framework (NPPF) defines leisure as a main town centre use. Policy E(TCR).4 (Need and the Sequential Approach) of Local Plan No.3 sets out a sequential approach to the location of main town centre uses. A sequential assessment of other available units within the Borough has been submitted in order to demonstrate that the unit at Astwood Farm is the most appropriate. The submitted information shows that there are currently 10 available properties which would meet the size requirements of the applicant including one within the Town Centre. The applicant has concluded that none of the 10 properties are suitable to accommodate the requirements of the proposed D2 use. However, it is advised that the Council's Economic Development Service view is sought regarding the properties identified in the sequential assessment.

The supporting information states that the local bus operator has undertaken to divert bus service 70 to Astwood Farm. There are no further details of the proposed route or any evidence of this commitment from the operators. The closest existing bus services stop is in Astwood Bank and would result in a 2km walk to the site along some roads which do not have footpaths. There are also no dedicated cycling facilities close to the site. The planning statement makes the assertion that a children's indoor play centre is less intensive than other leisure uses but this is not evidenced. The proposed use is expected to generate significant movement and therefore should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (NPPF para 34). Based on the information submitted regarding current access to the site it is not considered the proposal will be in a location where the need to travel can be minimised and where sustainable transport modes can be maximised.

RBC Economic Development Unit

Object on the basis of loss of employment use floorspace. Confirmed that ten sites nearer the town centre have been identified as large enough to accommodate the proposed development, but that nine of them would result in the loss of employment floorspace and so would not be acceptable, as is the case for this site. One unit in the town centre would be acceptable for this use, and the reason that the applicants discount it is lack of headroom, which should be investigated further as this would be a location where this proposal could be supported.

Severn Trent Water

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

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County Council Public Rights of Way

Notes: that the site is situated adjacent to a public right of way (Redditch Bridleway 744). States that the information supplied by the applicant does not make clear how the development would affect the Public Right of Way. Until it can be proven that the development would not affect the PROW, we object to this application

Worcestershire Regulatory Services

No objection

Background

A very similar application for change of use to that proposed here (reference 2012/057/COU and as detailed above) was to be presented before members of the Planning Committee when they sat on 25th April 2012. This application was withdrawn shortly before the start of that meeting by the applicant in order that additional information could be submitted in an attempt to address concerns raised by your Officers.

A sequential assessment of other available units within the Borough has now been submitted in order to demonstrate that the unit at Astwood Farm is the most appropriate. In addition, supporting information states that the local bus operator has undertaken to divert bus service 70 to Astwood Farm.

Assessment of Proposal

The key issues for consideration are as follows:-

Applying the Sequential Test

Paragraph 24 taken from the NPPF states that authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Town centre sites should be looked at first, where main town centre uses (such as here) are proposed. It goes on to say that edge of centre locations should then be considered and only if suitable sites are not available should out of centre proposals be considered. The paragraph states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The sequential approach does not apply to applications for *small scale rural offices or other small scale rural development*. However, *small scale rural development* is not defined within the NPPF. Officers considered a sequential assessment of alternative sites would be required, when application 2012/057/COU was under assessment.

Policy CS.7 from the Local Plan sets out a sequential approach to the location of all development and states that uses that attract a lot of people will be directed to the Town Centre. Criterion iv. states that Green Belt locations will only be considered in exceptional circumstances, when all other options have been exhausted and where there is a clear development need.

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Following the submission of the sequential assessment, at the time of writing, Officers consider that the undertaking carried out is satisfactory although comments are awaited by the Councils Economic Development Section regarding the properties identified in the sequential assessment.

Transport Implications

In view of the remote location of the site and the paucity of public transport routes to the site, it is likely that the vast majority of employees and visitors would travel by private car. Car parking currently takes place on an informal basis within a rough gravelled area to the north-east corner of the site. A building (formerly known as building G) was once present on this part of the site but has long since been demolished. It is proposed to make provision for 50 marked car parking spaces within this area which would include three disabled spaces.

The Planning Inspector, when considering application 2010/238/COU as referred to earlier in this report, commented that when the wider business park is fully occupied with uses in conformity with its planning permission, that there would be a need to have all 179 parking spaces (on the wider site) to be available to meet the standards as set out in the Local Plan. He commented that without adequate provision, it would be likely that parking would take place along the access road and stated that he did not consider the access road to be wide enough to accommodate a two-way flow of traffic into and out of the site if vehicles were also parked along one or both sides. He therefore considered that if such a situation were to occur that it would interfere with the smooth and efficient running of the business park.

Application 2010/238/COU proposed the displacement of 45 parking spaces. Whilst this proposal would not displace any existing car parking, Officers consider that the likely increase in vehicle trips on the rural network as a result of this proposal would be contrary to highway safety and sustainability objectives.

Although the applicant has suggested from experience of their operations elsewhere that there would be 'a considerable degree of car sharing', no supporting evidence has been submitted to indicate how significant. Projected arrival by other modes of transport (quoted at 5%) given the rural location of the site, as opposed to the town centre location of the company's other facility (in Bromsgrove Town Centre), is not accepted as a percentage.

The information submitted in support of this revised application states that the local bus operator has undertaken to divert bus service 70 to Astwood Farm. However, there are no further details of the proposed route or any evidence of this commitment from the operators. The closest existing bus service stop is in Astwood Bank and would result in a 2km walk to the site along some roads which do not have footpaths. There are also no dedicated cycling facilities

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close to the site. The planning statement makes the assertion that a children's indoor play centre is less intensive than other leisure uses but this is not evidenced. The proposed use is expected to generate significant movement and therefore should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised as required under Paragraph 34 of the NPPF.

Impact upon adjacent uses

Officers consider that the proposals would intensify the use of the site as a whole and would increase traffic to such an extent that it would harm the amenities of occupiers of nearby dwellings contrary to the provisions of Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

The nature of such a use, as accepted by the applicant means that visitors to the site would typically expect to spend on average around two hours in the centre with movements generally spread throughout the day as opposed to at peaks with B1 type uses. Not only would vehicle movements be higher, but such uses typically attract a rise in vehicle movements over the weekend period rather than through Monday to Friday as would be the case with an office type user. Residents would therefore be inconvenienced by a far higher number of vehicle movements over the weekend period than they currently experience. The proposed hours of opening which include opening between 10:30 to 17:30 hrs on Sundays also suggest this.

The provision of a leisure facility in this area would also be considered to hinder the amenities of the adjacent employment units and would not be compatible with the potential and existing employment uses at this complex. This point has been referred to within the neighbour representations received.

Conclusion

It is considered that, as a leisure use, which is defined by the NPPF as a main town centre use, the proposal should be in a location which can be easily accessed by sustainable transport modes and where the need to travel can be minimised (NPPF Para 34). The proposed location and access available by sustainable transport modes does not achieve this requirement.

Officers agree with concerns raised by Planning Policy Officers and Highway Network Control which are that this children's indoor play centre use (or any other D2 use) is likely to generate significant vehicular movements but is not considered to be in a location where the need to travel waste be minimised and the use of sustainable transport modes can be maximised. The proposal would therefore be contrary to saved local plan policies together with the provisions of the National Planning Policy Framework.

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Recommendation

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

1. The creation of a main town centre and Class D2 use in a location outside the town centre in a rural green belt area, poorly served by public transport and readily accessible only by means of motor vehicle would be likely to generate a significant quantity of unsustainable trips in private vehicles contrary to paragraph 34 of the National Planning Policy Framework and Policy CS.7 of the Borough of Redditch Local Plan No.3.
2. The provision of a leisure facility and Class D2 use in this location would hinder the amenities of adjacent occupiers including nearby residential uses and would not be compatible with the potential and existing employment uses in this complex. As such, the proposed development would be contrary to Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

Informative:

1. Plans refused consent listed for information

Procedural matters

All proposed D2 uses are reported to Planning Committee for determination.

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APPEAL OUTCOME REPORT FOR INFORMATION

**APPEAL MADE AGAINST CONSENT TO CARRY OUT WORKS TO
PROTECTED TREES
TREE PRESERVATION ORDER DETAILS:
BOROUGH OF REDDITCH TREE PRESERVATION ORDER No.127**

Planning Application details: TPO/2011/055

**FELL OAK TREE GROWING IN THE FRONT GARDEN 3 OUTWOOD
CLOSE, OAKENSHAW**

3 OUTWOOD CLOSE, OAKENSHAW

WARD: HEADLESS CROSS AND OAKENSHAW

**DECISION: TREE PRESERVATION ORDER APPLICATION
DECISION MADE 25 OCTOBER 2011**

The author of this report is Sharron Williams, Planning Officer (DC), who can be contacted on extension 3372 (e-mail: sharron.williams@bromsgroveandredditch.gov.uk) for more information.

Discussion

Occupier of property wanted to fell an Oak tree growing in the front garden because of excessive shading, constant maintenance, and concern of damage to house and injury to individuals.

The Oak tree was inspected by the Councils Arboricultural Officer who confirmed that the tree was in good growth with no visible signs of disease or decay, and only low levels of minor deadwood. The Officer concluded that there was no current reason to consider the removal of the tree. The crown is well balanced, in good health and does not excessively overhang the property. The application was refused as it was considered that the tree was in a healthy and stable condition. The reasons given for wishing to fell the tree had been considered, however, in the absence of adequate justification, the felling of the tree was considered to be undesirable for reasons of public and visual amenity.

An appeal was made and the Inspector considered the following as the main issues:-

- Impact the proposal would have on the appearance and character of the locality.
- Whether the reasons given for felling the Oak tree are sufficient to justify its removal.

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The Inspector made the following conclusions:

- The Oak tree is a well shaped, large and healthy mature tree, providing high landscape value to the Outwood Close and Peterbrook Close residential part of Oakenshaw.
- The tree is located close to the western side, front, of No.3, and dominates the front of the house and the parking area.
- In addition the tree sheds debris all year and roosting birds and feeding aphids drop mess onto the ground (including front parking area) beneath.
- The size of the tree causes understandable worry to occupants of No.3.
- These issues are insufficient to justify removing such a fine tree, particularly as on-going tree maintenance such as limited pruning is available as a lesser alternative to felling.

Appeal Outcome

The planning appeal was DISMISSED.

Recommendation

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

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APPEAL OUTCOME REPORT FOR INFORMATION

Appeal made against refusal of planning permission.

**PLANNING APPLICATION DETAILS: 2011/333/COU.
CHANGE OF USE OF GROUND FLOOR FROM A1 (SHOPS) TO A2
(FINANCIAL AND PROFESSIONAL SERVICES).**

MASON HOUSE, 96 EVESHAM ROAD, REDDITCH.

WARD: HEADLESS CROSS & OAKENSHAW.

**DECISION: DECISION MADE BY OFFICERS UNDER DELEGATED
POWERS ON 8 FEBRUARY 2012.**

The author of this report is Ailith Rutt, Development Management Manager, who can be contacted on extension 3374 (e-mail: ailith.rutt@bromsgroveandredditch.gov.uk) for more information.

Discussion

The application proposed the change of use of a shop unit in the district centre to an A2 use (in this case as a public facing accountancy business). This was refused on the grounds that the loss of a further retail unit in the district centre was contrary to policies that seek to protect retail, convenience uses in such designated areas.

The inspector took into account the other uses of the District Centre and that between 1973 and 1999 the unit was occupied by an A2 user. Despite having been in use as an A1 unit since then with a variety of occupiers, the Inspector considered that as it had been in A2 use for a significant period, there would be no loss of an A1 unit to the district centre or its ability to provide for basic daily needs.

The inspector also noted that the proposed occupier and their operational patterns could not be controlled, and that there is a permitted change of use from A2 to A1 and therefore the unit could revert to A1 use at any time.

Appeal Outcome

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

Further issues

The only condition attached was that the change of use should occur within three years of the date of the decision.

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Recommendation

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