



Planning Committee

Wed 11 Feb
2015
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

*making
a
difference*

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Access to Information - Your Rights

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

Your main rights are set out below:-

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

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

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

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

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

www.redditchbc.gov.uk

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

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REDDITCH BOROUGH COUNCIL **PLANNING COMMITTEE**



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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) Ward Councillors
 - c) Applicant (or representative) to speak on the application.

Speakers will be called in the order they have notified their interest in speaking to the Democratic 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) Members of the public are now able to record all or part of this meeting either by making an audio recording, taking photographs, filming or making notes. The exception to this involves exempt / confidential information to be considered, when members of the public may be excluded from the meeting, the reason(s) for which will be defined in the Exclusion of the Public item on the Planning Committee Agenda.

An area of the Council Chamber has been set aside next to the Press for any members of the public who wish to do this. The Council asks that any recording of the meeting is done from this area to avoid disrupting the proceedings. Members of the public should now be aware that they may be filmed or recorded during the course of the meeting.

- 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 Democratic Services Team on 01527 64252 Extn. 3266 by 12 noon on the day of the meeting.

Further assistance:

If you require any further assistance prior to the meeting, please contact the Democratic Services Officer (indicated at the foot of the inside front cover), Head of Legal, Equalities and 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 are the Legal and Democratic Services Officers who give 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 Democratic Services Officer.

Special Arrangements

If you have any particular needs, please contact the Democratic Services 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 Democratic Services 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

11th February 2015

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs: Andrew Fry (Chair) Wanda King
 Alan Mason (Vice-Chair) Yvonne Smith
 Joe Baker David Thain
 Roger Bennett Nina Wood-Ford
 Andrew Brazier

<p>1. Apologies</p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.</p>
<p>3. Confirmation of Minutes (Pages 1 - 8)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 14th January 2015. (Minutes attached)</p>
<p>4. Update Reports</p>	<p>To note Update Reports (if any) for the Planning Applications to be considered at the meeting (circulated prior to the commencement of the meeting).</p>
<p>5. Planning Application 2014/160/OUT - Land rear of 112 Feckenham Road, Headless Cross, Redditch, Worcestershire (Pages 9 - 20) Ruth Bamford, Head of Planning and Regeneration</p>	<p>To consider an Outline Planning Application for the demolition of an existing garage, proposed dwelling with garage and access drive, plus new double garage for No. 112 Feckenham Road. Applicant: Mrs E Hine (Report attached – Site Plan under separate cover) (Headless Cross & Oakenshaw Ward)</p>

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<p>6. Planning Application 2014/337/FUL - Parklands Care Home, Callow Hill Lane, Callow Hill, Redditch, Worcestershire B97 5PU</p> <p>(Pages 21 - 24)</p> <p>Ruth Bamford, Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a proposed second floor extension.</p> <p>Applicant: Parklands Care Home</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Astwood Bank & Feckenham Ward)</p>
<p>7. Planning Application 2014/341/FUL - Unit 28 Kingfisher Walk, Kingfisher Shopping Centre, Redditch, Worcestershire</p> <p>(Pages 25 - 28)</p> <p>Ruth Bamford, Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a change of use from A1 (Retail) to A3 (Restaurants and Cafes)</p> <p>Applicants: Kingfisher Shopping Centre</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Abbey Ward)</p>
<p>8. Planning Application 2015/009/S73 - Threadneedle House, Alcester Street, Redditch, Worcestershire B98 8JA</p> <p>(Pages 29 - 34)</p> <p>Ruth Bamford, Head of Planning and Regeneration</p>	<p>To consider the removal of Conditions to remove the restriction on Uses in Threadneedle House only: Condition 3 of 79/588 and Conditions 2 and 4 of 80/272.</p> <p>Applicant: Mrs Amanda de Warr for Redditch Borough Council</p> <p>(Report attached - Site Plan under separate cover)</p> <p>(Abbey Ward)</p>
<p>9. impact of Changes to National Planning Guidance on Planning Committee considerations</p> <p>(Pages 35 - 36)</p> <p>Ruth Bamford, Head of Planning and Regeneration</p>	<p>To receive and note an item of information in relation to national changes to the planning system in respect of Planning Obligations.</p> <p>(Report attached)</p> <p>(No Specific Ward Relevance)</p>

10. Exclusion of the Public

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

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

These paragraphs are as follows:

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

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

may need to be considered as “exempt”.

11. Confidential Matters (if any)

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



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14th January 2015

MINUTES

Present:

Councillor Andrew Fry (Chair), Councillor Alan Mason (Vice-Chair) and Councillors Joe Baker, Roger Bennett, Andrew Brazier, Yvonne Smith, David Thain and Nina Wood-Ford

Officers:

Ruth Bamford, Amar Hussain and Ailith Rutt

Democratic Services Officer:

Jan Smyth

54. APOLOGIES

An apology for absence was received on behalf of Councillor Wanda King.

55. DECLARATIONS OF INTEREST

Councillor Alan Mason declared an other disclosable interest in Agent Item 5 (Planning Application 2014/036/FUL – B & Q DIY Supercentre) as detailed at Minute 58 below.

Councillors Andrew Brazier and David Thain declared other discloseable interests in Agenda Item 10 (Planning Application 2014/323/FUL – Former Hewell Road Swimming Poole Site) as detailed in Minute 63 below.

In regard to Agenda Item 5 (Planning Application 2014/036/FUL – B & Q DIY Supercentre) and Agenda Item 8 (Planning Application 2014/284/FUL – Units 16, 17 and 18 Kingfisher Shopping Centre), Councillor Brazier highlighted his membership of the Town Centre Partnership as a representative of the borough Council but declared no specific interests as his role did not include membership of the Partnership Board, the Partnership's decision making body.

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Chair

Planning Committee

14th January 2015

56. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Planning Committee held on 10th December 2014

57. UPDATE REPORTS

The Update reports relating to Applications 2014/036/FUL and 2014/311/FUL were noted.

58. APPLICATION 2014/036/FUL - B & Q DIY SUPERCENTRE, JINNAH ROAD, SMALLWOOD, REDDITCH, WORCESTERSHIRE B97 6RG

Reconfiguration of the existing store to create a Class A1 (Bulky Goods) Unit and a Class A1 Foodstore, together with associated external alterations and selected car park reconfiguration

Applicants: B & Q Plc and ASDA Stores Ltd

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

Ms P Harvey, objector on behalf of Smallwood residents
Councillor G Chance – Ward Councillor
Ms L Scott - on behalf of joint Applicant Asda Stores Ltd

RESOLVED that

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

- 1. the completion of a Planning Obligation to ensure:**
 - 1) the restriction on the sale of goods to DIY warehouse at the western end of the site,**
 - 2) a contribution to cover a 10 year period, index linked, towards the subsidy of a bus route that accesses the site;**

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14th January 2015

- 3) a contribution towards subway enhancements as detailed in the main report;
 - 4) a contribution towards the provision of a scheme of signage to lead pedestrians from the site to the Town Centre;
 - 5) the retention of the existing parking restrictions that ensures that the car park can be utilised for trips to the town centre;
 - 6) a contribution towards Town Centre enhancements; and
- 2) the Conditions and Informatives as detailed on pages 9 to 13 of the Agenda report.

(The Committee was reminded that, subject to the completion of a Section 106 agreement and re-negotiations with the Applicants on satisfactory alternative opening hours for the food store, this Application had been granted Planning Permission on the 10th September 2014. Officers reported that the outstanding matter of the opening hours had been brought back to Committee for Members to review and make a decision on as Officers had not been able to reach a satisfactory agreement with the Applicants.

Having considered the Officers report, representations made by the Speakers and the information provided in the Update Report for this application in relation to the Applicant's request to revise their proposed hours of operation to remove references to 24/7 opening, Members were of the view that the opening hours proposed by Officers as detailed in Condition 7 on page 10 of the agenda report, would minimise noise and disturbance impact on local residents in the surrounding area)

(Prior to consideration of this matter, and having previously declared an other disclosable interest at the start of the meeting in that he was a Council representative on the Town Centre Partnership Board, who had made representations objecting to the proposed development, Councillor Alan Mason withdrew from the meeting and did not take part in discussions or vote thereon.)

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59. APPLICATION 2014/272/FUL - FORMER AMBULANCE STATION, CEDAR PARK ROAD, BATCHLEY, REDDITCH, WORCESTERSHIRE B97 6HP

Proposed erection of 14 no. flats comprising 10 x 2 bedroom flats and 4 x 1 bedroom flats

Applicant: Cedar Real Estate Developments Ltd

RESOLVED that

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

- 1) the satisfactory completion of a S106 planning obligation ensuring that:
 - a) Contributions are paid to the Borough Council in respect to off-site open space, pitches and equipped play in accordance with the Councils adopted SPD;
 - b) A financial contribution is paid to the County Council in respect to education provision;
 - c) A financial contribution is paid to the Borough Council towards the provision of wheelie bins for the new development: and
- 2) the Conditions and informatives as detailed on pages 20 to 25 of the Agenda report.

60. APPLICATION 2014/275/FUL - METTIS SPORTS AND SOCIAL CLUB, CHERRY TREE WALK, BATCHLEY, REDDITCH, WORCESTERSHIRE B97 6PB

Construction of 2 additional tennis courts, associated floodlighting and a 2.7m surrounding fence.

Applicant: Mr Darren Cutler for Mettis Sports and Social Club

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the Conditions detailed on page 30 of the Agenda report.

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(The type of lighting to be utilised for the floodlights was raised. Officers advised that, whilst it was not possible to condition the type of lighting to be used for the floodlights, there would be various options open to the Applicant to minimise any amenity impact.)

**61. APPLICATION 2014/284/FUL - UNITS 16, 17 AND 18
KINGFISHER WALK, KINGFISHER SHOPPING CENTRE, TOWN
CENTRE, REDDITCH, WORCESTERSHIRE B97 4EY**

Amalgamation of three small adjacent (A1) retail units
to a single (A3/A5) fast food eat-in and takeaway food unit.

Applicant: Kingfisher Shopping Centre

Mr K Williams, on behalf of the Applicants, addressed the Committee under the Council's public speaking rules.

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the Conditions detailed on page 34 of the Agenda report.

**62. APPLICATION 2014/311/FUL - HEADLESS CROSS METHODIST
CHURCH, EVESHAM ROAD, HEADLESS CROSS, REDDITCH,
WORCESTERSHIRE B97 5ER**

Proposed 9 no. terraced dwellings on the site of the
former Methodist Church, with existing Church Tower
and Spire to be retained.

Applicant: Mr P Thomas

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

Mr R Andrews – objector – on behalf of himself and other local residents

Councillor C Gandy – Local Ward Councillor

Mr P. Thomas, the Applicant.

RESOLVED that

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

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- 1) **the satisfactory completion of a Section 106 Planning Obligations to ensure that:**
 - a) **contributions are paid to the Borough Council in respect of off-site open space, pitches and equipped play, in accordance with the Council's adopted SPD; and**
 - b) **a financial contribution is paid to the Borough Council towards the provision of wheelie bins for the new development; and**
- 2) **the Conditions and Informatives as detailed on pages 7 to 11 of the Agenda report.**

(The Committee noted an Update report for this application in regard to four additional late representations received objecting to the development together with Officer responses.)

63. APPLICATION 2014/323/FUL - FORMER HEWELL ROAD SWIMMING POOL SITE, HEWELL ROAD, BATCHLEY, REDDITCH, WORCESTERSHIRE B97 6BA

30 no. residential units, including 6 no. dwellings and 24. No. one bedroom flats.

Applicant: Mr G Stoyan for the Accord Group

RESOLVED that

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

1. **the satisfactory completion of a Section 106 Planning Obligation to ensure that:**
 - a) **contributions are paid to the Borough Council for off-site open space, pitches and equipped play;**
 - b) **a contribution is paid to the Borough Council for the provision of wheelie bins for the new development; and**
 - c) **the affordable housing is retained as such in perpetuity;**

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2. the Conditions and Informatives as detailed on pages 49 to 50 of the Agenda report; and
3. the following additional Drainage Condition:
 - “8) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) undertaken by Rodgers Leask Consulting Civil & Structural Consultants Ltd, dated November 2014, reference P13-408, Rev:1

Reason: To ensure the development is not at risk from flooding and to ensure flood risk is not increased elsewhere in accordance with the NPPF.”

(Members noted and agreed to the inclusion of an additional drainage Condition required that had not been listed in the agenda report.

Officers also reported that an additional element to the Section 106 Agreement, in relation to affordable housing, which had been detailed in the Officer report but had been omitted from the recommendation in error, would be included in the Resolution / Decision Notice.)

(Prior to consideration of this matter, Councillors Andrew Brazier and David Thain declared other disclosable interests in that they were both Council appointed representatives on the Board of Redditch Co-operative Homes (part of the Accord Group). Councillors Brazier and Thain withdrew from the meeting and took no part in discussions or voting thereon.)

The Meeting commenced at 7.00 pm
and closed at 8.29 pm

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CHAIR

**PLANNING
COMMITTEE**11th February 2015**Planning Application 2014/160/OUT****Demolition of existing Garage, Proposed dwelling with Garage and access drive plus new double garage for No. 112****Land rear of 112, Feckenham Road, Headless Cross, Redditch, Worcestershire**

Applicant: Mrs E Hine
Expiry Date: 17th December 2014
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 Tel: 01527 534061 Email: sharron.williams@bromsgroveandredditch.gov.uk for more information.

Site Description

Site comprises of a detached dwelling and large gardens at the front and rear. A detached garage is located at the side of the existing dwelling. The site is within an area of established housing.

A number of trees and some mature planting exists within the curtilage of the application site although none of the trees at the rear of the site are protected by a Tree Preservation Order. However, the lime tree in the front garden area is protected by Borough of Redditch TPO No. 102.

Proposal Description

Outline planning permission is sought for the demolition of the existing garage, extension of the existing means of access, erect two dwellings with garages and a new double garage for No. 112 Feckenham Road. Only the means of access is to be considered at this stage whilst matters such as appearance, landscaping, layout and scale would be considered at the Reserved Matters stage.

As a result of processing the application, the scheme has now been amended to the erection of only one dwelling with garage and replacement garage for No. 112 Feckenham Road.

Relevant Policies :**Borough of Redditch Local Plan No.3:**

CS07	The Sustainable Location of Development
BHSG06	Development within or adjacent to the curtilage of an existing dwelling
BBE13	Qualities of Good Design
CT12	Parking Standards

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Emerging Borough of Redditch Local Plan No. 4

Policy 5: Effective and Efficient use of Land
 Policy: 39 Built environment
 Policy: 40 High Quality Design and Safer Communities

Others:

SPG Encouraging Good Design
 NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

The site fronts Feckenham Road which is designated as a local distributor road in the Borough of Redditch Local Plan No.3.

Consultations

Building Control

Due to the sloping nature of the site the following points will be required for building regulations

- Structural design for foundations required. Due to proximity of trees piled foundations might have to be utilised.
- Foul drains to go to mains sewer to the approval of Severn Trent Water.
- The ground conditions are generally medium/heavy clay so soakaways for rainwater are likely to be unsuitable. Rainwater to be disposed off site via assumed pumping system to suitable out fall approved by Severn Trent.
- The gradient of the drive would probably be unsuitable for gravel so porous block paving/tarmac would need to be looked at.

Arboricultural Officer

Have no objection to this proposed development subject to the following points:

- The TPO lime tree in the front garden, although not due to be impacted on by this development, must be adequately fenced off to ensure no storage of plant/materials occurs on the lawn area around it.
- The cedar tree in the rear garden should be retained and incorporated within a revised layout plan.
- All retained trees and their RPAs must be protected during clearance and construction phases in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate.
- Any excavations within the RPAs must be carried out by hand and in accordance with BS5837:2012.
- A landscaping scheme should be submitted and agreed to provide adequate mitigation for the trees being removed.
- A condition to ensure that any existing or replacement tree that fails or is removed or seriously damaged/diseased within 5 years of completion is replaced with trees of suitable sizes/species.

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North Worcestershire Water Management

Prior to building work commencing, the applicant must supply a full drainage plan showing the location of soakaways, SuDS and connections to the foul system. This needs to be approved in writing before any work starts on site.

Highway Network Control

Recommends that any permission granted include highway conditions about and informatives about providing the access to a suitable standard prior to occupation and awareness of the rules around works to highways.

Crime Risk Manager

No objections to this application.

It would be better if the garages and the parking places for the cars were swapped round, that way the cars would be directly in front of the house windows, which would improve surveillance over them and deter vehicle crime.

Severn Trent Water Ltd

No comments received to date.

Worcestershire Wildlife Trust

No comments received to date.

Public Consultation Response

4 letters of objection

- The ground already has poor drainage with the erection of further buildings there could very likely be quite serious flooding to the bottom of our grounds resulting in damage to plants and wildlife.
- The new buildings are in direct line of sight from our second floor and so privacy would be a worry.
- The impact of over developing the land on the wildlife and trees would be devastating.
- With the plans to have the 3 garages round the back the noise of vehicles coming and going will be a major problem as will the loss of privacy with these additional vehicles.
- With the houses on average having 2 cars each this will be an additional 6 cars having to come onto the Feckenham Road. The school drop off time and pick up is already extremely dangerous with cars just being left and children running across the road. Additional traffic will only cause more problems.
- The additional infrastructure for drainage, sewage etc. being built so close to our property will have a negative effect on the wildlife, trees and plant life which are on our property.
- Drainage of surface water. At the beginning of 2014 the weather was very wet. Our property suffered during this period from excess water running down the slope from 110 Feckenham Rd to our property which was built in the bottom of the

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garden of 110. Our concerns are that further building in the area will add to this problem when the weather is inclement.

- View and light. Two of our side windows overlook the proposed site. The kitchen would suffer from reduced light and we would suffer a loss of privacy.
- School Traffic. Concerned about the extra traffic and close proximity of the larger driveway close to the school and school crossing.
- Spoil the look of the road. Feckenham Road is one of Redditch's more traditional and attractive roads. Knocking down the garage at No 112 and creating a roadway to the side between No 110 and No 112 would make No 110 appear that it was on an island having a roadway on either side of it.
- Duxford Close. The houses below this development would be over shadowed by these two houses.
- Drainage. The garden of 112 Feckenham Road is on a steep gradient. My property is quite a bit further down the hill from the proposed development. It is proposed to introduce a considerable amount of hard surface into the garden of 112 Feckenham Road which will have the potential to create a great deal of water run-off into my property.
- The application states that the proposal will not increase the flood risk elsewhere which is certainly not the case. The Environment Agency have already identified low risk surface water flooding in the immediate vicinity of the proposed development so with the incorporation of hard surfaces, loss of vegetation, compounded by the removal of trees, the proposal is highly likely to increase the risk.
- Boundaries / Land slip. With the excavations and terracing proposed, the inclusion of permeable hard standing and the removal of tree roots, there will be nothing to hold together the earth and there is highly likely to be landslip on the non-permeable clay soil sub layer.
- What proposals are there for maintaining the integrity of the boundary between my property and the proposed developments, managing the interface between properties so that the development is not visible from my property and reinforcing the boundaries e.g. fences, hedges, retaining walls? There are gaps in the hedgerows that need planting up.
- Overshadowing/ Overlooking/ Loss of Privacy. The close proximity of the proposed new development combined with its elevated position would mean that it would substantially overshadow my property and block out the morning light. There is a duty not to detract from the visual amenity and privacy of my property and the private and quiet enjoyment of my garden or to block out the natural light to my garden from the east. There is no mention of any planting strategies or other means of obscuring the proposed developments and maintaining privacy.
- Cramming. The proposed development is a very congested development with two houses crammed in where one house would be more in keeping with the density of existing developments.

A second neighbour consultation was carried out following the submission of the revised scheme from two dwellings to one. 4 letters of objection have been submitted raising the following concerns:-

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- Problems with drainage especially in inclement weather.
- View and light implications
- Noise
- Over intensive development
- School Traffic
- Spoiling the look of the road in respect of no 110.
- Duxford Close being further overshadowed and overlooked.
- Wildlife concerns (Pipistrelle Bats live in this garden)
- Trees
- Landslip issues
- Drainage, particularly surface water drainage / flooding

Assessment of Proposal

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

Principle

The site is within the urban area of the Borough and is undesignated in the Borough of Redditch Local Plan No. 3, however, the area concerned is predominantly a residential area within an urban location, and as such is preferable sequentially to more remote sites. Therefore, the principle of some form of residential development in this location would comply with policy CS.7 of Borough of Redditch Local Plan No.3.

However, the initial indicative plans submitted showed two dwellings erected at the rear of the existing building. Generally development in this form would be discouraged as it would conflict with policy B(HSG).6 and would not generally be in character with the layout of the surrounding housing. However, members may be aware of other small scale housing schemes that have been built within grounds of large detached properties on this particular road. An example of such a scheme exists adjacent to the application site (Elgar Close). Given that a similar development has been approved adjacent to the site means that the character of the layout of the surrounding housing in this immediate location has changed and as such the proposal would not necessarily conflict with policy B(HSG).6. Therefore, some form of development would be acceptable behind the existing dwelling on this occasion.

The extent of proposed residential development would result in the removal of a number of established mature trees that are a visible and attractive feature of the site. In addition, it was considered that the scheme would be an over intensive use of the site. The indicative plans have been amended to show only one dwelling and garage. The principle of one dwelling and garage is considered to be acceptable and would comply with policies CS.7 and B(HSG).6.

Highways and access

The means of access is to be considered at this stage. The existing double garage for No.112 would be demolished to enable the existing access to extend to the rear of the site and serve the proposed dwelling, and double garage for No. 112. Amended plans submitted show the access moved slightly closer to No.112 to enable additional planting

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and boundary treatment to be provided between the proposed access and the neighbouring property No. 110 in order to reduce the impact of noise on the occupiers concerned. The car parking provision for the proposed dwelling would comply with the Council's car parking standards. County Highway Network Control has no objections to the proposal and recommend conditions which are considered appropriate.

Design and layout

The site is relatively level at the front, but slopes steeply down from the back of the house to the rear boundary. The dwellings beyond the rear boundary of the application site (Duxford Close) are at a lower level to the rear garden of No. 112. Therefore, the proposed dwelling would need to be designed in such a way that the amenities of neighbouring occupiers would not be hindered. Several objections have been submitted by neighbours who have raised concerns of potential overlooking and overbearing impact.

Having viewed the proposal from the rear garden of No. 23 Duxford Close, the design of any dwelling in this location would need to be carefully considered to take into consideration the difference in levels between the site and the dwelling at the rear, as well as improve screen planting that is currently gappy between the two sites. It may be that the dwelling would need to be single storey or be positioned in such a way to ensure that any direct overlooking / or overbearing issues on the existing occupiers are minimised.

The layout and scale of the development is a matter to be considered at the Reserved Matters stage. Therefore, whilst the position of the dwelling and the garage are shown on the plans submitted, these are viewed as indicative only and would not be approved at this stage. There appears to be scope to overcome these potential issues as well as address the Council's spacing requirements set out in the SPG on Encouraging Good Design. Therefore, it is likely that the proposal would comply with the SPG and policy B(HSG).6.

Trees and landscaping

As mentioned above there are a number of mature trees and established landscaping within the site, although, only the Lime tree in the front garden is protected by a Tree Preservation Order. Neighbours have raised concerns in relation to the loss of the trees at the rear of the site including a mature Cedar tree that is located in the middle of the rear garden. The original plans submitted for two dwellings included the removal of these trees. Several objections have been submitted in respect to the removal of trees and the impact it could have on wildlife as well as the stability of land generally. Amended plans submitted now show one dwelling and the retention of existing trees including the Cedar tree in the middle of the site. It is considered that additional planting would be required along the rear boundary of the site to improve screening between the proposed dwelling and the dwellings at the rear. This provision would also address concerns regarding stability of the land as well as improving screening and privacy between the proposed dwelling and the existing properties in Duxford Close. Officers consider it prudent to

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impose a condition to require the retention of the trees shown on the indicative plan and also provide additional planting to safeguard the amenities of neighbouring occupiers.

Drainage issues

A number of comments have been submitted by neighbours in respect to drainage matters. Concerns refer to hard surfacing areas being provided and the steepness of the site could result in local flooding to surrounding properties.

Comments have been submitted from North Worcestershire Water Management (NWWM) who has confirmed that the site is within Flood Zone 1 and there is little surface water flood risk to the site in question. However, the development would include a large area of hard-standing, and with the nature of the steep gradient, there may be an increase in surface water runoff flows, which in turn may affect surrounding properties and amenities. It will therefore be important to ensure that this development will not cause or exacerbate flood risk to surrounding properties.

The applicant's agent has verbally confirmed that the foul water will be disposed of via the mains sewer; it is likely that this will connect to the foul sewer in Feckenham Road via a pumping system. In terms of surface water, a soakaway is proposed. NWWM state that it would be unusual for soakaways to be a viable option, due to the nature of the soils in the area. Building Control has confirmed the same. It will therefore be extremely important for porosity tests to be carried out to ensure these will work efficiently. There would appear to be some solutions to address this concern such as the use of rainwater harvesting, pumping system, permeable paving if applicable or SuDS methods could be considered. A drainage condition is recommended to be imposed to ensure that the impact of this development does not exacerbate flood risk to surrounding properties.

Stability of the land

There is local concern that due to the steepness of the site, the development could result in possible landslip. The amended plans now show the retention of existing trees which will help maintain stability within the site. Officers in Building Control advise that due to the close proximity of trees, piled foundations might have to be utilised. In addition, indicative plans submitted demonstrate that retaining walls would be used to help bank the natural ground levels particularly at the rear of the site.

Wildlife

Comments have been submitted by neighbouring occupiers in relation to the potential impact of the development on local wildlife including bats. A bat survey has been submitted. Conclusions from the survey confirm no recent evidence of bats using the garage as a roost, however, as a precaution, the roof tiles and weatherboarding should be removed by hand under the supervision of a qualified and licensed bat ecologist. The survey states that bats are likely to be foraging round the site. Therefore, it is recommended that bat boxes be provided on the existing dwelling. The Worcestershire Wildlife Trust has been consulted but at the time of drafting the report no comments had been submitted.

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Conclusion

The proposal would be in keeping with the area in terms of potential use and would comply with policies CS.7 and B(HSG).6 only on the basis that the layout of housing in the direct surrounding area has changed (Elgar Close). Amended plans submitted show the access road closer to No.112 in order to improve amenity for the neighbouring occupiers of No.110. In addition, the amended plans show the retention of more trees particularly those close to the rear boundary and the Cedar tree in the middle of the site. The position of the dwelling and garage shown on the amended plans are indicative only, layout, appearance, scale and landscaping are to be considered at the Reserved Matters stage and will need to be carefully designed to ensure that the development does not hinder the amenities of neighbouring occupiers in terms of overlooking and overbearing impact. However, as the scheme has now been reduced to one dwelling it is considered that there is scope for this to be achieved, and therefore would potentially comply with the spacing requirements set out in the Council's SPG on Encouraging Good Design and policy B(BE).13 at the Reserved Matters stage. Drainage matters will need to be carefully designed to ensure that the impact of this development does not exacerbate flood risk to surrounding properties. It is considered on balance, that the proposal is acceptable.

RECOMMENDATION:

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 below:-

- 1) (a) Application for approval of matters reserved in this permission must be made not later than the expiration of three years beginning with the date of the grant of this permission.
- (b) The development to which this permission relates must be begun not later than whichever is the later of the following dates:-
 - (i) the expiration of three years from the date of the grant of outline planning permission; or
 - (ii) the expiration of two years from final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
- (c) The matters reserved for subsequent approval include the following:-
Appearance, Landscaping, Layout and Scale.

Reason:- In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.

- 2) Prior to the commencement of development details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area and in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

- 3) The development hereby approved shall be implemented in accordance with the following plans, although the appearance, layout and scale of the development shown on the plans are indicative only under this outline approval:-

- Site location plan Dwg. No. 1708.01 received 23 June 2014
- Land survey Dwg. No. 14-728-1 received 23 June 2014
- Proposed site section and proposed block plan Dwg. No. 1708.03C received 12 January 2015
- Proposed site and site levels plan Dwg. No. 1708.02B received 12 January 2015
- Protected species survey assessment focusing on bats report dated September 2014.

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

- 4) During the course of any site clearance and development, the hours of work for all on-site workers, contractors and sub-contractors shall be limited to between;
- 0800 to 1800 hours Monday to Friday
0900 to 1200 hours Saturdays
and NO WORKING shall take place at any time on Sundays, Bank Holidays or Public Holidays or at any time outside of the above permitted working hours unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbours amenity and in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

- 5) The Development hereby permitted shall not be brought into use until the access, turning area (if applicable) and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason:- In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and in accordance with the National Planning Policy Framework.

- 6) Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to,

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and approved by, the Local Planning Authority and such provision shall be retained and kept available during construction of the development.

Reason:- To prevent indiscriminate parking in the interests of highway safety and in accordance with the National Planning Policy Framework.

- 7) No demolition, site clearance or development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of all existing trees and hedgerows on site and details of any trees/hedgerows to be retained, together with details of any tree surgery works and measures for their protection during the course of development. The tree surgery works and tree/hedgerow protection measures shall be fully implemented prior to occupation.

Reason:-To safeguard the visual amenities of the area and in accordance with Policy B(NE).1a of the Borough of Redditch Local Plan No.3

- 8) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed boundary treatment and other means of enclosure, hard surfacing materials, new planting, trees and shrubs to be retained, together with measures to be taken for their protection while building works are in progress.

Reason:- In the interests of the visual amenity of the area and in accordance with Policy CS.8 of the Borough of Redditch Local Plan No.3

- 9) All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason:- In the interests of the visual amenity of the area and in accordance with Policy CS.8 of the Borough of Redditch Local Plan No.3

- 10) No development shall take place until a full drainage plan has been submitted to and approved in writing by the Local Planning Authority. These details shall include the location of soakaways, SuDS and connections to the foul system. The approved works shall be carried out prior to the occupation of any part of the development.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

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- 11) The existing trees shown on Dwg. No. 1708.02B received 12 January 2015 shall be retained and form part of the overall scheme submitted at the Reserved Matters stage.

Reason:- To safeguard the visual amenities of the area and in accordance with Policy B(NE).1a of the Borough of Redditch Local Plan No.3

- 12) Recommendations set out in the Protected Species Survey Assessment focusing on bats dated September 2014 shall be implemented at commencement of the development and shall be completed before the development is first brought into use.

Reason:- In the interests of nature conservation and in accordance with the Wildlife and Countryside Act 1981 (as amended).

- 13) Permeable paving shall be provided for all vehicular hard surfacing areas. Prior to the commencement of development details of the paving in terms of form, colour and finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details before the development is first brought into use.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

Informatives

- 1) This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Worcestershire County Council for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.
- 2) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Councils Approved Contractor following the issue of a licence under Section 184 and 278 of the Highways Act, 1980.

The applicant should contact Worcestershire County Councils Highway Network Control Manager, County Hall, Spetchley Road, Worcester, WR5 2NP (telephone 0845 607 2005), regarding the issue of the necessary license authorising the access works to be carried out by the County Councils Approved Contractor at the applicants expense.

Procedural matters

This application is being reported to the Planning Committee because two (or more) objections have been received.

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Planning Application 2014/337/FUL**Proposed second floor extension****Parklands Care Home , Callow Hill Lane, Callow Hill, Redditch, B97 5PU**

Applicant: Parklands Care Home
Expiry Date: 15th January 2015
Ward: ASTWOOD BANK AND FECKENHAM

(see additional papers for Site Plan)

The author of this report is Helena Horton, Planning Officer (DM), who can be contacted on Tel: 01527 881657 Email: helena.horton@bromsgroveandredditch.gov.uk for more information.

Site Description

The site is a nursing home for the elderly which was converted from a small dwelling in 1977. The building lies within the Green Belt. The site is accessed off Callow Hill Lane via a small private drive with woodland either side.

Proposal Description

The proposal seeks permission for a second floor extension to the rear of the building. The extension has been designed to replace the existing dormer, extending it out by 4.2 metres, and is proposed for additional accommodation in existing bedrooms on the second floor.

Relevant Policies:**Borough of Redditch Local Plan No.3:**

BRA01 Detailed Extent of Control of Development in the Green Belt
 BBE13 Qualities of Good Design
 BBE14 Alterations and Extensions
 CS02 Care for the Environment

Others:

SPG Encouraging Good Design
 NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

Relevant Planning History

2010/010/FUL	Single storey extension with external liftshaft serving upper floors	Approved	09.03.2010
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2011/144/FUL	Proposed second floor dormer extension to the rear of building	Refused	18.07.2011
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Consultations

No Comments Received To Date

Public Consultation Response

No responses have yet been received

Assessment of Proposal

The site lies within the Green Belt and has already been substantially extended from its original form. Paragraph 89 of the NPPF is significantly relevant to this application and states that the extension and alterations of buildings in the Green Belt is not inappropriate "provided that it does not result in disproportionate additions over and above the size of the original building..." Parklands care home has had numerous extensions that when combined amount to a building that is considerably larger than the original building. Any further extensions therefore would be considered inappropriate.

The applicant has put forward the argument in the design and access statement submitted with the application, that there are very special circumstances to justify the proposals. The argument relates to the shortage of spaces in nursing homes for the elderly. Currently Parklands is registered to care for 31 persons but cannot accommodate these numbers as they do not have the relevant facilities. The Authority has to have regard to the fact that this building is located within the Green Belt; it has already been substantially extended and therefore officers weigh the considerations differently.

Currently, there is a significantly smaller existing dormer; the proposal in this application seeks to replace this with a considerably larger one, the design of which is not subordinate or in keeping with the current design of the roof of the property.

The proposed development conflicts with the guidance set out in the NPPF and NPPG and policies BRA 1, BBE 13 and BBE 14 of the Redditch Borough Local Plan 3 and therefore cannot be supported.

RECOMMENDATION:

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

- 1) The site is identified in the Development Plan for the area as falling within the Green Belt where there is a presumption against inappropriate development. In such an area, development is limited to that which is not inappropriate to a Green Belt and which would preserve its openness. The proposal would amount to inappropriate development which is harmful to the Green Belt. It would result in an obtrusive form of development which would reduce the openness of the Green Belt

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and as such, the proposal is considered to be contrary to Policy B(RA).1 of the Borough of Redditch Local Plan No.3 and national guidance set out in the National Planning Policy Framework (NPPF).

- 2) The scale of the proposed extension, by virtue of its size and design would have a dominating and adverse effect on the design, character and appearance of the existing building and would result in disproportionate additions over and above the size of the original building. As such, the proposal is considered to be contrary to, Policies B(RA).1, B(BE).13, B(BE).14 of the Borough of Redditch Local Plan No. 3 and national guidance set out in National Planning Policy Framework and National Planning Policy Guidance.

Procedural matters

This application is reported to the Planning Committee at the request of Councillor B. Clayton.

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Planning Application 2014/341/FUL**Change of Use from A1 (shops) to A3 (restaurants and cafés)****Unit 28 Kingfisher Walk, Town Centre, Redditch, Worcestershire, B97 4EY****Applicant: Kingfisher Shopping Centre**
Expiry Date: 5th March 2015
Ward: ABBEY**(see additional papers for Site Plan)**

The author of this report is Nina Chana, Planning Officer (DM), who can be contacted on Tel: 01527 548241 Email: nina.chana@bromsgroveandredditch.gov.uk for more information.

Site Description

This unit lies on Kingfisher Walk which is on the western side of the Kingfisher Centre near to the hub leisure zone which includes the cinema and a number of food outlets. To either side of these units are those occupied by Chopstix (A3) and Thorntons (A1).

Proposal Description

The proposal is to convert the unit from A1 retail to A3 café. The Unit consists of three levels - the mall level, a basement level and a sub-basement level.

Relevant Policies :**Borough of Redditch Local Plan No.3:**

ETCR01 Vitality and Viability of the Town Centre
ETCR05 Protection of the Retail Core
ETCR12 Class A3 Uses

Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

Relevant Planning History

None

Consultations**Development Plans**

This proposal is for a use which is, in principle, acceptable within the Town Centre. However, both adopted and emerging local planning policy aims to protect the retail core from an over-concentration of non-retail uses. This proposal may be contrary to that policy, dependent upon the actual use of neighbouring units. Furthermore, the submitted

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information does not demonstrate how the proposal would enhance the vitality and viability of the retail core as it would actually result in the displacement of existing retail occupiers.

Town Centre Co-ordinator

No Objection

Area Environmental Health Officer

No comments received

Public Consultation Responses

None

Assessment of Proposal

The site falls within the retail core as designated in the Borough of Redditch Local Plan No 3. Policy E(TCR). 5 of the Local Plan would apply which states that a change of use from Class A1 to A2, A3, A4 and A5 will only be acceptable if the proposed use does not result in a continuous frontage of more than two non-retail units; (units are defined as a shop front width of approximately 6 metres). The reasoned justification of the policy states that the growth of non- retail units in Town Centres can result in a loss of retail provision and the creation of 'dead' frontages which can fragment and disrupt the appearance of the shopping centre, resulting in further distances to walk between shops, making the area less attractive to shoppers and potential investors.

The frontage of the proposal would be approximately 5.5 metres and the proposal would result in the loss of an A1 Retail unit. The proposal would conflict with this policy, as it would result in a continuous frontage of three non-retail uses and as such could be viewed as inappropriate development.

Allowing too many non-retail uses can bring about two key disadvantages:

1. Each non retail use represents the loss of a retail unit for comparison shopping thereby reducing provision
2. A plethora of non-retail uses tend to create "dead" retail frontage and further distances to walk between shops

The proposal for this unit does not result in an overall loss of retailing opportunity in the retail core that is within shopping centre. This is because the proprietors of the Kingfisher Centre have been unable let the unit since 2007 other than on short term leases. Consequently, whilst this proposal does not enhance the retail core in terms of comparison retail offer it does not weaken the opportunity overall.

The concentration of non-food retail uses in the vicinity of Unit 28, Kingfisher Walk could result in a situation where some shoppers may choose not to visit this part of the centre for retail purposes because the retail offer in this area would be significantly limited. Comparison retail would not be a significant attracter to this area instead it would be the

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food, leisure, public transport and some car parking. Whilst such attracters are to be welcomed generally in the town centre the concentration of eating establishments is at odds with the retail core policy.

However, the location would lend itself well to night time activities being promoted in this vicinity with good links to the bus and train station nearby. Therefore, it is very unlikely that the proposed use of this unit would make the rest of the shopping centre less attractive to customers or potential investors.

Conclusion

The proposal sits at odds with policy however, the site is located within the retail core of the Town Centre and the proprietors have struggled for the last 7 years to let the unit as A1 on a permanent or long term basis. As such it is unlikely that the proposed use for this unit would hinder the vitality and viability of the main shopping centre and re-using a vacant unit would be welcomed in this part of the shopping centre. Therefore, on balance the proposal is considered to be acceptable on this occasion.

RECOMMENDATION:

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

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason :- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The proposal shall be carried out as shown on the plans, schedules and other documents listed below;

- Drawing numbers - 24547-KW-U28-LPML, 24547-KW-U28-LPB, 24547-KW-U28-LPSB

Reason: To make sure the development is carried out exactly as shown on the plans, to ensure that it relates to the area in which it is being built and protects how that area looks, in order to comply with Policy B (BE).13 of the Borough of Redditch Local Plan Number 3.

Procedural matters

This application is being reported to the Planning Committee because the proposal is for a change of use that falls outside the scheme of delegation to Officers.

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Planning Application 2015/009/S73**Removal of conditions to remove restriction on uses in Threadneedle House only:
Condition 3 of 79/588 and conditions 2 and 4 of 80/272****Threadneedle House, Alcester Street, Redditch, Worcestershire, B98 8AJ****Applicant: Ms Amanda de Warr, Redditch Borough Council
Expiry Date: 14th April 2015
Ward: ABBEY****(see additional papers for Site Plan)**

The author of this report is Ailith Rutt, Planning Officer (DM), who can be contacted on Tel: 01527 534064 Email: ailith.rutt@bromsgroveandredditch.gov.uk for more information.

Site Description

The application relates to the whole of the building known as Threadneedle House, located opposite the town hall. It formerly accommodated Barclays Bank and other government public facing office uses at ground floor, along with the Post Office which continues to operate from the northern end of the building. It also has two upper floors, balconies etc and is of a typical early 1980s brick design with metal mansard style cladding to upper floors and flat roofs.

It lies within the pedestrianised area of the town centre, and vehicle access is limited. Vehicles can access the rear of the building from access 2 off the Ringway, but there is little parking provision, and none of it is included within this application.

Proposal description

The application proposes the removal of the following two conditions:

Application 79/588 was for the 'construction of civic and commercial offices' (Town Hall and Threadneedle House). It included:

Condition 3: The proposed Commercial Offices building shall be used only for the purposes of offices and a Post Office and for NO other purpose whatsoever.

Application 80/272 was for the 'construction of commercial offices to include Use Class II office accommodation throughout and alternatively Class I purposes on ground floor only'. It included:

Condition 2: The proposed commercial offices shall be used only for purposes included within Class II of the Town and Country Planning (Use Classes) Order 1972, throughout

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and alternatively Class I of the Town and Country Planning (Use Classed) Order 1972, on the ground floor only and for NO other purposes whatsoever.

Condition 4: This permission does NOT authorise any variations to the elevations of the ground floor units, separate applications for which shall be submitted to the Local Planning Authority.

No reasons are given on the decision notices for attaching such conditions, and committee decision records are not kept that far back. It is therefore not clear why they were imposed at that time.

Relevant Policies :**Borough of Redditch Local Plan No.3:**

CS07 The Sustainable Location of Development
S01 Designing Out Crime
ETCR01 Vitality and Viability of the Town Centre
ETCR02 Town Centre Enhancement

Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

Relevant Planning History

1981/067/ADV	Sign Is A General Lettings Board	Granted	02.03.1981
1984/040/FUL	Alterations To Parapet Walls At Rear Of Premises	Granted	29.02.1984
1988/122/FUL	Installation Of Second Cash Dispensing Machine	Granted	31.03.1988
2002/580/ADV	ATM Box Panel Sign	Granted	17.01.2003

Consultations**Development Plans**

The purpose of this application is to allow for a wider range of permitted development rights to be exercised for Threadneedle House than the existing planning permissions allow. From a planning policy perspective, the alternative uses that can be achieved under current legislation, are acceptable, in principle, in the Town Centre. The application states that removing the conditions restricting its use will allow it to be brought back into use. This, in

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itself, can make a positive contribution to the vitality and viability of the Town Centre as the building has been vacant for a number of years. The extent to which other policy objectives, such as creating mixed use areas, can be achieved is uncertain because the future use(s) is/are not known. However, there is no adopted or emerging planning policy which sets out what alternative use(s) would be preferred for this particular building or location. Therefore there is no objection to this proposal in the context of adopted or emerging planning policy.

Town Centre Co-ordinator

No Comments Received To Date

Highway Network Control

No Comments Received To Date

Public Consultation Response

None received

Assessment of Proposal

An application to remove conditions has the effect in planning law of providing a replacement planning permission. Therefore, the effect of this application would be to grant consent for Threadneedle House again however as the development has already physically occurred in accordance with the permission granted, this element does not need to be considered. However, any conditions attached to the original consent that are still relevant should be attached to any replacement consent and will be discussed later.

Existing situation

The building is currently or was last used, for a mix of B1(a) and A2 office uses as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

The application proposes the removal of three conditions, in order that the premises as a whole at Threadneedle House would benefit from an unfettered planning consent. This would then transfer to it additional 'permitted development rights' from which it currently does not benefit. These would include both rights to carry out works to the property and also to change its use.

The intention of the original permissions for the building appear to have been to ensure that the premises remained in use as offices, either falling under what is now use class B1(a) which relates to general office uses, or under class A2 which relates to professional and financial services such as banks, estate agents, recruitment agencies and other office type uses more commonly found in a town centre and often in premises with a shopfront style window at ground level.

Effect of removal of conditions

Class I as cited in the old condition is the equivalent of the current class A1 retail, and Class II that of both the current A2 financial and professional services uses and also the current B1(a) office use. Therefore, the conditions as they stand restrict the use of

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Threadneedle House to offices (with the exception of the Post Office which was to remain as such) or the ground floor could be used for retail purposes.

If the restrictions were removed, the premises would benefit from the following permitted development rights as they would become an unrestricted use with existing/last known uses as noted above. Other rights might also result from its ownership (certain government bodies benefit from additional rights under the legislation):

- Minor operations such as external painting, fencing, gates etc
- Change of use (subject to prior approval application) from:
 - A2-C3(dwellinghouses) for up to 150m2 floor area
 - A2 – A1 (retail) where there is a ground floor display window
 - A2 – A1 (retail) and up to two flats where there is a ground floor display window
 - B1(a) – C3 (dwellinghouses)
- Temporary change of use for up to 2 years from A2 to A1 (retail) or A3 (café) or B1 (office)
- Consent to demolish (subject to prior approval application)
- CCTV camera installation (subject to various criteria)
- Extensions and alterations of an office building including hard surfacing externally subject to various criteria but no formal application (notification afterwards)
- Extensions and alterations at ground floor level subject to various criteria but no formal application (notification afterwards)
- Non-domestic micro generation equipment installation

Where the rights noted above refer to specific uses, those rights could only be used in the parts of the building that are or last were in those particular uses.

Planning policy considerations

Having examined the current use of the premises and the proposed changes and their implications, the proposal should be considered against the planning policy framework for the site.

The site lies within the town centre as identified in the Local Plan. Both the local plan and the NPPF seek to attract uses into the town centre that would maintain and enhance its economic vitality and viability. They also recognise that town centres are some of the most sustainable locations and as such that uses that attract many visits should be located there. However, in order to retain a mix of daytime and evening economic

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options, it is often appropriate to encourage residential uses on upper floors with more active frontages at ground floor level such as shops and other public services.

It is likely that such objectives, along with the need to provide customer facing office based services, were what drove the imposition of the conditions on the original planning permissions.

It is noted from the comments of the consultees that the policy framework makes no distinction between different uses at different levels, and therefore although the town centre strategy details a preference for ground floor to remain in A class uses as an objective for Redditch going forwards, it is difficult to award this document sufficient weight to attach restrictions to this particular premises going forwards, especially given the potential for other nearby premises to change outside the control of the Local Planning Authority.

It is not possible to second guess what future uses the premises might be put to and therefore what other planning applications might be made on this site, if necessary. Any future applications on the site would be determined on their own merits on the basis of the relevant planning policy framework at the time. It is not considered reasonable in planning terms to withhold consent on the basis of what could happen and there is no clear planning policy need to restrict the premises to particular uses and not others that would be equally acceptable in policy terms within the town centre.

Conclusion

The balance here lies between the additional benefits to the wider community of retaining the restrictions and the reasonableness of doing so when they do not sit comfortably alongside the current policy objectives for this area of the town centre.

There are no recommended conditions as the permission, if granted would take immediate effect and as no physical development is proposed there is no need to control any such matters through the imposition of any other conditions. The conditions not sought to be removed here have already been complied with and therefore do not need to be re-applied. No further conditions have been identified as necessary.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, planning permission be GRANTED.

Procedural matters

This application is reported to Planning Committee for determination because the application is for major development and because the applicant is Redditch Borough Council and as such the application falls outside the scheme of delegation to Officers.

REDDITCH BOROUGH COUNCIL**PLANNING
COMMITTEE**11th February 2015**IMPACT OF CHANGES TO NATIONAL PLANNING GUIDANCE ON PLANNING
COMMITTEE CONSIDERATIONS**

Responsible Portfolio Holder	Councillor Greg Chance
Responsible Head of Service	Ruth Bamford

1. Purpose of Report

To receive an item of information in relation to national changes to the planning system in relation to Planning Obligations. Officers will answer any related questions at the meeting if necessary.

2. Recommendation

The Committee is asked to NOTE the revised thresholds and considerations in relation to planning obligations

3. Financial, Legal, Policy and Risk Implications

There are financial implications for the Council as increasing the threshold where payments are required is likely to reduce the quantity of contributions achieved. However, as this is as a result of a central government decision, the Local Authority has no control over this.

Report

Members will be aware that in March 2014 the Government published the National Planning Policy Guidance document as a living guidance document for planning. It is available online only and can be changed as the Government chooses.

Currently, the thresholds in Redditch for seeking contributions towards matters such as open space (including equipped play and pitch provision) is the creation of 5 new residential units (net), and this also applies to County education contributions.

However, on 28 November 2014 the section of the NPPG relating to planning obligations was changed with immediate effect, raising the threshold to exclude:

'developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.'

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Therefore, where applications were reported to Planning Committee and resolved positively to be granted subject to a planning obligation, the policy thresholds in place at the time of the meeting no longer apply.

However, the only applications in that category are above the 1000m² floorspace criteria and thus the S106 requirement still applies.

Had the applications not been determined and fallen below the revised threshold, they would now fall between these two thresholds and could no longer be determined in compliance with the member resolution. Therefore, they would need to be re-considered by Members.

Whilst there are no current cases that fall into this situation, Members are advised to note the changes to the thresholds and be mindful of these when considering applications that are reported to Planning Committee.

Other work will be done to establish a more cohesive way forward in relation to the shortfall in expected income to certain departments as a result of this. In the interim, each case will be considered on its merits by Officers.

Where a S106 agreement is required, these applications will continue to be reported to the Planning Committee for determination as per the scheme of delegated powers.

Officers will assess each case for its compliance or otherwise with the amended thresholds and work with colleagues in the legal team accordingly.

4. Background

Relevant planning application files.
National Planning Policy Guidance
(<http://planningguidance.planningportal.gov.uk/blog/guidance/>)

5. Consultation

There has been no consultation other than with relevant Borough Council Officers.

6. Author of Report

The author of this report is Ailith Rutt (Development Management Manager) who can be contacted on extension 3374 or 01527 534064 (e-mail ailith.rutt@redditchbc.gov.uk) for more information.