

MINUTES

Present:

Councillor Michael Chalk (Chair), Councillor Gemma Monaco (Vice-Chair) and Councillors Salman Akbar, Roger Bennett, Andrew Fry, Bill Hartnett, Jennifer Wheeler and Anthony Lovell

Also Present:

Officers:

Steve Edden, Amar Hussain and Helena Plant

Democratic Services Officer:

Sarah Sellers

58. APOLOGIES

Apologies for absence were received from Councillor Gareth Prosser. Councillor Anthony Lovell attended as substitute for Councillor Prosser.

59. DECLARATIONS OF INTEREST

There were no declarations of interest.

60. CONFIRMATION OF MINUTES

RESOLVED that

The Minutes of the meeting of the Planning Committee on 12th December 2018 be confirmed as a correct record and signed by the Chair.

61. UPDATE REPORTS

There was no update report. Members confirmed that they had received and read the additional information and photos sent in by

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Chair

the occupants of number 1122 Evesham Road which had been tabled (in relation to Application 18/01336/FUL).

62. APPLICATION 2018/01336/FUL - ASTWOOD BANK SERVICE STATION EVESHAM ROAD ASTWOOD BANK REDDITCH B96 6EA - MPK GARAGES LIMITED

Proposed infill extension to forecourt shop; demolish existing storage area to front, removal of car wash and the stationing of a detached storage container to the rear

Members were reminded that the application had been deferred at the last meeting of the Planning Committee on 12th December for officers to obtain further information regarding the operation of the site, including vehicular access, and the installation of the storage container.

It was noted that following the adjournment the application would be re-considered in full by the Committee. Officers confirmed that the report had been updated to reflect comments from the additional consultees listed on page 15, namely Local Authority Building Control, the Police Crime Risk Manager and the Fire Service. One additional objection had been received which brought the total to seven. The issues raised by all the objections were listed in the bullet points on pages 15/16 under the heading "Public Consultation Response".

Additional information and photographs had been received earlier in the day from the occupants on number 1122 Evesham Road and these had been seen by the officers and the Members.

Officers outlined the application which sought permission for various works including removal of the existing storage area at the front of the site, removal of the car wash, extension of the shop by 20 square meters (into the space previously occupied by the car wash), and the erection of a storage structure at the rear of the site.

The removal of the existing storage area at the front would allow for the formation of three new parking spaces (including one disabled space), and four additional parking spaces would be added at the rear. Since the last meeting it had been established that the spaces at the rear would be for staff and the spaces at the front for use by customers.

The storage structure at the rear would be a detached standalone unit positioned next to the fence with dimensions of just over 6 metres in length and just over 2.4 metres in width. As shown on the plans and elevations, the storage unit would be shielded from view by the adjacent fence with only a small section of the top of the unit visible above the fence line.

From a policy point of view, officers were of the view that the application site was a sustainable location and that the application was not in conflict with LP4 Policy 2 (Settlement Hierarchy). The hours of operation of the service station would remain the same as at present.

County Highways had concluded that there were no highway implications which might result in the development giving rise to harm from highway safety, and this assessment took into account the removal of the car wash and the provision of marked out parking spaces.

The new consultees had not made any objections to the application.

The number of employees was currently four full time and six part time. Were the application to be granted, this would increase to four full time and eight part time.

Officers had considered the objections from local residents, including the additional material submitted by the occupants of number 1122 Evesham Road, and remained of the view that the application was acceptable and were therefore recommending approval.

Mr Alan Robertson, a local resident, addressed the Committee under the Council's Public Speaking rules. In objecting to the application, Mr Robertson highlighted concerns he held with regard to loss of the use of the car wash as a second point of egress in the event of the access at the side being blocked, that the layout of the new parking spaces on the forecourt would cause congestion and block access to the highway, and that the increase in the retail area would also have the effect of causing more congestion due to additional deliveries/ vehicle movements.

Councillor Craig Warhurst, ward member for Astwood Bank and Feckenham addressed the Committee under the Council's public speaking rules and in doing so referred to the impact on the residents behind the garage which would arise from the removal of the car wash, and that they could be prevented from leaving their property up to 5 times per week during petrol deliveries when tankers would be parked on the shared access at the side of the garage.

Councillor Brandon Clayton, the ward members for Astwood Bank and Feckenham, addressed the Committee under the Council's public speaking rules and in doing so referred to Local Plan 4 and Policy 39 regarding temporary buildings and Policy 40 regarding high quality design and safer communities. Councillor Clayton

expressed the view that the proposed scheme was not in compliance with these parts of the Local Plan.

On behalf of MPK Garages, Mr Julian Norman (Property Manager), and Mr Wayne Harrand (Retail Manager) addressed the Committee under the Council's Public Speaking rules. In doing so they explained that the application would allow for the expansion of the existing shop; under the proposed new configuration deliveries to the shop would no longer have to be made using the access way which would reduce obstruction; the existing arrangements for fuel delivery had been fully approved and certified by the relevant authorities and would continue to follow the current procedures; there would be no increase in opening hours. With regard to the removal of the car wash, notwithstanding previous arrangements, it was not appropriate for the car wash to be used as an access/egress and this could not be condoned.

During the debate Members expressed a range of views in relation to the application with comments in favour of granting the application, and comments in support of refusing the application.

Factors identified as relevant to a decision to grant the application included:-

- That the application was for the expansion of the retail space of a small garage and met the tests for sustainable development.
- That any impact on the property at the rear would be a private matter and not a planning issue.
- That the arrangements for delivery of fuel had been approved by the relevant authorities.
- That the granting of the application would be in line with the relevant policies.
- That any impact from the installation of the proposed storage unit would be minimal.

Factors identified as relevant to refusal of the application included:

- That the creation of the three parking spaces on the forecourt would not be proportionate to the scale of the increase in size of the retail space and would result in problems with parking, which would in turn cause highway safety issues.
- That the proposed reconfiguration of the site and the removal of the car wash would have a negative impact on access by vehicles to the site and upon the private rights of the residents at the rear of the site.
- That the proposal raised health and safety concerns.

Members also asked for clarification as to whether installation of a storage container might contravene policies 39 and 40 of the Local Plan.

In responding to points raised in the debate, officers commented as follows:-

- That the use of the right of way (side access) was a private matter as between the owner of the garage and the residents at the rear. As such this fell outside the remit of the Planning Committee.
- That the Highways Authority had raised no objections to the scheme.
- That Policy 39 was not relevant as that was a policy for temporary structures and in this application permission was being sought to use a storage container as a permanent arrangement.
- With regard to design issues, the use of a storage container was deemed to be acceptable as it would be a small utilitarian structure that would be screened from view and would not have a negative visual impact.
- Although there were circumstances where issues around “access” could constitute grounds for refusal that would usually apply with reference to the creation of a brand new access onto a highway. Under this application no changes to the access to the forecourt were being made and there were no highway objections.
- With regard to this application, it would be more accurate to class the issues about access as falling under reasons relating to “ownership” and “private rights”, and as such a refusal on those grounds would be difficult to substantiate.
- With regard to Health and Safety, the operator of the petrol filling station would be required to comply with all the relevant legislation and guidance relating to methods of operation and safety issues. That separate body of regulation sat alongside the planning process, and it would not be appropriate for Members to refuse the application on grounds relating to such matters.

Following further discussion, two recommendations were proposed and seconded as follows:-

1. An alternative recommendation that planning permission be refused on the grounds that the scheme represented over intensification of development at the site.

2. That planning permission be granted as per the officer's recommendation on page 18 of the agenda (and subject to the conditions on pages 18 to 20).

In accordance with voting procedure, the vote on recommendation 2 was taken first and was defeated by 4 votes to 3. The vote on recommendation 1 was taken and defeated by 5 votes to 4 (the Chair using his casting vote).

Both recommendations having been defeated, the debate was re-opened.

Following discussion by Members, a further recommendation was proposed and seconded that planning permission be granted as per the officer's recommendation on page 18 of the agenda (and subject to the conditions on pages 18 to 20).

On that recommendation being put to the vote it was carried by 5 votes to 4 (the Chair using his casting vote).

RESOLVED that

Having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the conditions set out on pages 18 to 20 of the main agenda.

63. APPLICATION 18/01428/OUT LAND AT THE REAR OF 213-229 IBSTOCK CLOSE AND AT THE REAR OF 23-31 FOXCOTE CLOSE WINYATES EAST REDDITCH B98 0PZ - REDDITCH BOROUGH COUNCIL

Outline application for the erection of 8 No. 2-bed dormer bungalows with associated infrastructure

The application was for outline planning permission for the construction of 8 two bedroomed dormer bungalows on Council owned land at the rear of Ibstock Close and Foxcote Close. It was noted that all matters were reserved for future consideration, namely access, layout, scale appearance and landscaping.

Whilst the detail would be subject to a further application, Officers were able to provide an indicative plan showing one potential configuration of the proposed dwellings. Although not for decision at this stage, the plan showed the proposed access route which would pass through an existing area communal of garages and parking spaces to link the site to Ibstock Close.

Members were referred to the Ecological Appraisal that had been undertaken, and to the nine criteria for assessing application for

development on open space land under Policy 13 of the Borough of Redditch Local Plan No. 4.

It was noted that the Council cannot currently demonstrate a 5 year supply of housing land and that for this application the presumption in favour of sustainable development would apply unless any adverse impacts would outweigh the benefits. Officers had concluded that any adverse impacts arising from granting permission for the residential development of the site would not significantly and demonstrably outweigh the benefits of the scheme as a whole which would provide affordable housing to meet the Council's identified housing needs. Accordingly, the scheme was recommended for approval.

Mr Keith Andrews, a local resident, addressed the Committee under the Council's public speaking rules.

In response to questions from Members officers confirmed that:-

- The triangle of land at the north of the site was not included in the application and would be retained as public open space.
- The lay out plan seen by Members was indicative only and there could be alternative configurations to enable the availability of open space within the site to be maximised.

During the debate Members expressed their sympathy with the comments of the public speaker regarding the loss of open space for children in the surrounding streets to play in. At the same time Members acknowledged the shortage of affordable housing in the Borough and the need this created for new dwellings.

Whilst recognising that the application was for outline permission only, Members did ask that their observations on the indicative layout plan be noted in the Minutes as follows:-

- That green space should be retained as far as possible, and this could be achieved by looking at the use of the triangle of open land north of the site, and the configuration of the proposed dwellings within the site.
- Any green space should be readily accessible.
- With regard to the access from Ibstock Close, that consideration be given to the comments of the public speaker that larger parked vehicles, such as vans, might protrude onto the access road.

Members were also mindful of ensuring that notwithstanding the development, there should be provision for suitable facilities for children in the area to play.

Planning

Committee

Wednesday, 9 January 2019

RESOLVED that

Having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the conditions and informatives set out on pages 32 to 34 of the main agenda.

The Meeting commenced at 7.00 pm
and closed at 8.40 pm