

Planning Committee

Tue 21 Apr
2009
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

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

Your main rights are set out below:-

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

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

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

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

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

www.redditchbc.gov.uk

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

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REDDITCH BOROUGH COUNCIL **PLANNING COMMITTEE**



GUIDANCE ON PUBLIC **SPEAKING**

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

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

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

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

- Each individual speaker, or group representative, will have up to a maximum of 3 minutes to speak. (Please press button on "conference unit" to activate microphone.)
 - After each of a), b) and c) above, Members may put relevant questions to the speaker, for clarification. (Please remain at the table in case of questions.)
- 5) 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.2, the County Structure Plan (comprising the Development Plan) and other material considerations which include Government Guidance and other relevant policies published since the adoption of the development plan and the “environmental factors” (in the broad sense) which affect the site.
- 2) No audio recording, filming, video recording or photography, etc. of any part of this meeting is permitted without express consent (Section 100A(7) of the Local Government Act 1972).
- 3) Once the formal meeting opens, members of the public are requested to remain within the Public Gallery and may only address Committee Members and Officers via the formal public speaking route.
- 4) Late circulation of additional papers is not advised and is subject to the Chair’s agreement. The submission of any significant new information might lead to a delay in reaching a decision. The deadline for papers to be received by Planning Officers is 5.00 p.m. on the Friday before the meeting.
- 5) Anyone wishing to address the Planning Committee on applications on this agenda must notify Planning Officers by 5.00 p.m. on the Friday before the meeting.

Further assistance:

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

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

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

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

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

Chair

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

Running Order

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

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

Decisions

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

Members of the Public

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

Special Arrangements

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

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

Further Information

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

Fire/ Emergency instructions

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

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

Do Not stop to collect personal belongings.

Do Not use lifts.

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

The emergency Assembly Area is on the Ringway Car Park.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

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

OR

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

you have a personal interest.

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

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

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

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

and

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

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

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



PLANNING COMMITTEE

21 April 2009

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	M Chalk (Chair)	W Hartnett
	D Smith (Vice-Chair)	N Hicks
	D Enderby	D Hunt
	J Field	R King

<p>1. Apologies</p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any interest they may have in the items on the Agenda.</p>
<p>3. Confirmation of Minutes (Pages 1 - 6)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on the 31 March 2009. (Minutes attached)</p>
<p>4. Applications for planning permission (Pages 7 - 8) Acting Head of Planning and Building Control</p>	<p>To consider applications for planning permission. (Items below refer) (Covering Report attached)</p>
<p>5. Planning Application 2009/049/ADV - Slip Road onto the Coventry Highway (West Bound) off Battens Drive, Winyates (Pages 9 - 12)</p>	<p>To consider a Planning Applications for an Advertising Banner for events at Arrow Valley Countryside Centre, Battens Drive. Applicant: Redditch Borough Council (Winyates Ward)</p>
<p>6. Planning Application 2009/050/ADV - Slip Road onto the Sainsbury Island from Millrace Road, Riverside (Pages 13 - 16)</p>	<p>To consider a Planning Application for an Advertisement Banner for events at Forge Mill Museum, Needle Mill Lane. Riverside. Applicant: Redditch Borough Council (Abbey Ward)</p>

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<p>7. Adoption of Open Space - Variation of Section 106 Agreement (Pages 17 - 20) Acting Head of Planning and Building Control</p>	<p>To consider a variation to the Section 106 Agreement associated with the adoption of open space at Avenue Road, Astwood Bank to define the areas of land to be transferred to the Council.</p> <p>(Report attached/Plans under separate cover)</p> <p>(Astwood Bank and Feckenham Ward)</p>
<p>8. Enforcement of planning control (Pages 21 - 22) Acting Head of Planning and Building Control</p>	<p>To determine the appropriate course of action to be taken in respect of an enforcement matter.</p> <p>(Confidential Item below refers)</p> <p>(Covering Report attached)</p>
<p>9. Exclusion of the Public</p>	<p>In the opinion of the Chief Executive, the meeting will not be or is unlikely to be open to the public at the time the following item of business is considered for the reasons stated. The Committee will be asked to pass the following motion:</p> <p>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in paragraphs 1, 2 and 7 of Part 1 of Schedule 12(A) of the said Act, as amended.</p>
<p>10. Enforcement Report 2009/031/ENF - Hither Green Lane, Abbey Park (Pages 23 - 26)</p>	<p>To consider a breach of Planning Control in respect of a development not in accordance with the approved plan.</p> <p>(This report is confidential in view of the fact that it contains confidential information relating to individuals' identities and information relating to alleged breaches of planning control which could result in prosecution by the Council and has, therefore, only been made available to Members and relevant Officers.)</p> <p>(Report attached/Plan under separate cover)</p> <p>(Abbey Ward)</p>



Planning Committee

31 March 2009

MINUTES

Present:

Councillor Michael Chalk (Chair), Councillor David Smith (Vice-Chair) and Councillors J Field, W Hartnett, N Hicks and D Hunt.

Officers:

N Chana, A Hussain, A Rutt, S Skinner and J Staniland.

Committee Services Officer:

J Smyth.

88. APOLOGIES

An apology for absence was received on behalf of Councillor Enderby.

89. DECLARATIONS OF INTEREST

Councillors Hartnett and Hunt declared personal but not prejudicial interests in Planning Application 2009/021/FUL (erection of a detached dwelling) at 2 Hennals Avenue, Webheath, as detailed at Minute 93 below.

Councillor Smith declared a personal and prejudicial interest in Enforcement Report 2008/059/ENF (non-compliance with requirements of a Section 215 Notice) in Fenwick Close, Headless Cross, as detailed at Minute 98 below.

90. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on the 3 March 2009 be confirmed as a correct record and signed by the Chair.

91. APPLICATIONS FOR PLANNING PERMISSION

The Committee considered and determined two Planning Applications as detailed in the subsequent minutes below.

.....
Chair

Public speaking was permitted, in accordance with the Council's agreed procedures, in relation to both of the applications being considered.

**92. PLANNING APPLICATION 2009/019/COU - UNIT 1
MATCHBOROUGH CENTRE, MATCHBOROUGH WAY**

Change of use from A1 (Retail) to D2
(Assembly and Leisure Use)
Applicant: Mr S Marshall ('Your Ideas')

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

A brief letter of support was also read out on behalf of Councillor Brunner, local Ward Member, who had also been registered to speak but had not been able to attend in person.

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the conditions detailed in the report.

**93. PLANNING APPLICATION 2009/021/FUL - 2 HENNALS
AVENUE, WEBHEATH**

Erection of a detached dwelling.
Applicant: Mr B Yeng

Mrs S Yeng, on behalf of the Applicant, addressed the Committee under the Council's public speaking rules.

RESOLVED that

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

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillors Hartnett and Hunt declared personal but not prejudicial interests in view of the fact that they were acquainted with the Applicant.)

94. INFORMATION REPORT

The Committee received information relating to the outcome of an appeal against the imposition of a planning condition. The condition had requiring the removal of two heaters under an approved

retrospective Planning Permission relating to Astwood Bank Club, 5a Dark Lane, Astwood Bank.

Members noted the Inspector's decision that the appeal should succeed and that the disputed condition be removed from the Planning Permission.

RESOLVED that

the item of information be noted.

95. PLANNING APPEALS PROCEDURES - CHANGES

The Committee received a report which detailed changes to the planning appeals system and the resultant changes required in the Council's practices and procedures to accommodate the new regulations.

Members were informed that the changes were significant for all those who engaged in the planning appeals system following refusal of planning permission, particularly those in receipt of refusal under the new Householder Planning Application process. The more significant changes to the procedures were highlighted, particularly in relation to the new methods of appeal, third party representations, awarding of costs and notification of Appeals decisions.

Officers pointed out that, whilst there were no substantial changes to the Committee's own procedures, it would be essential that Members provide full and clear reasons for any changes to Officers' recommendations, with particular attention to be paid to the recording of such reasons, for instance, where Members sought to overturn Officer's recommendations for approval, or where additional conditions were to be imposed.

It was agreed that Officers should report back to the Committee on the feasibility, benefits, and associated costs of recording Planning Committee meetings to assist with representation at any subsequent appeals.

With regard to the changes in relation to awarding of costs, Officers agreed to provide Members with the new procedures and criteria against which costs could be awarded and likely tariffs, if available, as soon as the relevant information had been published.

RESOLVED that

- 1) the information provided be noted and taken into account in future decision making and advisory processes;**

- 2) a report be brought to Committee on the possibilities and associated costs of providing sound recordings of Planning Committee meetings; and
- 3) when further information is available, Members be advised on the criteria and likely tariffs to be applied by the Planning Inspectorate on awarding costs.

96. ENFORCEMENT OF PLANNING CONTROL

The Committee considered three contraventions of planning law, as detailed in the subsequent minutes below.

97. ENFORCEMENT REPORT 2007/195/ENF - MUNSLEY CLOSE, MATCHBOROUGH

Non-compliance with the requirements of a Section 215 Notice

RESOLVED that

authority be delegated to the Head of Legal, Democratic and Property Services, in consultation with the Acting Head of Planning and Building Control, to

- 1) take Enforcement action by way of instigating proceedings in the Magistrates Court, if necessary, to secure a cessation of the breach of Planning Control; and / or
- 2) take direct remedial action under Section 219 of the Town and Country Planning Act 1990 to remedy the condition of the land, if necessary, and recover any expenses reasonably incurred by the Local Planning Authority in doing so.

98. ENFORCEMENT REPORT 2008/059/ENF - FENWICK CLOSE, HEADLESS CROSS

Non-compliance with the requirements of a Section 215 Notice

RESOLVED that

authority be delegated to the Head of Legal, Democratic and Property Services, in consultation with the Acting Head of Planning and Building Control, to

- 1) take Enforcement action by way of instigating proceedings in the Magistrates Court, if necessary, to secure a cessation of the breach of Planning Control; and / or

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- 2) **take direct remedial action under Section 219 of the Town and Country Planning Act 1990 to remedy the condition of the land, if necessary, and recover any expenses reasonably incurred by the Local Planning Authority in doing so.**

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillor Smith declared a personal and prejudicial interest in view of the fact that he lived adjacent to the site the subject of the Enforcement action and withdrew from the meeting.)

99. ENFORCEMENT REPORT 2008/165/ENF - BARFORD CLOSE, MATCHBOROUGH

Non-compliance with the requirements of a Section 215 Notice

RESOLVED that

authority be delegated to the Head of Legal, Democratic and Property Services, in consultation with the Acting Head of Planning and Building Control, to

- 1) **take Enforcement action by way of instigating proceedings in the Magistrates Court, if necessary, to secure a cessation of the breach of Planning Control; and / or**
- 2) **take direct remedial action under Section 219 of the Town and Country Planning Act 1990 to remedy the condition of the land, if necessary, and recover any expenses reasonably incurred by the Local Planning Authority in doing so.**

The Meeting commenced at 7.00 pm
and closed at 8.12 pm

.....
CHAIR

Planning Committee

Abbey and Winyates Wards

21 April 2009

APPLICATIONS FOR PLANNING PERMISSION

(Report of the Acting Head of Planning and Building Control)

1. Purpose of Report

To determine applications for planning consent (covering report only).

2. Recommendation

The Committee is asked to RESOLVE that

having regard to the development plan and to other material considerations, the attached applications be determined.

3. Financial, Legal, Policy, Risk and Sustainability Implications

- 3.1 Financial : None.
- 3.2 Policy : As detailed in each individual application.
- 3.3 Legal : Set out in the following Acts:-
Town and Country Planning Act 1990
Planning and Compensation Act 1991
Human Rights Act 1998
Crime and Disorder Act 1998.
- 3.4 Risk : As detailed in each individual application.
- 3.5 Sustainability/Environmental: As detailed within each specific report.

4. Report

The following items on the Agenda detail planning applications for determination at this meeting of the Committee.

5. Background Papers

Planning application files (including letters of representation).
Worcestershire County Structure Plan 1996 - 2011.
Borough of Redditch Local Plan No. 3.

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6. **Consultation**

Consultees are indicated for each individual proposal.

7. **Other Implications**

Asset Management Not normally applicable.

Community Safety: As detailed within each specific report.

Human Resources: None.

Social Exclusion: None: all applications are considered on strict planning merits, regardless of status of applicant.

7. **Author of Report**

The author of this report is Ruth Bamford (Acting Head of Planning and Building Control), who can be contacted on extension 3219 (e-mail: ruthbamford@redditchbc.gov.uk) for more information.

Planning Committee

Winyates Ward

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2009/049/ADV **ADVERTISING BANNER FOR EVENTS AT ARROW VALLEY
COUNTRYSIDE CENTRE, BATTENS DRIVE
SLIP ROAD ONTO THE COVENTRY HIGHWAY (W BOUND) OFF
BATTENS DRIVE
APPLICANT: REDDITCH BOROUGH COUNCIL (LEISURE)
EXPIRY DATE: 15 May 2009**

Site Description

(See additional papers for Site Plan)

Grass verge of roundabout below Coventry Highway. Grassed to kerblineline, with post and rail fencing forming boundary between verge and Open Space at Countryside Centre. Adjacent to the site is a fitness club. When approaching the roundabout from Battens Drive and turning left onto the west bound Coventry Highway (towards Redditch town centre) the site is on your left whilst on the roundabout between leaving Battens Drive and entering the sloping slip road.

Proposal Description

The application proposes that a steel tube frame be erected on the site, and banner advertisements be attached thereto, one at a time. The frame would be a rectangular shape mounted on legs, with a maximum height of 2.6m above ground level, and a width of 4.2m (no diameter is given for the frame). The banner area would be 3.85m x 1.26m, and the PVC banner panels would be attached by bungee cord to the framework.

The application is supported by examples of the type of advertising that the space would carry.

Relevant Key Policies

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

www.communities.gov.uk
www.wmra.gov.uk
www.worcestershire.gov.uk
www.redditchbc.gov.uk

National Planning Policy

PPS1 (& accompanying documents) Delivering sustainable development
PPG19 Outdoor advertisement consent



Planning Committee

Winyates Ward

21 April 2009

Regional Spatial Strategy

QE1 Conserving and enhancing the environment

Worcestershire Country Structure Plan

SD2 Care for the environment

Borough of Redditch Local Plan No.3

CS2 Care for the environment

BBE13 Qualities of good design

BBE18 Advertisements

The site is adjacent to the boundary of land designated as Primarily Open Space and within the Arrow Valley Park within LP3.

Relevant site planning history

No previous advertisement applications on this site

Public Consultation responses

No responses received, however any received between publication of this agenda and the meeting will be reported on the Update paper

Consultee responses

County Highway Network Control

No objection

Procedural matters

Applications for advertisement consent should be determined on the basis of their impact on public amenity and highway safety, in accordance with the regulations and guidance. Members are also reminded that no control is given, through the legislation, regarding the content of the signage, or the regularity with which it changes. Thus whilst the current proposal is to advertise the events run by the applicant, if this subsequently changed and the advertising space was rented out, this committee would have no control over the resulting advertisements, providing that they were of the same size in the same location. (If it is considered necessary, the minimum size of the lettering can be controlled through the imposition of a condition in the interests of highway safety)



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Planning Committee

Winyates Ward

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Members should also be aware that the similar signage which proliferates in the vicinity of this site and relates to the adjacent fitness club does not benefit from consent, and is thus displayed unauthorised. Your Officers are taking steps to have the signage removed, and prosecution may be necessary in this case. These should therefore not be considered to be a precedent in this case, due to their lack of authorisation.

Assessment of proposal

The key issues for consideration in this case are public amenity and highway safety.

Public amenity

On this roundabout site, with a background of trees and shrubs, the visual impact of the signage would solely be on road users at the roundabout, as it would not be seen from inside the Arrow Valley Country Park. Whilst it could be argued that such a sign could result in visual intrusion to road users, it is considered that the detrimental impacts would not be sufficient to warrant refusal in this case.

It is acknowledged that in conjunction with the unauthorised signage, a visually cluttered streetscene would occur, however steps are being taken to prevent this in the longer term.

Highway Safety

There are no perceived highway concerns regarding the proposed signage, due to its size and location.

Other issues

No details regarding the finish of the structure that would support the banner advert have been provided, and therefore a condition is recommended to ensure that it is of a suitable colour and material that would be sympathetic to the site and surroundings, rather than visually attractive and distracting.

Conclusion

On balance, it is not considered that the visual intrusion caused by the proposed banner advert would be sufficiently detrimental that it would be unacceptable, and as it would not cause any danger to highway safety, then in combination it is considered that the application is in compliance with planning policy.



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Winyates Ward

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Recommendation

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

1. 1-5 Standard advertising conditions
6. Materials details of support frame to be agreed

Informatives

None recommended

Planning Committee

Abbey Ward

21st April 2009

2009/050/ADV **ADVERTISING BANNER FOR EVENTS AT FORGE MILL MUSEUM,
NEEDLE MILL LANE
SLIP ROAD ONTO THE SAINSBURY ISLAND FROM MILL RACE ROAD
APPLICANT: REDDITCH BOROUGH COUNCIL (LEISURE)
EXPIRY DATE: 15 MAY 2009**

Site Description

(See additional papers for Site Plan)

Grass verge of roundabout which forms a teardrop shape and lies between the Alvechurch Highway and Mill Race Road, adjacent to vehicle exit onto roundabout. When driving from Mill Race Road approaching the roundabout and then turning left down the Alvechurch Highway towards Redditch town centre, the site is on your left when you are on the roundabout having left Mill Race Road and before entering the Highway.

Proposal Description

The application proposes that a steel tube frame be erected on the site, and banner advertisements be attached thereto, one at a time. The frame would be a rectangular shape mounted on legs, with a maximum height of 2.6m above ground level, and a width of 4.2m (no diameter is given for the frame). The banner area would be 3.85m x 1.26m, and the PVC banner panels would be attached by bungee cord to the framework.

The application is supported by examples of the type of advertising that the space would carry.

Relevant key policies:

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

www.communities.gov.uk
www.wmra.gov.uk
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National planning policy

PPS1 (& accompanying documents) Delivering sustainable development
PPG19 Outdoor advertisement consent

Regional Spatial Strategy

QE1 Conserving and enhancing the environment

Worcestershire Country Structure Plan

SD2 Care for the environment

Borough of Redditch Local Plan No.3

CS2 Care for the environment

BBE13 Qualities of good design

BBE18 Advertisements

The site shows as white land within LP3.

Relevant site planning history

No previous advertisement applications on this site

Public Consultation responses

No responses received, however any received between publication of this agenda and the meeting will be reported on the Update paper

Consultee responses

County Highway Network Control

No objection

Procedural matters

Applications for advertisement consent should be determined on the basis of their impact on public amenity and highway safety, in accordance with the regulations and guidance. Members are also reminded that no control is given, through the legislation, regarding the content of the signage, or the regularity with which it changes. Thus whilst the current proposal is to advertise the events run by the applicant, if this subsequently changed and the advertising space was rented out, this committee would have no control over the resulting advertisements, providing that they were of the same size in the same location. (If it is considered necessary, the minimum size of the lettering can be controlled through the imposition of a condition in the interests of highway safety)

Assessment of proposal

The key issues for consideration in this case are public amenity and highway safety.

Public amenity

On this roundabout site, with a background of trees and shrubs, the visual impact of the signage would solely be on road users at and approaching the roundabout, as it would not be seen from further afield. Whilst it could be argued that such a sign could result in visual intrusion to road users, it is considered that the detrimental impacts would not be sufficient to warrant refusal in this case.

Highway Safety

There are no perceived highway concerns regarding the proposed signage, due to its size and location.

Other issues

No details regarding the finish of the structure that would support the banner advert have been provided, and therefore a condition is recommended to ensure that it is of a suitable colour and material that would be sympathetic to the site and surroundings, rather than visually attractive and distracting.

Conclusion

On balance, it is not considered that the visual intrusion caused by the proposed banner advert would be sufficiently detrimental that it would be unacceptable, and as it would not cause any danger to highway safety, then in combination it is considered that the application is in compliance with planning policy.

Recommendation

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

1. 1-5 Standard advert conditions
6. Materials details of support frame to be agreed

Informatives

None recommended

Planning Committee

Astwood Bank & Feckenham Ward

21 April 2009

ADOPTION OF OPEN SPACE - VARIATION OF SECTION 106 AGREEMENT

(Report of the Head of Planning & Building Control)

1. Summary of Proposals

A variation to the Section 106 Agreement associated with the adoption of open space at Avenue Road, Astwood Bank is required in order to define the areas of land to be transferred to the Council.

Officers consider that it is in everyone's interest that the areas of open space are transferred to the Council. Adoption will ensure the proper maintenance of such areas in future years and the relevant commuted sums will be payable to the Council upon adoption to cover these costs.

This report cross-references to details approved under Planning Application 98/472 and is therefore business for the Planning Committee. (98/472 was an application for the erection of 12 dwellings and associated road works including the formation of new site access on land off Avenue Road, Astwood Bank)

2. Recommendations

The Committee is asked to RESOLVE that

- 1) the variation to the Section 106 Agreement, dated 20 October 1999 and made between 1) The Council of the Borough of Redditch and 2) JS Bloor Tamworth Limited regarding the areas of land to be adopted, as detailed in the plan to be displayed at the meeting, be agreed; and
- 2) authority be delegated to the Head of Legal, Democratic and Property Services to agree any other minor variations that may be deemed necessary prior to formal adoption of the land in question.

3. Financial, Legal, Policy, Risk and Sustainability Implications

Financial

- 3.1 'Committed sums' (see Glossary at end of report) for future maintenance of the areas of open space were agreed at the time

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planning permission was granted for development at Astwood Bank. In the main, these sums are payable upon formal adoption of the open space.

- 3.2 The costs to the other party to the agreement of varying the Section 106 Agreement may need to be borne by the Council. These costs will be met from existing budgets.

Legal

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

Policy

- 3.5 Developers are required to provide areas of open space within new housing developments having regard to standards set out in the Local Plan in force at that time. It has been Council policy to adopt such areas subject to them being brought up to an adoptable standard and subject to payment of an appropriate commuted sum toward their ongoing maintenance.

Risk

- 3.6 If agreement cannot be reached regarding the areas to be adopted, it is likely that areas of open space will not be adopted, causing future maintenance problems, and commuted sums may not be received. Officers will normally negotiate an acceptable solution in such situations, with reference to the relevant planning and legal framework.

Sustainability / Environmental

- 3.7 No Sustainability / Environmental / Climate Change implications have been identified.

Report**4. Background**

- 4.1 Since planning permission was granted for the development of land at Avenue Road there have been minor changes to the broad areas of open space identified in the Section 106 Agreement. The areas of open space have now been laid out and are ready for adoption.
- 4.2 The planning application to which this planning obligation relates is 98/472 which was an application for 12 dwellings, access etc on land at Avenue Road, Astwood Bank, now known as Badger Brook Lane. The houses have been completed and occupied, and the open space laid out ready to be transferred to the Council for ongoing maintenance, along with a commuted sum for the purpose.

5. Key Issues

- 5.1 The original outline planning permission for development at Avenue Road involved a Section 106 Agreement which identified specific areas of open space. In addition, the agreement required the payment of commuted sums to the Council upon transfer of the open space.
- 5.2 Due to the change to the boundary of the open space, albeit relatively minor, Committee approval is sought to vary this element of the S106 agreement. Scale plans showing the areas concerned will be available: Plan 1 shows the land included in the original planning obligation to be transferred and plan 2 shows the land now proposed to be transferred, and thus substituted in the variation to the original agreement.

6. Other Implications

No Community Safety, Human Resources, or Social Inclusion implications have been identified so far.

7. Lessons Learnt

Planning obligations drafted now no longer include specific plans defining the open space areas, but refer to areas that are to be agreed between the parties, in order to prevent this issue arising again.

8. Consultation

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

9. Background Papers

Original Section 106 Agreement associated with the development of land at Avenue Road.

Previously published Committee reports and minutes, including a similar one relating to a development in Brockhill which was reported to the October 2007 meeting of the Planning Committee.

10. Author of Report

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

11. Appendices

Site Plan (see additional papers)

12. Glossary of Terms

'Committed Sum' - Sum agreed to be provided within a planning obligation. The obligation will detail the amount, what it is for, how it should be spent, when and whether there is a limited period for its use, i.e. impose conditions on it.

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ENFORCEMENT OF PLANNING CONTROL

(Report of the Acting Head of Planning and Building Control)

1. Purpose of Report

To determine an appropriate course of action in respect of a planning enforcement issue

Members are asked to consider an Enforcement matter, as detailed in the following confidential report.

2. Recommendation

The Committee is asked to RESOLVE

whether it considers it expedient to take the enforcement action specified in the following enforcement report.

3. Financial, Legal, Policy, Risk and Sustainability / Environmental Implications

Financial

- 3.1 There are no direct financial implications in the report.

Legal

- 3.2 Legal implications are as detailed in the report and as set out in the following Acts:-

Town and Country Planning Act 1990.

Planning and Compensation Act 1991.

Planning and Compulsory Purchase Act 2004.

Town and Country Planning (Control of Advertisements) Regulations 2007

Anti-Social Behaviour Act 2003.

Human Rights Act 1998.

Crime and Disorder Act 1998.

Policy

- 3.3 Policy implications are as detailed in the individual report, the Planning Enforcement Policy and as set out in the Borough of Redditch Local Plan No. 3.

Risk

- 3.4 As detailed within the report as appropriate.

Town and Country Planning Act 1990.
Planning and Compensation Act 1991.
Planning and Compulsory Purchase Act 2004.

- 3.5 In terms of the confidentiality of the report, and the “public interest” test for exempt consideration, Officers consider that it is rarely likely to be in the public’s best interest to reveal information which is the subject of possible subsequent legal action (S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order, 2006) refers.
- 3.6 Under Article 8 of the European Convention on Human Rights, everyone has the right to respect for his/her private and family life, home and correspondence.
- 3.7 Interference with this right is only allowed in limited circumstances where it is in accordance with the law and is necessary in a democratic society for, among other things, the protection of the rights and freedom of others. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 of adjacent occupiers.

Sustainability / Environmental

- 3.8 As detailed in the Enforcement report.

4. Other Implications

Any Asset Management, Community Safety and Human Resources implications will be detailed in the attached separate report.

Social Exclusion: Enforcement action is taken equally and fairly, regardless of the status of the person or organisation, or the subject of enforcement action.

5. Consultation

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

6. Author of Report

The author of this report is Iain Mackay (Planning Enforcement Officer) who can be contacted on extension 3205 (e-mail:-iain.mackay@redditchbc.gov.uk) for more information

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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