



# Planning Committee

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Wednesday, 22 June 2022

## MINUTES

### Present:

Councillor Michael Chalk (Chair), Councillor Timothy Pearman (Vice-Chair) and Councillors Tom Baker-Price (Present for Minute No's 12-18), Brandon Clayton, Alex Fogg, Bill Hartnett, Juma Begum (Substituting for Councillor Andy Fry) and Gareth Prosser

### Officers:

Amar Hussain, Helena Plant, Steve Edden and Sharron Williams

### Democratic Services Officer:

Gavin Day

## 12. APOLOGIES

Apologies for absence were received from Councillor Andy Fry with Councillor Juma Begum in attendance as Substitute.

Apologies received from Councillor Imran Altaf.

## 13. DECLARATIONS OF INTEREST

Councillor Baker-Price Declared an interest in relation to agenda item 8 (APPLICATION - 22/00637/FUL) - Numbers 45 to 122 High Trees Close, Oakenshaw, Redditch, B98 7BP, in that this item was on his Ward and he had campaigned on its behalf. Councillor Baker-Price withdrew from the meeting room for the duration of this item and took no part in the Committee's consideration nor voting on the matter.

## 14. CONFIRMATION OF MINUTES HELD ON 25TH MAY 2022

### RESOLVED that

**The Minutes of the Planning Committee meeting held on 25<sup>th</sup> May 2022 be approved as a true record and signed by the Chair.**

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Chair

### 15. UPDATE REPORTS

The Chair announced that a Committee Update had been circulated to all Planning Committee Members and asked if all Members had received and read the Committee Update.

All Members agreed that they had received and read the Committee Update and were happy for the Committee to proceed.

### 16. APPLICATION - 19/01264/FUL - ROCKHILL FARM, ASTWOOD LANE, FECKENHAM, REDDITCH

This application was being reported to the Planning Committee for determination because the application was deferred from a previous Planning Committee (July 2021). In addition, it had attracted an objection from a Statutory Consultee and therefore fell outside of the Scheme of Delegation to Officers.

Officers reported that following the submission of an additional representation received from Feckenham Parish Council (FPC) that an update had been circulated summarising the points raised by FPC, which also included the agent's response. It was also noted that a revised presentation was circulated with the Planning Update Report pack.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 7-19 of the Planning Update Report.

The application was for planning permission for the erection of 2 x dwellings in lieu of 1 dwelling granted as part of the site's re-development under planning application 17/00451/FUL (Retrospective).

Officers reported that the extant permission 17/00451/FUL (Retrospective) related to the redevelopment of the site for residential purposes. This involved the conversion/extension of some of the former farm buildings and the demolition of various structures on site, including a large Dutch barn that was located close to the road frontage. A new single dwelling would have been erected in its place as shown on page 10 of the Planning Update Report.

Work commenced in 2020 during lockdown but during redevelopment it became apparent that there would be problems due to the gradient of the slope. Due to this, the design was converted into two 2-bedroom properties as shown on page 12 of the Planning Update Report.

Officers highlighted that both the footprint and position of the new structure were identical to the building outlined in the extant permission. Officers also drew Members' attention to the change in roof design, going from a very shallow mono pitched roof to a dual pitched roof with an overall height varying from 5.3-6.2m. Officers noted that the new design matched surrounding buildings.

Officers also informed Members that this application was deferred last year at Planning Committee as comments made by the public speakers were felt to require clarification. Advice from Counsel was therefore sought. The advice was that the extant planning permission represented a fallback position.

Officers explained that the extant planning permission had a habitable volume of 478 cubic meters, where-as the new dwellings had a total volume of 776 cubic meters. Officers then drew Members' attention to page 15 of the Planning Update Report. Officers explained that with the volume of foundations required to enact the extant planning permission the overall development would have been 740 cubic meters.

Officers explained to Members that, the proposal would be inappropriate development in the Green Belt and would conflict with Policy 8 of the Local Plan No.4.

Officers further explained that in this case, the volume of the building would be higher than the fallback position by approximately 36 cubic metres. However, in considering the spatial and visual consequences of this in the context of how the 17/00451/FUL scheme could have been implemented and the overall improvements made to openness on the site following the removal of other structures, on balance this would be considered to represent very special circumstances.

In conclusion, Officers recommended that having regard to the development plan and to all other material considerations, planning permission be granted subject to the conditions outlined on page 14/15 of the main agenda report.

At the invitation of the Chair, Councillors Hugo Hammersley and Alan Smith from Feckenham Parish Council addressed the Committee in objection to the application. Mr. Gary Phillips, architect on behalf of the applicant, addressed the Committee.

Members then asked questions of the Officers.

Members sought clarification from Officers if the original planning permission was implemented and then converted into two buildings. Officers confirmed that this aspect of the development had not been

built in accordance with the overall extant planning permission, and that the site was developed as two separate dwellings.

Members asked if the foundations shown in page 15 of the Planning Update Report would have been usable space or just for the purposes of levelling out the site to enable construction on a single level.

Officers replied that it would not have been usable space. Members further enquired if they had dimensions for the foundations, Officers did not have full dimensions, however, they were aware that at its deepest point the foundation would have been 1.7m deep.

Members asked Officers if the volume of the dwelling space would have been the same. Officers replied that the living space would have been very similar, much of the increase in volume was due to the roof space.

Members asked if the additional roof space could be converted. Officers replied that it could be converted, however, the space would be very limited and any conversions to the roof including a dormer being installed, would need a separate planning permission.

Members asked about the roof design and that if a shallow mono pitched roof was required in the extant application why was it now deemed acceptable to have a change in roof design. Officers replied that to enable the approved scheme to be on a single level it would also have been higher due to the original site gradient which was not defined under the extant permission. However, with stepping the scheme down the applicant could make use of the site gradient, Officers highlighted that there would still be an increase in the overall height of the property with the change in roof.

Members then considered the application, which Officers had recommended be approved.

Members commented that this was a difficult application, the applicant had continued working on site during the Covid-19 pandemic and has subsequently been constructed prior to determination. The extant application was debated at Committee; however, the proposed application was completely different and if this application had been presented to the Committee for approval first, there would likely have been different Conditions attached to it as compared to the extant application.

Several Members raised concerns regarding setting a precedent with applicants changing designs once approval was granted.

Members asked Officers if they were aware of the changes taking place. Officers replied that they had not been aware initially, but

when discovered, their approach was to work with the applicant to explore if a solution existed, as opposed to just taking formal action. Officers also highlighted to Members that when the application came to Committee in July 2021 that work was still in progress.

Officers advised the Committee that each application must be considered on its own merits and that the retrospective nature of a development should not influence their decision making. Also, Officers highlighted that there was an extant live permission for a building to be in that position which represents a fallback position.

Members commented that the living space was not significantly more and that during execution of the planning permission they found an issue with height. Officers clarified the fall back was not the Dutch barn, but the 2017 permission.

Members raised concerns with the fallback position stating that the extant permission was not enacted and that two properties were constructed and the application should be seen as a new build. Officers reiterated that Members had to bear in mind that there was an extant planning permission for a building to exist in that position on site, all be it on a different land level.

Members asked Officers if they would be able to clarify the Counsel advice sought after the application was deferred in July 2021. Officers stated that advice was sought on if the 2017 planning application was a valid fallback position. Guidance was given around how much of the original plan was implemented and a view was taken, as a whole, as to the extent of deviation from the approved plans. It was decided after consultation that it was a valid fallback position.

Members asked Officers what would happen if permission was refused. Officers clarified that the applicant could appeal the decision, or they could demolish the building and implement the extant permission.

Members compared the two properties and commented that in their opinion living space was a more reasonable comparison and the differences would not be major. Officers clarified that the contrasting volume (created largely by the contrasting roof volume) was an important consideration that required due assessment.

Members stated that they were unhappy with how the application had been altered and that it could have come back to Committee a while ago. The extant fallback position was for approval for a one building on the site, but two buildings had been constructed. This therefore changed the number of vehicles and residents. 1x4bed would likely be 2 Vehicles and 5 residents, 2x2bed could be 4 vehicles and 6-8 residents, which would impact on the Green Belt.

Additionally, Members argued that the reason given that it would have been very difficult to build a 1.5m foundation was poor in their opinion, and that the builders chose the cheapest way to build on the site and had behaved inappropriately.

Officers advised Members to make their decision based on the application as it stands and not to consider how the scheme had been arrived at. Officers clarified that Members did have a choice in how they decided the application.

Officers stated that the sub-division could be policy compliant and referred to para 80 of the NPPF regarding sub-division of buildings. However, they appreciated that the building was not existing, but the applicant did have a fallback position.

On being put to the vote, it was

**RESOLVED that**

**Having had regard to the development plan and to all other material considerations, that Planning permission be granted subject to the Conditions as detailed on pages 14 and 15 of the main agenda report.**

With the agreement of the Chair, the meeting stood adjourned between 20:11 and 20:16

**17. APPLICATION - 22/00070/FUL - ALTO HOUSE, RAVENS BANK DRIVE, REDDITCH, WORCESTERSHIRE**

This application was reported to Planning Committee for determination because the application was for a major development (more than 1000 sq metres of new commercial / industrial floorspace). As such, the application fell outside the Scheme of Delegation to Officers.

Officers reported that following submission of a Bat Survey Report and Mitigation Strategy, that there was an additional and amended Condition attached to this application as detailed in the Planning Update Report.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 15-26 of the Site Plans and Presentation Pack.

This application was for the demolition of existing buildings at Alto House on Ravens Bank Drive. This included erection of a new commercial unit delivering up to 5,575 sq meters GIA of development falling within Use Classes B2, B8, E(g)(iii). The development included ancillary offices, access improvements,

drainage, landscaping, vehicular parking, boundary treatments and associated works.

Officers drew Members' attention to Existing Site Layout and Proposed Site Layout, as shown on paged 18 and 19 of the Site Plans and Presentations Pack. Officers highlighted that vehicular and pedestrian access remained the same.

Officers highlighted the potential bat roost in a single storage garage on site which needed to be carefully considered during demolition, as outlined in the planning approval conditions. Officers highlighted the building's location on the Existing Aerial View on page 23 of the Site Plans and Presentations Pack.

Officers commented that most of the tree cover on site would be retained as a screen. Officers also commented that they considered the materials for construction to be appropriate and in keeping with the surrounding buildings.

Officers drew Members' attention to the statement from Worcestershire Highways on page 21 of the main agenda pack, stating that they had no objections, subject to the conditions regarding improvements to the nearby bus stops.

In conclusion, having had regard to the development plan and to all other material considerations, Officers recommended that the application be approved.

Members then asked questions of the Officers.

Members drew Officers' attention to page 25 of the main agenda pack, in particular the provision for 60 car parking spaces and 139 bicycle spaces. Members asked that if the application supplied only 20 bicycle spaces why was it deemed satisfactory. Officers referred highlighting to the record of dialogue detailed on page 26 of the main agenda pack; evidence was presented which Worcestershire County Council (WCC) had taken into consideration and which they were satisfied with.

Members asked for clarification that the 60 car parking spaces did not include HGV parking. Officers replied that HGV parking was on a separate (north) part of the site.

Members asked if there were any planned changes to the egress. Officers informed Members that the egress would still be the same location however, there would be some small changes to the geometry and gradients of the curbs.

Members questioned the 80-100 full time employees expected but only 60 car parking spaces were being provided. Officers explained

that there was a travel plan as part of the scheme to promote alternative forms of transport. This included three dedicated carpool spots, pedestrian access, and bicycle spaces. Officers also detailed the contributions to improve the existing bus stops in the area.

Members then considered the application, which Officers had recommended be approved.

Members expressed concern that the 60 spaces could not be enough to cover the expected 80-100 full time employees that the development project could generate. Members also highlighted that the site was very compact so there was not enough room to accommodate more spaces which could lead to parking on Ravens Bank Drive.

Members also commented that it was a speculative guide regarding the number of jobs created, however, Council guidance was sought, and it was deemed an appropriate level of parking provision. Additionally, a working day could be 24 hours a day in 3 shifts so that could reduce the number of car parking spaces required at any one time.

Members welcomed the regeneration of the site and the generation of employment opportunities. Members also considered the application attractive and in keeping with the area and surrounding buildings.

Members sought clarification regarding the use of the money generated and how it would be used to improve the bus service. Officers clarified that the WCC had requested the financial contribution to improve the infrastructure and in this instance, it was deemed a valid request.

Members commented that other such businesses started off as B2 but ended up as a storage warehouse which had led to an increase in HGV frequency in the area.

Members commented that even if there was an increase in HGV frequency, there would be jobs coming into the area which was very important.

All Members were in agreement with the Officer's recommendation

### **RESOLVED that**

**Having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning, Regeneration and Leisure Services to grant planning permission subject to:**



1. **The satisfactory completion of a Planning Obligation (Unilateral Undertaking) ensuring the provision of**
    - a. **A financial contribution of £2,400 towards the upgrade of the bus stop at Ravensbank Drive, 110m south of site and**
    - b. **A financial contribution of £5000 towards the upgrade of the bus stop at Moons Moat Drive**
  2. **Conditions and Informatives as summarised on pages 27 to 31 of the main agenda report; subject to Additional Condition 12 and Amended Condition 7, as detailed in the Planning Update Report.**
18. **APPLICATION - 22/00539/FUL - KINGFISHER SCHOOL , CLIFTON CLOSE, REDDITCH, WORCESTERSHIRE, B98 0HF**

This application was being reported to the Planning Committee because the site was owned by Worcestershire County Council. As such the application fell outside the Scheme of Delegation to Officers.

Officers informed the Committee that there were no update reports for the item.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 27-32 of the Site Plans and Presentation Pack.

The application proposed two single storey extensions to Kingfisher School to provide an Office, Mentor/Breakout Room, circulation and Outreach Room.

Officers drew Members' attention to the Existing and Proposed Site Plan on page 29 of the Site Plans and Presentation Pack, pointing out the location of the two proposed extensions. Officers further highlighted the cycle storage which needed to be moved and indicated its new proposed position.

Officers also mentioned

- Both extensions were single storey.
- There would be no increase in pupil or staff numbers so there would be no impact on parking.
- Proposed changes were inside the school building boundaries.
- There would be no overspill onto green space surrounding the school.

In conclusion, having had regard to the development plan and to all other material considerations, Officers recommended that the application be approved.

Members then considered the application, which Officers had recommended be approved.

All Members were in agreement with the Officer's recommendation

**RESOLVED that**

**Having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the Conditions and Informative outlined on Pages 35 and 36 of the main agenda pack.**

**19. APPLICATION - 22/00637/FUL - NUMBERS 45 TO 122 HIGH TREES CLOSE, OAKENSHAW, REDDITCH, B98 7BP**

This application was being reported to the Planning Committee because the applicant was Redditch Borough Council. As such the application fell outside the Scheme of Delegation to Officers

Having declared an interest, Councillor Baker-Price left the meeting room and took no part in the debate or decision making process for this item.

Officers informed the Committee that there was no update report for the item.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 33-42 of the Site Plans and Presentation Pack.

The proposal comprised general repair and improvement works to 77 properties in total situated within High Trees Close. The works included the replacement of existing cracked concrete planters serving existing balconies with powder coated metal privacy fencing and rails; improved water proofing solutions to balconies and increased insulation; replacing the original brick kerbs with concrete kerbs; street lighting and waste removal improvements.

Officers drew Members' attention to the example of the metal balustrade on page 38 of the Site Plans and Presentations Pack. Officers highlighted that this image was to show materials and style only and that the actual railing would be 1m High.

Officers also mentioned:

- Upgrades would affect 77 flats.
- Changes to the waste system to match a system used in Batchley, which used the same bins but housed them in a timber/galvanised metal unit.
- Change in the lamps to convert to LED providing a brighter white light.
- Replacing current brick curbs with more robust concrete curbs.

In conclusion, having had regard to the development plan and to all other material considerations, Officers recommended that the application be approved.

Members then asked questions of the Officers.

Members asked if a 1m balustrade presented a suitable safety measure. Officers explained that the current height of the planters was 750mm so there would be an increase in height compared to that of the existing. Officers also highlighted that the 1m height would be to the upper floors and that the ground floor would have a 1250mm balustrade.

At the invitation of the Chair, Mr. Andrew Rainbow, Capital Programmes and Contracts Manager for RBC addressed the Committee.

Members then considered the application, which Officers had recommended be approved.

Members commented that the upgrades would enhance the properties and public safety, improving the life of residents.

Members thanked the speaker for addressing the Committee. Members also recognised the work and consideration that had been put into the project by the development team.

Members commented that the development would much improve the visual amenities of the area comparing the proposals with the appearance of the existing deteriorating concrete planters.

Members expressed concern over the 1m railings being of insufficient height to prevent falling from the balconies. Officers replied that balcony railing heights with respect to matters of safety would be covered under separate legislation, principally that of the building regulations.

All Members were in agreement with the Officer's recommendation.

# Planning

Committee

Wednesday, 22 June 2022

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**RESOLVED that**

**Having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the Conditions outlined on page 39 of the main agenda pack.**

The Meeting commenced at 7.01 pm  
and closed at 9.01 pm