

Planning Committee

Wednesday, 18 January 2023

MINUTES

Present:

Councillor Michael Chalk (Chair), Councillor Timothy Pearman (Vice-Chair) and Councillors Salman Akbar, Imran Altaf, Tom Baker-Price, Andrew Fry, Bill Hartnett, Anthony Lovell and Emma Marshall

Also Present:

Councillor Sid Khan

Officers:

Helena Plant, Steve Edden, Simon Jones, Charlotte Wood and Max Howarth (of Anthony Collins)

Democratic Services Officer:

Gavin Day

50. APOLOGIES

Apologies were received from Councillors Alex Fogg and Brandon Clayton with Councillors Emma Marshall and Anthony Lovell attending as substitutes respectively.

51. DECLARATIONS OF INTEREST

Councillor Emma Marshall declared an interest in regard to agenda item 9 (Minute No 58) in that the application was on her Ward and that she had expressed her opinion on social media.

52. CONFIRMATION OF MINUTES

RESOLVED that

1. The Minutes of the Planning Committee meeting held on 23rd November 2022 be approved as a true record and signed by the Chair.
2. The Minutes of the Planning Committee meeting held on 7th December 2022 be approved as a true record and signed by the Chair.

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Chair

53. UPDATE REPORTS

An update report was received by Members who indicated that they had received sufficient time to read the update report and were happy to proceed with the meeting.

54. 22/01356/FUL - 21 ANSLEY CLOSE, REDDITCH, WORCESTERSHIRE, B98 0AX

The Chair announced that agenda items 5,6 and 7 (Minute No's 54, 55 and 56), would be presented together. The Chair further clarified that due to these being separate applications, Members would have the opportunity to debate and vote on each individual application separately.

The proceeding applications had been reported to the Planning Committee because the land subject to these applications was currently owned by Worcestershire County Council. As such the applications fell outside the scheme of delegation to Officers.

Officers presented their report and in doing so drew Members' attention to pages 1 to 21 of the Site Plans and Presentations Pack.

The applications were for numbers 20,21 and 29 Ansley Close, Matchborough East, and sought the change of use of highway land to a private residential garden.

Officers informed the Committee that the applications were deferred from the previous Planning Committee meeting on 7th December 2022 pending a site visit by Members. On 17th December 2022 two Members attended a planned site visit with the Case Officer and a further three Members indicated that they had carried out individual site visits.

Officers drew Members' attention to page 7 of the Site Plans and Presentations Pack to highlight the extent of the works which had taken place at all three sites and which also showed how the sites would have appeared prior to the development in question.

After the deferral from the Planning Committee meeting on 7th December 2022, Officers sought representations from West Mercia Police (WMP) on the issue of crime. WMP had conducted a site visit on 14th December 2022 to survey the site and presented no reason to object to the applications.

Members then began their debate on the first application for 21 Ansley Close.

Members commented that although moving the boundary caused a reduction in the grass verge and width of the passageway, it also removed a number of potential areas where a person could have concealed themselves. It was also noted that the pathways were still of a reasonable width and when considered alongside the adjoining pathways, Members did not consider that there was a significant safety concern.

Members further commented that upon visiting the site it was clear that the work had been carried out a number of years ago, although they did not agree with the land grab, there was no justifiable reason to refuse the application.

On being put to the vote it was

Resolved that

having had regard to the development plan and to all other material considerations, planning permission be granted subject to the Conditions, as detailed on page 23 of the Public Reports Pack.

55. 22/01358/FUL - 29 ANSLEY CLOSE, REDDITCH, WORCESTERSHIRE, B98 0AX

On being put to the vote it was

Resolved that

having had regard to the development plan and to all other material considerations, planning permission be granted subject to the Conditions, as detailed on page 27 of the Public Reports Pack.

56. 22/01363/FUL - 20 ANSLEY CLOSE, REDDITCH, WORCESTERSHIRE, B98 0AX

On being put to the vote it was

Resolved that

having had regard to the development plan and to all other material considerations, planning permission be granted subject to the Conditions, as detailed on page 31 of the Public Reports Pack.

**57. 21/00249/FUL - LAND NORTH OF DROITWICH ROAD,
DROITWICH ROAD, FECKENHAM, WORCESTERSHIRE**

The application was being reported to the Planning Committee because:

- an objection had been received from the Parish Council. As such the application had resulted in a formal objection being received from a statutory consultee, which had not been resolved through Officer negotiation.
- The application was a major development because it exceeded 2 hectares in area. As such the application fell outside the scheme of delegation to Officers.

Officers presented their report and in doing so drew Members' attention to pages 23 to 43 of the Site Plans and Presentations Pack.

The application was for the Land North of Droitwich Road, Feckenham and sought the change of use from agriculture to a mixed use of agriculture and the keeping of horses, erection of two stables, a hay store and retention of the vehicular access and parking area

Officers detailed to Members the history of the application in that

- The application was a part retrospective application and some of the development in the application had been completed.
- The site was subject to a previous retrospective application (20/00194/FUL) which was refused planning permission on 19.05.2020, the applicant had then been subject to enforcement action in the form of an enforcement notice.
- During the course of an appeal against the enforcement notice the Planning Inspectorate was unhappy with the wording of the notice and therefore gave Officers the opportunity, without prejudice to withdraw the notice, which they subsequently did.
- In the immediate period after the original enforcement action was withdrawn and before a revised one was drafted and issued, a second planning application was submitted by the applicant.
- Officers decided to validate and process the application because it was materially different from the first and to ascertain the views of statutory consultees

Officers highlighted the site location within the greenbelt and its proximity to a non-designated heritage asset (Feckenham medieval

manorial site), as detailed on page 25 of the Site Plans and Presentations Pack.

There was an error noted in the Site Plans and Presentations Pack in that pages 42 and 43 were identical, Members were therefore shown the correct slides during the Committee which detailed the proposed site plans correctly.

Officers outlined the vehicular access changes to the site, detailing that the southern entrance would no longer be used and that the northern entrance would be retained. Additionally, some of the hedgerow at the northern entrance would be removed to allow for larger visibility splays, as detailed on page 34 of the Site Plans and Presentations Pack.

Officers highlighted that the ridges and furrows on site had been damaged by previous development. However, there would be very little further impact. It was noted that to try and reverse the work could risk causing further damage when removing the previously added material.

Finally, Officers detailed to Members that in approving the application it would allow Officers to monitor the development via Conditions and a management plan, whereas if Members were minded to refuse the application, and then an enforcement notice was served this could not deliver long term management of the asset.

At the invitation of the Chair Councillor Hugo Hammersley (of Feckenham Parish Council), Councillor Alan Smith (of Feckenham Parish Council) and Mr Andrew Fisher (resident) addressed the Committee in objection to the application. Mrs Charlotte El Hakiem (agent for the applicant) addressed the Committee in support of the application.

Officers clarified the following points during questions from Members:

- That although the National Planning Policy Framework (NPPF) stated that only one retrospective application could be submitted for an application, that figure was for guideline purposes only and that in this instance the applications were considered materially different and that it was deemed acceptable to consider the application on its own merit.
- That there were no objectors from technical consultees which could cause difficulties with the Council being able to defend its position at appeal if Members were inclined to refuse the application.

- That intensive agriculture practices could cause damage to the ridge and furrows; this would not be a change of land use.
- That Condition 6 addressed the drainage issue. The details required by this Condition would have to be submitted to and approved by the Local Planning Authority within a prescribed timescale.
- That the application did not seek to increase the hardstanding on site but sought retrospective permission to retain the track and carparking area.
- That regarding the comments from Historic England, as detailed on page 42 of the Public Reports Pack, the Council did not seek to justify the harm that resulted from the works but weighed it up against the public benefits of the proposal, in that approval allowed them a solution for a long term management of the site using Conditions.

Members then discussed the application which Officers had recommended be granted.

Councillor Hartnett proposed an Alternative Recommendation that the application be rejected as it was detrimental to the greenbelt, the Alternative Recommendation was seconded by Councillor Akbar.

Members were displeased that the application was retrospective in nature and expressed the opinion that the development should not have happened and that ignorance to what was permitted was not an excuse.

Members were mindful that should they refuse the application and enforcement action was taken then the Council would have less powers to control the future management of the non-designated heritage asset, special wildlife site and surface water drainage.

Members commented that they appreciated that damage was caused during the development, however, if the application was refused and the land was then sold, the new owner would be able to use intensive farming practices under the current land designation and that further damage could be sustained to the ridge and furrow system.

During the debate, Members sought clarification and further details on the following matters:

- Whether further loss of the ridge and furrows would be caused by the development.
- Updated surface water drainage plan.
- The impact of the development on surface water runoff.

- The impact of the development upon the pond on site
- Ground levels, direction of slope across the site
- Officers' response to the Worcestershire Wildlife Trust (WWT) representation.
- Whether Officers were satisfied that the harm to the ridge and furrow was justified as per the representation submitted by Historic England - "The Council must be satisfied that there is justification for that harm, and weigh it against any public benefits of the proposals"
- Explanation of what a 'watching brief' referred to in proposed condition 2 entailed

Further to the preamble above, Councillor Marshall proposed a Second Alternative Recommendation that the application be deferred in order for Officers to investigate and report on the aforementioned areas of concern, the Second Alternative Recommendation was seconded by Councillor Baker-Price.

The Legal Officer advised Members that they should vote on the Second Alternative Recommendation first and if that was not carried then they would return to the initial Alternative Recommendation.

In summing up the Second Alternative Recommendation, Councillor Marshall thanked all attendees for their patience during the debate but expressed the opinion that although it was a big decision, there were still a number of questions to be answered so she believed that a deferral was the most appropriate solution.

On being put to the vote it was

Resolved that

having had regard to the development plan and to all other material considerations, the application be deferred pending further information to be supplied by the applicant and Case Officer to answer the questions raised by the Committee, as detailed in the preamble above.

At this stage in the meeting the Chair announced an adjournment.

Accordingly, the meeting stood adjourned from 21:00 hours to 21:08 hours.

58. 22/01171/FUL - GREENLANDS PLAYING FIELDS ADJ, SOUTH REDDITCH SPORTS AND SOCIAL CLUB, THROCKMORTON ROAD, REDDITCH, WORCESTERSHIRE, B98 7RS.

Having reconvened it was noted that the application was being reported to the Planning Committee because the application site related to land that belonged to Redditch Borough Council. As such the application fell outside the scheme of delegation to Officers.

Officers presented their report and in doing so drew Members' attention to pages 45 to 55 of the Site Plans and Presentations Pack.

The application was for the Greenlands Playing Fields Adjacent to South Sports and Social Club and sought the installation of a Multi-Use Games Area (MUGA) which consisted of a steel fence system and a tarmacadam base painted sports line marking.

Officers detailed the position of the MUGA on page 51 of the Site Plans and Presentations Pack, also highlighting the 5x5 football pitch which after consultations with Sports England had been retained as part of the development and would be remarked.

The free-standing exercise equipment was highlighted by Officers on page 52 of the Site Plans and Presentations Pack.

Officers detailed that the MUGA would be situated 100m from the closest houses. The Officer further detailed that although some consultees mentioned that it could attract anti-social behaviour, the close proximity to the social club could also serve as a deterrent due to natural surveillance during the day when the social club was occupied.

During questions from Members, Officers clarified the following points:

- That the previously mentioned surveillance was not in the form of CCTV coverage but was in relation to daytime monitoring by users of the social club.
- That the two different noise suppressant material "neoprene plugs" and "thermoplastic plugs" as detailed on pages 65 and 69 of the Public Reports Pack, respectively performed the same purpose and was just a slight design change.
- That there would be goals situated around the MUGA to enable its use length or widthways, and there would be entrances to aid disabled access.

Members then considered the application.

Members stated that they were aware of a few MUGAs in Redditch but they had not been aware of any substantial anti-social behavioural problems directly associated with them.

Members were also supportive of utilising the existing recreational area and expressed the opinion that it needed to remain free and publicly accessible.

On being put to the vote it was

Resolved that

having had regard to the development plan and to all other material considerations, planning permission be granted subject to the Conditions and the Informative, as detailed on pages 69 and 70 of the Public Reports Pack.

The Meeting commenced at 7.00 pm
and closed at 9.24 pm