

# Planning Committee

Tue 3rd Nov  
2009  
7pm

Council Chamber  
Town Hall  
Redditch



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- Automatic right to inspect minutes of the Council and its Committees

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- 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:

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**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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**Minicom: 595528**

# **REDDITCH BOROUGH COUNCIL** **PLANNING COMMITTEE**



## **GUIDANCE ON PUBLIC** **SPEAKING**

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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.

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**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

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### **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 Walter Stranz Square.**

# Declaration of Interests: Guidance for Councillors

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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

3rd November 2009

7pm

Council Chamber Town Hall

## Agenda

### Membership:

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

<p><b>1. Apologies</b></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><b>2. Declarations of Interest</b></p>	<p>To invite Councillors to declare any interest they may have in the items on the Agenda.</p>
<p><b>3. Confirmation of Minutes</b> (Pages 1 - 6)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on the 6th October 2009.  (Minutes attached)</p>
<p><b>4. Applications for planning permission</b> (Pages 7 - 8)  Acting Head of Planning and Building Control</p>	<p>To consider various applications for planning permission.  (Items below refer)  (Covering Report attached)</p>
<p><b>5. Planning Application 2009/186/FUL - Unit 9, Washford Trade Park, Washford Drive</b>  (Pages 9 - 18)</p>	<p>To consider a Planning Application for the erection of a New (Class A1) Retail Unit.  Applicant: HSL Property Ltd  <b>(Greenlands Ward)</b></p>
<p><b>6. Planning Application 2009/194/FUL - 18 Chestnut Road, Astwood Bank</b>  (Pages 19 - 24)</p>	<p>To consider a Planning Application for the erection of a new dwelling.  Applicant: Mr I Osbourne  <b>(Astwood Bank and Feckenham Ward)</b></p>

# PLANNING

Committee

3rd November 2009

<p><b>7. Planning Application 2009/203/COU - Units 1 - 2 Market Place, Redditch Town Centre</b></p> <p>(Pages 25 - 28)</p>	<p>To consider a revised Planning Application for the change of use from A1 (Retail) to A2 (Financial and Professional Services), alterations to the shopfront and installation of 4 satellite dishes, TV aerial to roof and associated works.</p> <p>Applicant: Paddy Power Plc</p> <p><b>(Abbey Ward)</b></p>
<p><b>8. Planning Application 2009/205/RC3 - Dormston Close, Lodge Park</b></p> <p>(Pages 29 - 32)</p>	<p>To consider a Planning Application for various environmental enhancements.</p> <p>Applicant: Redditch Borough Council</p> <p><b>(Lodge Park Ward)</b></p>
<p><b>9. Planning Application 2009/206/RC3 - Himbleton Close, Lodge Park</b></p> <p>(Pages 33 - 36)</p>	<p>To consider a Planning Application for various environmental enhancements (part retrospective)</p> <p>Applicant: Redditch Borough Council</p> <p><b>(Lodge Park Ward)</b></p>
<p><b>10. Planning Application 2009/208/RC3 - Flyford Close, Lodge Park</b></p> <p>(Pages 37 - 40)</p>	<p>To consider a Planning Application for various environmental enhancements.</p> <p>Applicant: Redditch Borough Council</p> <p><b>(Lodge Park Ward)</b></p>
<p><b>11. Planning Application 2009/210/S73 - Land at Church Green / Market Place / Alcester Street, Town Centre</b></p> <p>(Pages 41 - 46)</p>	<p>To consider a Planning Application to vary Conditions 3 and 4 of Application 2008/067/RC3 to ensure trading hours, deliveries, collections and vehicle movements are all in line with the Market's Rules and Regulations 2009/10.</p> <p>Applicant: Redditch Borough Council</p> <p><b>(Abbey Ward)</b></p>
<p><b>12. Planning Application 2009/211/FUL - Land at Church Green / Market Place / Alcester Street, Town Centre</b></p> <p>(Pages 47 - 52)</p>	<p>To consider a Planning Application seeking various amendments to Planning Permission 2008/067 for improvement works to the pedestrian area and permanent use of the area as an Outdoor Market.</p> <p>Applicant: Redditch Borough Council</p> <p><b>(Abbey Ward)</b></p>



# PLANNING

Committee

3rd November 2009

<p><b>13. Planning Application 2009/214/COU - 26 and 28 Evesham Walk and 36 and 37 Evesham Walk, Kingfisher Centre, Redditch</b></p> <p>(Pages 53 - 60)</p>	<p>To consider a Planning Application for the amalgamation of units and change of use from A1 Retail to A2 Financial and Professional Services (Resubmission of Planning Application 2009/169/COU)</p> <p>Applicant: Scottish Widdows</p> <p><b>(Abbey Ward)</b></p>
<p><b>14. Planning System - Proposed Changes</b></p> <p>(Pages 61 - 70)</p> <p>Acting Head of Planning and Building Control</p>	<p>To note a report detailing changes to the Planning System that came into force on the 1st October 2009 and further fee related information which will come into force imminently.</p> <p>(Report attached)</p> <p><b>(All Wards)</b></p>
<p><b>15. Members' Planning Code of Good Practice</b></p> <p>(Pages 71 - 88)</p> <p>Monitoring Officer, Head of Legal, Democratic and Property Services</p>	<p>To consider a revised Planning Code of Good Practice for adoption by the Council as referred to this Committee by the Standards Committee.</p> <p>(Report attached)</p> <p><b>(No Direct Ward Relevance)</b></p>
<p><b>16. Exclusion of the Public</b></p>	<p>During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p><b>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended.</b></p>
<p><b>17. Confidential Matters (if any)</b></p>	<p>To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)</p>





## **Planning Committee**

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6th October 2009

### **MINUTES**

#### **Present:**

Councillor Michael Chalk (Chair), and Councillors D Enderby, J Field, W Hartnett, N Hicks, D Hunt, R King and D Smith

#### **Officers:**

R Bamford, A Hussain, A Rutt and S Skinner

#### **Committee Services Officer:**

J Smyth

#### **55. APOLOGIES**

An apology for absence was received on behalf of Coouncillor Banks.

#### **56. DECLARATIONS OF INTEREST**

Councillors Enderby and Hunt declared personal but not prejudicial interests in Planning Application 2009/160/FUL (application for the demolition of existing retail and storage buildings, construction of new retail unit and associated parking area at The Corn Stores, 360 Evesham Road, Crabbs Cross) as detailed separately in Minute 61 below.

#### **57. CONFIRMATION OF MINUTES**

##### **RESOLVED that**

**the minutes of the meeting of the Committee held on the 8th September 2009 be confirmed as a correct record and signed by the Chair.**

#### **58. APPLICATIONS FOR PLANNING PERMISSION**

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

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Chair

Officers tabled an update report detailing any late responses to consultation, changed recommendations, further conditions and any additional Officer comments in relation to each application. This report was further updated orally at the meeting as appropriate to each application.

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

**59. PLANNING APPLICATION 2009/148/FUL –  
THE HILLS, TANHOUSE LANE, CHURCH HILL NORTH**

Erection of fourteen dwellings.

Applicant: Mr J Varney

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

**RESOLVED that**

- 1. having regard to the Development Plan and to all other material considerations, authority be delegated to the Head of Planning and Building Control to GRANT planning permission subject to:**
  - a) a planning obligation ensuring that the County Council is paid appropriate contributions in relation to the development for education provision, and that Redditch Borough Council receives contributions towards pitches, play areas and open space provision in the locality to be provided and maintained; and**
  - b) the conditions and informatives as summarised below and the following additional Condition (14):**
    - "1. Time limit for commencement of development – three years**
    - 2. Parking spaces to be provided prior to occupation**
    - 3. Parking during construction to be agreed (highway safety and tree protection)**
    - 4. Roads to be constructed to acceptable standard**
    - 5. Contaminated land – What to do if found**

6. Hours of construction limit
7. Tree protection during construction
8. Boundary treatment details to be agreed
9. Drainage to be to Severn Trent Water Company requirements
10. Archaeological condition
11. Access details to be agreed (archaeological and highway safety)
12. Travel plan
13. State plan numbers of approved plans
- “14. Development to be in accordance with bus and cycle plan.”

**Informatives**

1. Lighting
  2. Separate legislation requirements – Rights of Way.
2. In the event that the Planning Obligation cannot be completed by the 26th October 2009:
- a) authority be delegated to the Head of Planning and Building Control to REFUSE the Application on the basis that, without the Planning Obligation, the proposed development would be contrary to policy and therefore unacceptable, due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements; and
  - b) in the event of a refusal on the ground at 2a) above, and the Applicant resubmitting the same or a very similar Planning Application with a completed legal agreement attached to cover the points noted, authority be delegated to the Head of Planning and Building Control to GRANT planning permission subject to the conditions and informatives stated in resolution 1b) above.

**60. PLANNING APPLICATION 2009/157/FUL –  
56 HITHER GREEN LANE, BORDESLEY**

Erection of Front Porch  
Applicant: Mr N Jinks

**RESOLVED that**

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

**61. PLANNING APPLICATION 2009/160/FUL –  
THE CORN STORES, 360 EVESHAM ROAD, CRABBS CROSS**

Demolition of existing retail and storage buildings,  
construction of new retain unit and associated  
parking  
Applicant: Mr M Siviter

Mr Siviter, 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 GRANTED, subject to the conditions and informatives summarised in the report but with condition 8 amended, an additional Condition 9 and an additional informative 4, all as detailed below:**

- “8. Use approved to be limited to sale of pet, animal and bird feeds, garden and fishing tackle supplies only.**
- 9. Details of Bat roost opportunities / Bat boxes to be submitted for the prior written approval of the Local Planning Authority. Works to be carried out in accordance with approved details.**

**Informative**

- 4. The Applicant should be aware that Planning Permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of Circular 06/2005 (Biodiversity and Geological Conservation).”**

# Planning Committee

6th October 2009

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(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillors Enderby and Hunt declared minor personal but not prejudicial interests in view of the fact that they had been regular customers at the Store.)

## 62. INFORMATION REPORT

The Committee received an item of information in relation to the outcome of an appeal against a Planning decision in respect of a variation to Condition 2 of Planning Permission 2006/537 (71 to 75 Bridley Moor Road). Members noted that the appeal had been ALLOWED.

**RESOLVED that**

**the item of information be noted.**

The Meeting commenced at 7.00 pm  
and closed at 7.44 pm

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CHAIR





# Planning Committee

Various Wards

3rd November 2009

## APPLICATIONS FOR PLANNING PERMISSION

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

### 1. Summary of Report

To determine nine 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 the reports.

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 the reports.

3.5 Sustainability/Environmental: As detailed within the reports.

### 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.

6. **Consultation**

Consultees are indicated in the reports.

7. **Other Implications**

Asset Management            Not normally applicable.

Community Safety:        As detailed within the reports.

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](mailto:ruthbamford@redditchbc.gov.uk)) for more information.

## Planning Committee

Greenlands Ward

3rd November 2009

2009/186/FUL

**ERECTION OF NEW (CLASS A1) RETAIL UNIT  
UNIT 9, WASHFORD TRADE PARK, WASHFORD DRIVE, REDDITCH  
APPLICANT: HSL PROPERTY LIMITED  
EXPIRY DATE: 3RD NOVEMBER 2009**

The author of this report is Nina Chana, Planning Assistant (DC), who can be contacted on extension 3207 (e-mail: [nina.chana@redditchbc.gov.uk](mailto:nina.chana@redditchbc.gov.uk)) for more information.

### Site Description

**(See additional papers for Site Plan)**

The site is located in a Primarily Employment Area and on the north-western side of the roundabout at the junction of Washford Drive and Old Forge Drive.

The site contains a number of employment use buildings, erected in 2004 following the approval of application 2003/284 (New car showroom/workshops; trade centre).

Parking is generally to the frontage of the new buildings, with access, via a new access created off the roundabout under application 2003/284.

### Proposal Description

This is a full application to erect a new retail Unit (Class A.1 under the Town and Country Planning (Use Classes) Order 1987, as amended 2005).

Information submitted to accompany the application indicates that the retail unit would operate as a sandwich shop, but a general A.1 consent has been applied for.

The new Unit would measure 1000 sq ft in area (92.9 metres squared).

The external dimensions of the building would be as follows:

Length: 10.75m

Width: 9.25m

Overall height: 4.25m

Walls (up to 2m in height) would be part glazed and part metal clad (metallic silver in colour). Above would be a green coloured metal clad feature panel. The roof would be curved, and constructed of profiled metal panels (metallic silver in colour).

The design of the building would generally match the design of existing built development on the site approved under application 2003/284.

### **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](http://www.communities.gov.uk)  
[www.wmra.gov.uk](http://www.wmra.gov.uk)  
[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)  
[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

### ***National Planning Policy***

PPS 1     Delivering sustainable development  
 PPS 6     Planning for Town Centres

### ***Regional Spatial Strategy***

PA.11     The network of Town and City Centres  
 UR.3     Enhancing the role of City, Town and District Centres

### ***Worcestershire County Structure Plan***

D.19     Employment land requirements  
 D.33     Retailing in out of centre locations  
 D.34     Retail Developments in District and Local Centres  
 SD.4     Minimising the need to travel

### ***Borough of Redditch Local Plan No. 3***

E(EMP).1   Employment Provision  
 E(EMP).3   Primarily Employment Areas  
 E(TCR).1   Vitality and Viability of the town centre  
 E(TCR).4   Need and the Sequential approach  
 E(TCR).9   District Centres  
 CS.5     Achieving Balanced Communities  
 CS.7     The sustainable location of development  
 B(BE).13   Qualities of good design  
 B(BE).19   Green Architecture  
 C(T).12   Parking Standards

### **Relevant Site Planning History**

2003/284	Car showroom, workshops, trade centre	Approved 05.04.2004
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# Planning Committee

3rd November 2009

2005/566	Motor Vehicle Centre (Unit 8)	Approved 08.02.2006
2007/268	Change of Use from Car Showroom to bulky goods retail use (Units 1A and 1B)	Refused 07.12.2007 Appeal allowed 22.12.2008

## Public Consultation Responses

The application has been advertised by writing to neighbouring properties / premises within the vicinity of the application site, and by site notice.

### Responses in favour

None received

### Responses against

One letter received. Comments summarised as follows:

- The local infrastructure of the area is not capable of dealing with the large number of additional customers that would attend the proposed development.
- Vehicular movements with respect to waste collection will be made more difficult
- General highway safety concerns
- Congestion in the area will increase
- Noise, vibration and dust created during the construction period would be disruptive and detrimental to existing business' ability to trade
- 'Visibility' of existing business' when viewed from the roundabout will be affected, having a negative impact on trade
- Application form states that proposal is for an A1 retail use, but plans indicate that the unit is designed for A3 use. As such, an increase in smells and litter could result.

## Consultee Responses

### ***County Highway Network Control***

No objections subject to conditions regarding access, turning and parking

### ***Environmental Health***

No comments received

### ***Severn Trent Water***

No objection. Drainage details to be subject to agreement with Severn Trent

### ***RBC Economic Development Unit***

Comments awaited

## ***RBC Development Plans Team***

Comments received summarised as follows:-

### *Spatial Planning Considerations*

#### National Planning Policy:

PPS 6 states that wherever possible growth should be accommodated by more efficient use of land and buildings within existing centres and density of development should be increased where appropriate. In addition, PPS 6 requires a sequential and needs test to be undertaken for any proposed development for a main town centre use which would be outside existing centres, such as in this case.

#### Regional Policy:

With regard to the current Regional Spatial Strategy (RSS), no particular policy would apply to this specific proposal.

#### Local Plan No.3 Policies:

### **E(EMP).3 Primarily Employment Areas**

This policy states that Primarily Employment Areas are designed to accept applications for B1 (Business), B2 (General industry) and B8 (storage and distribution). It also states that for non employment development in this area certain criteria must be fulfilled, including:

- i. it can be demonstrated that the site is not capable of being developed for employment use and that the loss of the site for employment use will not have an unacceptable impact on the supply of employment land in the Borough; or*
- ii. the use of the site for employment purposes raises unacceptable environmental or traffic problems which could be alleviated by alternative use or uses; and in all cases;*
- iii. the use is compatible with surrounding land uses in accordance with Policy E(EMP).3a (Development Affecting Primary Employment Areas)."*

This application deviates from the employment land designation and criteria i and ii have not been met.

### **E(TCR).1 Vitality and Viability of the Town Centre**

This policy states that vitality and viability of Redditch Town Centre will be enhanced and maintained partly through ensuring the Town Centre is the primary focus for retail facilities amongst others. As this is not the case this application is contrary to this policy.

There are currently vacant units within the Kingfisher Shopping Centre of adequate size that are available for this retail unit to be located. As this is the case it would be requested that any retail development looks to the town centre location before alternatives.

## **E(TCR).9 District Centres**

The reasoning behind this policy as stated in paragraph 3 of the reasoned justification states that proposals that would undermine the retail and community function of the Town and District centres will be refused.

### Preferred Draft Core Strategy material considerations:

The vision within the Core Strategy makes reference to the Town Centre and the need for it to be "vital and vibrant". The provision of an A1 unit outside the existing centres and out of sync with the Hierarchy of Centres would not support this vision.

### Conclusion

This application does not comply with the Development Plan. PPS6 raises important issues with regards to maintaining the function of existing centres and the sequential and needs test for main town centre uses. In addition policy E(EMP).3 has not been satisfied.

### Procedural matters

This application would normally be assessed under the delegated powers granted to the Head of Planning and Building Control, but is being reported to committee at the request of Cllr. Mrs. W. King.

### Background

Planning permission for the original re-development of this Primarily Employment Area was granted on 5 April 2004 under application 2003/284 (Car showroom, workshops, trade centre). Under the terms of that original consent, the use of the units approved was restricted to B.2, B.8 and ancillary trade counter use, or sales to the general public ONLY where that use involves:-

1. Plumbing fittings and fixtures (including full bathroom suites, sauna and hydrotherapy equipment sales).
2. Carpet and laminate floor coverings.
3. Ceramic wall and floor tiles.
4. Tool hire, repair and servicing (but not sale).
5. Automotive repair and MOT testing.
6. Sale and fitting of windscreens, automotive audio and alarms, exhausts, tyres, tow bars and batteries (but not sales of other general vehicle accessories).

# Planning Committee

3rd November 2009

The above condition was applied in order to maintain effective control of uses on this primarily employment uses site, and in the interests of town centre vitality and viability.

Application 2007/268 was submitted in 2007, and proposed to change the use of the permitted (but unimplemented) Car Showroom use approved under application 2003/284, to bulky goods retail use. This application related to the largest Unit on the site (Unit 1) which is now split into two Units (1A and 1B). The application was refused planning permission at Planning Committee on 4<sup>th</sup> December 2007, but was later allowed at appeal in December 2008.

All units at the site are operating lawfully under the terms of the condition applied under application 2003/284 (above), other than that of Unit 1A (currently occupied by Dreams beds) which is operating lawfully under the terms of the 2007/268 appeal decision.

The Units at this site are currently occupied as follows:

Unit 1A	Dreams beds
Unit 1B	Floors to go
Unit 2	Topps Tiles
Unit 3	Carpet Right
Unit 4	Bathstore.com
Unit 5	PTS plumber's merchants
Unit 6	Tile warehouse
Unit 7	Grahams plumber's merchants
Unit 8	Formula 1 (MOT testing)

## **Assessment of Proposal**

The key issues for consideration are as follows:-

### Principle

The site is within an area designated as a Primarily Employment Area in the Borough of Redditch Local Plan No. 3 where the primary aim of Policy is to maintain uses within Classes B.1 (Business), B.2 (General Industry), and B.8 (Storage and distribution) of the Town and Country Planning (Use Classes - amendment) Order 2005.

As stated above, planning permission for existing development on the site was granted on 5 April 2004 (ref: 2003/284). All but one of the Units ('Dreams' occupying Unit 1A) are operating under the terms of that original consent, and therefore your Officers do not accept the applicant's suggestions that the employment use of the site as a whole has been 'lost' to open retailing. In the case of Unit 1A, when application 2007/268 was refused planning permission, several sequentially preferable sites (under the terms of Policy E(TCR).4) were considered by officers to be available.



However, when the planning appeal was determined, these sites were either unavailable, or considered by the Planning Inspector to be unsuited to the proposed use.

Your officers consider it to be essential that further applications for open retailing to the general public be resisted where possible on this Primarily Employment Area, and be directed to sequentially preferable, sustainable locations within the Borough.

Policies D.33 and D.34 of the Worcestershire County Structure Plan are of particular relevance to the proposal.

Policy D.33 places the following requirements on retailing in out-of-centre locations.

*Proposals for retail development that attract many trips in out-of-centre locations will be refused unless it can be demonstrated that a need exists and no suitable site is available in a town centre or edge-of-centre location. Where it can be demonstrated that no suitable site is available, and a need has been demonstrated, development in out-of-centre locations should:*

- (i) not adversely affect the vitality and viability of existing town centres. Where relevant cumulative effects of any recently completed developments and any outstanding retail planning permissions in the catchment area of the town centre should be considered in assessing the effect on vitality and viability;*
- (ii) be easily accessible, or capable of being made easily accessible, by a choice of means of transport. This may require developer contributions to improve public transport accessibility;*
- (iii) where possible be in close proximity to existing major out-of-centre developments which attract vehicular trips; and*
- (iv) not normally be allowed on land allocated for other uses in an approved development plan, especially on land allocated for industry, employment and housing, where retail development can be shown to have the effect of limiting the range and quality of sites that would be available for such uses.*

Policy E(TCR).4 of the Borough of Redditch Local Plan No. 3 is of particular relevance to the application proposal and deals with need and the sequential approach. It requires the following:-

*“The first preference for siting main town centre uses (including extensions to existing development) is Redditch Town Centre. Proposals for main town centre uses outside Redditch Town Centre should, after taking account of other existing or permitted development within the same Use Class, demonstrate need. Where no town centre site or building is*

*available or likely to become available within a reasonable time, then alternative locations should be considered in the following sequence:-*

- (i) a site in the peripheral zone;*
- (ii) an edge of centre site;*
- (iii) a site within or adjoining a District Centre provided that the proposal is appropriate in scale and function;*
- (iv) an out of centre site.*

*Applications for a main town centre use on a non-town centre site shall be accompanied by an assessment of the impact that the proposal would have upon Redditch Town Centre and any other centre within its catchment. A similar assessment will be required for any development in Redditch Town Centre if it could have an impact upon other centres.*

*Any non-town centre site shall be accessible by a choice of transport including public transport, walking and cycling. The extent to which car travel distances would increase as a result of the development will be a material consideration.*

*Developers shall demonstrate the potential that a proposal has for being reduced in scale or being subdivided into smaller elements.*

The proposal is 'out-of-centre' and is therefore required to satisfy the specified tests relating to: - need, impact, the sequential approach and accessibility.

With regards to need, the proposal is for a general A1 use. Given that the nearest District Centre (Woodrow) is situated a relatively short distance from the site (to the North-West), and that a number of Units retail from that District Centre, it is **not** considered that evidence of need has been demonstrated.

Your Officers raise concerns regarding the potential impact such a proposal would have upon the vitality and viability of the Woodrow District Centre, and note that Policy E(TCR).9 (District Centres) states under paragraph 3 of the reasoned justification that proposals that would undermine the retail and community function of the Town and District centres will be refused. The impact of a general A1 Class use upon the Woodrow District Centre has not been considered to have been adequately addressed.

In accordance with PPS.6, retail proposals should be considered against the sequential approach, applying a flexible approach to the proposed development. Local Plan Policy E(TCR).4 deals with the sequential approach further. It states that Redditch town centre is the first choice for locating retail development, followed by sites in the peripheral zone; an edge of centre site; a site within or adjoining a District Centre provided that the proposal is appropriate in scale and function; and then an out-of-centre site. This policy also advises that developers should demonstrate the

potential that a proposal has for being reduced in scale or being subdivided into smaller elements.

Whilst the applicant states that no units are suitable and available within the Woodrow Centre, the applicant has failed to assess ANY sites within the Redditch Town Centre, where, under the terms of Policy E(TCR).4, this should be the first choice for locating retail development. Your Officers are aware of a number of vacant units within Redditch Town Centre, currently available to the market, and which are considered to be suitable and viable for the size of retailing facility being proposed (1000 square feet). Such potential sites include, amongst others (having regard to flexibility advice contained within PPS.6), Unit 14 Kingfisher Walk at 918 sq ft; Unit 4 Walford Walk at 925 sq ft; Unit 34 Kingfisher Walk – 925 to 1556 sq ft; Unit 23 Evesham Walk – 956 to 1985 sq ft; Unit 39 Evesham Walk – 1112 to 2224 sq ft; Unit 8 Walford Walk at 1264 sq ft.

### Highways and Access

Worcestershire County Council highways do not raise objections to the proposals subject to the imposition of planning conditions, and your Officers do not therefore object to the application on highway safety grounds.

### Design and Layout

The proposal is considered to be satisfactory in terms of its design and layout, with the building respecting the character and appearance of other built development on the site. This conclusion does not however outweigh the 'in principle' objections your officers raise to the proposal.

### Conclusion

The proposal is considered to conflict with National Policy Guidance contained within PPS.6, and relevant policies of the Borough of Redditch Local Plan which seek to safeguard the vitality and viability of the Town and District Centres. The proposal is considered to be unsustainably located, and therefore Officers urge members to refuse this application.

### Recommendation

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

1. - On the basis of the information submitted, it is considered that the proposals fail the PPS.6 tests for new retail development which require such proposals to follow the sequential approach after being flexible about site selection. The proposed development would therefore encourage additional trips / journeys contrary to sustainability

objectives. As such, the proposed development is contrary to the aims and objectives of PPS.6 - (Planning for Town Centres), and Policy E(TCR).4 of the Borough of Redditch Local Plan No. 3.

2. - The proposed development would materially impact upon, and undermine the retail and community function of the nearby Woodrow District Centre. As such, the proposed development is contrary to the aims and objectives of PPS.6 (Planning for Town Centres), Policy D.33 of the Worcestershire County Structure Plan, and Policy E(TCR).9 of the Borough of Redditch Local Plan No. 3.

## Planning Committee

Astwood Bank & Feckenham Ward

3rd November 2009

**2009/194/FUL NEW DWELLING  
18 CHESTNUT ROAD, ASTWOOD BANK  
APPLICANT: MR I OSBORNE  
EXPIRY DATE: 12TH NOVEMBER 2009**

The author of this report is Nina Chana, Planning Assistant (DC), who can be contacted on extension 3207 (e-mail: [nina.chana@redditchbc.gov.uk](mailto:nina.chana@redditchbc.gov.uk)) for more information.

### Site Description

(See additional papers for Site Plan)

The site lies to the side of 18 Chestnut Road, Astwood Bank, on the corner of Chapel Road and Chestnut Road. It comprises part of the garden of 18 Chestnut Road and part highway verge. The surrounding area is predominantly residential with no uniform pattern or character.

### Proposal description

Full planning permission is sought for a two storey, three bedroom detached dwelling partly within the curtilage of 18 Chestnut Road and partly incorporating approximately three metres of highway verge.

The proposed dwelling would be a two storey detached dwelling facing towards Chestnut Road. It would comprise of a kitchen/dining area, lounge, study and WC on the ground floor and three bedrooms, and a bathroom upstairs.

There would be one car parking space provided to the rear of the property leading to a detached single garage which is proposed to be partly constructed in the rear garden of 18 Chestnut Road. The access to this car parking space and garage would cross over the highway verge on Chapel Road.

### 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](http://www.communities.gov.uk)  
[www.wmra.gov.uk](http://www.wmra.gov.uk)  
[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)  
[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

### ***National Planning Policy***

PPS1 (& accompanying documents) Delivering sustainable development  
 PPS3 Housing  
 PPG13 Transport

### ***Regional Spatial Strategy***

CF2 Housing beyond Major Urban Areas.  
 CF3 Level and Distribution of New Housing Development.  
 CF5 The re-use of land and buildings for housing.  
 CF6 Making efficient use of land.  
 T2 Reducing the Need to Travel.  
 T7 Car Parking Standards and Management.

### ***Worcestershire County Structure Plan***

SD.3 Use of previously developed land.  
 SD.4 Minimising the Need to Travel.  
 T.4 Car Parking.

### ***Borough of Redditch Local Plan No.3***

CS.7 The Sustainable Location of Development  
 B(HSG).6 Development within or adjacent to the curtilage of an Existing Dwelling  
 B(RA).8 Development at Astwood Bank  
 B(BE).13 Qualities of Good Design  
 C(T).12 Parking Standards

### ***SPDs***

Borough of Redditch Supplementary Planning Guidance (SPG) on Encouraging Good Design.

### **Relevant Site Planning History**

<b>Appn. no</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
2009/109/FUL	Detached Dwelling	Refused	30 July 2009

### **Public Consultation responses**

Responses in favour  
 None.

Responses against

2 objections have been received raising the following concerns:

- loss of grass verge.
- 'crammed view' from Chapel Road.
- loss of parking – grass verge used for parking.
- overlooking.

Other issues which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application.

**Consultee responses**

***County Highway Network Control***

No objection subject to imposition of conditions and informatives regarding:

- access, turning and parking.
- highway land to be stopped up prior to development commencing.
- no private apparatus within confines of public highway.
- license to be obtained from highways before work commences.

***Environmental Health***

No objection subject to conditions/informatives regarding potential contamination being found during construction, working time restrictions and no burning on site.

***Severn Trent Water***

No objection. Drainage details to be subject to agreement with Severn Trent.

**Assessment of Proposal**

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

Principle

The principle of erecting a residential dwelling in this location is considered to be acceptable. Part of the dwelling is proposed to be built on a three metre strip of highway verge. A two metre strip of the verge would still remain after the construction of the dwelling. Whilst part of the grass verge would be built upon, a substantial part of the verge would remain as grassed amenity area.

Design and layout

The proposal is a standard three bedroom, two storey dwelling. The previous application sought consent for a bungalow and was refused on grounds of design. This proposal is considered to be acceptable in terms of the contribution to the street scene and meets the spacing standards which are contained within the Council's adopted SPG Encouraging Good Design. Your Officers are of the opinion that the proposal would not give rise to a material loss of residential amenity caused by loss of privacy as the spacing standards have been met.

Highways and access

One car parking space and a single garage have been provided to serve the dwelling. Worcestershire Highways Network Control has raised no objections in relation to the parking. They have raised other issues which are not considered to be material considerations in planning terms and conditions are therefore not recommended in relation to these matters.

Sustainability

The site lies within the settlement boundary of Astwood Bank and the majority of the site area is on previously developed land. The site is considered to be located sustainably, complying with Policy CS.7 of the Borough of Redditch Local Plan. It is recommended that a condition be attached to any approval requiring that the dwelling be built to a minimum Level 3 requirement which is set out under Code for Sustainable Homes.

Other issues

The Environmental Health Officer has requested several conditions be attached, and those which are considered reasonable and which meet the tests contained in Circular 11/95 are recommended for inclusion on any decision notice approving the proposal. The remaining items would best be dealt with under the Environmental Health legislation, although informatives can be attached.

Conclusion

Your Officers consider that this dwelling is proposed in a sustainable location and that no harm to amenity or to highway safety would result from the granting of this permission. It appears to have met all the requirements of the policies and guidance listed previously.



**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. Development to commence within 3 years
2. Details of materials to be submitted
3. Landscape scheme and boundary treatments to be submitted
4. Limited working hours condition
5. Dwelling be built to a minimum Level 3 requirement which is set out under Code for Sustainable Homes
6. Materials to be used of parking area to be porous
7. Development in accordance with approved plans
8. Contamination (Standard conditions)

**Informatives**

1. Drainage details to be agreed with Severn Trent
2. Details of Highways formalities to be agreed with Worcestershire Highways
3. No burning of construction waste on site.



## Planning Committee

Abbey Ward

3rd November 2009

**2009/203/COU REVISED APPLICATION FOR THE CHANGE OF USE FROM A1 'RETAIL' TO A2 'FINANCIAL AND PROFESSIONAL SERVICES', ALTERATIONS TO THE SHOPFRONT AND INSTALLATION OF 4 SATELLITE DISHES, TV AERIAL TO ROOF AND ASSOCIATED WORKS.  
UNITS 1-2 MARKET PLACE, REDDITCH TOWN CENTRE  
APPLICANT: PADDY POWER PLC  
EXPIRY DATE: 25TH NOVEMBER 2009**

The author of this report is Nina Chana, Planning Assistant (DC), who can be contacted on extension 3207 (e-mail: [nina.chana@redditchbc.gov.uk](mailto:nina.chana@redditchbc.gov.uk)) for more information.

### Site Description

(See additional papers for Site Plan)

The site falls within the Town Centre area of Redditch, within the retail core and also within the Church Green Conservation Area. The property is a three storey building which is not listed but has a traditional shopfront with defined window cills and contributes to the Conservation Area in which it stands. The unit was occupied by the Oxfam Charity Shop until a few weeks ago. Currently it is lying empty.

### Proposal Description

The proposed Change of Use would include a new aluminium shopfront. The entrance door would remain in the same position. The cladding is proposed to be removed from the left hand and the right hand pilasters and to be rendered and finished with masonry paint. The ceramic tiles on the stall risers would be replaced by black ceramic tiles. Also proposed are the installation of 4 Satellite Dishes and a TV aerial to the roof area at the side of the Unit.

The applicant, and therefore likely initial user of the unit if the application is successful would be a bookmakers, however the application is for general A2 use, which includes banks, building societies, estate and employment agencies as well as betting shops. Thus the application is for a change of use which would allow for any of these uses to be operated within this unit.

### 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](http://www.communities.gov.uk)  
[www.wmra.gov.uk](http://www.wmra.gov.uk)  
[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)  
[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

## ***National Planning Policy***

PPS1 (& accompanying documents) Delivering sustainable development  
PPS6 Planning for Town Centres

## ***Borough of Redditch Local Plan No. 3***

E(TCR).1 Vitality and Viability of the Town Centre  
E(TCR).5 Protection of the Retail Core  
B(BE).9 Streetscapes in the Conservation Area  
B(BE).13 Qualities of Good Design  
B(BE).16 Shopfronts

## **Relevant Site Planning History**

<b>Appn. no</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
2009/153	Revised application for the Change of Use from (A1) Retail to (A2) Bookmakers, alterations to the Shop front and installation of 4 Satellite Dishes, TV Aerial to roof and associated works.	Withdrawn	25/09/2009

## **Public Consultation Responses**

### Responses in favour

None

### Responses against

Four objections have been received raising the following concerns:

- principle of betting shop in this area in unacceptable
- harmful to Conservation area.

Other issues which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application.

## **Consultee Responses**

### ***Crime Risk Manager***

No objection subject to conditions regarding CCTV coverage

### ***Conservation Officer***

No objection received

**Background**

The submission of this application has followed the recent withdrawal of application 2009/153 where Officers considered the proposed design of that shop front to be unsatisfactory in appearance. The design of the shop front has been amended under the current scheme.

**Assessment of Proposal**

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

**Principle**

In principle, the Change of Use from A1 Retail to A2 Financial and Professional Services complies with the policies of the Borough of Redditch Local Plan No 3 as listed above.

Policy E(TCR).5 sets out the protection of the retail core and states that the proposed use should not result in a continuous frontage of more than two non-retail units. In this case, the application is in compliance with the policy as both adjacent units are A1 units.

**Design and layout**

In terms of the shopfront, the entrance into the unit is proposed to remain in the same position. Overall, it is considered that the quality and appearance of the shopfront would be enhanced. Discussions with the Conservation Officer have led to an improvement in the design of the existing building, in particular the shopfront, resulting in a design more sympathetic and appropriate to the Conservation Area and resulting in greater compliance with Policies B(BE).9, B(BE).13 and B(BE).16.

**Sustainability**

The units are in the Town Centre so are therefore considered to be located within a sustainable area.

**Other issues**

The application also seeks consent for four satellite dishes and a TV aerial to be installed on the roof area towards the centre of the building. Consideration has been given to the location of this equipment; it would not be visible to the public and would not therefore have an adverse impact on the Conservation Area. This part of the proposal is therefore considered to be compliant with policy requirements.

**Conclusion**

The amended proposals are considered to be compliant with policy, appropriate in design and appearance to the Conservation Area, and unlikely to cause harm to amenity or safety.

# Planning Committee

3rd November 2009

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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 as summarised below:**

1. Development to commence within 3 years.
2. Development to be implemented as per approved plans.

## Planning Committee

Lodge Park Ward

3rd November 2009

**2009/205/RC3 ENVIRONMENTAL ENHANCEMENTS  
DORMSTON CLOSE, LODGE PARK, REDDITCH  
APPLICANT: MR K STOKES, REDDITCH BOROUGH COUNCIL  
EXPIRY DATE: 27 NOVEMBER 2009**

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

### Site Description

(See additional papers for Site Plan)

New Town residential area in Lodge Park, with dwellings facing outwards onto estate roads and rears of other rows of dwellings, or into parking courtyards. Two storey housing, some with flat roofs and some with pitched roofs. Most of surrounding spaces are hard surfaced, or contain terraces of garages. Area has unkempt appearance, but does contain some grassed verges and amenity strips.

### Proposal Description

The application proposes the demolition of three rows of existing garages located to the front of dwellings whilst the concrete bases are being replaced as parking areas and being surfaced with tarmac. Further parking spaces will be created on existing grass amenity areas, with footpaths extended to lead to the spaces.

The application is supported by a Design & Access Statement.

### 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](http://www.communities.gov.uk)  
[www.wmra.gov.uk](http://www.wmra.gov.uk)  
[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)  
[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

### *National planning policy*

PPS1 (& accompanying documents) Delivering sustainable development  
PPG13 Transport

***Regional Spatial Strategy***

QE3 Creating a high quality built environment for all  
QE4 Greenery, urban greenspace and public spaces  
T7 Car Parking standards and management

***Worcestershire Country Structure Plan***

T4 Car parking  
SD2 Care for the environment

***Borough of Redditch Local Plan No.3***

B(BE).13 Qualities of Good Design  
S.1 Designing out Crime  
B(NE).1a Trees, Woodland and Hedgerows  
R2 Protection of incidental open space

***SPDs***

Encouraging Good Design.  
Designing out Crime

**Relevant Site Planning History**

None

**Public Consultation responses**

No responses received at time of writing. Consultation period expires on 29th October, and any further representations received before the Committee meeting will be reported on the Update Paper.

**Consultee responses**

***County Highway Network Control***

No comments received

***Worcestershire County Council***

No comments received

Again, any further comments received will be reported to Committee on the Update paper.



**Procedural matters**

Permission is required for the demolition of the garage blocks and for the surfacing works proposed, as neither benefits from permitted development rights under the legislation in this case.

**Assessment of Proposal**

The key issues for consideration in this case are the effect of the loss of the garages on residential and visual amenity, the loss of the incidental grass amenity areas and the overall impact on the provision of parking spaces for the close as a whole.

**Loss of garages**

The garage blocks in this area appear to attract a range of undesirable behaviour, and have not been well maintained to an extent that they are both detrimental to the visual amenity of the area and detrimental to the security and safety of local residents. Their removal is therefore welcomed, as Officers consider that in policy terms this would improve the safety and security of the Close and its residents and visitors, as well as improving their visual amenity, which is compliant with policy objectives.

**Loss of grass amenity areas**

Whilst policy seeks to protect incidental amenity grass spaces, some would remain in this Close, and in considering the benefit of the proposed parking arrangements, this should be weighed against other benefits and disbenefits, when considering the overall proposal here.

**Overall parking provision in the Close**

The proposal would result in 104 spaces in total in the Close, to serve 64 properties, which works out at an average of 1.6 spaces per dwelling. This is considered to be a good balance between a realistic level of provision for this location, and a sustainable number that should still encourage other methods of travel and thus sustainability. It is therefore considered by Officers to be broadly in compliance with Policy requirements.

**Sustainability**

In line with current and emerging planning policy guidance, any hard surfacing to be provided should be permeable or include a Sustainable Urban Drainage system, and thus it is recommended that a condition be imposed to this effect.

**Other issues**

No other issues have been raised at this stage. Should any others be raised, they will be reported and addressed in the Update Paper.

Conclusion

On balance, Officers consider that the proposals here would result in an improved residential and visual amenity in this Close, and the loss of the small grassed areas is therefore considered to be outweighed by these benefits.

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. Development to commence within three years
2. Surfacing to be permeable wherever possible for sustainability reasons
3. Details of finishes of surfaces to be submitted and agreed prior to commencement on site, and implemented as agreed
4. Approved plans specified

Informatives

None considered necessary in this case.

## Planning Committee

Lodge Park Ward

3rd November 2009

**2009/206/RC3 ENVIRONMENTAL ENHANCEMENTS (PART RETROSPECTIVE)  
HIMBLETON CLOSE, LODGE PARK, REDDITCH  
APPLICANT: MR K STOKES, REDDITCH BOROUGH COUNCIL  
EXPIRY DATE: 27 NOVEMBER 2009**

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

### Site Description

(See additional papers for Site Plan)

New Town residential area in Lodge Park, with dwellings facing outwards onto estate roads and rears of other rows of dwellings, or into parking courtyards. Two storey housing, some with flat roofs and some with pitched roofs. Most of surrounding spaces are hard surfaced, or contain terraces of garages. Area has unkempt appearance, but does contain some grassed verges and amenity strips.

### Proposal Description

The application proposes the demolition of four rows of existing garages located to the front of dwellings whilst the concrete bases are being replaced as parking areas and being surfaced with tarmac. Further parking spaces will be created on existing grass amenity areas, with footpaths extended to lead to the spaces. This application is part retrospective, as demolition and surfacing work has already begun in this Close.

The application is supported by a Design & Access Statement.

### 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](http://www.communities.gov.uk)  
[www.wmra.gov.uk](http://www.wmra.gov.uk)  
[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)  
[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

### *National planning policy*

PPS1 (& accompanying documents) Delivering sustainable development  
PPG13 Transport

***Regional Spatial Strategy***

QE3 Creating a high quality built environment for all  
QE4 Greenery, urban greenspace and public spaces  
T7 Car Parking standards and management

***Worcestershire Country Structure Plan***

T4 Car parking  
SD2 Care for the environment

***Borough of Redditch Local Plan No.3***

B(BE).13 Qualities of Good Design  
S.1 Designing out Crime  
B(NE).1a Trees, Woodland and Hedgerows  
R2 Protection of incidental open space

***SPDs***

Encouraging Good Design.  
Designing out Crime

**Relevant Site Planning History**

None

**Public Consultation responses**

One letter of objection has been received raising issues of:

- Destruction of landscaping for no purpose
- Safety

Other issues which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application.

Consultation period expires on 29 October, and any further representations received before the Committee meeting will be reported on the Update paper.

**Consultee responses**

***County Highway Network Control***

No comments received

***Worcestershire County Council***

No comments received

Again, any further comments received will be reported to Committee on the Update Paper.

### **Procedural matters**

Permission is required for the demolition of the garage blocks and for the surfacing works proposed, as neither benefits from permitted development rights under the legislation in this case.

Retrospective applications should be considered as if the work has not commenced, and if consent is not forthcoming, then enforcement action should be considered in respect of the unauthorised development that has occurred. Thus the fact that this application is partially retrospective should not be given weight in the consideration of this application.

### **Assessment of proposal**

The key issues for consideration in this case are the effect of the loss of the garages on residential and visual amenity, the loss of the incidental grass amenity areas and the overall impact on the provision of parking spaces for the close as a whole.

#### Loss of garages

The garage blocks in this area appear to attract a range of undesirable behaviour, and have not been well maintained to an extent that they are both detrimental to the visual amenity of the area and detrimental to the security and safety of local residents. Their removal is therefore welcomed, as Officers consider that in policy terms this would improve the safety and security of the Close and its residents and visitors, as well as improving their visual amenity, which is compliant with policy objectives.

#### Loss of grass amenity areas

Whilst policy seeks to protect incidental amenity grass spaces, some would remain in this Close, and in considering the benefit of the proposed parking arrangements, this should be weighed against other benefits and disbenefits, when considering the overall proposal here.

#### Overall parking provision in the Close

The proposal would result in 120 spaces in total in the Close, to serve 42 properties, which works out at an average of 2.9 spaces per dwelling. This is considered to be a good balance between a realistic level of provision for this location, and a sustainable number that should still encourage other methods of travel and thus sustainability. It is therefore considered by Officers to be broadly in compliance with Policy requirements.

#### Sustainability

In line with current and emerging planning policy guidance, any hard surfacing to be provided should be permeable or include a Sustainable Urban Drainage system, and thus it is recommended that a condition be imposed to this effect.

Other issues

No other issues have been raised at this stage. Should any others be raised, they will be reported and addressed in the Update Paper.

Conclusion

On balance, Officers consider that the proposals here would result in an improved residential and visual amenity in this Close, and the loss of the small grassed areas is therefore considered to be outweighed by these benefits.

**Recommendation**

**That, having regard to the development plan and to other material planning considerations, it is recommended planning permission be granted subject to conditions and informatives as summarised below:**

1. Development to commence within three years
2. Surfacing to be permeable wherever possible for sustainability reasons
3. Details of finishes of surfaces to be submitted and agreed prior to commencement on site, and implemented as agreed
4. Approved plans specified

Informatives

None considered necessary in this case

## Planning Committee

Lodge Park Ward

3rd November 2009

**2009/208/RC3 ENVIRONMENTAL ENHANCEMENTS (PART RETROSPECTIVE)  
FLYFORD CLOSE, LODGE PARK, REDDITCH  
APPLICANT: MR K STOKES, REDDITCH BOROUGH COUNCIL  
EXPIRY DATE: 27 NOVEMBER 2009**

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

### Site Description

**(See additional papers for Site Plan)**

New Town residential area in Lodge Park, with dwellings facing outwards onto estate roads and rears of other rows of dwellings, or into parking courtyards. Two storey housing, some with flat roofs and some with pitched roofs. Most of surrounding spaces are hard surfaced, or contain terraces of garages. Area has unkempt appearance, but does contain some grassed verges and amenity strips.

### Proposal Description

The application proposes the demolition of two rows of existing garages located to the front of dwellings whilst the concrete bases are being replaced as parking areas and being surfaced with tarmac. Further parking spaces will be created on existing grass amenity areas, with footpaths extended to lead to the spaces. This application is part retrospective, as demolition work has already begun in this Close.

The application is supported by a Design & Access Statement.

### 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](http://www.communities.gov.uk)  
[www.wmra.gov.uk](http://www.wmra.gov.uk)  
[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)  
[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

### ***National planning policy***

PPS1 (& accompanying documents) Delivering sustainable development  
PPG13 Transport

***Regional Spatial Strategy***

QE3 Creating a high quality built environment for all  
QE4 Greenery, urban greenspace and public spaces  
T7 Car Parking standards and management

***Worcestershire County Structure Plan***

T4 Car parking  
SD2 Care for the environment

***Borough of Redditch Local Plan No.3***

B(BE).13 Qualities of Good Design  
S.1 Designing out Crime  
B(NE).1a Trees, Woodland and Hedgerows  
R2 Protection of incidental open space

***SPDs***

Encouraging Good Design.  
Designing out Crime

**Relevant Site Planning History**

None

**Public Consultation responses**

No responses received at time of writing. Consultation period expires on 29th October, and any further representations received before the Committee meeting will be reported on the Update Paper.

**Consultee responses**

***County Highway Network Control***

No comments received

***Worcestershire County Council***

No comments received

Again, any further comments received will be reported to Committee on the Update Paper.



**Procedural matters**

Permission is required for the demolition of the garage blocks and for the surfacing works proposed, as neither benefits from permitted development rights under the legislation in this case.

Retrospective applications should be considered as if the work has not commenced, and if consent is not forthcoming, then enforcement action should be considered in respect of the unauthorised development that has occurred. Thus the fact that this application is partially retrospective should not be given weight in the consideration of this application.

**Assessment of Proposal**

The key issues for consideration in this case are the effect of the loss of the garages on residential and visual amenity, the loss of the incidental grass amenity areas and the overall impact on the provision of parking spaces for the Close as a whole.

**Loss of garages**

The garage blocks in this area appear to attract a range of undesirable behaviour, and have not been well maintained to an extent that they are both detrimental to the visual amenity of the area and detrimental to the security and safety of local residents. Their removal is therefore welcomed, as Officers consider that in policy terms this would improve the safety and security of the Close and its residents and visitors, as well as improving their visual amenity, which is compliant with policy objectives.

**Loss of grass amenity areas**

Whilst policy seeks to protect incidental amenity grass spaces, some would remain in this Close, and in considering the benefit of the proposed parking arrangements, this should be weighed against other benefits and disbenefits, when considering the overall proposal here.

**Overall parking provision in the Close**

The proposal would result in 133 spaces in total in the Close, to serve 100 properties, which works out at an average of 1.3 spaces per dwelling. This is considered to be a good balance between a realistic level of provision for this location, and a sustainable number that should still encourage other methods of travel and thus sustainability. It is therefore considered by Officers to be broadly in compliance with Policy requirements.

**Sustainability**

In line with current and emerging planning policy guidance, any hard surfacing to be provided should be permeable or include a Sustainable Urban Drainage system, and thus it is recommended that a condition be imposed to this effect.

# Planning Committee

3rd November 2009

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## Other issues

No other issues have been raised at this stage. Should any others be raised, they will be reported and addressed in the Update Paper.

## Conclusion

On balance, Officers consider that the proposals here would result in an improved residential and visual amenity in this Close, and the loss of the small grassed areas is therefore considered to be outweighed by these benefits.

## 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. Development to commence within three years
2. Surfacing to be permeable wherever possible for sustainability reasons
3. Details of finishes of surfaces to be submitted and agreed prior to commencement on site, and implemented as agreed
4. Approved plans specified

## Informatives

None considered necessary in this case.

## Planning Committee

Abbey Ward

3rd November 2009

**2009/210/S73 VARIATION OF CONDITIONS 3&4 OF APPLICATION NO. 2008/067/RC3 TO ENSURE THAT TRADING HOURS AND DELIVERIES/COLLECTIONS/VEHICLE MOVEMENTS ARE ALL IN LINE WITH THE MARKET RULES & REGULATIONS 2009-10 LAND AT CHURCH GREEN/MARKET PLACE/ALCESTER STREET, TOWN CENTRE, REDDITCH  
APPLICANT: MS M DAVIDSON, REDDITCH BOROUGH COUNCIL  
EXPIRY DATE: 1ST DECEMBER 2009**

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

### Site Description

(See additional papers for Site Plan)

Existing pedestrianised area with recently refurbished and improved surface comprising shaped blocks, some tarmac and some slab paving. Grassed areas surround church, with various items of public art within the site area, including the war memorial, holocaust memorial and cemetery area with gravestones. Needles floor paving lies at southern end of site.

### Proposal Description

This is an application that seeks to amend conditions attached to the previous consent for the refurbishment and operation of the market. The two conditions to be varied are conditions 3 & 4 of consent reference 2008/067/RC3 and read as follows:

- 3) The market shall not trade before 0830 hours not after 1630 hours on any day.

Reason: In the interests of amenity and safety and in accordance with Policies R1 and S1 of the Borough of Redditch Local Plan No.3.

- 4) No vehicles making deliveries/collections or trading shall enter or manoeuvre on the site between the hours of 0830 and 1630 on any day except in the case of the early closure of the market at the request of the market manager. Such vehicles shall also not enter the site before 0700 on any day, or remain on site beyond 1800 on any day.

Reason: In the interest of highway and pedestrian safety and in accordance with Policies CT5, CT6 and CT1 of the Borough of Redditch Local Plan No.3.

It is now proposed that the **trading hours be 0900-1600** and that times for **deliveries be 0530-0830 and 1600-1800**. The conditions are therefore proposed to be amended accordingly in this application.

No other amendments to the original application are proposed as part of this application. The application is supported by a Planning Statement, which details the situation the market operators are in, and the current difficulties in complying with the original conditions.

### **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](http://www.communities.gov.uk)  
[www.wmra.gov.uk](http://www.wmra.gov.uk)  
[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)  
[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

### ***National Planning Policy***

PPS1	Delivering sustainable development
PPS6	Planning for town centres
PPG15	Planning & the historic environment

### ***Regional Spatial Strategy***

UR3	Enhancing the roles of city, town and district centres
QE2	Restoring degraded areas and managing and creating high quality new environments
QE3	Creating a high quality built environment for all
QE4	Greener, urban greenspace and public spaces
T2	Reducing the need to travel

### ***Worcestershire County Structure Plan***

SD2	Care for the environment
SD4	Minimising the need to travel
SD9	Promotion of town centres
CTC20	Conservation Areas

### ***Borough of Redditch Local Plan No. 3***

CS2	Care for the environment
CS7	Sustainable location of development
S1	Designing out crime
BBE9	Streetscapes in Conservation Areas
BBE13	Qualities of good design

# Planning Committee

3rd November 2009

BBE20	Public art
BBE25	Undergrounding of telephone and electricity lines
ETCR1	Vitality and viability of the town centre
ETCR2	Town centre enhancements
ETCR4	Need and the sequential approach
ETCR5	Protection of the retail core
R1	Civic open space

## **Relevant Site Planning History**

<b>Appn. no</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
2006/277	Erection of stalls for temp street market	Approved	21/7/06
2008/067	Improvement works to pedestrian area and permanent use of area as outdoor market	Approved	4/4/08

## **Public Consultation responses**

No responses received at time of writing. Consultation period expires on 6th November. Any further representations received before the Committee meeting will be reported on the Update Paper.

## **Consultee responses**

### ***County Highway Network Control***

No objection.

### ***Conservation Advisor***

No comments received.

### ***Crime Risk Manager***

No comments received.

### ***Fire Officer***

No comments received.

### ***Landscape Officer***

Notes that matters such as TRO (Traffic Regulation Order) and TCS (Town Centre Strategy) may result in future amendments, but raises no objection to the current proposals.

***Waste Management***

No comments received.

Again, further comments received will be reported to Committee on the Update Paper.

**Procedural matters**

Where an application is made to vary conditions attached to a previous consent, the determining authority should limit itself to considerations relating to the proposed amendments and their impact on the overall development, as well as the existing policy framework and original reasons for imposing them.

Should an application for the variation of condition(s) be allowed, then it should include the replacement conditions agreed, which can then be read to supersede the originals.

**Assessment of Proposal**

The key issues for consideration in this case are the impact on amenities and safety of the amended hours of trading and of delivering/collecting by vehicles in the pedestrianised area.

**Hours of trading**

The differences between the hours of trading as consented and as proposed are that it would trade for less time each day, and therefore there is no perceived harm likely to be caused by this in terms of town centre policies. It is unfortunate that it would therefore contribute less to the vitality and viability of the town centre, however to a certain extent, there is no control over this available to the planning authority, as the trading could not occur at all, and there would be no planning powers available to prevent such a cessation. However, the hours of trading are of course, directly related to the delivery hours discussed below.

**Hours of vehicular movements**

These were originally restricted for the benefit of pedestrian safety within the market area, and designed to coincide with movements such as secondary school pupils walking to school and back. The Highways Officer has raised no objections to the proposal, and thus it is not considered that the amended hours would cause undue risk to the safety of pedestrians.

**Other issues**

No other issues have been raised at this stage. Should any others be raised, they will be reported and addressed in the Update paper.

Conclusion

The proposal is considered to be compliant with policy and unlikely to cause harm to amenity or safety, and is therefore considered to be acceptable.

Recommendation

**That having regard to the development plan and to all other material considerations, planning permission be DELEGATED to the Acting Head of Planning and Building Control to grant consent subject to no new issues being raised following the expiry of the press notice (6th November 2009) and subject to conditions and informatives as summarised below:**

- 3) The market shall not trade before 0900 hours not after 1600 hours on any day.

Reason: In the interests of amenity and safety and in accordance with Policies R1 and S1 of the Borough of Redditch Local Plan No.3.

- 4) No vehicles making deliveries/collections or trading shall enter or manoeuvre on the site between the hours of 0830 and 1600 on any day except in the case of the early closure of the market at the request of the market manager. Such vehicles shall also not enter the site before 0530 on any day, or remain on site beyond 1800 on any day.

Reason: In the interest of highway and pedestrian safety and in accordance with Policies CT5, CT6 and CT1 of the Borough of Redditch Local Plan No.3.

Informatives

1. These conditions supersede conditions 3 & 4 on the original consent reference 2008/067, and in all other respects the original consent remains.





## Planning Committee

Abbey Ward

3rd November 2009

2009/211/FUL

**AMENDMENT TO PLANNING PERMISSION REF. 2008/067 FOR IMPROVEMENT WORKS TO PEDESTRIAN AREA AND PERMANENT USE OF AREA AS OUTDOOR MARKET LAND AT CHURCH GREEN MARKET PLACE, ALCESTER STREET, TOWN CENTRE, REDDITCH  
APPLICANT: MS M DAVIDSON, REDDITCH BOROUGH COUNCIL  
EXPIRY DATE: 1ST DECEMBER 2009**

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

### Site Description

(See additional papers for Site Plan)

Existing pedestrianised area with recently refurbished and improved surface comprising shaped blocks, some tarmac and some slab paving. Grassed areas surround church, with various items of public art within the site area, including the war memorial, holocaust memorial and cemetery area with gravestones. Needles floor paving lies at southern end of site.

### Proposal Description

This is an application that seeks to amend consent reference 2008/067/RC3 by:

- Adding 3 additional mobile market stall pitches
- Seeking consent for 6 temporary 'pop-up' stalls in certain locations for speciality market days and the temporary removal/relocation of public benches on these occasions
- The ability to remove any of the market stalls as necessary and then reinstate them in their consented locations to allow for access, maintenance etc.

No other amendments to the original application are proposed as part of this application. The application is supported by a Planning Statement, which details the situation in which the market is operating and how it seeks to operate in the future, and thus demonstrates why consent for these amendments is sought.

### 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](http://www.communities.gov.uk)  
[www.wmra.gov.uk](http://www.wmra.gov.uk)  
[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)  
[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

### ***National Planning Policy***

PPS1 Delivering sustainable development  
 PPS6 Planning for town centres  
 PPG15 Planning & the historic environment

### ***Regional Spatial Strategy***

UR3 Enhancing the roles of city, town and district centres  
 QE2 Restoring degraded areas and managing and creating high quality new environments  
 QE3 Creating a high quality built environment for all  
 QE4 Greener, urban greenspace and public spaces  
 T2 Reducing the need to travel

### ***Worcestershire County Structure Plan***

SD2 Care for the environment  
 SD4 Minimising the need to travel  
 SD9 Promotion of town centres  
 CTC20 Conservation Areas

### ***Borough of Redditch Local Plan No.3***

CS2 Care for the environment  
 CS7 Sustainable location of development  
 S1 Designing out crime  
 BBE9 Streetscapes in Conservation Areas  
 BBE13 Qualities of good design  
 BBE20 Public art  
 BBE25 Undergrounding of telephone and electricity lines  
 ETCR1 Vitality and viability of the town centre  
 ETCR2 Town centre enhancements  
 ETCR4 Need and the sequential approach  
 ETCR5 Protection of the retail core  
 R1 Civic open space

### **Relevant Site Planning History**

<b>Appn. no</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
2006/277	Erection of stalls for temporary street market	Approved	21/7/06
2008/067	Improvement works to pedestrian area and permanent use of area as	Approved	4/4/08

# Planning Committee

3rd November 2009

	outdoor market		
2009/210	Variation of conditions 3&4 of 08/067	Pending	

## **Public Consultation responses**

No responses received at time of writing. Consultation period expires on 6th November. Any further representations received before the Committee meeting will be reported on the Update Paper.

## **Consultee Responses**

### ***County Highway Network Control***

No comments received

### ***Conservation Advisor***

No comments received

### ***Crime Risk Manager***

No comments received

### ***Fire Officer***

No comments received

### ***Landscape Officer***

Notes that matters such as TRO (Traffic Regulation Order) and TCS (Town Centre Strategy) may result in future amendments, but raises no objection to the current proposals.

### ***Waste Management***

No comments received

Again, further comments received will be reported to Committee on the Update Paper.

## **Procedural matters**

If this application is recommended for approval, it should include all the conditions relevant from the original consent as well as any others required due to the amendments proposed in this application.

**Assessment of Proposal**

The key issues for consideration in this case are the impact on amenities and safety of the various amendments to layout and the additional impact of adding more stalls into the area.

**Impact on amenities and safety**

The impact of additional and slightly altered locations of stalls within the area as a whole is not considered to be sufficiently significant that it would be likely to result in any additional harm. The encouragement of the market is a planning policy objective, and the provision of additional stalls is therefore seen as something to be welcomed as it would add to the vitality and viability of the town centre in line with policy requirements.

The design and appearance of the proposed temporary 'pop-up' stalls is such that they are considered to be sympathetic to the market area and the permanent market stalls. It is not considered that these stalls would have any detrimental impact on the character and appearance of the Conservation Area. Thus the proposals are considered to be compliant with design policy.

It is not considered that any of the proposed stall locations would have a harmful effect on safety and as such the proposal is considered to be compliant with the relevant policy criteria.

**Other issues**

No other issues have been raised at this stage. Should any others be raised, they will be reported and addressed in the Update paper.

**Conclusion**

It is considered that the proposals are wholly compliant with the relevant local and national planning guidance, and that they would be unlikely to cause any harm to safety or amenity, and as such the proposals are considered to be acceptable.

**Recommendation**

**That having regard to the development plan and to all other material considerations, planning permission be DELEGATED to the Acting Head of Planning and Building Control to grant consent subject to no new issues being raised following the expiry of the press notice (6th November 2009) and subject to conditions and informatives as summarised below:**

1. Time limit for commencement of development
2. Stall appearance to be agreed
3. Trading hours limits (as amended by 2009/210 if appropriate)
4. Delivery hours limits (as amended by 2009/210 if appropriate)

# Planning Committee

3rd November 2009

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5. stall maintenance programme to be agreed
6. retention of high quality surfacing

## Informatives

1. Advertisements need advertisement consent.



## Planning Committee

Abbey Ward

3rd November 2009

**2009/214/COU AMALGAMATION OF UNITS AND CHANGE OF USE FROM A1 RETAIL TO A2 FINANCIAL AND PROFESSIONAL SERVICES (RESUBMISSION OF 2009/169/COU  
26&28 EVESHAM WALK AND 36-37 KINGFISHER WALK, KINGFISHER SHOPPING CENTRE, REDDITCH  
APPLICANT: SCOTTISH WIDOWS  
EXPIRY DATE: 30TH NOVEMBER 2009**

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

### Site Description

**(See additional papers for Site Plan)**

Existing units fronting Worcester Square and Boots, currently occupied by Game and Textiles Direct, with a vacant unit between on the corner. These units fall within the shopping centre, and include upper floors. They currently have plate glass shop window style frontages.

Worcester Square is a main circulation space within the shopping centre, and includes a central café, and access from the external town centre space off Church Green.

### Proposal Description

The application proposes the amalgamation of these units and their upper floors into one large unit, and its change of use to A2 from the current A1 consent. (Class A2 includes a range of uses such as banks, building societies, estate and employment agencies, and betting shops.)

The application is supported by a Design & Access Statement, a planning statement and some additional information in support of the proposal.

### 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](http://www.communities.gov.uk)  
[www.wmra.gov.uk](http://www.wmra.gov.uk)  
[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)  
[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

### ***National Planning Policy***

PPS1 & accompanying documents) Delivering sustainable development  
 PPS4 (draft) Planning for sustainable economic development  
 PPS6 Planning for town centres

### ***Regional Spatial Strategy***

UR3 Enhancing the roles of city, town and district centres  
 QE2 Restoring degraded areas and managing and creating high quality new environments  
 QE3 Creating a high quality built environment for all  
 QE4 Greener, urban greenspace and public spaces  
 T2 Reducing the need to travel

### ***Worcestershire County Structure Plan***

SD2 Care for the environment  
 SD4 Minimising the need to travel  
 SD9 Promotion of town centres

### ***Borough of Redditch Local Plan No. 3***

CS2 Care for the environment  
 CS7 Sustainable location of development  
 S1 Designing out crime  
 BBE13 Qualities of good design  
 BBE20 Public art  
 BBE25 Undergrounding of telephone and electricity lines  
 ETCR1 Vitality and viability of the town centre  
 ETCR2 Town centre enhancements  
 ETCR4 Need and the sequential approach  
 ETCR5 Protection of the retail core

### ***SPDs***

Encouraging good design  
 Community safety

### **Relevant site planning history**

<b>Appn. No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
2009/169	Amalgamation of units and change of use A1-A2	Withdrawn	30/9/2009

### **Public Consultation responses**

No responses received at time of writing. Consultation period expires on 3rd November, and any further representations received before the Committee meeting will be reported on the Update paper.



**Consultee responses*****Development Plans team***

Note that the proposal does not comply with local or national policy, but appears to be in general conformity with the broad approach taken in the regional guidance. Raises concerns regarding the size of the resultant A2 unit as proposed, and the likely adverse impact on vitality and viability due to use, opening hours and prevention of additional A1 occupiers.

**Procedural matters**

Members should be aware that internal physical changes in the shopping centre do not require planning permission, and thus there are no physical changes directly to consider here, simply the change of use proposed.

However, the application description includes the amalgamation of the three units, thereby clarifying that it would be the intention of the applicant to put the adjacent three units together as one and operate them jointly. If this were for A1 purposes, as per the existing three separate units, this of itself would not require planning permission and could not be controlled. However, it is the change of those three units to a single A2 unit that requires permission, and therefore the amalgamation can be considered in this case, although it is clearly incidental to the main considerations of the principle of development.

This application is reported to Planning Committee for determination at the request of Cllr MacMillan.

**Assessment of proposal**

The key issues for consideration in this case are the principle of the proposed development and its impact on the vitality and viability of the town centre.

**Principle**

Firstly, policy requires that A2 uses be located on sustainable town centre sites. However, it also seeks to ensure that town centres maintain their primary retail (A1) function and that A2 uses should not push these out of the central retail core. Local Plan policy ETCR5 qualifies this protection of the retail core and gives criteria for determining whether a change of use away from A1 is acceptable or not. In order to prevent an overprovision of non-A1 uses, it limits A2 uses to locations where no more than 2 adjacent units are in non-A1 use, and gives a 6m frontage length as a guide.

Whilst this policy limits the amount of on-A1 uses in the town centre, it does encourage them and allow them under certain circumstances, and thus is in line with the emerging national guidance in PPS4 which seeks to encourage a wide range of facilities within the town centre. As this is still

emerging guidance, it should be given less weight in determining applications than fully adopted policies.

The current proposal would result in a large A2 unit that would be 12.5m fronting Evesham Walk and 25.5m fronting Kingfisher Walk. It would also result in the amalgamation of three existing units into one.

Officers therefore consider that the proposal is contrary to policy requirements, and would be likely to result in a reduction in available units for A1 uses contrary to policy. This would also be likely to have an impact on the vitality and viability of the town centre uses, in a prominent location within the shopping centre. The proposal would prevent A1 uses in this location from continuing and detract from the main A1 usage of the area, resulting in a negative impact on the vitality of the retail core due to its size and location.

The applicant argues that an occupied and operating unit is preferable to a vacant unit, however if the unit becomes an A2 unit, it would prevent a future A1 occupier should one be searching for a unit, and especially when the recession begins to ease and more businesses are seeking units from which to operate.

The applicant suggests that as the application includes the amalgamation of the three units into one, then the proposal would result in only one A2 unit and thus it would comply with the frontage policy of not more than two A2 uses together. The applicant argues that the unit could be considered as having two frontages, and that on either frontage there would be no more than 2 units with an A2 use as the adjacent units are in A1 use. However, the frontage is considered by Officers to be continuous around the corner, and as such comprises three existing adjacent units. Even if it is considered that each frontage should be considered separately, both frontages remain in excess of the 12m allowance in the policy, and in particular the Kingfisher Walk frontage is more than twice this length. In combination with the Evesham Walk frontage, this is considered to be unacceptably long and thus dominant. If the proposal were considered acceptable in other respects, it would be reasonable to attach a condition to a permission preventing the future subdivision of the unit such that any conditions attached to the permission related to the whole unit, if there was a sound planning reason.

Of further concern is that most A2 uses operate for fewer opening hours than those of an A1 retail unit, and therefore it would be likely that the unit would remain shut during peak shopping hours, for example on Saturday afternoons and Sundays. Whilst this is not the intention of the current prospective occupier, there is no mechanism within the planning process to ensure that an A2 use opens to the public in line with the surrounding retail uses. This also, therefore, causes a potential threat to the vitality and viability of the town centre, as an A2 use could result in less opening hours than an A1 use in this location might.

The local plan policy also seeks to prevent dead frontages within the retail core, and notes that most A2 uses do not require shop window frontages and are therefore blank, uninteresting and inactive. The applicant is arguing that the proposed occupier would retain the existing plate glass window frontages (other than for the insertion of ATMs) and thus no dead frontage would occur. Again, whilst this may be the case with the current proposed occupier, other future A2 users of the unit might not operate in the same way, and it would be unreasonable to impose a condition requiring the retention of the shop window frontage to prevent a dead frontage occurring. Further, the potential shorter opening hours would result in a frontage that was not overly active and engaging, contrary to the aims of the local and national planning policies.

Policy evidence is that we need to provide more A1 opportunities in Redditch town centre and so it is considered that these should not be limited by allowing this application and further reducing A1 units available within the town centre.

#### Other issues

The applicant has provided supporting information to address these and other issues, and these are raised and addressed below.

The applicant argues that this proposal would bring back into use a vacant unit because they have a prospective client to lease it for A2 purposes. However, this would displace the two existing A1 occupiers, and prevent the existing vacant unit from being occupied by an A1 outlet in the future. Therefore, this is not considered to outweigh the policy position above.

The applicant states that the new user would improve the appearance of the unit, however similarly, the occupation of the unit by an A1 use would also be likely to result in this, as the only reason that the unit looks less attractive than others in the vicinity is its emptiness. This is also not considered to outweigh the concerns raised above.

The applicant argues that one of the existing occupiers would relocate to an alternative unit, currently vacant, within the shopping centre. However, this could not be controlled or required through the planning process, and would still result in an inappropriately large A2 use. The net impact of the loss of A1 units would remain, rather than relocating and then retaining the existing unit as A1 as well. This is therefore not considered to be a significant factor in the consideration of this application. Further, this could happen in any event without the need for any intervention from the planning authority.

The applicant argues that the proposal would also bring back into use currently vacant upper floors as well as the ground floor shop unit element of the site. However, there are no policies relating to upper floors, and thus there is no reason to give this consideration much weight. Whilst it might benefit the local economy for more floorspace to be in use, these upper floor areas could as easily be used ancillary to A1 uses at ground floor as

A2 uses, and so again, this is not considered to be sufficiently significant, either on its own or in consideration with the other points, to result in an alternative recommendation on this application.

The applicant notes that other units within the shopping centre have successfully sought planning permission for change of use from A1 to A2. However, in all cases, the sites and proposals complied with the relevant policy criteria, and as such were considered to be acceptable. Each case should be considered on its own merits, and this case differs significantly from those others cited, and therefore this is not considered to be a factor that supports the current proposal.

The applicant also notes that a unit that had previously had an A1 occupier and been granted change of use to A2 but never occupied as such has recently opened with an A1 retailer in occupation (36 Evesham Walk). This therefore has resulted in the reduction of possible A2 uses within the centre. However, in granting that A2 consent, as noted above, the Council considered whether it met the policy criteria and it was considered that it did. It is a single unit, with A1 uses on either side adjacent to it, with a frontage of 13m, which given the circumstances of it being a single unit, meant that it was compliant with policy. Therefore, this argument is not considered to be sufficient in that case to warrant a recommendation for approval in this case.

Officers do not dispute that where the current shopping centre managers and their clients have refurbished and refitted units the centre's attractiveness has improved. They also claim that this would be similar in this case. However, this improvement in appearance of the units concerned is not of itself considered to be a sufficient benefit to warrant the approval of a proposal which is clearly contrary to policy and likely to be harmful to the viability and vitality of the town centre.

Officers also raise concerns that the application for consideration here results from a specific end user's requirements that are current. Should this change in the future, this could jeopardise the future use of the unit for A1 purposes and lead to undesirable outcomes in this location.

A further concern has been raised that bringing into the Kingfisher Shopping Centre companies who currently occupy premises externally in the town centre in and around the Conservation Area would result in further detrimental visual impacts outside the shopping centre where empty units are not welcomed. This would have a greater impact than units within the shopping centre, as access is available to the public externally on a 24/7 basis. However, should companies wish to cease their leases in any units, either within or outside the Kingfisher Shopping centre, then the resultant vacant unit is not a matter over which the planning authority has any control, and this therefore cannot be a material consideration.

The applicant states that in vacating Threadneedle House, the proposed occupier of this site would leave a unit available which could then be

occupied in compliance with the emerging Town Centre Strategy and help to revitalise Walter Stranz Square, possibly with a restaurant use. This would in principle be compliant with policy, but would also require a change of use. Again, this could not be controlled as a result of this application on a different site, and thus is not a material consideration.

The applicant claims that there are no other suitable units available within Redditch town centre for their prospective tenants, which appears to contradict their argument that their proposal on this site is acceptable because there would still be plenty of other units available for others. Officers note that there are several other units vacant within the Kingfisher Shopping Centre, some of which would be likely to comply with the requirements of Policy E(TCR)5.

### Conclusion

The harm likely to be caused by a change of use such as that proposed here is considered to be considerable, as well as contrary to adopted local policies which were arrived at using evidence of local circumstances as well as national planning objectives. It is therefore considered that in this case, none of the other matters raised is of sufficient significance that either individually or comprehensively they outweigh this harm.

### Recommendation

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

1. The proposed use would result in two overly long frontages of non-A1 use contrary to PPS6 and Policy E(TCR)5 of the Borough of Redditch Local Plan No.3. As such the proposal would be likely to result in harm to the vitality and viability of the retail core of Redditch town centre due to the loss of a group of units from A1 and possible A1 uses from a primarily retail town centre core location.



# Planning Committee

No Direct Ward Relevance

3rd November 2009

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## PLANNING SYSTEM - PROPOSED CHANGES

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(Report of Acting Head of Environment & Planning)

### 1. Summary of Report

To receive an item of information in relation to changes to the planning system that came into force on 1st October 2009 and further fee related information which will come into force imminently.

These changes are part of the Government response to the economic downturn and are designed to increase ways of encouraging developments that benefit from planning consent to be implemented.

### 2. Recommendation

**The Committee is asked to RESOLVE that**

**the areas of change to planning and associated consents, as detailed below and in the Appendix attached to the report, in relation to extending planning permissions and making non-material amendments to planning permissions, be noted.**

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

#### Financial

- 3.1 There will be financial implications relating to planning application income as a result of these changes to legislation. Initially, these will be minor, but when new fee regulations are enacted and come into force later in the year, it is likely that fee income will reduce relative to the size and complexity of applications. How many applications this will affect in the Borough is unclear, and thus the impact is difficult to quantify. It is, however, a short term issue, as the changes will only apply for a short timeframe.

#### Legal

- 3.2 Members and Officers will need to ensure that they deal with and determine applications in line with the new system, which is set out in the following new secondary legislation:

The Planning (Listed Buildings and Conservation Areas)  
(Amendment) (England) Regulations 2009 (SI 2009 No. 2262)

The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261)

The Town and Country Planning (Fee Regulations) (England) Order 1989 (as amended) will also be amended shortly.

These are secondary legislation relating to the following primary legislation:

Town and Country Planning Act 1990 (as amended)  
Planning Act 2008

s.96A of the 1990 Act was introduced by s190 of the 2008 Act.

#### Policy

- 3.3 There are no perceived impacts on Council procedures, other than within the detailed working of the Development Control team. There may be a need to amend the scheme of delegation to Officers in order that applications can be determined within the performance targets set by government, and if necessary, Officers will seek these amendments in the appropriate arena.

#### Sustainability/environmental

- 3.4 These are criteria that are dealt with individually for each planning application, and thus require no additional consideration here.

#### Report

#### **4. Background**

##### Economic downturn

- 4.1 The Department for Communities and Local Government (CLG) has proposed changes to the planning legislation as a response to both the current economic downturn and the recent Killian-Prety review of the planning process.
- 4.2 Recent changes to the statutory framework removed the opportunity to extend permissions, so now full applications have to be made in cases where consent has lapsed without being implemented. This results in a requirement for a full application for a proposed development to be submitted and considered afresh, rather than just considering a variation to the condition within a permitted application concerning the time for implementing the consent.



- 4.3 The concern now raised by the CLG is that the current scheme which requires the submission of a full application, with all its accompanying and supporting information, is expensive and unlikely to be pursued until such time as the economic climate improves and developers seek to begin commencement of development. In the current climate, it perceives that the existing planning system is therefore likely to delay implementation and discourage development.

Inconsistency across Local Planning Authorities (LPAs)

- 4.4 The issues raised relate to developments that have been granted planning permission, but have not been implemented, as well as the making of minor alterations to planning permissions – a situation which has previously never been catered for within planning legislation, leading to a variety of interpretations of law amongst Local Planning Authorities.

CLG process

- 4.5 The CLG also intend to set fees accordingly, however the changes to the financial legislation will take longer to enact, and therefore there will be a two stage process to charging for the new processes. The changes to the processes came into force on 1st October 2009, however the fees are not likely to come into force until December 2009.
- 4.6 The CLG consulted over the summer on these and other proposed changes, and the legislation now enacted differs from the original proposals following comments received.

Minor amendments (post-decision)

- 4.7 Members will be aware that from 1st January 2009 a small fee was introduced (in Redditch) to cover administrative costs associated with processing requests for dealing with post-decision amendments. In cases where the proposed variation would be Permitted Development once the development was implemented, or certain other very minor changes, these amendments are generally considered acceptable and dealt with by exchange of correspondence, with a record kept on the planning file. With the advent of the new regulations, this process has been superseded, however Officers have sought to retain the Redditch set fee until such time as the government set a national fee for such applications, which is likely to be more than that currently charged.

**5. Key Issues**

- 5.1 There are two main changes proposed in this new legislation, relating to the extension of time for implementation of planning permissions, and the submission of formal applications for non-material amendments to planning permissions. These therefore both relate to decisions that have already been made on planning applications, and are new types of application to amend existing permissions. Fees will be introduced in line with these new application types; however these are likely to follow in December as the legislation has yet to be enacted. A summary of the proposed changes can be found at Appendix 1 and Members are encouraged to retain this for reference.

**Extension of time to implement extant planning permissions**

- 5.2 These applications can be made where planning permission was granted on or before 1st October 2009, has not expired and development has not commenced. A new standard application form has been introduced, along with guidance notes. No design and access statement will be required, as it is considered that all the supporting information should have been included in the original application that gained consent. Plans will, of course, be required, and consultation requirements are also set out in the regulations. In some cases, updated information, such as in relation to biodiversity, may be necessary.
- 5.3 If many of these begin to be received, it may be necessary to insert an additional section into the local validation checklist, and Officers will keep this matter under review and report to Members as necessary.
- 5.4 This new system only applies to planning permission, so in the case of Listed Building Consent or other types of consent, complete new applications will still need to be made. It also does not apply to applications where an Environmental Impact Assessment (EIA) was required (see glossary at end).
- 5.5 Where an EIA was required within the initial application, different rules relating to the application for the extension of planning permission will apply to accommodate this. Few such applications have been received in recent years here in Redditch.
- 5.6 Local Planning Authorities will be required to consider the proposed development afresh, however no changes to the terms of the development proposal will be acceptable. Therefore, the description, details and site will be as previously given permission.

- 5.7 These applications will be considered in light of the development plan and all other relevant material considerations at the time of the application to extend the time limit, but clearly any consideration is likely to focus on any significant changes since the previous decision. Whilst it is therefore possible to refuse such applications, it is likely to be difficult due to the fact that the current Local Plan No.3 has been in place for more than three years, and so it is only likely where national planning guidance has changed significantly in the interim.

#### Non-material amendments

- 5.8 These applications must be submitted on a new standard form, and determined within 28 days. The LPA is not required to consult or notify anyone, however the applicant has a duty to notify landowners and tenants where they exist. This is a simple process that will change little from the current exchange of correspondence approach, however, if representations are received within the first 14 days they must be taken into consideration. These applications will require minimal supporting information – only that necessary to show and explain the proposed amendments.
- 5.9 In most situations in planning law, where changes are not considered to be material, then the LPA has no control over such changes. Therefore, it is considered appropriate, in the interests of speed and customer service, as well as those of the planning system, that consultation does not occur in these cases. Whilst a LPA could undertake to conduct consultation, Officers do not consider it necessary in this case.

#### Fees

- 5.10 Different fees for these two types of applications are also proposed, however changes to the fee regulations will take longer to enact, and so initially the fees will be as for a new application, until they can be amended (probably in December 2009). For extending time for commencement of development, a fee of £500 for a major application, £50 for a householder and of £170 for all other development types is likely to be introduced, rather than the fee for an application for the full development, as would currently be charged, and this therefore represents a reduction in fee income. For the non-material amendments, a flat rate of £170 was proposed in the summer consultation document, and early indications suggest that this will remain. This is more than the Redditch fee currently charged, and also more than the fee for a householder planning application, which may discourage these types of application from being made on such schemes.

# Planning Committee

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- 5.11 As the Council has published its fees and has been charging them since 1st January 2009, it is considered reasonable to continue to charge these fees until alternative fees are set nationally.
- 5.12 Should any of these new applications be reported to the Planning Committee for determination, then Officers will clarify the process and material considerations to assist Members until they are more familiar with these.

## 6. Other Implications

There are no perceived impacts on Asset Management, Community Safety, Human Resources or Social Exclusion. Those which are material planning considerations are dealt with through the formal application process.

## 7. Lessons learnt

None identified.

## 8. Background papers

CLG consultation document Greater flexibility for planning permissions

<http://www.communities.gov.uk/publications/planningandbuilding/flexibilitypermissions>

New legislation cited above, and accompanying explanatory memorandum, which can be found at:

[http://www.opsi.gov.uk/si/si2009/uksi\\_20092262\\_en\\_1](http://www.opsi.gov.uk/si/si2009/uksi_20092262_en_1)

[http://www.opsi.gov.uk/si/si2009/uksi\\_20092261\\_en\\_1](http://www.opsi.gov.uk/si/si2009/uksi_20092261_en_1)

[http://www.opsi.gov.uk/si/si2009/em/uksiem\\_20092262\\_en.pdf](http://www.opsi.gov.uk/si/si2009/em/uksiem_20092262_en.pdf)

## 9. Consultation

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

## 10. Author of Report

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

11. **Appendices**

Appendix 1 – Working summary of the changes to the legislation

Glossary

CLG = Department for Communities and Local Government

EIA = Environmental Impact Assessment (see Town and Country Planning (Environmental Impact Assessment) Regulations 2007)

Extant = permission that could still be implemented but has not yet been commenced

LPA = Local Planning Authority

PD = Permitted Development (under the relevant legislation, this is development that does not require consent from the LPA and thus falls outside its control)

**NEW PLANNING APPLICATION TYPES AND CONSULTATION REQUIREMENTS, FROM 1 OCTOBER 2009**

1) Applications for non-material changes to planning permissions

These applications must be:

- Submitted on the standard form (new!)
- Determined within 28 days unless otherwise agreed in writing between the applicant and the LPA
- No consultation/notification is required of the LPA
- The applicant has a duty to notify owners/tenants of the application, giving them 14 days to make comments to the LPA
- The LPA must take into account any reps made and not determine before the 14 day period is up (this may be less than 14 days into the application life)
- Currently these applications are free, but a new fee will be introduced by government soon.....

These can all be delegated, here in Redditch.

2) Extension of time applications

These can be made where:

- Planning permission was granted on or before 1 Oct 09; and
- Planning permission has not expired; and
- Development has not commenced

These applications must be:

- Submitted on the standard form (new!)
- No Design and Access statement will be required
- There are no local validation checklist requirements (yet!)
- Plans, drawings etc will be required sufficient to confirm that the application is identical to that previously approved (although the legislation doesn't make this clear)
- Consultation must be carried out with consultees/neighbours as if it were a new application
- Currently these applications attract the same fee as if it were an application for the proposed development, but a new fee will be introduced by government soon.....

3) New consultation requirements

For applications to:

- Vary conditions; or
- Relieve conditions; or
- Extend the time limit for development to commence (see 2 above)

There is a list of requirements to consult as you would normally do for an application for that development proposal.

CLG have now announced the following likely fees:

It is proposing different charges than consulted on earlier this year. CLG's revised proposals are: £500 for major developments, £50 for householder developments and £170 for other sizes of development. Parliamentary approval is needed for the new charges.





## Planning Committee

No Direct Ward Relevance

3rd November 2009

### MEMBERS' PLANNING CODE OF GOOD PRACTICE

(Report of the Monitoring Officer)

#### 1. Summary of Proposals

To consider a revised Planning Code of Good Practice for adoption by the Council as referred to this Committee by the Standards Committee.

#### 2. Recommendations

The Committee is asked to RESOLVE that,

- 1) should no substantive changes be suggested to the draft Code, the Code be recommended to Council for approval;  
OR
- 2) should substantive changes be suggested, the draft Code be referred back to the Standards Committee for further consideration, prior to recommendation on to Council.

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

##### Financial

- 3.1 There are no financial implications arising from this report.

##### Legal & Policy

- 3.2 Part III of the Local Government Act 2000 established an ethical framework for the conduct of Members. Sections 51 and 52 of the Act placed a duty on Local Authorities to adopt a Code of Conduct for Members and a duty on Members to undertake to comply with the adopted Code of Conduct respectively. The current Code of Conduct came into effect on 3rd May 2007.
- 3.3 The Council has adopted a Planning Code of Practice and this has been in place for some time. However, the Code needs to be updated to take account of the changing role of Members in the planning process.

## Risk

- 3.4 If the Members' Planning Code of Good Practice is not adopted, there is a risk that Members will not be enabled to take their full role in planning matters, thereby stifling the Council's role as a place-shaper. There is also the risk that Members may compromise the Council's planning and decision-making process due to being unclear about what is or is not appropriate.
- 3.5 There is a risk that if a Member fails to comply with the Council's Codes of Conduct, a complaint could be made against them to the Council's Standards Committee or, in the most serious cases, to the Standards Board for England. There are a range of sanctions that can be imposed, depending on the nature and severity of the breach. In the most serious cases, breach of the Code of Conduct could lead to imprisonment.

## Sustainability / Environmental

- 3.6 There are no sustainability, environmental or climate change implications arising from this report.

## Report

### **4. Background**

- 4.1 Earlier this year, the Local Government Association produced guidance entitled "probity in planning: the role of councillors and officers – revised guidance note on good planning practice for councillors and officers dealing with planning matters".
- 4.2 The guidance states as follows in its foreword:
- "Planning has a positive and proactive role to play at the heart of local government. It is a powerful tool that helps councils achieve the ambitions of local communities. Good planning stimulates growth and promotes innovation. It helps to translate goals for healthier communities, higher employment, better housing, reduced congestion, educational attainment, safe and sustainable communities into action through well-designed medical centres, offices, universities, homes, roads and other facilities vital to achieving them.
- 4.3 The planning system works best when the roles and responsibilities of the many players essential to its effective operation are clearly understood. It is vital that elected councillors and planning officers understand their roles and the context and constraints in which they operate.

- 4.4 Planning decisions involve balancing:
- a) the needs and interests of individual constituents and the community, with
  - b) the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals.
- 4.5 The challenge of achieving the balance between these dual roles led the LGA to issue its original Probity in planning guidance note in 1997. However, since then a comprehensive ethical framework for local government was introduced following the Local Government Act 2000. A revised national code of conduct for councillors was introduced in 2007. Each authority is required to adopt a local code of conduct that sets out rules governing the behaviour of its members.
- 4.6 This 2009 update provides refreshed advice on achieving this balance in the light of such changes. It also better reflects local authorities' roles as place shapers and the enhanced role for councillors as champions of their local communities. It recognises councillors' ability to participate in discussions prior to the receipt of a planning application on behalf of their communities, and engaging in spatial planning policy formulation.
- 4.7 It provides advice on this following the Killian Pretty review's recommendations. It also advises on how to avoid predetermination or bias in decision making. Whilst the advice is designed primarily for officers and councillors involved in plan-making and development management, it will also assist scrutiny and standards committees dealing with planning matters.

## 5. Key Issues

- 5.1 The LGA guidance "Probity in Planning" *identifies* the key issues as set out in the following paragraphs: A lot has changed in expectations of the planning system in recent years and planning is moving to the heart of local authorities' place-shaping and community planning roles.
- 5.2 Councillors are encouraged to act as champions of their local communities and this requires creative and wide engagement. The guidance from the LGA is intended to facilitate the development of councillors' community engagement roles.
- 5.3 The Nolan report resulted in pressures on councillors to avoid contact with developers in the interests of ensuring probity. However in the place-shaping context, early councillor engagement is now positively encouraged to ensure sustainable development proposals can be harnessed to produce the settlements that communities need.

# Planning Committee

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- 5.4 Planning decisions are not based on an exact science. Rather, they rely on informed judgement within a firm policy context. Decisions can be highly controversial as they affect the daily lives of everyone. This is heightened by the openness of the system (it actually invites public opinion before taking decisions) and the legal nature of the development plan and decision notices. It is important, therefore, that the process is characterised by open and transparent decision-making.
- 5.5 One of the key purposes of the planning system is to manage development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that planning authorities should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting that a decision has been partial, biased or not wellfounded in any way.
- 5.6 Bearing in mind all these factors, it is not surprising that, from time to time, things can go wrong unless councils are on their guard. This is why the guidance is essential. The intention of the guidance is not to suggest that there is one best way of doing things. Local circumstances may well provide good reasons for local variations of policy and practice. However, each council should review the way in which it conducts its planning business, holding in mind the recommendations of the guidance.
- 5.7 The guidance refers to the actions of a planning committee of an authority, as the main decision-making forum on planning matters. However, it is recognised that authorities have developed a range of alternative forms of decision-making: area committees; planning boards, and of course, the full council itself - as the final arbiter in planning matters. It is important to stress, therefore, that the advice in this guidance note applies equally to these alternative forms of decision-making arrangements. Indeed, it becomes very important if the full council is determining planning applications referred to it, or adopting local development documents, that councillors taking those decisions understand the importance of this guidance. The guidance also applies to councillor involvement in any planning enforcement.
- 5.8 The revised guidance note is useful to both councillors and officers who become involved in operating the planning system - it is not therefore restricted to professional town planners and planning committee members. The successful operation of the planning system relies on mutual trust and understanding of each other's role.

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It also relies on each ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.

## Draft Code

- 5.9 The draft Planning Code of Good Practice at Appendix 1 has been drafted in response to the LGA's guidance, to enable Members to safely take the proactive role in place-shaping and community planning.
- 5.10 The draft Code covers a number of areas where Members and Councils can get themselves into difficulties, such as the declaration of interests, fettering of discretion, contact with applicants, developers and objectors, lobbying of and by Members, site visits and decision-making.
- 5.11 Many of the complaints about Members made to local authority Standards Committees or to the Standards for England arise out of planning matters. Many of these relate to a failure to disclose personal and prejudicial interests, but also to improper use of position and bullying. The adoption of the draft Code will help to ensure that Members are aware of what is appropriate in a planning context, to avoid the risk of the Council's decisions being held to be invalid or unlawful.
- 5.12 The Standards Committee considered the proposed Draft Code at its meeting on 30th September 2009 and referred the Code on to the Planning Committee for its consideration.

## 6. Other Implications

- |                  |   |                                       |
|------------------|---|---------------------------------------|
| Asset Management | - | There are no identified implications. |
| Community Safety | - | There are no identified implications. |
| Human Resources  | - | There are no identified implications. |
| Social Exclusion | - | There are no identified implications. |

# Planning Committee

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**7. Lessons Learnt**

Planning is one of the most controversial areas for Member decision-making and clear guidance is required for Members involved in the planning process to prevent them from falling foul of the rules.

**8. Background Papers**

Probity in Planning - : the role of councillors and officers – revised guidance note on good planning practice for councillors and officers dealing with planning matters” (Local Government Association, 2009)  
Model Member Planning Code of Good Practice (ACSeS)

**9. Consultation**

There has been no consultation carried out in preparing this report.

**10. Author of Report**

The author of this report is Sue Mullins (Monitoring Officer), who can be contacted on extension 3210 (e-mail: [sue.mullins@redditchbc.gov.uk](mailto:sue.mullins@redditchbc.gov.uk) ) for more information.

**11. Appendices**

Appendix 1 – Draft Members’ Planning Code of Good Practice

## Members' Planning Code of Good Practice



### Appendix 1

#### Background

The Planning Code of Good Practice has been prepared in response to the Local Government Association's Guidance Note on the preparation of Local Codes of Good Practice on Planning Matters in the light of the introduction of the new ethical framework and replaces the Council's former local code of conduct on planning matters.

This Code is as per the model adopted by the Association of Council Secretaries and Solicitors (ACSeS) and launched on the 14<sup>th</sup> February 2003. The drafting of the model code was subject to consultation and comment from a number of other local authorities through the machinery of the Association of Council Secretaries and Solicitors (ACSeS), the Standards Board for England, the Local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf.

Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. It is also contentious because its decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers and land values. All this is heightened by the openness of the system and the legal nature of development plans and decision notices.

Consequently, with any application which has been refused or approved in the face of opposition, the decision may well be reviewed in any of the following ways. Any question of a procedural defect, impropriety or misconduct, whether warranted or not, may lead to an application for judicial review or a complaint of maladministration to the Local Government Ombudsman. Even if not taking such action, the aggrieved party may attempt to convince others that the decision was flawed. Of necessity, the planning process must not only be fair, it must be seen to be fair.

#### Introduction

**The aim of this code of good practice:** to ensure that, in the planning process, there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

**The key purpose of Planning:** to control development in the public interest.

**Your role as a Member of the Planning Authority:** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

**When the Code of Good Practice applies:** this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in Planning Committee meetings or when involved on less formal occasions, such as meetings with Officers or the public and consultative meetings and pre-application discussions). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

**The successful operation of the planning system:** relies on mutual trust and understanding of Member and Officer roles. It also relies on Members and Officers ensuring that they act in a way which is not only fair and impartial, but is clearly seen to be so.

**If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer, Deputy Monitoring Officer or Democratic Services Officers, and preferably, well before any meeting takes place.**

## **1. Relationship to the Members' Code of Conduct**

- **Do** apply the rules in the Members' Code of Conduct first, as there must always be compliance with these.
- **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:
  - the Council at risk of proceedings on the legality or maladministration of the related decision; and
  - yourself at risk of either being named in a report made to the Standards Committee or Council or, a complaint being made to the Council's Standards Committee or, in case of serious breaches, a complaint being made to Standards for England (formerly the Standards Board for England).

## **2. Development Proposals and Interests under the Members' Code**

- **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with Officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. (*Use the disclosure form provided for disclosing interests.*)



- **Do** then act accordingly. **Where your interest is personal and prejudicial:-**
  - **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Council as the Planning Authority.
  - **Don't** try to represent Ward views, get another Ward Member to do so instead.
  - **Don't** get involved in the processing of the application.
  - **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with Officers or Members when other members of the public would not have the same opportunity to do so.
  - **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate Officer, in person or in writing, the Code place limitations on you in representing that proposal. You may address the Planning Committee but only to make a presentation in the same manner than would apply to a normal member of the public, after which you must leave the room whilst the meeting considers it. You may not remain to observe the meeting's considerations on it from the public gallery. In order to be able to address the Planning Committee on a proposal in which you have a personal and prejudicial interest, you must notify Planning Services of your wish to address the Committee in accordance with the Council's public speaking rules.
  - **Do** notify the Monitoring Officer in writing and note that:
    - you should send the notification no later than submission of the application in which you have a personal and prejudicial interest, where you can;
    - the proposal will always be reported to the Committee as a main item and not dealt with by Officers under delegated powers; and
    - it is advisable that you employ an agent to act on your behalf on the proposal in dealing with Officers and any public speaking at Planning Committee.
- **Do** seek advice from the Monitoring Officer or Democratic Services Officers if you are unsure about whether or not you have an interest which needs to be declared, preferably in advance of the meeting at which the interest is likely to arise.

### **3. Fettering Discretion in the Planning Process.**

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the Officer's presentation and evidence and arguments on both sides.

**Fettering your discretion** in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the Parish Council, for example, or both a Borough and County Councillor), provided:
  - the proposal does not substantially effect the well being or financial standing of the consultee body;
  - you make it clear to the consultee body that:
    - your views are expressed on the limited information before you only;
    - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
    - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
  - you disclose the personal interest regarding your membership or role when the Committee comes to consider the proposal.
- **Don't** speak and vote on a proposal where you have fettered your discretion (for example, where you have committed yourself to a particular view on a planning issue prior to its consideration at Planning Committee). You do not also have to withdraw, but you may prefer to do so for the sake of appearances.
- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (*Use the disclosure form provided for disclosing interests. – replace our form??*)
- **Do take the opportunity to exercise your separate speaking rights as a Ward/Local Member (this is granted by the authority's standing orders or by the consent of the Chairman and Committee) where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do:**
  - *advise the proper Officer or Chairman that you wish to speak in this capacity before commencement of the item;*

- *remove yourself from the member seating area for the duration of that item; and*
- *ensure that your actions are recorded.*

*[We need to be clear what we're saying about Ward Member role in view of the recent issue with Cllr Clayton]*

#### **4. Contact with Applicants, Developers and Objectors**

- **Do** refer those who approach you for planning, procedural or technical advice to Officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Development Control Manager to organise it. The Officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:
  - follow the rules on lobbying;
  - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
  - report to the Development Control Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.
- **Do** comply with the Council's Protocol on Pre-Application Discussions.

##### **In addition in respect of presentations by applicants/developers:**

- **Don't** attend a planning presentation unless an Officer is present and/or it has been organised by Officers.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.
- **Don't** approach applicants, developers or agents with a view to securing changes to an application or achieving planning gain. Any such contact would normally be conducted by and through Officers and should always be reported to Planning Committee.

## 5. Lobbying of Councillors

“Lobbying”, which can be defined as an approach to a Councillor by an applicant, developer, objector or other third party, is considered an important part of the democratic process. The Nolan Report recognised the two roles that Councillors perform in the planning process, namely, the representation of public opinion and the determination of applications.

However, lobbying can, unless care and common sense are exercised by all parties, lead to the impartiality of a Councillor being called into question and the need for an interest to be declared. When being lobbied, all Councillors should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the application (“*predetermination*”) before they have considered all representations and the planning content. Councillors should not lobby other Councillors to act for them, or act as an agent for other Councillors, or put pressure on Officers for a particular recommendation.

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee’s decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing (predetermination).
- **Do** give procedural advice, such as recommending that those who are lobbying you should write to the Development Control Manager so that their views can be included in the Officer’s report to Planning Committee.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don’t** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register [of interests](#) where its value is over £25 (in accordance with the Council’s rules on gifts and hospitality).
- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity. **Do** note the contents of the correspondence and advise that it has been passed to Officers.
- **Do** promptly refer to the Development Control Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate Officers to follow the matter up.

- **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:
  - listening or receiving viewpoints from residents or other interested parties;
  - making comments to residents, interested parties, other Members or appropriate Officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

## 6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

## 7. Site Visits

A formal site visit will often be helpful if the impact of the proposed development is difficult to visualise from plans and supporting information including photographs, or there is good reason why the comments of the applicant and objectors cannot be adequately expressed in writing.

- **Do** try to attend site visits organised by the Council where possible.

- **Don't** request a site visit unless you feel it is strictly necessary because:
  - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
  - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the Officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the Development Control Manager and direct them to or inform the Officer present.
- **Don't** express opinions or views to anyone.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
  - you feel it is essential for you to visit the site other than through attending the official site visit,
  - you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file) and
  - you can ensure you will comply with these good practice rules on site visits.

## 8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

## 9. Officers

Councillors and Officers have different, but complementary roles. Both serve the public but Councillors are responsible to the electorate, while Officers are responsible to the Council as a whole. As a general rule, instructions will usually be given to Officers through a Council or Committee decision.

Staff must always act impartially. In order to ensure that senior Officers do so, the Local Government and Housing Act 1989 imposes restrictions on their outside activities. The Council will identify which of their Officers are subject to these restrictions. This list will be reviewed regularly. Staff paid on salary grade SO1 and above must also seek permission from their Manager to carry out any private work.

- **Don't** put pressure on Officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Control Manager, which may be incorporated into any committee report).
- **Do** recognise that Officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those Officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that Officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning Officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

## 10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through Officers' delegated powers, that your reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse but **do** make sure that you keep an open mind until all relevant information is to hand to avoid fettering your discretion.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the Officers' introduction to the matter.
- **Do** have recorded the reasons for Committee's decision to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to Officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision.

These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

- **Do** treat proposals for development of Council-owned land in the same way as those submitted by other persons.

## 11. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

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**MEMBER'S DISCLOSURE OF INTEREST**

A Member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

<b>MEMBER'S NAME:</b>	
<b>MEETING OF:</b>	
<b>DATE OF MEETING:</b>	

❖ I disclose for the information of the meeting that I have a personal interest in \_\_\_\_\_

(1)

which will be the subject of consideration by the meeting.

THE NATURE OF THAT INTEREST IS \_\_\_\_\_ (2)

AND (3) [Delete if not applicable] (4)

❖ The personal interest is a prejudicial interest and I shall withdraw from the chamber during deliberation of the item.

OR (4) [Delete if not applicable]

❖ The interest is disclosed on grounds of planning good practice, as I have or have appeared to judge [or reserve the right to judge] the planning matter elsewhere, including whilst serving on another body, and I will not take part in the debate or vote. I [will] [will not] [Delete as applicable] be also withdrawing from the chamber.

**SIGNED:** .....

**Dated** .....

❖ To be read out by the Member when invited to by the agenda or at the commencement of consideration of that item. PLEASE COMPLETE THIS FORM AND PASS IT TO THE COMMITTEE OFFICER DURING THE MEETING.

- (1) State details of the item (agenda item, planning application number, etc.)
- (2) State what the general nature of the personal interest in the matter is. (You do not need to supply specific details unless you wish to).
- (3) State only if this is a prejudicial as well as a personal interest

*A Member with a prejudicial interest in any matter must also:*

- *withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting (or immediately after giving statements or evidence to where the Code and the Council's public participation rules permit it) unless s/he has obtained a dispensation from the Standards Committee;*
- *not exercise executive functions in relation to that matter; and*
- *not seek improperly to influence a decision about that matter.*

(4) State where you have an interest which flows from fettering one's discretion as described in the Members' Planning Code of Good Practice.

What matters are being discussed at the meeting?

Does the business relate to or is it likely to affect to any of your registered interests?

These will include

- persons who employ you, appointed you or paid your election expenses;
- your business, company ownership, contracts or land; or
- gifts or hospitality received (in the previous three years of this Code)

