

# Planning Committee

2nd March 2010

## MINUTES

### Present:

Councillor Michael Chalk (Chair), and Councillors P Anderson, K Banks, D Enderby, W Hartnett, N Hicks, D Hunt and R King

### Also Present:

M Collins (Vice-Chair of Standards Committee)

### Officers:

R Bamford, A Hussain, A Rutt, S Skinner and S Williams

### Committee Services Officer:

J Smyth

### 99. APOLOGIES

Apologies for absence were received on behalf of Councillors Field and Smith.

### 100. DECLARATIONS OF INTEREST

Councillors Banks and Hartnett declared personal and prejudicial interests in Planning Application 2009/271/FUL (application for a residential development on the former Marfield Farm First School Site, Redstone Close, Church Hill) as detailed in minute 104 below.

Additionally, Councillors Hunt and R King withdrew from the meeting during consideration of Planning Application 2009/271/FUL (application for a residential development on the former Marfield Farm First School Site, Redstone Close, Church Hill), also as detailed at minute 104 below.

### 101. CONFIRMATION OF MINUTES

#### RESOLVED that

**the minutes of the meeting of the Committee held on 2nd February 2010 be confirmed as a record and signed by the Chair.**

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Chair

## 102. APPLICATIONS FOR PLANNING PERMISSION

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

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 both of the applications being considered.

## 103. PLANNING APPLICATION 2009/259/FUL – LAND TO THE SOUTH AND WEST OF THE PROPERTY "HIGH TREES", DARK LANE, ASTWOOD BANK

Erection of five detached dwellings with associated  
access and parking

Applicant: Mr B Hands, Bradley Design Homes Ltd

Mr J Ferrigno, on behalf of Dr Buckley, Objector and the Solicitor for Mr A Smith, Applicant/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 Acting Head of Planning and Building Control to GRANT planning permission, subject to the expiry of the statutory consultation period (5th March 2010) and no additional adverse material planning objections being received which cannot be resolved;**

**and subject to:**

- a) **a planning obligation to ensure that the County Council is paid appropriate contributions in relation to the development for education provision, and that Redditch Borough Council receives contributions towards the provision and maintenance of playing pitches, play areas and open space provision in the locality; and**
- b) **the conditions and informatives as summarised below:**

- “1) Development to commence within three years.**
- 2) Details of materials (walls and roofs) to be submitted.**
- 3) Landscape scheme including details of boundary treatment to be submitted.**
- 4) Landscape scheme including details of boundary treatment to be implemented in accordance with approved details.**
- 5) Trees to be protected in accordance with tree protection plan.**
- 6) Limited working hours during construction period.**
- 7) Dwellings to be built to a minimum Level 3 requirement set out under Code for Sustainable Homes.**
- 8) Access, turning and parking.**
- 9) No gates/means of enclosure on any of the access roads.**
- 10) Details of the tree planting belt to be provided along the western boundary of the site to be submitted approved and implemented. Failure of planting to be covered under condition number 4.**
- 11) None of the existing hedge planting that fronts Dark Lane to be removed.**
- 12) All hard surfaces to be permeable and retained as such.**
- 13) Development to be carried out in accordance with plans submitted with application.**
- 14) Standard secured by design condition.**
- 15) Appropriate condition to address the recommendations of the protected species survey.**
- 16) Contamination: standard conditions.**

## Informatives

- 1) **Drainage details to be in agreement with Severn Trent Water.**
  - 2) **Highway Note 4 – Private apparatus within the highway.**
  - 3) **Highway Note 5 – No authorisation for applicant to carry out works within the publicly maintained highway.**
  - 4) **Development to be built to Secured by Design Standards.**
  - 5) **External security lighting to comply with guidance to ensure that it does not adversely affect neighbours amenities.**
  - 6) **No burning on site.**
  - 7) **adequate measures to be put in place to prevent migration of dust and particulates beyond the site boundary.”**
- 2) **In the event that the planning obligation cannot be completed by 26th March 2010:**
- a) **authority be delegated to the Acting 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 owing to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements and an increase in demand for such infrastructure; 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 Acting Head of Planning and Building Control to GRANT planning permission subject to the conditions and informatives stated at 1 above.**

**104. PLANNING APPLICATION 2009/271/FUL –  
FORMER MARLFIELD FARM FIRST SCHOOL,  
REDSTONE CLOSE, CHURCH HILL NORTH**

Proposed residential development consisting of  
39 no. two bed roomed, 16 no. three bed roomed,  
and 13 no. four bed roomed homes  
and 21 no. 2 bedroom flats  
Applicant: Accord Housing Association

Members noted that, for the purposes of the proposed Section 106 Agreement, the applicant details had been changed from Redditch Co-operative Homes, as stated in the main report, to the Accord Housing Association.

The following people addressed the Committee under the Council's public speaking rules:

Mr G Hodgetts – Objector  
Mr S Betteridge – Objector  
Mr S Berry – Objector  
Miss Kelham – Objector  
Mrs S Page – Objector  
Mr G Best – Objector  
Mr D Radford – Objector  
Mr Tooner – Objector  
Ms S Saunders – Supporter  
Mr J Bedford – on behalf of Accord Design).

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Planning Permission be REFUSED for the following reason:**

**“The proposed development by reason of its position, mass and height would have an overbearing effect on the occupiers of the neighbouring properties. The design of the proposed development is such that it would be out of keeping with the surrounding housing and be of a density that would result in overdevelopment of the site. As such, the proposal would be contrary to Policy B(BE).13 of the Borough of Redditch Local Plan No.3 and Planning Policy Statement 3 Housing.”**

(This decision was taken contrary to Officer recommendation for the reasons stated above.)

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000,

Councillors Banks and Hartnett declared personal and prejudicial interests in view of the fact that they were Council appointed Board Members of Redditch Co-operative Homes, part of the Accord Group, and withdrew from the meeting for the duration of its consideration.

Additionally, Councillors Hunt and R King left the room in view of their declared “conflict of conscience, as Church Hill Ward Members, to make an unbiased decision”.)

## **105. INFORMATION REPORTS**

The Committee received information relating to the outcome of an appeal against a Planning decision taken under powers delegated to Officers. The appeal, which had been dismissed, was in respect of the erection of two dwellings on land to the rear of 23 New Road, Astwood Bank.

**RESOLVED that**

**the item of information be noted.**

## **106. ENFORCEMENT OF PLANNING CONTROL**

The Committee considered a contravention of planning law, as detailed in the subsequent minute below.

## **107. ENFORCEMENT REPORT 2009/149/ENF – EVESHAM ROAD, ASTWOOD BANK**

Non-compliance with a Planning Condition relating to a fume extraction system.

**RESOLVED that**

**in relation to a breach of Planning Control, namely the failure to comply with a condition attached to a grant of Planning Permission, authority be delegated to the Head of Legal, Democratic and Property Services, in consultation with the Acting Head of Planning and Building Control, to take enforcement action by way of the institution of Legal proceedings in the Magistrates Court.**

## **108. DIVERSION OF PUBLIC FOOTPATH NO 619 (PART) – ARROW VALLEY PARK, MATCHBOROUGH WEST**

The Committee was asked to consider a diversion of Public Footpath No. 619(Part) Arrow Valley Park, Matchborough West.

Members were informed that a formally approved diversion of the footpath had been conditioned as part of the approved Planning Application for the construction of the new BMX track within Arrow Valley Park in view of the fact that the line of the existing footpath would be affected by the development.

**RESOLVED that**

- 1) approval be given to the making of an Order under Section 257 of the Town and Country Planning Act 1990, to divert Public Footpath No. 619(Part), Arrow Valley Park, Matchborough West, as shown on the plan attached to the report; and**
- 2) it be noted that, in the event of an objection being received during the public consultation period, which cannot be resolved, the Order will be submitted to the Secretary of State for the Environment, for confirmation under Section 259 of the Act.**

(This report had been accepted as a matter of Urgent Business – not being published on the agenda nor having met the publication deadline and was considered at the meeting as such, with the approval of the Chair, and in accordance with the Council's constitutional rules and powers vested in the Chair by virtue of Section 100 (B) (4) (b) of the Local Government Act 1972 to agree matters of urgency being discussed by reason of special circumstances.

In this case the special circumstances were that an early decision was required to progress the construction of a BMX track in Arrow Valley Park in accordance with a condition attached to approved Planning Application 2009/219/RC3.)

The Meeting commenced at 7.00 pm  
and closed at 9.07 pm

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CHAIR