



# Planning Committee

Abbey Ward

2 December 2008

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## IMPROVEMENT WORKS TO MARKET AREA - MONITORING INFORMATION REPORT ON PERMISSION 2008/067/RC3

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(Report of Acting Head of Planning and Building Control)

### 1. Purpose of Report

To inform Members of the Planning Committee of the implementation and monitoring thereof of this application, following enquiries.

### 2. Recommendations

**The Committee is asked to RESOLVE that**

**the content of the report be noted and the actions proposed be authorised.**

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

#### Financial

3.1 There are no additional financial implications to the proposals.

#### Legal

3.2 Town and Country Planning Act 1990 (as amended)

3.3 Planning and Compulsory Purchase Act 2004 (as amended)

#### Policy

3.4 No changes to policy are required, and the proposals comply with currently adopted policies.

#### Risk

3.6 There are no perceived risks in this case.

## Report

### 4. Background

- 4.1 At Planning Committee on 1 April 2008, Members considered and determined (approved) a planning application made by Property Services of this Council for improvements to the market area and its continued permanent use as such. The application was approved subject to conditions, which are now the subject of ongoing monitoring, as well as interest from both the public and Members.
- 4.2 Members should be aware that a team of officers from across the relevant sections of the Council is meeting to discuss this and other projects and ensure that its implementation is in accordance with the planning consent.

### 5. Key Issues

- 5.1 Summarised at Appendix 1 are the conditions, their requirements and the current situation in relation to them. From these you will see that:

#### Hours of trading and deliveries

- 5.2 The hours of operation of the market, and thus the hours of deliveries, are not in accordance with those required by the conditions attached to this consent. They are as previously consented, because the application proposed no alternatives to them. However, these appear to vary from those within the market rules and regulations, and therefore the market is currently trading and delivering outside the hours stated in the permission. Following discussions with officers, it has been confirmed that the market rules and regulations are under review and that this can include an amendment to the operational hours in order that the new rules and regulations can be in line with the hours in the consent. Officers will seek to ensure that this is rectified within a reasonable timeframe.

#### Landscaping details

- 5.3 Officers have recently requested the landscaping scheme, and at the time of writing this is still awaited. However, any further progress in this regard will be reported on the Update paper or verbally at the Planning Committee meeting. Without details, it is not possible to comment further on the likely details of the scheme, or its implementation period.

## Ongoing monitoring

- 5.4 The other matters to be considered are all ones of ongoing monitoring, and your officers are regularly visiting the site to ensure that operations are in accordance with the planning permission granted, and liaising with colleagues to ensure that the matter is kept under review.
- 5.5 Should Members wish to receive further information once the development is largely implemented and in accordance with the permission, this can be requested of officers.

## **6. Other Implications**

- 6.1 Community Safety - The operation of the market in accordance with the planning consent would result in improved safety within the market area as vehicles and pedestrians would be less likely to share the surfaces simultaneously.
- 6.2 Human Resources - None known
- 6.3 Social Exclusion - None known
- 6.4 Sustainability - This was a consideration in the granting of planning consent.

## **7. Conclusion**

- 7.1 Officers are working to rectify the outstanding matters, and to ensure that the market operates in compliance with the planning permission as granted in April 2008.

## **8. Background Papers**

- 8.1 1 April 2008 Planning Committee Agenda, Update paper and minutes
- 8.2 Planning application file 2008/067/RC3

## **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 (email: [ailith.rutt@redditchbc.gov.uk](mailto:ailith.rutt@redditchbc.gov.uk)) for more information.

### 11. Appendices

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| Appendix 1 | - | Summary of condition requirements of application 2008/067 and the progress made in complying with them |
| Appendix 2 | - | Decision notice for application 2008/067   |

### SUMMARY OF CONDITIONS AND CURRENT PROGRESS

Condition	What it required	What has been done	What has been agreed and when	Outstanding issues
1	Start on site by 3 April 2011	Works have commenced on site	n/a	None
2	Stall details to be provided before commencement, agreed and implemented as agreed.	Details have been agreed and implemented	Details were agreed on 20 June 2008 and have since been implemented	None
3	Market trading hours	Discussions between officers ongoing	Market rules need to be amended to incorporate hours	Trading currently is not in compliance with the hours imposed on the planning consent
4	Deliveries/collecti ons by vehicle to stalls to be within specified hours	Discussions between officers ongoing	Market rules need to be amended to incorporate hours	Deliveries currently not in compliance with the hours imposed on the planning consent
5	Soft landscaping to be agreed prior to commencement and include a programme for implementation	Agreed to propose and agree scheme once works mostly completed and include a programme of implementation	Awaiting details	Details yet to be agreed and then implemented. Monitoring will be required to ensure compliance
6	Stall maintenance programme to be submitted, agreed and implemented	Programme submitted and agreed	Details were agreed on 20 June 2008 and will now need monitoring	Monitoring will be required to ensure compliance
7	Hard surfacing details to be submitted and agreed prior to commencement of works, and implemented as agreed	Details submitted and agreed	Details were agreed on 20 June 2008 and monitoring to ensure their implementation has occurred	None
8	Quality of initial surfacing and any repair work to be to high standard	Works on site are in accordance with agreed details	n/a	Monitoring will be required to ensure compliance

Ongoing monitoring of conditions 3, 4, 5, 6 and 8 will be carried out by the Development Control Team and any other appropriate colleagues as necessary.



Town and Country Planning Act 1990

**PLANNING PERMISSION**

**Borough of Redditch**

**Application No: 2008/067/RC3**

**Applicant**

**Agent**

Redditch Borough Council  
Town Hall  
Walter Stranz Square  
Redditch  
Worcestershire  
B98 8AH

Mr P Liddington  
Town Hall  
Walter Stranz Square  
Redditch  
Worcestershire  
B98 8AH

**Part I - Particulars of Application**

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Validation Date: 15th February 2008

Application No: 2008/067/RC3

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**PROPOSAL:** Improvement works to pedestrian area and permanent use of area as outdoor market.

**LOCATION:** Land At Church Green/Market Place/Alcester Street, Town Centre, Redditch.

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**Part II – Particulars of Decision**

**The Borough of Redditch hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that PERMISSION HAS BEEN GRANTED for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted and subject to the following conditions:**

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason :- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Prior to the commencement of development, details of the appearance, materials and finishes of the stalls, including a scaled elevation drawing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.  
Reason: In the interests of visual amenity and the character and appearance of the Conservation Area, and in accordance with Policies B(BE)9 and B(BE)13 of the Borough of Redditch Local Plan No.3.
- 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 manouvre 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.
- 5) Prior to the commencement of development, details of all soft landscaping and planting to be retained, and methods of protection during construction, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details. The submitted details shall also include any new planting proposals, together with a programme of their planting and a scheme for renewing as necessary.  
Reason: In the interests of the visual amenity of the area and in accordance with Policy CS.2 of the Borough of Redditch Local Plan No.3
- 6) Prior to the commencement of development, details of the maintenance programme for the stalls, including refurbishment and regular cleansing of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
Reason: In the interests of visual amenity and the character and appearance of the Conservation Area, and in accordance with Policies B(BE)9 and B(BE)13 of the Borough of Redditch Local Plan No.3.
- 7) Prior to the commencement of development, details of the texture, colour and type of materials to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
Reason: In the interests of visual amenity and the character and appearance of the Conservation Area, and in accordance with Policies B(BE)9 and B(BE)13 of the Borough of Redditch Local Plan No.3.
- 8) The surfacing details agreed under condition 7 shall be to a high standard, and implemented to provide a good quality surface and finish in keeping with the significance of the site and its surroundings, and to ensure that surface water does not collect at any point. Any patching, repairs or other works carried out to the surfacing after its installation shall be made good within 8 weeks of its reinstatement to ensure that it blends and matches to the same high standards to form an 'invisible repair'.  
Reason: In the interests of the high quality appearance of the civic area, visual amenity and to enhance the character and appearance of the Conservation Area in accordance with Policies CS2, B(BE)1, B(BE)6, B(BE)9, B(BE)13, E(TCR)2 & R1 of the Borough of Redditch Local Plan No.3.

**Date:**

**Town Hall,  
Alcester Street,  
Redditch,  
B98 8AH**

**John Staniland  
Head of Planning & Building Control**

NOTE

- 1) The decision to grant planning permission takes into account the provisions of the Development Plan for the Area (RSS11, Worcestershire County Structure Plan 1996 - 2011 and the Borough of Redditch Local Plan No.3). In particular regard has been had to Local Plan No.3 Policy CS02, CS07, S01, BBE01, BBE04, BBE06, BBE09, BBE10, BBE13, BBE20, BBE25, ETCR01, ETCR02, ETCR04, ETCR05, CT01, CT05, CT06, R01, and other relevant material considerations. On balance, it was considered that the proposal would not cause significant demonstrable harm to the character and amenity of the area, highway safety or individual amenity.
  
- 2) Any adverts displayed on the site are likely to require Advertisement Consent from the Local Planning Authority. All stallholders should be informed of such requirements and any advertisements displayed without consent are liable to enforcement action and potential prosecution under the relevant legislation.



### Notes:

#### Planning Applications and Reserved Matters Applications

1. If the appellant is aggrieved by the decision of the of Local Planning Authority to refuse permission, he/she may appeal to the First Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990 within 6 months of receipt of this notice. (Appeals must be made on a form which is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. The First Secretary of State has power to allow a longer period for the giving of notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority.
2. If permission to develop land is refused, whether by the Local Planning Authority or by the First Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council a purchase notice requiring that the Council purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused by the First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

#### Advertisement Applications

1. Where the Local Authority refuse consent, the applicant may be given notice in writing within two months of receipt of this notice, or such longer period as the First Secretary of State may allow, appeal to the First secretary of State in accordance with regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992. The First Secretary of State is not required to entertain such an appeal if it appears to him having regard to the provisions of the regulations that consent for the display of advertisements in respect of which application was made could not have been granted by the Local Planning Authority.
2. A person who displays an advertisement in contravention of the regulations will be liable on summary conviction to a fine and in the case of a continuing offence, a fine for each day during which the offence continues after conviction.

#### Listed Building Consent Applications

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building Consent for the proposed works, he/she may, within six months of the receipt of this notice, appeal to the First Secretary of State in accordance with Section 20 of the Listed Buildings Act 1990. The First Secretary of State has power to allow a longer period

for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the Local Planning Authority in regard to the proposed works are in progress.

2. If Listed Building consent is refused, whether by the Local Planning Authority or by the First Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable.