

**Redditch Borough Council  
Planning Committee**

**Committee Updates  
14th October 2015**

**2015/043/FUL Area Night Club, Church Road**

This application was reported to members of the Planning Committee at the meeting of 9th September 2015.

The officer recommendation was that planning permission be granted. A motion to approve the application was defeated but without a positive decision on any alternative to refuse. Accordingly, no decision on the matter has been made.

Viability

Within the main report, your officers have explained that the size of the proposed development falls above the policy threshold for requiring contributions which would normally be sought via a planning obligation. As such, your officers have sought contributions towards

- \*The provision of on-site affordable housing
- \*Public Open Space provision
- \*Refuse and re-cycling bin provision on site
- \*Public Realm enhancements

in accordance with relevant policies of the development plan.

The applicant has argued that the scheme would not be viable based on the financial contributions requested by the Council in respect to community infrastructure and affordable housing and submitted a viability report to support their claims. Your officers asked the District Valuer from the Valuation Office Agency (VOA) to independently examine the applicants viability report who concluded that the scheme would not be viable based on the payment of any of the contributions requested, including the provision of the 8 affordable dwellings on site as requested by the Councils Housing Strategy Team.

After careful consideration of the submitted DV report, your officers explained that they would not be seeking a planning obligation.

Further update following the September 2015 Planning Committee

Whilst the applicant maintains that the ability of the development to deliver contributions on the basis that it would not be economically viable has been accepted by the independent Valuation Office Agency (VOA), the applicant wishes to offer the two proposed ground floor (1 bedroomed) flats, as affordable dwellings to alleviate some of the concerns raised by members during the meeting of 9th September, even though this would significantly reduce the schemes profit margin. The Councils Housing Strategy Team are in agreement to the applicant's offer subject to the units remaining as affordable dwellings in perpetuity, controlled by means of a Section 106 legal agreement.

The recommendation has therefore been amended from that set out in the main report to reflect the changes outlined above and is stated in full below.

## Recommendation

**That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Regeneration to GRANT planning permission subject to:**

**a) The satisfactory completion of a S106 planning obligation ensuring that:**

\* 2 no. one bedroomed flats are provided as affordable dwellings in perpetuity  
**and**

**b) Conditions and informatives as set out below:**

### 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 their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area and in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

- 3) The development hereby approved shall be implemented in accordance with the following plans:

appropriate references to be added here

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

- 4) The Development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason:- In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and in accordance with the National Planning Policy Framework.

## Informatives

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through pre-application advice and discussion.
- 2) The applicant is directed to the following document for best practice during demolition and construction:

<http://www.worcsregservices.gov.uk/pdf/WRS%20contractor%20guidance%20July%202011%20V.1.2.pdf>

- 3) This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Worcestershire County Council for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.
- 4) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Councils Approved Contractor following the issue of a licence under Section 184 and 278 of the Highways Act, 1980.

The applicant should contact Worcestershire County Councils Highway Network Control Manager, County Hall, Spetchley Road, Worcester, WR5 2NP (telephone 0845 607 2005), regarding the issue of the necessary license authorising the access works to be carried out by the County Councils Approved Contractor at the applicants expense.

- 5) Whilst the full remit of the Secured by Design Scheme covers more than Land Use Planning and Development Control, Redditch Borough Council actively encourage developers to take full account of Crime Prevention and Community Safety issues throughout the design and construction of any development as an integral part of achieving good design. Applicants are advised that further details of Secured by Design and relevant construction specifications can be found at [www.securedbydesign.com](http://www.securedbydesign.com) or by contacting the West Mercia Constabulary Crime Risk Manager on 01527 586181
- 6) The applicant is advised that development should not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved by Severn Trent Water Ltd.