



# Planning Committee

29th March 2011

## MINUTES

### Present:

Councillor Michael Chalk (Chair), and Councillors Peter Anderson, Brandon Clayton, Adam Griffin (substituting for Councillor Kath Banks), Bill Hartnett, Malcolm Hall (substituting for Councillor Nigel Hicks), Roger Hill, Robin King and Wanda King

### Also Present:

M Collins (as a Standards Committee observer)

### Officers:

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

### Committee Services Officer:

J Smyth

### 81. APOLOGIES

Apologies for absence were received on behalf of Councillors Kath Banks and Nigel Hicks.

### 82. DECLARATIONS OF INTEREST

Councillor Gay Hopkins (in the public gallery) declared a personal and prejudicial interest in the Application for Prior Approval 2011/030/GDO (Verge east of Claybrook Drive) as detailed in minute 85 below.

### 83. CONFIRMATION OF MINUTES

**RESOLVED that**

**the minutes of the meeting of the Committee held on 1st March 2011 be confirmed as a correct record and signed by the Chair.**

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Chair

**84. PLANNING APPLICATION 2011/019/FUL –  
LAND AT FORMER MAYFIELD WORKS,  
THE MAYFIELDS, REDDITCH**

Residential Development of 23 apartments  
and associated landscaping

Applicant: Mr A Coupe

Mr P Hemmingway, Objector, and Mr G Pavey, Agent for the landowner, addressed the Committee under the Council's public speaking rules.

**RESOLVED that**

**consideration of this Planning Application be DEFERRED to allow for Officers to provide further information relating to proposed terms of the Section 106 Agreement, particularly in respect of addressing the shortfall provision of social housing in the future and an explanation of the financial structure provided by the Applicant on the economic non-viability of providing the required number of units for social housing in line with national policies.**

**85. APPLICATION FOR PRIOR APPROVAL 2011/030/GDO –  
VERGE EAST OF CLAYBROOK DRIVE, REDDITCH**

Erection of a 15m monopole, equipment cabinet  
and ancillary apparatus

Applicant: Vodafone UK Limited and Telefonica 02 UK Ltd

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

Mrs A Hemming - objector  
Mrs Whitehouse – objector  
Mrs P Thomas – objector  
Councillor Juliet Brunner (Ward Councillor objecting on behalf of various residents).

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Prior Approval of the Local Planning Authority be REFUSED for the following reason:**

**“The siting of the proposed installation would be in close proximity to a significant number of residential properties such that it would be likely to have an adverse effect on their**

**amenity and outlook, as well as having the potential to give rise to the fear of negative health effects. As such, the proposal is considered to be contrary to PPG8 and Policy B(BE)13 of the Borough of Redditch Local Plan No.3.”**

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

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillor Gay Hopkins (in the public gallery) declared a personal and prejudicial interest as she lived near to the proposed site location, and withdrew from the meeting at the conclusion of public speaking and questions of Officers but prior to the Committee’s debate on the matter.)

**86. PLANNING APPLICATION 2011/041/FUL –  
137 TO 139 EVESHAM ROAD, HEADLESS CROSS**

Change of use of ground floor Nos. 137-139 Evesham Road  
from A1 (Retail) to A3/A5  
(Restaurant and Hot Food Takeaway Use),  
new shop front and ground floor rear extension

Applicant: Mr L N Theodorou

Mr S Vick, on behalf of the Applicant and Agent, 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 following summarised conditions and informative:**

- “1. Development to commence within three years.**
- 2. Approved plans specified.**
- 3. a scheme for the installation of odour control equipment to be submitted to and approved by the Local Authority in writing, prior to commencement of use.**
- 4. Permitted hours of opening – 0900 to 2300 hrs Monday to Saturday.**

**Informative**

- 1. Reason for approval. ”**

(This decision was taken contrary to Officer recommendation as Members considered that, despite economic difficulties and competition from the nearby Tesco Store, the District Centre retained a large number of diverse retail outlets, public houses and restaurants which contributed to a lively and sustainable centre for public use and felt that, on balance, the change of use of the vacant units, to allow the current takeaway use to expand into a restaurant would not undermine or be detrimental to, the retail functions within the District Centre. Members were particularly pleased to note the proposed lunchtime opening which would, they considered, offer an additional benefit for visitors to the centre.

Officers were authorised to attach appropriate standard conditions to the Planning Permission, including a condition relating to evening and lunchtime opening times, in order to comply with relevant planning policies, as now detailed above.)

## **87. VARIATION OF PLANNING OBLIGATIONS (SECTION 106 AGREEMENT)**

The Committee considered a request for a variation to a Section 106 Agreement associated with the development of thirteen detached dwellings on land off Green Lane, Woodrow in 1997, in order to release other third parties from a requirement considered to be no longer appropriate in relation to the provision of a small area of open space.

Officers reported that the housing development was now fifteen years old and that the transfer of the land, which had been well maintained over the years by the residents, together with a sum of money towards its future maintenance, to Redditch Borough Council had been included in a Section 106 Agreement agreed at the time. It was noted however, that in line with current practices and given its size, the land would not normally now be transferred for maintenance and that Officers had advised that maintaining it would not be practical nor simple for the Council to undertake.

Officers clarified that, whilst approval of the variation would allow third parties to negotiate on ownership of the land, the requirement to maintain the land as open space in perpetuity would still be protected under the Section 106 Obligation and could not be built on or fenced in regardless of ownership.

### **RESOLVED that**

**the variation to the Section 106 Agreement, dated 14th August 1997 and made between:**

- 1) Brian Arthur Bennett**
- 2) Frederick Stanley Bennett**

- 3) David John Bennett
- 4) Wainhomes Midlands Ltd, and
- 5) Redditch Borough Council,

regarding the open space obligations therein, be agreed, namely:

that the requirement for the transfer of land to Redditch Borough Council and the payment of a contribution towards its ongoing maintenance be deleted from the Section 106 Agreement, as it had, in practice, proven to be unnecessary and not required.

**88. APPEAL OUTCOME –  
REAR OF 23 - 28 ETTINGLEY CLOSE AND  
1,2,11 & 12 FERNWOOD CLOSE, WIREHILL**

The Committee received and considered an item of information in relation to the outcome of an appeal against a refusal of planning permission, namely:

Planning Application 2010/1-3/COU  
Change of use of vacant land to  
residential gardens (part retrospective)

Members noted that the appeal against the Council's decision to refuse planning permission, on grounds relating to the proposal detracting from the visual openness of the designated Primarily Open Space and the likely impact on the nearby Site of Special Scientific Interest (SSSI) and woodland edge habitat and surroundings, had been DISMISSED by the Inspector.

It was further reported that the Council's Enforcement procedures, previously delegated to Officers by the Committee but held in abeyance pending the outcome of the appeal process, had been re-opened. It was noted that relevant residents had until mid-April to rectify the breaches of planning control and that Officers would be monitoring the situation closely.

**RESOLVED that**

**the item of information be noted.**

The Meeting commenced at 7.00 pm  
and closed at 8.47 pm

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CHAIR