



Planning Committee

9th September 2008

MINUTES

Present:

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

Officers:

A Hussain, I Mackay and A Rutt.

Committee Officers:

J Smyth.

21. APOLOGIES

An apology for absence was received on behalf of Councillor Smith.

22. DECLARATIONS OF INTEREST

Councillor Farooqui declared a personal but not prejudicial interest in Planning Application 2008/254/FUL (Erection of a Class A1 Store Extension and associated works at J Sainsbury's Supermarket Ltd, Alvechurch Highway) as detailed separately at Minute 23 below.

23. APPLICATIONS FOR PLANNING PERMISSION

The Committee considered two applications for Planning Permission.

Officers tabled an update report detailing any late responses to consultation, changed recommendations, further conditions and any additional Officer comments. 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 one of the applications being considered, as detailed below.

RESOLVED that

the following applications for Planning Consent be determined as detailed below:

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Chair

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08/225/FUL Erection of fourteen dwellings
The Hills, Tanhouse Lane, Church Hill North
J Varney Builders

This matter was WITHDRAWN from the Agenda at the request of the Applicant and was not discussed.

08/254/FUL Erection of a Class A1 store extension,
addition of mezzanine floor at first floor,
new entrance, single storey decked car park,
replacement petrol filling station kiosk,
removal of car wash, alterations to car park and
internal layout (relocation of bus pick-up / drop-off
point), replacement ATMs and other associated works
J Sainsbury's Supermarket, Alvechurch Highway
Sainsbury's Ltd

(Miss A Walton, Agent for the Applicant, addressed the Committee under the Council's public speaking rules.)

- 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:**
 - a) **a planning obligation ensuring that contributions are received towards subway improvements, roundabout surfacing and highways improvements;**
 - b) **the conditions and informatives stated in the report but with Condition 3 (Open Hours restrictions) being replaced by the following condition (Deliveries restrictions) and a further additional condition also as detailed below:**
 - “3. **No deliveries shall be made to the store between 2300 hours and 0700 hours and no external activity shall occur within the rear service / delivery yard between these times.**

Reason: **In the interests of the residential amenities of the nearby properties and in accordance with Policy B(BE)13 of the Borough of Redditch Local Plan No.3.**

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23. Prior to commencement of the development, a site layout plan showing 26 disabled parking spaces on 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 plan and the spaces retained for the lifetime of the development.

Reason: In the interests of accessibility and in accordance with Policies C(T)1 and C(T)12 of the Borough of Redditch Local Plan No.3”;

- 2) In the event that the planning obligation cannot be completed by 27 October 2008, 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 due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements; and**
- 3) In the event of a refusal on ground (2) above and the Applicant re-submitting the same or a very similar planning application, with an acceptable completed legal agreement attached, authority be delegated to the Acting Head of Planning and Building Control to GRANT Planning Permission, subject to the conditions stated in the original report and any additional amendments / conditions agreed at the meeting of the Planning Committee held on the 9 September 2008.**

(At the conclusion of considering this application, Officers were requested to provide Members, when available, with final details on finishes, lighting etc., and specifically on arrangements for the provision of an emergency access point in light of the closure of the current emergency access in Fishing Line Road.)

(In view of his late arrival and not being present at the commencement of the Officers report on this application, Councillor Farooqui participated in but did not vote on this matter.

During consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillor Farooqui also declared a personal but not prejudicial

interest, in view of the fact that a friend worked for Turley Associates, the Agents for the Applicant.)

08/255 Reserved Matters Application
Demolition of existing vicarage and erection of
Residential development of 6 houses
The Vicarage, Church Road, Webheath
Chancery Two Ltd

Having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the condition and informative in the main report and the following additional conditions:

- “2. Amended plans specified.**
- 3. The “Newt corridor” to be transferred to Redditch Borough Council for maintenance / upkeep.**
- 4. Prior to commencement of development, details of signage to be provided on site regarding the protection of the Newt Corridor shall be submitted to and approved in writing by the Local Planning Authority. The signage agreed shall be implemented on site prior to the occupation of the dwellings hereby approved and thereafter retained for the lifetime of the development in a good state of repair.**

Reason: In the interests of species protection and biodiversity and in accordance with Policies B(NE)1a and B(NE)11 of the Borough of Redditch Local Plan.”

24. ENFORCEMENT OF PLANNING CONTROL

The Committee considered five contraventions of planning law, namely:

- 1) Enforcement Report 2007/195/ENF
Condition of land considered harmful to the
residential amenities of the area
Munsley Close, Matchborough

RESOLVED that

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, including the instigation of legal proceedings if necessary, in relation to a breach of planning control, namely, allowing the condition of land to adversely affect the residential amenities of the occupiers of adjacent dwellings, by way of the serving of a Notice under Section 215 of the 1990 Act and the instigation of prosecution proceedings if necessary, in the event of any failure to comply with the requirements of that Notice.

- 2) Enforcement Report 2008/165/ENF
Condition of land considered harmful to the visual amenity of the area
Barford Close, Matchborough

RESOLVED that

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, including the instigation of legal proceedings if necessary, in relation to a breach of planning control, namely, allowing the condition of land to adversely affect the visual and residential amenity of the area, by way of the serving of a Notice under Section 215 of the 1990 Act and the instigation of prosecution proceedings if necessary, in the event of any failure to comply with the requirements of that Notice.

- 3) Enforcement Report – 3 – 2007/221/ENF
Condition of land considered harmful to the visual amenity of the area
Exhall Close, Church Hill

RESOLVED that

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, including the instigation of legal proceedings if necessary, in relation to a breach of planning control, namely, allowing the condition of land to adversely affect the visual and residential amenity of the area, by way of the serving of a Notice under Section 215 of the 1990 Act and the instigation of prosecution proceedings if necessary, in the event of any failure to comply with the requirements of that Notice.

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- 4) Enforcement Report 2008/059/ENF
Condition of land considered harmful to the
visual amenity of the neighbourhood
Fenwick Close, Headless Cross

RESOLVED that

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, including the instigation of legal proceedings if necessary, in relation to a breach of planning control, namely, allowing the condition of land to adversely affect the visual and residential amenity of the area, by way of the serving of a Notice under Section 215 of the 1990 Act and the instigation of prosecution proceedings if necessary, in the event of any failure to comply with the requirements of that Notice.

- 5) Enforcement Report 2008/096/ENF
Condition of land considered harmful to the
visual amenity of the area
Birchfield Road, Webheath

RESOLVED that

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, including the instigation of legal proceedings if necessary, in relation to a breach of planning control, namely, allowing the condition of land to adversely affect the visual and residential amenity of the area, by way of further investigation into the enduring power of attorney, the serving of Notices under Sections 330 and 215 of the 1990 Act and the instigation of prosecution proceedings if necessary, in the event of any failure to comply with the requirements of those Notices.

The Meeting commenced at 7.00 pm
and closed at 8.56 pm

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CHAIR