

Planning Committee

Wed 31st Oct
2012
7pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

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Your main rights are set out below:-

- Automatic right to attend all formal Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agendas and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees

(or summaries of business undertaken in private) for up to six years following a meeting.

- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, on request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
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A reasonable number of copies of agendas and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its, Committees etc.

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- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, most items of business before the Executive Committee are Key Decisions.
- Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:

www.redditchbc.gov.uk

If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact the following:

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REDDITCH BOROUGH COUNCIL
PLANNING COMMITTEE



GUIDANCE ON PUBLIC
SPEAKING

The process approved by the Council for public speaking at meetings of the Planning Committee is (subject to the discretion and control of the Chair) as summarised below:

in accordance with the running order detailed in this agenda and updated by the separate Update report:

- 1) Introduction of application by Chair
- 2) Officer presentation of the report (as originally printed; updated in the later Update Report; and updated orally by the Planning Officers at the meeting).
- 3) Public Speaking - in the following order:-
 - a) Objectors to speak on the application;
 - b) Supporters to speak on the application;
 - c) Applicant to speak on the application.

Speakers will be called in the order they have notified their interest in speaking to the Committee Services Team (by 12 noon on the day of the meeting) and invited to the table or lectern.

- Each individual speaker will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair. (Please press button on “conference unit” to activate microphone.)
 - Each group of supporters or objectors with a common interest will have up to a maximum of 10 minutes to speak, subject to the discretion of the Chair.
 - After each of a), b) and c) above, Members may put relevant questions to the speaker, for clarification. (Please remain at the table in case of questions.)
- 4) Members’ questions to the Officers and formal debate / determination.

Notes:

- 1) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Borough of Redditch Local Plan No.3, the County Structure Plan (comprising the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the development plan and the “environmental factors” (in the broad sense) which affect the site.
- 2) No audio recording, filming, video recording or photography, etc. of any part of this meeting is permitted without express consent (Section 100A(7) of the Local Government Act 1972).
- 3) Once the formal meeting opens, members of the public are requested to remain within the Public Gallery and may only address Committee Members and Officers via the formal public speaking route.
- 4) Late circulation of additional papers is not advised and is subject to the Chair’s agreement. The submission of any significant new information might lead to a delay in reaching a decision. The deadline for papers to be received by Planning Officers is 4.00 p.m. on the Friday before the meeting.
- 5) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Committee Services Team **by 12 noon on the day of the meeting.**

Further assistance:

If you require any further assistance **prior to the meeting**, please contact the Committee Services Officer (indicated at the foot of the inside front cover), Head of Democratic Services, or Planning Officers, at the same address.

At the meeting, these Officers will normally be seated either side of the Chair.

The Chair’s place is at the front left-hand corner of the Committee table as viewed from the Public Gallery.

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

Special Arrangements

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

Further Information

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

Fire/ Emergency instructions

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency Assembly Area is on Walter Stranz Square.



PLANNING

Committee

31st October 2012

7pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs: Andrew Fry (Chair) Roger Hill
 Joe Baker (Vice-Chair) Wanda King
 Michael Chalk Brenda Quinney
 Brandon Clayton Yvonne Smith
 Bill Hartnett

<p>1. Apologies</p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any interest they may have in the items on the Agenda.</p>
<p>3. Confirmation of Minutes (Pages 1 - 6)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 5th September 2012. (Minutes attached)</p>
<p>4. Listed Building Application 2012/240/LBC - Astwood Farm House, Astwood Lane, Astwood Bank (Pages 7 - 10) Head of Planning and Regeneration</p>	<p>To consider a retrospective planning application for Listed Building Consent to replace UPVC patio door / window with wooden French doors. Applicant: Mr J Lavery (Report attached – Site Plan under separate cover) (Astwood Bank & Feckenham Ward);</p>
<p>5. Planning Application 2012/254/FUL - Land at Paper Mill Drive, Church Hill (Pages 11 - 16) Head of Planning and Regeneration</p>	<p>To consider a Planning Application for the erection of a car showroom, workshop with MOT testing bay and valeting area. Applicant: Mr C Jay (Report attached – Site Plan under separate cover) (Church Hill Ward);</p>
<p>6. Appeal Outcome - Trafford Park, Unit 19 Trescott Road, Redditch (Pages 17 - 20) Head of Planning and Regeneration</p>	<p>To receive information on the outcome of an appeal made against the refusal of a change of use from redundant factory unit to form a fitness suite. (Report attached) (Central Ward);</p>

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<p>7. Appeal Outcome - 12 Crumpfields Lane, Webheath</p> <p>(Pages 21 - 24)</p> <p>Head of Planning and Regeneration</p>	<p>To receive information on the outcome of an appeal made against a refusal of planning permission for the demolition of an existing property and erection of a new dwelling.</p> <p>(Report attached)</p> <p>(West Ward);</p>
<p>8. Appeal Outcome - Little India, 1207 Evesham Road, Astwood Bank</p> <p>(Pages 25 - 26)</p> <p>Head of Planning and Regeneration</p>	<p>To receive information on the outcome of an appeal made against refusal of a application to vary a Condition relating to opening hours in respect of Planning Permission 2010/135/COU.</p> <p>(Report attached)</p> <p>(Astwood Bank & Feckenham Ward);</p>
<p>9. Exclusion of the Public</p>	<p>During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended.</p> <p>These paragraphs are as follows:</p> <p>subject to the “public interest” test, information relating to:</p> <ul style="list-style-type: none">Para 1 - <u>any individual;</u>Para 2 - <u>the identity of any individual;</u>Para 3 - <u>financial or business affairs;</u>Para 4 - <u>labour relations matters;</u>Para 5 - <u>legal professional privilege;</u>Para 6 - <u>a notice, order or direction;</u>Para 7 - <u>the prevention, investigation or prosecution of crime;</u> <p>may need to be considered as “exempt”.</p>

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10. Confidential Matters (if any)

To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)



Planning Committee

5th September 2012

MINUTES

Present:

Councillor Andrew Fry (Chair), and Councillors Michael Chalk, Brandon Clayton, Bill Hartnett, Roger Hill, Wanda King, Brenda Quinney and Yvonne Smith

Officers:

S Edden, A Hussain and A Rutt

Committee Services Officer:

J Smyth

27. APOLOGIES

An apology for absence was received on behalf of Councillor Joe Baker.

28. DECLARATIONS OF INTEREST

Councillor Brandon Clayton declared pre-determination in relation to Planning Application 2012/148/COU (Building F, Astwood Business Park, Astwood Farm, Astwood Bank), as detailed at Minute 30 below.

29. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Planning Committee held on 15th August 2012 be confirmed as a correct record and signed by the Chair.

.....
Chair

**30. PLANNING APPLICATION 2012/148/COU –
BUILDING F, ASTWOOD BUSINESS PARK,
ASTWOOD FARM, ASTWOOD LANE, ASTWOOD BANK**

Change of Use from permitted Class B1 or Class B2
Uses to children’s Indoor play centre (Class D2)
with associated parking

Applicant: Mr J Ranson

Mr M Jinks, prospective tenant for the Unit, addressed the Committee under the Council’s public speaking rules.

RESOLVED that

having regard to the Development Plan and to all other material considerations:

- 1) authority be delegated to the head of Planning and Regeneration Services to GRANT planning permission, subject to:**
 - a) the completion of a planning obligation to provide an extended bus service to Astwood Farm;**
 - b) the conditions and informatives summarised in the remain report; and**
 - c) the following additional condition and informative:**

Condition

- “6) a bus service to the application site to be provided in accordance with the details as agreed under the planning obligation when completed.**

Reason: In the interests of ensuring that the provision of a bus service to the site can be effectively monitored by Planning Services.

Informative

- 4) A Planning Obligation be attached to this consent”.**

- 2) **In the event that the Planning Obligation cannot be completed by the 28th September 2012:**
- a) **authority be delegated to the Head of Planning and Regeneration Services to REFUSE the application on the basis that without the planning obligation, the proposed development would be contrary to sustainability objectives as set out within the National Planning Policy Framework and the Borough of Redditch Local Plan No. 3; and**
 - b) **in the event of a refusal on the grounds detailed in 2 a) above, and the Applicant resubmitting the same or a very similar planning application with a completed Legal Agreement attached as detailed at 1 a) above, authority be delegated to the Head of Planning and Regeneration Services to GRANT planning permission, subject to the conditions and informatives as detailed in 1 b) and c) above.**

(Prior to consideration of this item, Councillor Brandon Clayton declared a pre-determination and withdrew from the meeting for the duration of the Committee's consideration of the matter.)

**31. PLANNING APPLICATION 2012/185/COU –
MAYFIELD STORES, SYCAMORE AVENUE,
MAYFIELDS, REDDITCH**

Conversion and first floor side extension
to create additional 2 bedroom flat

Applicant: Mr M Farooqui

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the conditions and informatives summarised in the report.

**32. PLANNING APPLICATION 2012/209/FUL –
VICTORIA HOUSE, 10-12 FECKENHAM ROAD,
ASTWOOD BANK**

Conversion and extension of
building to form six flats

Applicant: Charles Martin Homes

RESOLVED that

- 1) **having regard to the Development Plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration Services to GRANT Planning Permission, subject to:**
 - a) **the completion of 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 to be provided in the locality;**
 - b) **the conditions and informatives as summarised in the main report; and**
 - c) **the following additional condition and informative:**

Condition

“9. Prior to the first commencement of development, in consultation with the Highways Authority, a position shall be agreed for the placement of a mirror at the entrance to the development site.

Reason: In the interests of highway safety.

Informative

5. **A Planning Obligation to be attached to the consent”; and**
- 2) **in the event that the Planning Obligation is not completed by the 24th September 2012, that:**
 - a) **authority be delegated to the Head of Planning and Regenerations Services 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

- b) in the event of a refusal on the ground at 2 a) above, and the Applicant resubmitting the same or a very similar Planning Application with a completed legal agreement attached to cover the requirements detailed at 1 a) above, authority be delegated to the Head of Planning and Regeneration Services to GRANT Planning Permission, subject to the conditions and informatives as detailed in 1 b) and c) above.

(Members considered that a strategically placed mirror at the access point into the development site would improve site lines and safety issues for both pedestrians and drivers. An additional condition was agreed to this effect, subject to advice from the Highways Authority on positioning the mirror, as detailed at 1 c) above.)

33. ENFORCEMENT ACTIVITY - SIX MONTH UPDATE

The Committee received and noted a report which provided statistics showing enforcement activity for the previous six months.

The Meeting commenced at 7.00 pm
and closed at 7.51 pm

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CHAIR

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LISTED BUILDING APPLICATION 2012/240/LBC

RETROSPECTIVE APPLICATION: REPLACEMENT OF UPVC PATIO DOOR/WINDOW WITH WOODEN FRENCH DOORS

ASTWOOD FARM HOUSE, ASTWOOD LANE, ASTWOOD BANK

APPLICANT: MR J LAVERY
EXPIRY DATE: 1ST NOVEMBER 2012

WARD: ASTWOOD BANK & FECKENHAM

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on extension 3206 (e-mail: steve.edden@bromsgroveandredditch.gov.uk) for more information.

(See additional papers for Site Plan)

Site Description

Astwood Farmhouse is a Grade II Listed timber framed farmhouse which dates from the 17th Century. It has mid 19th Century and mid 20th Century additions. The property is situated in the green belt and off Astwood Lane, a road which links the settlements of Astwood Bank and Feckenham. The farmhouse is accessed from a farm road which itself is accessed from Astwood Lane, some 400m to the north-west. The nearest properties are 'Windy Bank' situated approximately 80m to the west, and 'The Coach House' (a residential barn conversion), 20m distant, to the north-east.

Proposal Description

This is a retrospective application for Listed Building Consent to replace a patio door/window of UPVC construction with a set of wooden french doors. The french doors are situated to the rear (south facing) elevation of the farmhouse and have a painted (cream) softwood frame.

Relevant Key Policies:

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk

www.redditchbc.gov.uk

National Planning Policy

The National Planning Policy Framework (NPPF)

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Regional Spatial Strategy and Worcestershire County Structure Plan

Whilst the RSS and WCSP still exist and form part of the Development Plan for Redditch, they do not contain any policies that are directly related to or relevant to this application proposal. Therefore, in light of recent indications at national level that Regional Spatial Strategies and Structure Plans are likely to be abolished in the near future, it is not considered necessary to provide any detail at this point in relation to the RSS, or the WCSP.

Borough of Redditch Local Plan No.3

B(BE).13 Qualities of Good Design
B(BE).14 Alterations and Extensions
B(BA).1 Extent of and control of development in the Green Belt

The site is located within the designated Green Belt as identified on the Borough of Redditch Local Plan No.3 Proposals Map.

Relevant Site Planning History

None

Public Consultation Responses

One letter received in objection. The letter comments that the description of the works are misleading, objects to the fact that the works have been done retrospectively and considers that further details should have been submitted by the applicant in support of their application.

Consultation Responses

RBC Conservation Advisor

No objection to proposals

Assessment of Proposal

The former patio doors (of UPVC construction) which have been replaced by the timber french doors subject to this application, were inserted by a previous owner of the property many years ago without first obtaining Listed Building Consent. Applications for Listed Building Consent which propose to insert windows / doors of UPVC construction into the historic fabric of such a building are almost without exception refused consent due to the perceived harm caused to the character, appearance and historic form of the building.

Whilst the replacement of a UPVC opening with that of an opening having a timber frame would normally represent a significant improvement in terms of its impact on the character of the building, it is still important to ensure that the special character of the listed farmhouse is maintained and protected.

The Council's Conservation Advisor has been consulted on the application and raises no objection, commenting that the works are sympathetic to the appearance and historic interest of the listed building.

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The works would not have a negative impact on the residential amenities enjoyed by the occupiers of the nearest dwelling houses as the french doors would not give rise to any loss of privacy or any other negative impact on residential amenity.

Recommendation

That having regard to the development plan and to all other material considerations, Listed Building Consent be GRANTED subject to the informative as summarised below:

Informative

- 1) Reason for approval

Procedural matters

The applicant is related to a former employee of RBC, and therefore this application is reported to Planning Committee

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PLANNING APPLICATION 2012/254/FUL

ERECTION OF CAR SHOWROOM, WORKSHOP WITH MOT TESTING BAY AND VALETING AREA

LAND AT PAPER MILL DRIVE, REDDITCH

APPLICANT: MR C JAY
EXPIRY DATE: 19TH NOVEMBER 2012

WARD: CHURCH HILL

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on extension 3206 (e-mail: steve.edden@bromsgroveandredditch.gov.uk) for more information.

(See additional papers for Site Plan)

Site Description

Existing undeveloped land off Paper Mill Drive measuring 0.57 hectares. It measures approximately 165m in length, by 35m in width at its widest point, narrowing to 16m at its most western point. The site is bounded by a subway to the east and a belt of mature trees which include Oak, Fir, Larch, Lombardy Poplar and Ash between 10 and 12 metres in height to the south, beyond which lies the Coventry Highway. No vehicular access to the site exists from Paper Mill Drive which forms the northern boundary to the site. Beyond the northern boundary, Paper Mill Drive and a belt of tall mature trees, lies the residential development of Donnington Close. The nearest dwelling is situated approximately 45 metres to the north of the site. Beyond the eastern boundary lies number 3 Papermill Drive, a three storey office building. Further to the east of this building lies the Oast House Public House.

The site is grassed with the land sloping gently away in a north to south direction at a gradient of approx 1:20 towards the Coventry Highway such that the land at the southern boundary is approximately 3 metres lower than the level of the land at Paper Mill Drive (northern boundary).

The site and the wider area are covered by 'blanket' Tree Preservation Order 8 (NT TPO 8).

Proposal Description

Permission is sought to erect the following:

A car showroom, workshop with MOT testing bay

This would be a single storey building, located to the south of the site and would be formed of brickwork (walls) under a tiled pitched roof.

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Valeting building including car photography area

This would be a smaller, single storey building, located to the far western corner of the site and would be formed of brickwork (walls) under either a metal clad or tiled pitched roof (materials to be formally agreed at a later stage).

Other development

Between the valeting area and the main car showroom / workshop building would be a secure car parking area, also containing 8 no staff car parking spaces. An area immediately in front of the proposed car showroom / workshop would be allocated for customer parking which would include a disabled parking space. Further to the east of the site, an area would be set aside for car sales. The site would be secured by means of a combination of 2.4m high green steel weld mesh fencing, 2.4m high railings with dwarf wall and railings to the northern boundary facing Paper Mill Drive.

A new access would be formed from Paper Mill Drive, towards the eastern (wider) part of the application site. A hatched area within the site would be set aside for the purposes of parking a car transporter vehicle.

The applicant states that the granting of planning permission for this development would create 8 full time jobs.

The application is supported by a Design and Access Statement.

Relevant Key Policies:

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk

www.wmra.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National Planning Policy

The National Planning Policy Framework (NPPF)

Regional Spatial Strategy (RSS) and Worcestershire County Structure Plan (WCSP)

Whilst the RSS and WCSP still exist and form part of the Development Plan for Redditch, they do not contain any policies that are directly related to or relevant to this application proposal. Therefore, in light of recent indications at national level that Regional Spatial Strategies and Structure Plans are likely to be abolished in the near future, it is not considered necessary to provide any detail at this point in relation to the RSS, or the WCSP.

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Borough of Redditch Local Plan No.3

CS.2	Care for the environment
CS.7	The sustainable location of development
S.1	Designing out crime
B(BE).13	Qualities of good design
C(T).2	Road hierarchy
C(T).12	Parking standards

Supplementary Planning Guidance /Supplementary Planning Documents

Encouraging Good Design
Designing for Community Safety

The site itself is undesignated within the Borough of Redditch Local Plan No.3

Relevant Site Planning History

None

Public Consultation Responses

None received

Consultee Responses***County Highway Network Control***

No objection subject to imposition of conditions regarding parking and turning area provision and implementation and informatives regarding the construction phase

Worcestershire Regulatory Services (Environmental Health)

No objection

Severn Trent Water

No objection. Drainage details to be subject to agreement with Severn Trent

RBC Arboricultural Officer

No objection

Assessment of Proposal

The key issues for consideration in this case are as follows:-

Principle

The site is undesignated within the local plan and therefore any use should be considered in terms of its appropriateness in that location, and its likely impacts on any surrounding development. Some form of commercial development on the site is considered to be appropriate given its close proximity to employment land to the east and its relative distance away from the nearest residential development, that of Donnington Close, some 45 metres to the north.

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The proposed use of the site as a car showroom / valeting place is considered to be appropriate in such a location since this type of use would not be classified as a 'main town centre use'. The proposal would therefore accord with core planning principles identified in the National Planning Policy Framework which seek to achieve sustainable development and growth.

Design and Layout

The design, layout and appearance of the proposed development is considered to be appropriate in its context, with the proposed use of brickwork, with tiles or cladding above, being likely to respect the appearance of number 3 Papermill Drive, an existing building in closest proximity to the site. Final details on the colours of the external finishes proposed have not been stipulated at this stage and therefore a condition is recommended that these be agreed in order to ensure that the materials used are satisfactory having regard to the site and its surroundings.

Ground levels fall away across the site in a north to south direction such that the southern most part of the site is approximately 3 metres lower than that of the northern most part. The overall height of the proposed workshop / car showroom would measure only 6.75 metres to its highest point. Due to the difference in levels, the development would not be prominent from Papermill Drive and the visual amenities of the area as such would not be injured.

This type of use requires a substantial quantity of open surface area for parking and servicing. However, your officers consider that this would have minimal impacts on the wider area.

A site plan shows that a combination of steel weld mesh fencing, dwarf wall with railings and 2.4m high metal railings would be used to secure the site, which has been agreed with your Officers following the submission of an amended plan. No elevations or final detail of finishes of the fencing have been provided and it is therefore recommended that a condition be attached requiring those details be submitted and agreed to ensure that these are visually acceptable.

Landscaping

Established tree planting exists beyond the southern boundary of the site, and the wider area is covered by 'blanket' Tree Preservation Order NT TPO 8 which covers this area of the borough. The existing tree planting would help soften the impact of the development and would be retained since it is located outside the 'red line' plan which identifies the extent of the application site. Very little vegetation would need to be removed in order to accommodate the proposed development and the Councils Arboricultural Officer raises no objection to the application following your officer's consultation with that department.

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Impact upon amenity

The proposed use can be easily contained within the site and is unlikely to cause any significant harmful impacts on the surrounding uses – that of the three storey office development beyond the eastern boundary to the site (3 Papermill Drive) and to Donnington Close further north, where properties are well screened from the proposed development by virtue of the considerable changes in ground level already referred to in this report in addition to the presence of mature tree screening to the northern side of Paper Mill Drive.

Highways and Access

The county have raised no objections to the proposed access and parking arrangements and the parking spaces to be provided would comply with the local plan standards. Clearly, the parking of vehicles on Papermill Drive would be unacceptable and for this reason an area has been kept clear for car transporter unloading and turning. The development is therefore considered to comply with policy in this regard.

Sustainability

The site is located within the Redditch Urban area and therefore the sites location is considered to be sustainable. Whilst the nature of the proposed use will inevitably restrict the level of non-car movements to and from the site, it should be noted that bus stops are located either side of Paper Mill Drive in very close proximity to the site and the nearby 3 Papermill Drive Office development (the number 60: Diamond service). The close proximity of these bus stops would enable not only staff, but also persons interested in viewing cars for sale at the site to arrive and leave by public transport.

Conclusion

Approval of this application would allow a commercial enterprise to develop, creating new jobs whilst not causing harm to amenity or safety. The proposed development would therefore comply with the planning policy framework which includes the provisions of the National Planning Policy Framework and relevant policies contained within the Borough of Redditch Local Plan No.3. As such, the proposal is considered to be acceptable and can be recommended for approval.

Recommendation

That having regarded to the development plan and to all other material considerations, planning permission be GRANTED subject to conditions and informatives as summarised below:

- 1 Development to commence within 3 years.
- 2 Materials for development to be submitted for agreement in writing
- 3 Plans approved specified
- 4 Boundary treatment (precise details) to be submitted for approval in writing

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- 5 Drainage scheme to be submitted
- 6 H.13 : Access turning and parking

Informatives

- 1 Reason for approval
- 2 Drainage note to applicant
- 3 Highway Note 4
- 4 Highway Note 5

Procedural matters

This site is owned by Redditch Borough Council and has been identified as a potential commercial site through the Asset Disposal Programme. It has been declared surplus by Executive Committee.

Such an application would normally be determined under delegated powers afforded to Officers, but in this case is reported to Planning Committee at the request of a local ward member for Church Hill.

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APPEAL OUTCOME REPORT FOR INFORMATION

**APPEAL MADE AGAINST CHANGE OF USE FROM REDUNDANT
FACTORY UNIT TO FORM FITNESS SUITE**

PLANNING APPLICATION DETAILS: 2011/282/COU

PROPOSAL	CHANGE OF USE FROM REDUNDANT FACTORY UNIT TO FORM FITNESS SUITE
LOCATION	TRAFFORD PARK, UNIT 19 TRECOTT ROAD, REDDITCH
WARD	CENTRAL
DECISION	PLANNING DECISION MADE AT PLANNING COMMITTEE ON 13 DECEMBER 2011

The author of this report is Sharron Williams, Planning Officer (DC), who can be contacted on extension 3372 (e-mail: sharron.williams@bromsgroveandredditch.gov.uk) for more information.

Discussion

It was proposed to convert the factory unit into a fitness suite that would operate 7 days a week from 06/08:00 hrs to 22:00 hrs.

The proposal would have been on land allocated for employment development, therefore, the proposed use would have taken away the availability of employment land that is sought after in the Borough to meet the Council's strategic employment requirements and so the proposal was considered contrary to policies in Local Plan No.3.

In addition, the proposed use ought to be located in the town centre given the nature of the use and the volume of people who would use it. Such a use in the town centre would maintain the town's vitality and viability. Locating a leisure use outside of the town centre would have a detrimental impact on the centre and would conflict with Local Plan policies. Given that the proposal is not located within the town centre or the edge of centre (Town Centre Peripheral Zone), a sequential assessment was required under the former PPS.4. The assessment that had been submitted did not adequately demonstrate a thorough assessment of available town centre locations and did not address the requirements of the former PPS.4 and policies E(EMP).1 and E(EMP).3 of Local Plan No.3.

There was also a concern that the provision of a leisure facility in the middle of a modern employment complex would be incompatible with the surrounding

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employment units, having an impact on amenity in the area, as well as parking, and hindering interest in the remaining unoccupied units for Class B uses. Officers therefore recommended that the application be refused.

The application was refused for the following reasons:-

1. The proposed change of use to a leisure facility (Class D.2) would result in a loss of land designated for employment use (B1, B2, and B8). In the absence of any justification for this loss, the proposal is considered to be harmful to the employment land supply for the Borough and would be contrary to Policy E(EMP).3 of the Borough of Redditch Local Plan No.3. The proposal would also conflict with policies and objectives of PPS.1 Delivering Sustainable Development and PPS.4 Planning for Sustainable Economic Growth.
2. The provision of a leisure facility (Class D.2) in a designated Primarily Employment Area would hinder the amenities of the adjacent employment units and as such would not be compatible with the potential and existing employment uses in this complex and as such would be contrary to Policy E(EMP).3a of the Borough of Redditch Local Plan No.3.
3. Documents submitted by the applicant to justify the location of a leisure facility outside the town centre are insufficient to address the sequential assessment requirements set out under PPS.4 Planning for Sustainable Economic Growth and would be contrary to Policies E(EMP).1 and E(EMP).3 of the Borough of Redditch Local Plan No.3.
4. The provision of a leisure facility (Class D.2) use in a location outside of the town centre would by its very nature, have a detrimental impact on the vitality and viability of the town centre and would be contrary to Policies CS.7 and E(TCR).1 of the Borough of Redditch Local Plan No.3.

The inspector considered that the main issues were:

- (a) The effect of the proposed development on the vitality and viability of Redditch Town Centre and the supply of employment premises.
- (b) Whether the proposed development would affect the current or future employment use of the neighbouring properties.

The Inspector considered that due to the number of facilities proposed for the development, the scheme would attract a large number of people. As identified in the National Planning Policy Framework (NPPF) the proposal would be a more appropriate use in the town centre.

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Given the site is outside the town centre and the peripheral zone, the Inspector referred to the sequential assessment submitted and noted that it referred to 4 sites at the application stage that expanded to 7 sites at appeal stage. The inspector considered that the level of information submitted was limited, and took the view that there was insufficient evidence available to conclude that there were no sequentially preferable sites to the property and that no adverse harm would be caused to the vitality and viability of the town centre.

The Inspector concluded that the proposed development would cause adverse harm to the vitality and viability of Redditch town centre and the supply of employment premises and, as such, it would not accord with the aims of Local Plan policies CS.7, E(TCR).1 and E(EMP).3.

In respect of the proposed development affecting the current or future employment use of the neighbouring properties, the Inspector considered that neither the existing or proposed uses would appear to be a source of significant or unacceptable noise or other forms of disturbance. He stated that the proposal would not cause unacceptable harm to the current or future employment use of the neighbouring properties and, as such, would not conflict with Local Plan policy E(EMP).3a and the NPPF.

The Inspector concluded that there would be no harm caused to the current or future employment use of the neighbouring properties this is judged to be outweighed by the adverse harm caused to the vitality and viability of the town centre and the supply of employment premises. Accordingly, and taking into account all other matters including the NPPF's presumption in favour of sustainable development, they concluded that the appeal should fail.

Appeal outcome

The planning appeal was DISMISSED. Costs were neither sought nor awarded.

Recommendation

The Committee is asked to RESOLVE that the item of information be noted.

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APPEAL OUTCOME REPORT FOR INFORMATION

APPEAL MADE AGAINST REFUSAL OF PLANNING PERMISSION

PLANNING APPLICATION DETAILS: 2011/323/FUL

PROPOSAL	REPLACEMENT DWELLING
LOCATION	12 CRUMPFIELDS LANE, WEBHEATH
WARD	WEST
DECISION	DELEGATED PLANNING DECISION MADE ON 23 JANUARY 2012

The author of this report is Sharron Williams, Planning Officer (DC), who can be contacted on extension 3372 (e-mail: sharron.williams@bromsgroveandredditch.gov.uk) for more information.

Discussion

Permission was sought to demolish a 1950's style detached dwelling with a single detached garage and erect a new dwelling with integral garage. The dwelling would comprise of a living room, dining room, kitchen, family room, utility, two toilets and conservatory at ground floor level and 4 bedrooms, family bathroom, two en-suites and dressing rooms. A detached outbuilding with a floorarea of 39.65 sq m is also proposed within the garden area.

The floor area of the existing dwelling is approximately 86.8 sq m. The potential floor area of the new dwelling and integral garage is approximately 361.71 sq m excluding the floor area of the proposed outbuilding in the rear garden

The site is within an area designated as an Area of Development Restraint in the Borough of Redditch Local Plan No.3. As it is unclear as to what the future zoning would be for this Area of Development Restraint, when considering proposals in the interim, the Open Countryside policy B(RA).2 would apply.

This policy provides exceptions when housing could be permitted in the open countryside. One of the exceptions is:-

- i) A replacement of, and comparable in size with, an existing building with established residential use rights.

The written justification for the policy refers to criterion iv and defines 'size' in relation to volume, scale, and height of a building.

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Considering the above policy and taking into account that there is a dwelling on the site already which is intended to be replaced, the floorspace of the existing unit would be taken into consideration as well as the floorarea of potential extensions that could be built on the existing property under permitted development rights. This would equate to a potential floorarea of 179.8 sq m.

Given the proposed floorarea of the proposed dwelling and integral garage is approximately 361.71 sq m. (excluding the floorarea of the outbuilding in the rear garden), the floor area of the proposed dwelling exceeded what would be considered acceptable in this location and as such would have a detrimental impact on the openness of this area and be contrary to Policy B(RA).2.

In addition, the design of the dwelling is a very large mass that takes up most of the width of the application site, resulting in a front elevation that would be very dominant on the streetscene. The proposal would be built close to the side boundaries and have a very wide elevation detracting from the visual amenities of the streetscene. Some amendments were made but did not adequately address the above issues. The application was refused planning permission under delegated powers on 23 January 2012 for the following reason:-

1. The proposed dwelling is substantially larger than that which it would replace in terms of its height, size, bulk and massing, and is not considered to be comparable in size. This would result in an overbearing and overly dominant, obtrusive form of development out of character with its surroundings and the streetscene. As such, the proposal is considered to be contrary to Policies B(RA).2, B(RA).3, and B(BE).13 of the Borough of Redditch Local Plan No.3, and the Borough of Redditch Supplementary Planning Guidance on Encouraging Good Design.

The Inspector considered the main issues were:-

- a) The implications of the proposed development with respect to policies concerning development in open countryside.
- b) The effect the development would have on the character and appearance of the area.

The inspector noted the intention of Policy B(RA).2 and its purpose in relation to replacement dwellings, but considered that there were a number of mitigating factors to be taken into account. The Inspector felt that there should be some allowance for the fact that the existing dwelling is unusually small in comparison to others in this part of the lane. Also, reference to 'size' is defined as the volume, scale and height of a building, inferring that

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floorspace should not be the only measurement. In this case the dwelling would not exceed the height of the existing, although it would be larger in other aspects. Also, the Inspector had a view that the Council had allowed other replacement dwellings and additional infill, demonstrating a pragmatic approach to this aspect of the policy. In addition, the development would not result in isolated development and considered that the countryside would not be harmed by this development.

The Inspector considered the existing house as undistinguished in appearance and not making a positive contribution to the area. The front elevation of the proposed dwelling would stand slightly forward of that of the existing dwelling but, in terms of its overall position, would fit in with neighbouring properties. Although glimpses of trees to the rear of the house can be seen at present, no important vistas or skylines would be lost as a result of the proposed development. The projecting front gable would provide articulation and break up its apparent width. Overall, the Inspector considered that the proposed development would not be overbearing, over-dominant or unduly obtrusive within its context, and would not conflict with Policy B(BE).13 of the Local Plan No.3 and objectives in the NPPF (National Planning Policy Framework).

Appeal outcome

The planning appeal was ALLOWED. Costs were neither sought nor awarded.

Further issues

The appeal was allowed subject to the following conditions:-

- 1 Development to commence within 3 years.
- 2 Plans approved defined.
- 3 Samples of materials for external surfaces to be submitted and approved.
- 4 Details for vehicular access, turning and parking areas to be submitted and approved.
- 5 Parking for site operatives during development.
- 6 Working hours during construction restricted.
- 7 Drainage details to be submitted and approved.

Recommendation

The Committee is asked to RESOLVE that the item of information be noted.

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APPEAL OUTCOME REPORT FOR INFORMATION

APPEAL MADE AGAINST REFUSAL TO GRANT PERMISSION FOR DEVELOPMENT OF LAND WITHOUT COMPLYING WITH A CONDITION SUBJECT TO WHICH A PREVIOUS PLANNING PERMISSION WAS GRANTED

PLANNING APPLICATION DETAILS: 2012/049/S73

PROPOSAL	VARIATION TO CONDITION 1) APPLIED TO PERMISSION 2010/135/COU WHICH STATES THAT PREMISES SHALL NOT BE OPEN FOR CUSTOMERS OUTSIDE THE FOLLOWING HOURS: 11.00 TO 23.30 ON MONDAY TO SATURDAYS 12:00 TO 18.00 ON SUNDAYS
LOCATION	LITTLE INDIA, 1207 EVESHAM ROAD, ASTWOOD BANK
WARD	ASTWOOD BANK & FECKENHAM
DECISION	DECISION MADE BY OFFICERS UNDER DELEGATED POWERS 13TH APRIL 2012

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on extension 3206 (e-mail: steve.edden@bromsgroveandredditch.gov.uk) for more information.

Background

The bungalow at 1207 Evesham Road gained planning permission for partial change of use to a restaurant in 2006. A subsequent proposal, reference 2010/135/COU granted on appeal, allowed the remainder of the bungalow to be converted from residential to incorporate a bar and waiting area ancillary to the use of the restaurant granted in 2006.

During consideration of the earlier appeal, Officers asked the Inspector to consider imposing a planning condition (in the case of the appeal being allowed), which would state that the premises should not be open for customers outside the hours of 11.00 to 23.30 on Monday to Saturdays and 12.00 to 18.00 on Sundays. An identical condition was attached to the original application for partial change of use to a restaurant, granted in 2006. During consideration of the 2010 appeal, the Inspector agreed that such a condition should be imposed in the interests of protecting nearby residential amenities.

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Discussion

The appellant sought to vary Condition 1 (2010/135/COU) so as to allow the business to trade between 11.00 hours and 23.30 hours on Sundays (as well as on Mondays to Saturdays), or alternatively for the condition to be removed.

The Inspector noted that the eastern side of Evesham Road was primarily residential in character and was also outside the defined district centre. He also noted that the appeal site was located in very close proximity to residences both to the immediate north and south of the site. He considered that a restaurant use in such close proximity to residential uses, together with the close proximity of the adjacent car park would be likely to generate significant noise in terms of vehicle movements, the closing of vehicle doors and conversations held outside the restaurant by customers. The Inspector agreed with Officers that it would be reasonable to consider Sunday as a traditional 'day of rest' when it would be expected that noise and disturbance from the appeal premises is for a reduced period, thus giving the occupiers of adjacent properties a reasonable opportunity to enjoy quiet periods of relaxation on that day when the restaurant is not open to customers.

The Inspector considered that the original condition was reasonable and necessary in order to protect the living conditions of the occupiers of neighbouring residential properties in terms of noise and disturbance.

Appeal outcome

The appeal was DISMISSED on 14th September 2012. Costs were neither sought nor awarded.

Further issues

None

Recommendation

The Committee is asked to RESOLVE that the item of information be noted.