

# Planning Committee

Wed 28th Nov  
2012  
7pm

Council Chamber  
Town Hall  
Redditch



[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

# Access to Information - Your Rights

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Your main rights are set out below:-

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- 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.

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- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- 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:

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**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:**

**Janice Smyth**  
**Democratic Services Officers**  
Town Hall, Walter Stranz Square, Redditch, B98 8AH  
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**REDDITCH BOROUGH COUNCIL**  
**PLANNING COMMITTEE**



**GUIDANCE ON PUBLIC**  
**SPEAKING**

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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.

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**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

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### ***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

28th November 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><b>1. Apologies</b></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><b>2. Declarations of Interest</b></p>	<p>To invite Councillors to declare any interest they may have in the items on the Agenda.</p>
<p><b>3. Confirmation of Minutes</b> (Pages 1 - 6)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 31st October 2012.  (Minutes attached)</p>
<p><b>4. Planning Application 2012/251/FUL - Land adjacent to The Thatchers, Church Road, Webheath</b>  (Pages 7 - 14)  Head of Planning and Regeneration</p>	<p>To consider a Planning Application for the erection of a pair of semi-detached dwellings with new vehicular access.  Applicant: A &amp; P Homes Ltd  (Report attached – Site Plan under separate cover)  <b>(West Ward);</b></p>
<p><b>5. Planning Application 2012/282/COU - 5 Church Green East, Town Centre, Redditch</b>  (Pages 15 - 20)  Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a change of use of ground, first and second floors from: Financial and Professional Services (A2) use to Drinking Establishment and Café / Bistro Use (A4) on ground and first floors; and to Music Tuition room (D1) Use on second floor.  Applicant: Mr S Evans  (Report attached – Site Plan under separate cover)  <b>(Abbey Ward);</b></p>

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<p><b>6. Tree Protection Order (No.142) 2012 - Wirehill Drive, Lodge Park, Redditch - Confirmation</b></p> <p>(Pages 21 - 26)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a report relating to the long term protection of a mature and significant Oak tree considered to be of positive benefit to public amenity, its value therefore making it worthy of retention in the longer term.</p> <p>(Report and Appendix 1 attached. Appendix 2 (Site Plan) under separate cover)</p> <p><b>(Lodge Park Ward);</b></p>
<p><b>7. Tree Preservation Order (No.143) 2012 - Sandycroft and Arden, West Avenue, Redditch - Confirmation</b></p> <p>(Pages 27 - 32)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a report relating to the long term protection of a number of mature and significant Lime trees considered to be of positive benefit to public amenity, their value making them worthy of retention in the longer term.</p> <p>(Report and Appendix 1 attached. Appendix 2 (Site Plan) under separate cover)</p> <p><b>(Central Ward);</b></p>
<p><b>8. Exclusion of the Public</b></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><b>“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.</b></p> <p><b>These paragraphs are as follows:</b></p> <p><b>subject to the “public interest” test, information relating to:</b></p> <ul style="list-style-type: none"><li><b>Para 1 - <u>any individual;</u></b></li><li><b>Para 2 - <u>the identity of any individual;</u></b></li><li><b>Para 3 - <u>financial or business affairs;</u></b></li><li><b>Para 4 - <u>labour relations matters;</u></b></li><li><b>Para 5 - <u>legal professional privilege;</u></b></li><li><b>Para 6 - <u>a notice, order or direction;</u></b></li><li><b>Para 7 - <u>the prevention, investigation or prosecution of crime;</u></b></li></ul> <p><b>may need to be considered as “exempt”.</b></p>



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**9. 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

31st October 2012

### MINUTES

#### Present:

Councillor Bill Hartnett (Chair), and Councillors Andrew Fry (from 7.20pm), Michael Chalk, Brandon Clayton, Roger Hill, Wanda King, Yvonne Smith and Pat Witherspoon (substituting for Councillor Joe Baker)

#### Officers:

S Edden, A Hussain and A Rutt.

#### Committee Services Officer:

J Smyth

#### 34. APOLOGIES / APPOINTMENT OF CHAIR

In the absence of the Chair, Councillor A Fry, who had been unexpectedly delayed, and also in the absence of the Vice-Chair, Councillor J Baker, who had previously given his apologies for the meeting, the Council's Legal Services Officer opened the meeting and welcomed those present.

Members were informed that, in the absence of both the Chair and Vice-Chair, it would be necessary, in order to conduct the business of the Agenda, to nominate and appoint a Chair for the duration of the meeting.

#### RESOLVED that

**Councillor Bill Hartnett be appointed Planning Committee Chair for the meeting.**

#### 35. DECLARATIONS OF INTEREST

There were no declarations of interest declared.

.....  
Chair

**36. CONFIRMATION OF MINUTES**

**RESOLVED that**

**the minutes of the meeting of the Planning Committee held on 5th September 2012 be confirmed as a correct record and signed by the Chair.**

**37. LISTED BUILDING APPLICATION 2012/240/LBC –  
ASTWOOD FARM HOUSE, ASTWOOD LANE,  
ASTWOOD BANK**

Retrospective application for replacement of UPVC  
patio door / window with wooden French doors.

Applicant: Mr J Lavery

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Listed Building Consent be GRANTED, subject to the informative as summarised in the report and the following additional informative:**

- “2) The Applicant is reminded of their responsibilities under relevant legislation, including the Planning (Listed Building and Conservation Areas) Act 1990, in that the carrying out of unauthorised works to a listed building is a criminal offence where owners can be prosecuted. The softwood framed opening should be maintained to the satisfaction of the Local Planning Authority at all times and advice should be sought from the Council in the case of any future request to replace the opening. Such works would require a separate application for Listed Building Consent. Contact 01527 534062 for further advice.”**

(In considering the application, and given the listed building status afforded to the farm house, Members considered that the additional informative, as detailed above, was appropriate to encourage the maintenance of the softwood frames and remind the Applicant of the need to seek prior Listed Building Consent to any proposed changes to the windows in the future.)

(Owing to his delayed arrival at the meeting, Councillor Fry was not present when the Committee considered and voted on this matter.)

**38. PLANNING APPLICATION 2012/254/FUL –  
LAND AT PAPER MILL DRIVE, CHURCH HILL**

Erection of car showroom, workshop with  
MOT testing bay and valeting area

Applicant: Mr C Jay

**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 but with Condition 6 (H.13 Access, turning and Parking) to include a requirement that the transporter turning area be kept clear at all times and that all parking spaces be marked out as appropriate; and the following additional condition:**

**“7 The hours of opening of the uses hereby permitted shall be between the following hours:**

<b>0830 till 1800 hours</b>	<b>Monday to Friday</b>
<b>0830 till 1700 hours</b>	<b>Saturdays</b>
<b>1100 till 1600 hours</b>	<b>Sundays and Public Holidays.</b>

**The premises shall not be open to the public or the trade outside these hours on any day.”**

(During consideration of the application, concerns for the potential issue of overspill parking onto Paper Mill Drive were highlighted. Officers were asked to discuss the matter and how it could be addressed should it arise, with the County Council’s Highways Authority.)

(In view of his late arrival during the Committee’s consideration of this item, and in line with Council Policy, Councillor Fry took no part in or voted on the matter.)

**39. APPEAL OUTCOME –  
TRAFFORD PARK, UNIT 19 TRECOTT ROAD, REDDITCH**

The Committee received an item of information in relation to the outcome of an appeal made against the Committee’s refusal of a consent for a change of use, namely:

Planning Application 2011/282/COU  
Change of use from redundant factory  
unit to form fitness suite

Members were pleased to note that the appeal against the Council's decision to refuse consent for a change of use had been considered and dismissed by the Inspector on the grounds that, whilst the proposed change of use would cause no harm to the current or future employment use of the neighbouring properties, this was outweighed by the adverse harm caused to the vitality and viability of the town centre and supply of employment premises.

**RESOLVED that**

**the item of information be noted.**

**40. APPEAL OUTCOME –  
12 CRUMPFIELDS LANE, WEBHEATH**

The Committee received an item of information in relation to the outcome of an appeal against a refusal of Planning Permission relating to a proposed new dwelling, made by Officers under delegated powers, namely:

Planning Application 2011/323/FUL  
Replacement Dwelling

Members noted that the appeal against the Council's decision to refuse Planning Permission had been allowed by the Inspector, subject to the imposition of a number of specified conditions, on the grounds that, they did not consider that the proposed development would be overbearing, over-dominant or unduly obtrusive within its context.

**RESOLVED that**

**the item of information be noted.**

**41. APPEAL OUTCOME –  
LITTLE INDIA, 1207 EVESHAM ROAD, ASTWOOD BANK**

The Committee received an item of information in relation to the outcome of an appeal against a refusal of Planning Permission relating to the development of land without complying with a condition, subject to which a previous planning permission had been granted, made by Officers under delegated powers, namely:

Planning Application 2012/049/S73  
Variation to Condition 1. applied to Planning Permission  
2010/135/COU  
Which states that, premises shall not be open for customers outside  
the following hours:

11.00 to 23.30 on Mondays to Saturdays  
12.00 to 18.00 on Sundays

Members noted that the appeal against the Council's decision to refuse consent to a change in opening hours had been considered and dismissed by the Inspector on the grounds that, they 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.

**RESOLVED that**

**the item of information be noted.**

The Meeting commenced at 7.00 pm  
and closed at 7.51 pm

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CHAIR





**PLANNING  
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**PLANNING APPLICATION 2012/251/FUL****ERECTION OF A PAIR OF SEMI-DETACHED DWELLINGS WITH NEW  
VEHICULAR ACCESS****LAND ADJACENT TO THE THATCHERS, CHURCH ROAD, WEBHEATH****APPLICANT: A&P HOMES LTD**  
**EXPIRY DATE: 12TH NOVEMBER 2012****WARD: WEST**

The author of this report is Steven Edden, Planning Officer (DC), 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**

The site forms garden curtilage associated with the property 'The Thatchers', a vacant bungalow in a dilapidated state of repair. This property was last occupied in 1993. The Thatchers lies to the immediate north of the site, beyond which lies a former vehicle repair premises known as 'Woodyard Garage'. The site is located to the western side of Church Road. To the eastern side of Church Road are a row of semi-detached properties, numbered 22 to 36 Church Road. The southern boundary is a garden fence forming the rear boundaries to properties which are accessed via the road 'Hill Top' and the property '19 Hill Top' which is accessed via Church Road.

**Proposal Description**

This is a full planning application to erect two, three bedroomed houses, arranged as a pair of semi-detached dwellings. Each property would accommodate two car parking spaces to the frontage. A new access to serve the development would be formed direct from Church Road to the east. The houses would be formed of brickwork walls under a tiled roof, with materials matching those of dwellings in the surrounding area.

**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](http://www.communities.gov.uk)

[www.wmra.gov.uk](http://www.wmra.gov.uk)

[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)

[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

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***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 WCSP.

***Borough of Redditch Local Plan No.3***

B(RA).3	Areas of Development Restraint
CS.7	The sustainable location of development
B(HSG).6	Development within or adjacent to the curtilage of an existing dwelling
B(BE).13	Qualities of Good Design
B(NE).1a	Trees, Woodland and Hedgerows
C(T).12	Parking Standards (Appendix H)

***Supplementary Planning Guidance/Supplementary Planning Document***

Encouraging Good Design

The site lies within a larger area identified in the Borough of Redditch Local Plan No.3 as an Area of Development Restraint (ADR).

A wider area is covered by a Tree Preservation Order: (BOR TPO 72)

**Relevant Site Planning History**

The application site and the wider area in the immediate vicinity of the site have been considered for residential development in the past, but in the form of two separate application sites.

The Thatchers, which consists of an unoccupied bungalow and land to its immediate south, has the following relevant history:

1993/466/FUL Demolition of existing bungalow and replacement with new dwelling and garage

Application Granted 25.1.1994

2001/588/OUT Replacement dwelling and new access

Application Granted 26.2.2002

2012/182/OUT Outline application for demolition of existing bungalow, one new replacement dwelling and four new dwellings

Application Withdrawn 17.9.2012

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Woodyard Garage and the land to its side and rear which also includes the proposed application site has the following relevant planning history:

2001/295/OUT Outline application for residential development. An indicative layout was submitted showing 12 dwellings  
Application refused 19.10.2001. Appeal dismissed 8.7.2002.

2003/548/OUT Outline application for residential development. An indicative layout was submitted showing 6 dwellings  
Application refused 13.5.2004.

2005/147/FUL Erection of nine new dwellings  
Application Withdrawn 20.5.2005

2005/444/OUT Outline application for residential development  
Application Withdrawn 13.6.2006

**Public Consultation Responses****Responses against**

5 letters received in respect of originally submitted plans. Comments are summarised as follows:

- Access and egress to the site will be dangerous. Vehicles will not be able to exit the site in a forward gear
- Pedestrian safety would be prejudiced due to lack of pavement either side of the road
- Parking provision on site is inadequate: more spaces required
- Houses on Church Road are generally not three storey: proposed development would be out of character with the area
- Concerns regarding possible loss of tree cover
- General drainage concerns
- Proposed development not aesthetically pleasing and not in keeping with the street scene
- Ridge height would be overbearing. Development would harm amenities of nearby properties

At the time of writing, 1 letter received in respect to amended plans submitted. Any further comments received will be reported as an update to this report. Comments received are summarised as follows:

- Whilst the amended plans have taken into consideration some resident concerns, the proposals are still unacceptable
- Impact upon nearby residential amenity remains a concern: particularly loss of privacy
- Access and egress to the development is still dangerous
- The proposed development would harm the character of Church Road

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**Consultee Responses*****RBC Arboricultural Officer***

No existing trees within the site are covered by the Tree Preservation Order (BOR TPO 72), although one twin-stem oak tree is located just to the rear of Plot 1. The stem diameter would suggest that the Root Protection Area (RPA) would extend within a small part of the proposed rear garden area of Plot 1. The RPA should be marked out with protective fencing during all site works in line with BS 5837 with no storage of materials or machinery taking place within the RPA during the course of all site works in order to safeguard the health of the tree

***County Highway Network Control***

No objection subject to conditions concerning access and parking provision, together with standard informatives

***Severn Trent Water***

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

***Worcestershire Regulatory Services***

No objections. In view of the proximity of the proposed development to existing residential development, recommends that hours of operation on site be controlled in addition to any burning on site

**Background**

Amended plans have been submitted to address concerns raised by officers in respect to the originally submitted plans. A re-consultation exercise has been carried out following the receipt of the amended plans which includes notification in writing to those persons who raised objections originally. This consultation period expired on 13th November 2012.

**Assessment of Proposal**

The key issues for consideration are as follows:

**Principle**

The application site is included within the Webheath ADR in the Borough of Redditch Local Plan No.3. ADR land is safeguarded from development to meet the Borough's long term development needs beyond the year 2011.

In respect to application 2001/295/OUT: Outline application for residential development which included the application site in addition to that contained by Woodyard garage, the Inspector, at appeal did not consider that there was an ADR policy reason to reject that proposed development. Officers together with County Highway Network Control do not consider that the development of the site in the way proposed would prejudice the possible future development of the much larger area of the Webheath ADR to the west.

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Whilst such land is no longer defined as previously developed or 'brownfield' land, Officers do not however consider that there are any valid reasons why such a site cannot be developed for new residential purposes.

Design, appearance and general layout

Policy B(HSG).6 of the adopted Local Plan is supportive of new residential development within the curtilage of a dwellinghouse providing it respects the character and appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development.

The scale and massing of the proposed development has been reduced considerably from that submitted originally. The height of the dwellings would be 8 metres to ridge, rather than the original height of 9 metres. The width and depth of development have been compacted, which have in turn resulted in an elevational treatment which respects that of surrounding residential development. Window numbers and proportions, particularly to the prominent front elevation complement house types found in this part of Church Road, which are predominantly of a semi-detached form. Features such as chimneys have been introduced, and further detailing such as a brick dental course at eaves and the use of brick quoins to corners now reflect the semi-rural nature of the sites surroundings, respect local distinctiveness and the street-scene as required under the NPPF and in Local Plan Policy B(BE).13.

The application proposal would meet all of the Council's spacing standards including minimum garden size and distance between existing (neighbouring) and proposed new window separations. Such standards are contained within the Councils adopted SPG 'Encouraging Good Design'.

Impact upon nearby residential amenity

Officers are satisfied that no loss of residential amenity would result from the proposed development following the submission of the amended plans, where height and bulk have been reduced. A proposed window to the south facing side elevation of Plot 1 (to serve a first floor hallway) is now to be obscurely glazed. No loss of light or privacy would result from the proposed development. Plans now showing a lowering in height, width and depth would ensure that the houses would not be overbearing or visually intimidating in appearance when viewed against others within Church Road.

Access

Whilst the dwellings would not provide an area for the turning of vehicles within their frontages, it should be noted that virtually all of the properties situated along this section of Church Road do not have such turning facilities. This includes those which are accessed directly from both the western and eastern sides of Church Road. County Highways have raised no objection with respect to this particular issue and similarly raise no objection to the level of car parking to be provided with the curtilage of each dwelling, where Plots 1

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and 2 would have two spaces each. Such provision is acceptable having regard to parking standards for three bedroomed dwellings.

### Sustainability

Although the site is located in a more peripheral location to other more sustainable sites, the site is part of a larger area allocated to meet the Borough Councils housing requirements. The site is located within walking distance of local shops and a primary school.

The orientation of the dwellings with rear gardens facing due south-west would mean that passive solar gain to the rear can be maximised.

### Trees

As stated by the Arboricultural Officer, no existing trees within the site are covered by the Tree Preservation Order. Due to the close proximity of a twin-stem oak tree, which is considered to contribute to the visual amenities of the area, prior to the commencement of site works, protective fencing around the root protection area of the tree would need to take place. In addition, no storage of materials or machinery should take place within the RPA during the construction period. Such measures would safeguard the health of the tree. A condition to this effect is recommended for inclusion in the case of planning permission being granted.

### Conclusion

The proposal is considered to comply with the planning policy framework and would not cause harm to amenity or safety.

### Recommendation

**That having regard 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 three years
2. Materials to be submitted – walls and roof
3. Landscaping scheme to be submitted to LPA
4. Landscaping scheme to be implemented in accordance with details agreed
5. Tree protection measures
6. Limited working hours during construction period
7. Access and parking provision
8. Development in accordance with amended plans (listed)

### Informatives

1. Reason for approval
2. Drainage
3. No burning on site

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4. NB Highway informatives 4 and 5

**Procedural matters**

This application is reported to the Planning Committee because two or more objections to the application have been received, and the recommendation is to grant planning permission.





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### **PLANNING APPLICATION 2012/282/COU**

**CHANGE OF USE OF GROUND, FIRST & SECOND FLOORS FROM FINANCIAL & PROFESSIONAL SERVICES (A2) USE TO: DRINKING ESTABLISHMENT AND CAFÉ/BISTRO USE (A4) ON GROUND & FIRST FLOORS; AND TO MUSIC TUITION ROOM (D1) AND RETAIL (A1) USE ON SECOND FLOOR**

**5 CHURCH GREEN EAST, REDDITCH**

**APPLICANT: MR S EVANS**  
**EXPIRY DATE: 27TH DECEMBER 2012**

**WARD: ABBEY**

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](mailto:steve.edden@bromsgroveandredditch.gov.uk)) for more information.

**(See additional papers for Site Plan)**

#### **Site Description**

No. 5 Church Green East is a vacant property having previously been occupied by LHP Law as a solicitor's office. The site is located just south of the Church Green East junction with Easemore Road. The property faces west towards the bandstand.

This end terrace property is of mid 19<sup>th</sup> Century construction. The building is three-storey with walls constructed from an orange brick in Flemish bond with rendered stone dressings. The building has a pitched slate roof.

A tarmac surfaced parking area is included within the application site which is accessed via Herbert Street to the east.

#### **Proposal Description**

Permission is sought to change the use of the ground, first & second floors from financial & professional services (A2) use to a drinking establishment and café/bistro use (A4) use on ground & first floors; and to two music tuition rooms (D1) use on the second floor.

Permission is also sought to allow tables and chairs to be located on the paved frontage, within the property's curtilage, during the café/bistro's opening hours.

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No external alterations to the premises are proposed, other than for the erection of a new (non-illuminated) fascia sign replacing the existing fascia signage. These works would not require consent under the advertisement regulations.

Two modern stud partition walls currently divide the ground floor into three rooms. On the first floor, a further modern stud partition currently divides the room at the front of the property into two rooms. The proposal involves the removal of these stud partition walls, to reinstate one large room on the ground floor which would form the seated area for patrons, and one large room on the first floor being for public hire or for an additional patron seating area.

On the ground floor, it is proposed to install a kitchen to the rear of the building which will require a ventilation duct through the end wall on the eastern side of the premises. This would face towards the private car park area to the rear.

The second floor would remain unaltered and would provide two rooms which would offer one-to-one and small group music tuition. A small room would be set aside for the retailing of musical instruments and accessories such as sheet music.

The proposed hours of opening for the business would be as follows:

Monday to Saturday:	0830 to 2300 hours
Sunday:	1000 to 2300 hours

The music tuition use (second floor) is expected to cater mainly but not exclusively for school age children, and would typically be at its busiest during late afternoons (Monday to Friday) and on Saturday mornings.

The applicant states that approval of the application would create 6 new jobs (full-time equivalent).

### **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](http://www.communities.gov.uk)

[www.wmra.gov.uk](http://www.wmra.gov.uk)

[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)

[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

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***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.

***Borough of Redditch Local Plan No.3***

E(TCR).1      Vitality and Viability of the Town Centre  
E(TCR).12     Class A3, A4 and A5 uses  
B(BE).11      Buildings of Local Interest  
S.1             Designing out crime

***Supplementary Planning Guidance /Supplementary Planning Documents***

Schedule of Buildings of Local Interest.

No. 5 appears on the Councils Schedule of Buildings of Local Interest, otherwise known and referred to as the 'Local List'.

The application site lies within the Redditch Town Centre Conservation Area.

**Relevant Site Planning History**

None

**Public Consultation Responses**

None received

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

No objection

***Worcestershire Regulatory Services (Environmental Health)***

Comments awaited

***Town Centre Co-ordinator***

Application is fully supported from a Town Centre Strategy perspective

***Police Crime Risk Manager***

Comments awaited

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***RBC Conservation Advisor***

No objection since the alterations would not adversely effect the historic integrity of the building or the character of the conservation area. Means of odour control and ventilation should be controlled by condition in order to safeguard the appearance of the building.

***RBC Arboricultural Officer***

The frontage of the property to the western boundary contains a semi-mature sweet gum tree, which is approximately 6m high and has a stem diameter of 170mm. The tree is protected by means of its size and its location within the conservation area. The tree both individually and cumulatively with others near by, outside the site contributes to the character of the conservation area. If the tree were to be removed, it would significantly detract from the visual amenities of the area opening up a large gap in the middle of the line of trees, harming the conservation area. There is however, scope to prune the lower canopy of the tree allowing for improved pedestrian access about the property's frontage.

***WRS Licensing Officer***

No objection

**Assessment of Proposal**

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

**Principle**

Policy E(TCR).1 of the Borough of Redditch Local Plan No.3 seeks to maintain and enhance the vitality and viability of the Town Centre by, amongst other criteria, promoting the re-use of existing floorspace and promoting a vibrant and safe, high quality evening economy comprising a mix of leisure and entertainment uses suitable and accessible for all members of the public.

This policy accords with Paragraph 23 of the National Planning Policy Framework (NPPF) which states that local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. The NPPF promotes competitive town centres that provide customer choice and a diverse offer reflecting the individuality of town centres.

The building has been vacant since May 2011. Enabling this valuable town centre space to be brought back into beneficial use would help promote the vitality and viability of the town centre.

Specifically, there are considered to be a scarcity of café/bistro type uses within this part of Redditch relative to the size of the town centre, and the music tuition use would also complement the role and function of the centre in providing a diverse range of quasi leisure type uses.

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Impact upon amenity

The applicant states that hours of opening would be from a maximum of 0830 to 2300 hours between Monday to Saturday and between 1000 to 2300 hours on Sundays, enabling the café/bistro use to trade during lunchtimes and evenings, which in principle would be supported having regards to Policy E(TCR).1.

The music tuition use (second floor) is expected to cater mainly but not exclusively for school age children and according to the applicant is likely to be in operation between the hours of 1600 to 2000 hours Monday to Friday and for a limited period on Saturday mornings.

Policy E(TCR).12 sets out that A3 and A4 uses in the Town Centre should meet criteria including not having an adverse impact on neighbouring properties by reason of noise, smell and litter. The views of consultees including Worcestershire Regulatory Services and the Police Crime Risk Manager have been sought and are awaited at the time of writing, although no representations have been received following public consultation despite writing to nearby occupiers, display of notice at the site, and advertisement via the local press. Your Officers are satisfied that amenity is unlikely to be prejudiced by the proposals and would draw members attention to the fact that the upper floors of adjacent premises are occupied by office / commercial uses rather than being in residential use.

Highways and Access

Policy requires that such proposals should not be detrimental to highway safety. A large (tarmac) open area to the rear of the building (accessed via Herbert Street to the east) provides communal car parking for staff engaged in the commercial operation of units 3 to 7 Church Green East. Three car parking spaces in this area are allocated as staff parking spaces under the terms of the lease for this unit. A large number of car parks exist in close proximity to the site and notwithstanding this, the site occupies a highly sustainable location within the town centre, highly accessible by means of public transport options. County Highway Network Control raise no objection to this application.

Other matters

A tree which itself forms part of a line of trees situated to the frontage of numbers 3 to 7 Church Green East falls within the application site. The tree is not covered by a Tree Preservation Order, but is protected by virtue of its size and its location within the designated Conservation Area. The tree contributes to the character and appearance of this part of the Conservation Area and officers consider that the trees' continued protection is paramount. Whilst no part of the proposed development would harm the health of the tree, the applicant has been made aware of its protected status. An information

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item to this effect is recommended to be attached to any notice of approval in the case of planning permission being granted for this application.

### Conclusion

The proposals would bring back into re-use, a currently vacant space which would add to the vitality and viability of the Town Centre. Approval of this application would allow a new commercial enterprise to establish, 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 NPPF 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 Plans approved specified
- 3 Means of odour control and ventilation – details to be submitted, agreed and implemented
- 4 Hours of operation specified
- 5 No use of loudspeakers in connection with the use of the outside area
- 6 No use of external heaters / lighting in connection with the use of the outside area
- 7 Tables and chairs in connection with use of outside area to be removed outside of trading hours

### Informatives

- 1 Reason for approval
- 2 This permission does not permit the display of advertisements which fall under the Control of Advertisements regulations
- 3 Tree to frontage is protected

### **Procedural Matters**

All applications for Class A3 and A4 use are reported to Planning Committee for determination as these powers are not delegated to Officers.

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**TREE PRESERVATION ORDER (No. 142) 2012, Wirehill Drive, Lodge Park, Redditch - CONFIRMATION**

Relevant Portfolio Holder	Councillor Greg Chance
Portfolio Holder Consulted	No
Relevant Head of Service	Ruth Bamford, Head of Planning and Regeneration Guy Revans, Head of Environment
Wards Affected	Lodge Park
Ward Councillor Consulted	No
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 This report proposes the long term protection of a mature and significant oak tree, which is therefore considered to be of positive benefit to public amenity, and its value makes it worthy of retention in the longer term.

**2. RECOMMENDATIONS**

**The Committee is asked to RESOLVE that**

**Tree Preservation Order (No.142) 2012, as detailed in the Schedule attached at Appendix 1 to the report and Plan at Appendix 2 be confirmed.**

**3. KEY ISSUES****Financial Implications**

- 3.1 The costs of the administrative and technical processes associated with this matter may be met from within existing budgets, and the financial aspects are not a matter for the Planning Committee to consider.

**Legal Implications**

- 3.3 These matters are completed in line with the provisions of the Town & Country Planning Act 1990 (as amended).
- 3.4 The Legal Services Manager has been consulted with regard to the legal implications.

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**Service/Operational Implications**

- 3.5 This site is an area of grassland with remnant hedgerows and boundary vegetation supporting mature trees, which is adjacent to a public footpath and highway. The land is currently owned by Redditch Borough Council, but is in the process of being sold for residential development. As the site supports trees, it was deemed appropriate to survey the site to establish whether any trees are worthy of protection by means of a Tree Preservation Order (TPO), prior to being sold for development.
- 3.6 TPOs are made to protect trees (individuals, groups, areas, or entire woodlands) that contribute significantly to their local environment and to its enjoyment by the public. This is known as the public amenity value of trees. When suitable trees/woodlands are identified a provisional TPO is made which comes into effect immediately, followed by a consultation period where interested parties can make representations against or in favour of the TPO.
- 3.7 Following the consultation period a decision must be made to either confirm (*i.e.* make permanent) the TPO or not. If representations are received then the matter is considered by the Planning Committee, and generally if no representations are received then the TPO is confirmed by Officers of the Council under Delegated Powers. However, when TPOs are made on council owned land, as in this particular instance, it has been decided that the matter should be considered by the Planning Committee regardless of whether any representations are received.
- 3.8 Following a survey of the site, one individual tree was identified for inclusion within a new TPO. This tree is identified as T1, and is a large mature oak of good health and is a prominent feature within the local landscape. As a mature oak tree it adds greatly to the character of the area and is of very high biodiversity value. It is also valuable in historic terms as it forms part of a remnant linear landscape feature which was originally an agricultural field boundary. A TPO was therefore made to protect the future contribution that the tree will make to public amenity and biodiversity.
- 3.9 As the tree is located along the existing site boundary, there is no reason to suppose that its inclusion within a TPO would impact unduly on any residential development. As a mature boundary tree it would act as screening from outside the site and enhance visual amenity and privacy for residents from within the site.
- 3.10 No representations have been received.



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- 3.11 This tree is a large, prominent mature specimen. It has a high degree of visual amenity, as well as high biodiversity and historic value. It can be comfortably retained and incorporated within a development and will enhance the site as a large established landscape feature. No objections to this TPO have been received.

**Customer / Equalities and Diversity Implications**

- 3.12 No relevant implications have been identified.

**4. RISK MANAGEMENT**

The risk of not protecting the tree is that in the long term it may cease to fall within the control of the Council and therefore be felled or inappropriately pruned such that its significance and contribution to the wider area would be diminished, causing a loss to the amenity of the area.

**5. APPENDICES**

Appendix 1 - Proposed TPO schedule for confirmation  
Appendix 2 - Plan attached under separate cover  
(see Committee Plan Pack)

**6. BACKGROUND PAPERS**

Relevant correspondence on file

**7. Key**

TPO = Tree Preservation Order.

**AUTHOR OF REPORT**

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**APPENDIX ONE****First Schedule****Trees specified individually**

(encircled in black on the attached map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Oak	404946, 266167	Within hedgerow south of Wirehill Drive and east of Gaydon Close.

**Trees specified by reference to an area**

(within a dotted black line on the map)

NONE

**Groups of Trees**

(within a broken black line on the map)

NONE

**Woodlands**

(within a continuous black line on the map)

NONE



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**TREE PRESERVATION ORDER (No. 143) 2012, Sandycroft and Arden,  
West Avenue, Redditch - CONFIRMATION**

Relevant Portfolio Holder	Councillor Greg Chance
Portfolio Holder Consulted	No
Relevant Head of Service	Ruth Bamford, Head of Planning and Regeneration Guy Revans, Head of Environment
Wards Affected	Central
Ward Councillor Consulted	No
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

This report proposes the long term protection of mature and significant trees which are considered to be of positive benefit to public amenity, and their value therefore makes them worthy of retention in the longer term.

**2. RECOMMENDATIONS**

The Committee is asked to **RESOLVE** that

**Tree Preservation Order (No. 143) 2012, as detailed in the Schedule attached at Appendix 1 to the report and Plan at Appendix 2 be confirmed.**

**3. KEY ISSUES****Financial Implications**

- 3.1 The costs of the administrative and technical processes associated with this matter may be met from within existing budgets, and the financial aspects are not a matter for the Planning Committee to consider.

**Legal Implications**

- 3.3 These matters are completed in line with the provisions of the Town & Country Planning Act 1990 (as amended).
- 3.4 The Legal Services Manager has been consulted with regard to the legal implications.

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**Service/Operational Implications**

- 3.5 The trees are located towards the south-western corner of land belonging to the properties currently known as “Sandycroft” and “Arden”, close to the boundary with the dismantled railway embankment. The land is currently owned by Redditch Borough Council, but may be sold off in the future. As the site supports trees, it was deemed appropriate to survey the site to establish whether any trees are worthy of protection by means of a Tree Preservation Order (TPO), prior to being sold.
- 3.6 TPOs are made to protect trees (individuals, groups, areas, or entire woodlands) that contribute significantly to their local environment and to its enjoyment by the public. This is known as the public amenity value of trees. When suitable trees/woodlands are identified a provisional TPO is made which comes into effect immediately, followed by a consultation period where interested parties can make representations against or in favour of the TPO.
- 3.7 Following the consultation period a decision must be made to either confirm (*i.e.* make permanent) the TPO or not. If representations are received then the matter is considered by the Planning Committee, and generally if no representations are received then the TPO is confirmed by Officers of the Council under Delegated Powers. However, when TPOs are made on council owned land, as in this particular instance, it has been decided that the matter should be considered by the Planning Committee whether or not any representations are received.
- 3.8 Following a survey of the site, a group of sixteen trees were identified for inclusion within a new TPO. These trees are identified as G1 and are all lime trees. They are large mature specimens of good health and as a linear group they act as screening and form a prominent feature within the local landscape. As mature native trees they also add greatly to the character of the area and are of high biodiversity value. A TPO was therefore made to protect the future contribution that the trees will make to public amenity and biodiversity.
- 3.9 As the trees are all located along the southern boundary and towards the corner of the site, there is no reason to suppose that their inclusion within a TPO would impact unduly on any potential future site re-development. As mature boundary trees they would act as screening from outside the site and enhance visual amenity and privacy from within the site.

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3.10 No representations have been received.

3.11 The group of sixteen trees are large, prominent mature specimens. They have a high degree of visual amenity, as well as high biodiversity value. These trees can all be comfortably retained and incorporated within a development and will enhance the site as large established landscape features. No objections to this TPO have been received.

**Customer / Equalities and Diversity Implications**

3.12 No relevant implications have been identified.

**4. RISK MANAGEMENT**

The risk of not protecting the trees is that in the long term they may cease to fall within the control of the Council and therefore be felled or inappropriately pruned such that their significance and contribution to the wider area would be diminished, causing a loss to the amenity of the area.

**5. APPENDICES**

Appendix 1 - Proposed TPO schedule for confirmation  
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(see Committee Plan Pack)

**6. BACKGROUND PAPERS**

Relevant correspondence on file

**7. Key**

TPO = Tree Preservation Order.

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APPENDIX ONEFirst ScheduleTrees specified individually

(encircled in black on the attached map)

NONE

Trees specified by reference to an area

(within a dotted black line on the map)

NONE

Groups of Trees

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
G1	16 x lime	404151, 267048	Southwest corner of land belonging to "Sandycroft", adjacent to disused railway embankment.

Woodlands

(within a continuous black line on the map)

NONE

