

Planning Committee

Wed 8th May
2013
7pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

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.

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- 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.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.

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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:

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

8th May 2013

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 - 4)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 3rd April 2013. (Minutes attached)</p>
<p>4. Planning Application 2013/073/COU - Units 33 and 34 Kingfisher Walk, Kingfisher Shopping Centre, Redditch (Pages 5 - 12) Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a change of use of basement, ground and first floors to Class A3 (Café / Restaurant) and A5 (Hot Food Take-Away). Applicant: The Kingfisher Limited Partnership (Report and Site Plan attached) (Abbey Ward);</p>
<p>5. Appeal Outcome - Erection of a dormer Bungalow - Land to the rear of 247 to 249 Evesham Road, Headless Cross, Redditch (Pages 13 - 14) 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 erection of a dormer bungalow. (Report attached) (Headless Cross & Oakenshaw Ward);</p>
<p>6. Enforcement Activity - Six Month Update (Pages 15 - 18) Head of Planning and Regeneration</p>	<p>To receive information in relation to statistics showing enforcement activity for the previous six months. (Report attached) (Various Wards);</p>

7. Exclusion of the Public

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:

“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.

These paragraphs are as follows:

subject to the “public interest” test, information relating to:

Para 1 - any individual;

Para 2 - the identity of any individual;

Para 3 - financial or business affairs;

Para 4 - labour relations matters;

Para 5 - legal professional privilege;

Para 6 - a notice, order or direction;

Para 7 - the prevention, investigation or prosecution of crime;

may need to be considered as “exempt”.

8. Confidential Matters (if any)

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



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MINUTES

Planning

Committee

3rd April 2013

Present:

Councillor Andrew Fry (Chair), Councillor Joe Baker (Vice-Chair) and Councillors David Bush, Bill Hartnett, Roger Hill, Wanda King and Yvonne Smith

Officers:

A Hussain, D Parker-Jones, A Rutt and S Williams

Committee Services Officer:

J Smyth

64. APOLOGIES

Apologies for absence were received on behalf of Councillors Mike Chalk and Brandon Clayton.

65. DECLARATIONS OF INTEREST

There were no declarations of interest.

66. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the 13th February 2013 were confirmed as a correct record and signed by the Chair.

67. PLANNING APPLICATION 2012/301/COU – FORMER T J HUGHES (GROUND FLOOR), 6 KINGFISHER SQUARE, KINGFISHER SHOPPING CENTRE, TOWN CENTRE, REDDITCH

Change of Use from Class A1 (Retail) to Class A3 (Food and Drink) and new internal shop front elevations

Applicant: Mr Iain Minto

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.

.....
Chair

68. PLANNING APPLICATION 2012/306/FUL – LAND TO THE REAR OF 36 MARSDEN ROAD, SMALLWOOD, REDDITCH

Erection of two-storey building consisting of 2 no. 1 bedroom flats

Applicant: Mr Farooqui

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

Miss K Mogg – objector

Councillor Debbie Taylor - Ward Councillor objecting on behalf of a nearby resident.

Mr Farooqui – Applicant.

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.

69. PLANNING APPLICATION 2013/032/COU – FORMER T J HUGHES (LOWER GROUND FLOOR), 6 KINGFISHER SQUARE, KINGFISHER SHOPPING CENTRE, TOWN CENTRE, REDDITCH

Change of Use from Class A1 (Retail) to Class D2 (Gymnasium)

Applicant: Mr Romit Chauhan

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.

70. PLANNING APPLICATION 2013/062/FUL – 15 UNDERWOOD CLOSE, CALLOW HILL, REDDITCH

Single-storey side and rear extension and porch to property

Applicant: Mr and Mrs Cooke

RESOLVED that

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 following the expiry of the public consultation period on 9th April 2013 and subject to the Conditions and Informatives summarised in the report.

71. APPEAL OUTCOME – WORKS TO ASH TREE AT REAR OF 1 VALLEY CLOSE AND 15 TANWOOD CLOSE, CALLOW HILL, REDDITCH

The Committee received an item of information in relation to the outcome of an appeal made against a Consent to carry out works to a protected tree, namely:

Planning Application: TPO/2012/049
New Town Tree Preservation Order No.32
Works to Ash Tree

Members were informed that although a Consent had been granted for conditioned permitted works to the tree, the appellant had appealed as they had wished to have more extensive work undertaken, which had not been made clear at the time the application had been considered. Officers reported, however, that, as the appellant had appealed under the fast track procedure, the Inspector had only been allowed to consider details and issues submitted as part of the original application. Consideration of the more extensive works, raised at the appeal, had therefore not been allowed and the appeal had been dismissed.

The Committee was informed, however, that Officers would be contacting the appellant to discuss the best way to progress the matter further.

RESOLVED that

the item of information be noted.

The Meeting commenced at 7.00 pm
and closed at 7.44 pm

.....
CHAIR

PLANNING COMMITTEE

8th May 2013

PLANNING APPLICATION 2013/073/COU

**CHANGE OF USE OF BASEMENT, GROUND AND FIRST FLOORS TO
CLASS A3 (CAFÉ/RESTAURANT) AND A5 (HOT FOOD TAKE-AWAY)**

**UNITS 33 AND 34 KINGFISHER WALK, KINGFISHER SHOPPING
CENTRE, REDDITCH**

**APPLICANT: THE KINGFISHER LIMITED PARTNERSHIP
EXPIRY DATE: 13TH MAY 2013**

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) for more information.

(Site Plan attached)

Site Description

The site, which comprises two units (33 and 34) is located to the southern side of Kingfisher Walk, approximately 40 metres due west of Worcester Square, within the heart of the Kingfisher Shopping Centre (KSC).

Unit 33 is presently occupied by the retailer 'The Little Bag Company', whilst Unit 34 is vacant. To either side of the application site are retail uses ('A Write Card' occupying Unit 32) and ('News 4 You' occupying Unit 35). To the northern side of Kingfisher Walk (opposite the application site) are the retail premises 'Jessica's Sweets'; 'Boots Opticians' and 'Bags etc'.

Public access to all of the premises is via the ground floor of the KSC.

Proposal Description

This is a full application to change the use of the basement, ground and first floors to Class A3 (café/restaurant use) and A5 (hot food take-away) use.

The majority of the floorspace is contained at the ground floor level, which either is, or was last occupied by a retail (A1 Class) use. The application proposes to change the use of not only the ground floor but also the much smaller floorspace area contained within the basement (lower ground floor) and the first (upper) floor, areas which are currently used for storage and as staff toilets. These would become extensions to the Primarily A3/A5 area to be created at ground level although the lower ground floor level would be used mainly for loading and unloading / deliveries for the new A3/A5 uses. The existing service yard is located from this lower level.

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Internal walls separating the two units are proposed for removal under this application, in order that a larger internal area can be created. At this stage, at ground floor level, the premises would have a plain glazed frontage. Signage, which would amend the two current fascia signs to a single fascia sign, is indicative only. No further external alterations are proposed.

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)

The NPPF requires authorities and planning policies to be positive and promote competitive town centre environments that should provide customer choice.

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 WCSP.

Borough of Redditch Local Plan No.3

E(TCR).1 Vitality and Viability of the Town Centre

E(TCR).5 Protection of the Retail Core

E(TCR).12 Class A3, A4 and A5 (restaurants, snack bars, cafes, pubs and bars and take-aways)

Paragraph 215 of the NPPF states that due weight be given to relevant policies in existing plans according to the degree of consistency with the NPPF (the closer the policies of the plan to the policies of the NPPF, the greater the weight that may be given). In accordance with paragraph 215 of the NPPF, the above policies should be afforded due weight, as the aspirations of these policies are consistent with the NPPF.

Supplementary Planning Guidance/Supplementary Planning Document

Borough of Redditch Supplementary Planning Document (SPD) on Designing for Community Safety

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Relevant Site Planning History

None

Public Consultation Responses

None received

Consultee Responses

RBC Development Plans

Borough of Redditch Local Plan No.3

Policy E(TCR).5 Protection of the Retail Core

This policy states that a change of use from class A1 to A2, A3, A4 and A5 or any other use considered appropriate to a shopping centre will only be acceptable if it does not result in a continuous frontage of more than two non-retail units.

Policy E(TCR).1 Vitality and Viability of the Town Centre

This policy states that the Town Centre should be the focus for entertainment and leisure uses, provide vibrant mixed uses and promote a vibrant and safe, high quality, evening economy comprising a mix of leisure and entertainment uses.

E(TCR).12 Class A3, A4 and A5 (Restaurants, snack bars, cafes, pubs and bars and Take-Aways)

This policy states that the above uses are suitable in the Town Centre provided the impact on the shopping area is acceptable.

Draft Borough of Redditch Local Plan No.4

Policy 29 Town Centre and Retail Hierarchy

This Policy promotes the redevelopment and diversification of the Town Centre by providing vibrant mixed uses, promoting the appropriate re-use of floor space within the Town Centre and promoting a vibrant and safe, high quality, evening economy comprising a mix of leisure and entertainment uses.

Policy 30 Regeneration for the Town Centre

This policy seeks to enhance the attractiveness of the Town Centre.

Policy 31 Protection of the Retail Core

This policy broadly reflects the principles contained within Policy E(TCR).5 Protection of the Retail Core of Local Plan No.3.

National Planning Policy Framework (NPPF)

The NPPF contains a chapter which seeks to ensure the vitality of Town Centres.

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The proposal is considered to be in accordance with existing and emerging local plan policies and the NPPF.

County Highway Network Control

No objection

Worcestershire Regulatory Services

No objection

Town Centre Co-ordinator

No objection

Assessment of Proposal

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

Borough of Redditch Local Plan No.3 Policy considerations

The application site is within the Retail Core as designated in the Borough of Redditch Local Plan No.3. Policy E(TCR).5 of the Local Plan would apply which states that a change of use from Class A1 to A2, A3, A4 and A5 will only be acceptable if the proposed use does not result in a continuous frontage of more than two non-retail units; (units are defined as a shopfront width of about 6 metres). The Reasoned Justification of the policy states that the growth of non-retail units in Town Centres can result in a loss of retail provision and the creation of 'dead' frontages which can fragment and disrupt the appearance of the shopping centre, resulting in further distances to walk between shops, making the area less attractive to shoppers and potential investors.

The proposed change of use relates to two units, (with the frontage to each unit measuring less than 6 metres across). Either side of units 33 and 34, units 32 and 35 are currently in A1 (retail) use. Therefore, the proposed change of use would be in accordance with Policy E(TCR).5 above.

Policy E(TCR).1 seeks to maintain and enhance the vitality and viability of Redditch Town Centre. A mix of uses should be promoted to provide a vibrant and safe, high quality, evening economy. The proposed use would therefore be appropriate given that it would have the potential to enhance the evening economy in a part of the KSC where there are relatively few A3 and A5 uses.

Policy E(TCR).12 encourages A3, A4, and A5 uses in the Town Centre, Peripheral Zone, or District Centres. The emphasis of the policy relates to the potential impact upon the amenities of neighbouring occupiers in respect to noise, smell and litter. Given that the proposal would be wholly within the Kingfisher Centre, any potential noise, smell and general disturbance is likely to be minimal. Neighbouring occupiers have been consulted but no objections

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to the proposal have been received. It is considered that the development proposed would not be in conflict with this policy.

Draft Borough of Redditch Local Plan No.4 Policy considerations

Under the new Local Plan No.4, there would be more flexibility in respect to the Town Centre. Policy 29: Town Centre and Retail Hierarchy promotes the redevelopment and diversification of the Town Centre by encouraging the appropriate re-use of floor space within the Town Centre for a vibrant and safe, high quality, evening economy of leisure and entertainment uses. This proposal would be in accordance with this emerging policy.

Policy 30: Regeneration for the Town Centre seeks to enhance the attractiveness of the Town Centre. This policy details that the offer of cafés and restaurants should be improved, as a priority project. This proposal (amongst others) is considered as a priority to deliver the changes needed to ensure the future of Redditch as a sustainable Town Centre. There is currently a perception that the centre has a limited offer of cafés, restaurants and night time activities, which in turn can be linked with the feeling of the centre being unsafe after dark. Improvements to night time activities and the economy can add to the quality and mix of uses in the area.

Policy 31: Protection of the Retail Core broadly reflects the principles contained within Local Plan No.3. However, this Local Plan version contains an addition which states that proposals for non A1 uses which can demonstrably contribute to the vitality and viability of the centre will be assessed on their own merits. It is considered that this particular proposal could enhance the vitality and viability of the retail core and surrounding centre and therefore would be acceptable.

It is however, important to note that the Draft Local Plan No.4 is in the process of a public consultation and as such the policies concerned carry very limited weight at this stage.

Other matters

Access arrangements to the units would not alter under this application. Being located within the Kingfisher Centre, the site is served by several multi-storey car parks. The site has good access links to the bus and train station.

Conclusion

The proposal is in compliance with Policies E(TCR).1, 5 and 12 of Local Plan No.3, as set out above with the re-occupation of the currently vacant Unit 34 being welcomed. As such, the application is fully supported.

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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:-

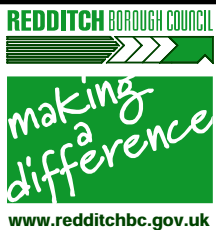
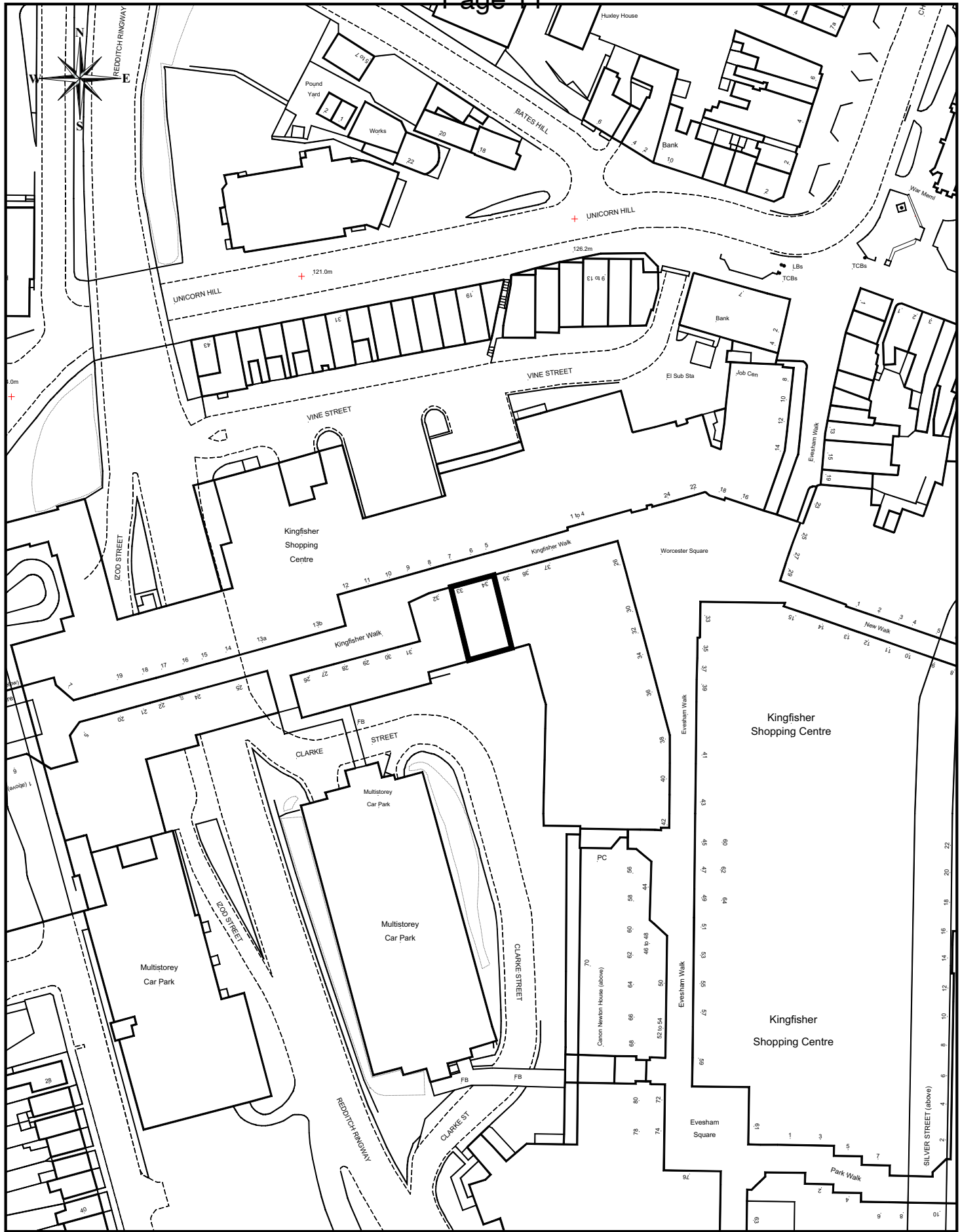
- 1 Development to commence within 3 years.
- 2 Plans approved specified.
- 3 Use defined.

Informatives

- 1 Reason for approval.
- 2 LPA acted in a positive and proactive manner.

Procedural matters

This application is being reported to the Planning Committee because the proposed uses would be Class A3 and / or Class A5 uses. As such the application falls outside the scheme of delegation to Officers.



Planning & Regeneration
 Town Hall
 Walter Stranz Square
 Redditch
 Worcs B98 8AH

Project: **2013/073**

Drawn: **EG**

Drawing: **Units 33-34
 Kingfisher Walk
 Kingfisher Centre**

Scale: **1/1250**

Drawing No: **P2118/140**

Date: **APRIL 2013**

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**PLANNING
COMMITTEE**

8th May 2013

APPEAL OUTCOME REPORT FOR INFORMATION

APPEAL MADE AGAINST REFUSAL OF PLANNING PERMISSION

PLANNING APPLICATION DETAILS: 2012/257/FUL

PROPOSAL	ERECTION OF A DORMER BUNGALOW
LOCATION	LAND TO THE REAR OF 247 TO 249 EVESHAM ROAD, REDDITCH
WARD	HEADLESS CROSS & OAKENSHAW
DECISION	DECISION MADE BY OFFICERS UNDER DELEGATED POWERS ON 21ST NOVEMBER 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.

Discussion

The case related to an application for the erection of a dormer bungalow in a backland location to the eastern side of Evesham Road.

The planning application was refused for the following reasons:

1. The proposed dormer bungalow, by virtue of its siting, design and appearance, would represent an incongruous form of development, failing to harmonise with the prevailing character, appearance and pattern of existing ribbon development along this part of Evesham Road. The proposals would fail to respond to local distinctiveness, and would have a harmful, adverse impact upon the visual amenities of the area. The proposals therefore conflict with Policies B(HSG).6 and B(BE).13 of the Borough of Redditch Local Plan No.3, and the Council's adopted Supplementary Planning Guidance 'Encouraging Good Design'.
2. The proposed development would result in detriment to and loss of residential amenity to occupiers of nearby properties by reason of an overbearing impact and loss of privacy. The proposal would therefore be contrary to Policy B(BE).13 of the Borough of Redditch Local Plan No.3 and the Council's adopted Supplementary Planning Guidance 'Encouraging Good Design'.

Officers sought to defend these reasons for refusal through written representations to the Planning Inspector.

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With respect to the first refusal reason, the Inspector did not consider that the erection of the dormer bungalow would materially obstruct views of soft landscaping or wider views of the surroundings further to the east. Whilst noting that the prevailing pattern of development in the area is that of houses with long rear gardens, the Inspector noted that the recent permitted development of two new houses behind numbers 253 and 255 Evesham Road had resulted in reduced sized back gardens for numbers 253 and 255. Although he conceded that although a dormer bungalow would be a different form of dwelling to the permitted houses behind 253 and 255, he did not consider that it would result in incongruous development in relation to them.

With respect to the second refusal reason, the Inspector considered that the development of the dormer bungalow would not unduly impose into the outlook from neighbouring properties.

The Inspector noted the Council's concerns with respect to the positioning of two windows to the proposed north facing elevation of the dwelling, one of which would serve a bathroom and the other, a landing area. However, provided obscure glazing was used he considered that there would be no unacceptable overlooking impact that would harm the living conditions enjoyed by occupiers of nearby dwellings.

Appeal outcome

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

Further issues

In allowing the appeal, the following (summarised) conditions were attached:-

- 1 Development to commence within 3 years
- 2 Samples of materials for external surfaces to be submitted and approved
- 3 Plans approved defined
- 4 Parking area to be surfaced, laid out and drained in accordance with details to be submitted and approved
- 5 Plan showing slab levels relating to a fixed datum point to be submitted and approved
- 6 Landing and bathroom windows to be obscurely glazed in perpetuity
- 7 Working hours during construction period to be restricted
- 8 No burning on site

Recommendation

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

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ENFORCEMENT ACTIVITY – SIX MONTH UPDATE

This report provides information in relation to statistics showing enforcement activity for the previous six months.

Recommendation

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

Financial, Legal, Policy, Risk and Climate Change Implications

Financial

There are no direct financial implications in the reports.

Legal

Legal implications are as detailed in the reports and as set out in the following Acts (as amended):-

Town and Country Planning Act 1990.
Planning and Compensation Act 1991.
Planning and Compulsory Purchase Act 2004.
Town and Country Planning (Control of Advertisements) Regulations 2007.
Anti-Social Behaviour Act 2003.
Human Rights Act 1998.
Crime and Disorder Act 1998.

Policy

Policy implications are as detailed in individual reports, the Council's Planning Enforcement Policy, the National Planning Policy Framework (NPPF) and as set out in the Borough of Redditch Local Plan No. 3.

Discussion

Planning Committee has asked that detailed information is provided on a six-monthly basis with regard to the use of delegated enforcement powers, notable closed cases and enforcement activity in general.

There were no cases of particular note during this period.

The report contains the following appendix::

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COMMITTEE**

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Appendix 1 Review of enforcement activity for the period July to
December 2012

The author of this report is Iain Mackay (Senior Enforcement Officer) who can be contacted on extension 3205 (e-mail:- iain.mackay@bromsgroveandredditch.gov.uk) for more information

6 MONTHLY ENFORCEMENT ACTIVITY REPORT

Period:		30/09/12	31/12/12	Total
Enforcement Complaints registered	→→	78	42	120
Cases closed	→→	91	57	148
Closed - ceased	→→	16	16	32
Closed - PP obtained	→→	9	7	16
Closed - no evidence	→→	7	10	17
Closed - permitted development	→→	19	6	25
Closed - No Planning issues	→→	30	11	41
Closed - Not expedient/other reasons	→→	7	7	14
Closed - Notice complied with	→→	3	0	3
Enforcement notices	→→	1	0	1
Stop notices	→→	0	0	0
Temporary stop notices	→→	0	0	0
S.215 untidy land notices	→→	0	0	0
Breach of condition notices	→→	0	0	0
Planning contravention and S.330 notice	→→	5	5	10
High Hedge remedial notices	→→	0	0	0
Number of Notices issued	→→	6	5	11
Enforcement appeals received	→→	0	0	0
Enforcement appeals dismissed	→→	0	0	0
Enforcement appeals allowed	→→	0	0	0

Iain Mackay
Senior Enforcement Officer

Date: 02/01/13

