

# Planning Committee

Wed 5<sup>th</sup> Jun  
2013  
7pm

Council Chamber  
Town Hall  
Redditch



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

# Access to Information - Your Rights

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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.

- 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.
- 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.

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.

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

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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 Officer**  
**Town Hall, Walter Stranz Square, Redditch, B98 8AH**  
**Tel: (01527) 64252 Ext. 3266 Fax: (01527) 65216**  
**e.mail: [janice.smyth@bromsgroveandredditch.gov.uk](mailto:janice.smyth@bromsgroveandredditch.gov.uk)**

**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

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Council Chamber Town Hall

### Agenda

#### Membership:

Cllrs:                      Andrew Fry (Chair)                      Roger Hill  
                                  Alan Mason (Vice-Chair)              Wanda King  
                                  Joe Baker                                   Brenda Quinney  
                                  Roger Bennett                              Yvonne Smith  
                                  Michael Chalk

<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. Planning Application 2012/210/FUL - 21 Vicarage View, Batchley</b>  (Pages 1 - 4)  Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a proposed side extension of ground, first and attic floors.  Applicant:    Mr M Aslam  (Report attached – Site Plan under separate cover)  <b>(Central Ward)</b></p>
<p><b>4. Planning Application 2013/066/RM - Former Dingleside Middle School, Woodrow North.</b>  (Pages 5 - 14)  Head of Planning and Regeneration</p>	<p>To consider a Reserved Matters application, including access, layout, scale, appearance and landscaping, following outline Planning Approval Reference No. 2010/210/OUT for a residential development comprising of 160 dwellings.  Applicant:    Taylor Wimpey Midlands  (Report attached – Site Plan under separate cover)  <b>(Greenlands Ward)</b></p>
<p><b>5. Planning Application 2013/076/FUL - 1378 and land to the rear of 1380 Evesham Road, Redditch</b>  (Pages 15 - 22)  Head of Planning and Regeneration</p>	<p>To consider a Planning Application for the erection of nine detached dwellings.  Applicant:    Kendrick Homes Ltd  (Report attached – Site Plan under separate cover)  <b>(Astwood Bank &amp; Feckenham Ward)</b></p>

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<p><b>6. Planning Application 2013/085/COU - 58 Padgets Lane, Redditch</b></p> <p>(Pages 23 - 28)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a change of use from Class B8 to Class B2.</p> <p>Applicant: Mr G Gaines</p> <p>(Report attached – Site Plan under separate cover)</p> <p><b>(Winyates Ward)</b></p>
<p><b>7. Planning Application 201/088/COU - 140 Evesham Street, Redditch</b></p> <p>(Pages 29 - 32)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a change of use from a Tattooist (Sui Generis) to Hot Food Takeaway (A5).</p> <p>Applicant: Heritage Enterprises</p> <p>(Report attached – Site Plan under separate cover)</p> <p><b>(Central Ward)</b></p>
<p><b>8. Planning Application 2013/093/EXT - Land at Winyates Way and Moons Moat Drive, Redditch</b></p> <p>(Pages 33 - 38)</p> <p>Head of Planning and Regeneration</p>	<p>To consider an extension of time Application for Planning Permission 2010/044/FUL for the erection of three general industrial units (B2) with associated offices, car parking and service yard.</p> <p>Applicant: Mr David Nash</p> <p>(Report attached – Site Plan under separate cover)</p> <p><b>(Church Hill Ward)</b></p>
<p><b>9. Changes to National Planning Legislation relating to Permitted Development Rights - Information</b></p> <p>(Pages 39 - 44)</p> <p>Head of Planning and Regeneration</p>	<p>To update Members on changes to National Planning Regulations in relation to Permitted Development Rights that come into effect on 30<sup>th</sup> May 2013.</p> <p>(Report attached)</p> <p><b>All Wards</b></p>



## 10. 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”.**

## 11. 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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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr M Aslam	Proposed side extension of ground, first and attic floors  21 Vicarage View, Redditch, Worcestershire, B97 4RF.	12.09.2012	2012/210/FUL

**Relevant Policies****Borough of Redditch Local Plan No.3:**

BBE13 Qualities of Good Design  
BBE14 Alterations and Extensions  
CT12 Parking Standards

**Others:**

SPG2 Encouraging Good Design SPG  
NPPF National Planning Policy Framework

**Relevant Planning History**

2005/126/FUL	Kitchen Extension, Workshop/Store And Garage	Approved	13.05.2005
2010/208/FUL	Single storey extension to the rear of the property	Approved	12.10.2010

**Consultations****Highway Network Control**

No objections: as although the parking is not compliant with the maximum parking standards, the house is located in a sustainable location close to the town centre and other forms of transport.

6 neighbours have made comments objecting to this application, and here is a summary of these comments:

- With the rear extension extending a metre passed the existing extension and up to roof line, this will block late afternoon light.
- Extension will block the natural light in utility room, and stairs.

- The extension will look odd in the street because all the other semi-detached properties have the same space between them, but if the extension goes ahead the space between No. 21 and 23 will be different.
- The extension will look out of character with the rest of the street because the property will have 2 front doors and will look like a terrace house added to a semi.
- Suspected future use of property as flats or bedsits and the impact this could have on parking in the area.
- With the current occupier having a large family, parking has become an issue. This would multiply with builders vans etc and the proposed extension.
- Previous building work at property has carried on till late at night and the level of noise was excessive. What will the council do to limit the noise?

Other issues which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application.

### **Assessment of Proposal**

No. 21 Vicarage View is situated within an area that is unzoned in the Borough of Redditch Local Plan No.3. However, the area is predominantly residential and therefore the principle of an extension to this property is to be considered favourably.

The street is made up of a variety of properties, but it mainly consists of pairs of semi-detached houses; with a mix of roof types, which are mostly linked together at ground floor level by garages.

The proposal is to construct a side extension at ground, first and attic level. It will alter the pitch of the main roof from a hipped roof with a side dormer to a gable end roof to incorporate the side dormer. It is felt that this would improve the overall character of the property in the streetscene. The rest of the proposal at the side of the property would be set down and back from the existing house allowing the scale and massing of the proposal to be in keeping with the property and the character of the street. It would also have a pitched roof similar to that of the existing house.

The proposed extension would alter the level of gap between the neighbouring house: 23 Vicarage View and No. 21 both at ground and first floor level. However it is not felt that this change would create a terracing effect or detract from the character of the street scene as a gap between the two houses would still exist at first floor level.

The side elevation of the neighbouring house, adjacent to the location of the proposed extension, does have 2 windows in it, but both of these are obscure glazed and are not connected to habitable rooms. As such these windows are not being taken into account when considering how the extension may effect the neighbouring house in terms of loss of light, as per the guidance in SPG 2.

The proposed side extension does also extend beyond the rear wall of the existing house. This element of the extension was originally proposed to be two storeys, however following discussions with the neighbours and after assessing the impact this would have had on them in terms of loss of light, this section of the proposal has been amended to be single storey.

This amended element of the extension has been reassessed to ensure it would not have a detrimental impact on either neighbouring houses in terms of loss of light. This has been done by using the 60 degree rule, which looks at the impact the extension will have on the nearest habitable room of the neighbours house. In doing this, the newly amended extension is shown to breach the 60 degree rule when taken from No. 23, however it is felt that this breach can be justified as being acceptable due to the fact that:

- The extension breaches the rule by only 1.2 metres
- This element of the extension is single storey, and where the breach occurs the roof slopes away from the extension and the eaves height is only 2.5metres.

It is therefore considered that the proposal would not have a detrimental impact on the neighbouring property in terms of loss of light.

The proposed extension shows a new door on the front and rear elevations; these have been included to allow the occupiers to access the rear of the property without having to go through the main house. Some of the comments received for this application refer to this element of the proposal as there are concerns that this new front door will look out of character in the street scene and will allow the new extension to become separated from the existing house.

Planning permission would be required to change the use of the new extension to a separate house. To enforce this and ensure that the new extension is not used for any other purpose other than as an extension to No. 21, it is proposed that a condition should be included on the final decision; if approved, to prevent any form of change of use or separation of the new extension without the prior permission of the Local Planning Authority.

The proposal increases the number of bedrooms within the property from 4 to 6. The maximum parking standards set out in Appendix H of the Borough of Redditch Local No. 3 for this number of bedrooms is 4 spaces. The driveway at the front of the property has enough space for 3 cars and it is not possible to increase this. However the property is situated within close proximity to the town centre and the various methods of public transport the town centre has to offer. The property is therefore deemed to be in a sustainable location and as such it is not felt that the maximum parking standards would be required and that the current level of parking would be acceptable.

As the house is located in a residential area, it is deemed acceptable and appropriate to put an hours of construction condition on the final decision; if approved to ensure there is no detrimental impact caused to the occupiers of the neighbouring houses.

As such it is felt the proposal complies with the policies in the local plan and is therefore considered to be acceptable. It is noted that the council have worked proactively with the applicant to work towards a positive outcome.

## **RECOMMENDATION**

**That having regard to the development plan and to all other material considerations, planning permission be APPROVED subject to the following conditions:**

**Conditions:**

- 1) The proposal must be started by (Three years from date of decision).

Reason: Required to comply with national legislation

- 2) The proposal shall be carried out in accordance with the following:

Existing and Proposed Floor Plans and Elevations

Reason: To ensure the proposal is built as agreed by the Local Planning Authority

- 3) The proposal shall be built using materials that match the colour, form and texture of the existing house.

Reason: To protect the visual amenity of the area in accordance with policy B(BE).14 of the Borough of Redditch Local Plan No. 3 May 2006.

- 4) The accommodation authorised here shall be used incidentally to the dwelling house currently known as 21 Vicarage View only and shall at no time be sold, let or otherwise severed there from to form a separate unit of accommodation.

Reason:- In order to satisfy the need for this type of accommodation and to ensure that the whole building <and outbuilding> remain(s) as one dwelling and in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

- 5) During the course of any site clearance and development, the hours of work for all on-site workers, contractors and sub-contractors shall be limited to between;

- 0800 to 1800 hours Monday to Friday
- 0900 to 1200 hours Saturdays
- and NO WORKING shall take place at any time on Sundays, Bank Holidays or Public Holidays or at any time outside of the above permitted working hours unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbours amenity and in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

**Procedural matters**

This matter is reported to the Planning Committee for determination as it is recommended for approval and has more than one objection to it. As such the application falls outside the scheme of delegation to Officers.

**Case Officer:** Claire Gilbert

Tel: 01527 587006

Email: [claire.gilbert@bromsgroveandredditch.gov.uk](mailto:claire.gilbert@bromsgroveandredditch.gov.uk)

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### **PLANNING APPLICATION 2013/066/RM**

**RESERVED MATTERS APPLICATION INCLUDING ACCESS, LAYOUT,  
SCALE, APPEARANCE AND LANDSCAPING, FOLLOWING OUTLINE  
PLANNING APPROVAL REF. NO. 2010/210/OUT: RESIDENTIAL  
DEVELOPMENT COMPRISING OF 160 DWELLINGS**

**FORMER DINGLESIDE MIDDLE SCHOOL, WOODROW NORTH,  
REDDITCH**

**APPLICANT: TAYLOR WIMPEY MIDLANDS  
EXPIRY DATE: 12TH JUNE 2013**

**WARD: GREENLANDS**

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

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.

#### **Site Description**

The site measures approximately 4.23 hectares and comprises the former Dingleside Middle School and associated playing fields. The school closed in August 2008 and has since been demolished. Since then the site has remained vacant. The site is bounded by the road Woodrow North to the east and south and to the north by hedgerows, beyond which lies a strip of land owned by the Homes and Communities Agency. At this point the land falls away steeply in the direction of rear gardens serving existing dwellings on Throckmorton Road to the north. Woodrow Park lies to the west of the site.

To all perimeter boundaries, existing mature and semi-mature planting screens much of the interior from public highways.

The areas beyond the northern, eastern and southern boundaries of the site are primarily residential in character, consisting largely of two storey terraced housing dating from the mid twentieth century. Beyond Fladbury Close (residential) to the east lies the Park Farm Industrial Estate. Beyond Doverdale Close, to the south, lies the Woodrow District Centre, approximately 5 minutes walk away from the application site.

The site is accessed off Woodrow North, at a point approximately 50m from the south-west corner of the site.

#### **Proposal Description**

Following the approval of outline application 2010/210/OUT, reserved matters approval is sought for residential development comprising 160 dwellings, a

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percentage of which would be affordable homes. All matters (access, layout, scale, appearance and landscaping) are sought under this application.

The strip of land owned by the HCA together with a triangle of land to the rear of numbers 1 to 11 Auxerre Avenue which were included in the outline approval are excluded from this Reserved Matters application.

The development comprises 160 residential units to be provided through the following mix of detached, semi-detached and terraced town houses:

- 6 x 1 bed apartments
- 6 x 2 bed apartments
- 49 x 2 bed houses
- 77 x 3 bed houses
- 22 x 4 bed houses

Of the 160 units, 64 would be affordable units.

The Section 106 agreement pertaining to the outline consent 2010/210/OUT establishes that 40% of the development will be affordable housing.

The breakdown of affordable housing to be provided as part of this development is as follows:

- 6 x 1 bed apartments
- 6 x 2 bed apartments
- 26 x 2 bed houses
- 23 x 3 bed houses
- 3 x 4 bed houses

42 of the dwellings are to be provided as social rented accommodation by the RSL and 22 as intermediate affordable housing for shared owner-occupiers or for disposal with the affordable housing discount.

Building heights would range from two storeys to three storeys with the development being constructed in brickwork (walls) under tiled roof, with material colours to harmonise with the sites surroundings.

Access to the development, would be via the existing access point which served the former school, off Woodrow North.

### **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:



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[www.communities.gov.uk](http://www.communities.gov.uk)[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)***National Planning Policy***

The National Planning Policy Framework (NPPF)

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

- R.1 Primarily Open Space
- R.2 Protection of Incidental Open Space
- R.3 Provision of Informal Unrestricted Open Space
- R.4 Provision and Location of Children's Play Areas
- R.5 Playing Pitch Provision
- CS.1 Prudent Use of Natural Resources
- CS.2 Care for the Environment
- CS.5 Achieving balanced communities
- CS.6 Implementation of Development
- CS.7 The Sustainable Location of Development
- CS.8 Landscape character
- B(HSG).5 Affordable Housing
- B(HSG).6 Development within/adjacent to the curtilage of a dwelling
- B(BE).13 Qualities of Good Design
- B(BE).19 Green Architecture
- B(NE).1 Overarching Policy of Intent
- B(NE).1a Trees, Woodland and Hedgerows
- L.2 Education Provision
- S.1 Designing Out Crime
- C(T).12 Parking Standards (Appendix H)

***Supplementary Planning Guidance / Documents (SPG / SPDs)***

- Encouraging Good Design
- Affordable Housing Provision
- Education Contributions
- Open Space Provision
- Designing for Community Safety

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.

***Constraints***

Tree Preservation Order (TPO).139 (2011).

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### ***Relevant Site planning History***

2010/210: Outline planning application for residential development (Use Class C3) with all matters reserved                      Granted 28.01.2011.

2013/103/NMA: Minor re-alignment of inner red line as shown on indicative plan associated with application 2010/210      Granted 09.05.2013.

### **Public Consultation Responses**

The application has been advertised by writing to neighbouring properties within the vicinity of the application site, by display of public notices on site, and by press notice.

To date, one letter has been received which comments that the reduction in house units from 220 (outline approval) to 160 is significant and asks whether the layout is adequate for the site. No further comments have been received. Any additional comments will be reported in the update papers.

### **Consultee Responses**

#### ***County Highway Network Control***

Comments that the proposed development is acceptable in highway terms and therefore raises no objection, subject to the inclusion of conditions covering access turning and parking, on site roads specification and phasing and the submission of a Construction Management Plan.

#### ***Housing Strategy Team***

Housing Strategy has agreed the affordable housing provision and mix with the developers which will be a mix of social rented units (42) and intermediate affordable housing (22) which will be sold as low cost discounted sale and will remain as low cost discounted sale in perpetuity with a qualification criteria to ensure that local people have the opportunity to purchase these properties now and in the future.

#### ***North Worcestershire Water Management***

Notes that the site is not susceptible to fluvial flood risk. Public and surface water sewers are located in the nearby surrounding area. Connection will be required by the relevant water authority (in this case Severn Trent Water). No objections are raised to the proposed development.

#### ***Council's Waste Management Service***

No objection.

#### ***RBC Arboricultural Officer***

Comments summarised as follows:

Has raised concerns regarding the loss of some of the trees, shrubs/understorey which is considered to be of landscape value. Notes the unacceptable apparent incursions into the Root Protection Areas (RPA) of some of the retained trees. Greater emphasis on the provision of native tree planting to enhance existing species poor hedges around the site boundary with a more diverse species mix

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than is currently indicated to achieve greater structure and biodiversity benefits. Further tree survey work is needed to accompany the application.

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

No objections. In view of the proximity of the proposed development to existing residential development, recommends that hours of construction on site be controlled.

### ***RBC Community Safety Officer***

Comments summarised as follows:

A number of units lack gable end windows meaning that driveways, rear access gates, opposing frontages and amenity space cannot be easily observed. Boundary treatments in many cases are not robust enough and would not deter or delay intruders. Secured by Design recommends the use of close board timber fencing at a height of 1.8m. The scheme proposes the excessive use of rear garden access alleyways which serve more properties than is considered necessary. Shared access alleyways are known to increase the risk of burglaries and are linked to fly tipping. Lead flashing proposed to porches and bay windows would be vulnerable to theft. It is recommended that non-lead alternatives be considered.

### ***Severn Trent Water***

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

### ***Sport England***

No objection.

### ***Background***

The outline planning permission (2010/210/OUT), to which this Reserved Matters submission relates was granted consent in January 2011. An indicative plan was submitted showing how 220 dwellings could potentially be accommodated within the site, which included a part of a strip of land to the northern edge, owned by the Homes and Communities Agency, and also a triangular shaped parcel of land containing garages, to the rear of 1-11 Auxerre Avenue. Whilst the plan submitted was indicative only, several objections from nearby residents (mostly those residing in Throckmorton Road) were received at the time, who objected to the development of the northern part of the site on grounds to harm to their residential amenities including perceived visual impact. Whilst members were in agreement to support the granting of permission in principle, a condition of any future reserved matters application was that development be limited to the parcel of land as shown by a red line on a layout plan submitted at the time.

This prohibits the development of the northern edge, where the land falls away steeply in a south to north direction in the direction of Throckmorton Road. The red line boundary (the developable site area) has been subject to an amendment under application 2013/103 to allow the potential development

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of a small parcel of land (which would accommodate 9 of the proposed 160 dwellings) to the far south-west corner of the site. The potential impact of development in this location will be examined in more detail later in this report.

### **Assessment of Proposal**

The principle of residential development on the site has already been established under application 2010/210/OUT. The matters for consideration at this stage are access, layout, scale, appearance and landscaping.

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

### **Design and Community Safety Considerations**

In general terms, the layout of the development proposed under this application is considered to be acceptable to your officers. It offers a variety of housing designs and a mix of 2, 3 and 4 bedroom units, terraced, semi detached and detached dwellings together with two apartment blocks. The buildings would be either two storey (typically 8 metres in height) or 3 storey (typically 10 metres in height).

Some concerns have been raised by the Community Safety Team and officers have been working closely with the developers agent in order to seek amendments which address these concerns. Side windows serving habitable rooms have been inserted to gable elevations in order that natural / passive surveillance over key areas such as open space and private car parking areas is introduced.

Boundary fencing to public realm areas would now be close boarded to a height of 1.8m as per the CSO's recommendation, with screen walls to prominent public areas. Panel fencing would be used internally to separate garden areas. Non shared gates and alleyway improvements have been introduced and proposed flashing to bay windows has been replaced by a non-lead alternative.

### **Highways and access**

Whilst access was not a matter determined under the outline application, the indicative plan showed that access would be via the existing access which formerly served the school via Woodrow North. At that time, County highways considered that 220 dwellings could be served via this access in principle without having a detrimental impact upon the surrounding highway network.

Accessing 160 units via this access is acceptable as far as highways are concerned. Officers have received confirmation that the proposed new carriageways and associated infrastructure which would serve the new development are to required standards and can be adopted by the County Council. Parking for each of the units would meet the parking space standards.

### **Open space / amenity requirements**

Some on-site amenity space has been provided as a grassed informal amenity area towards the centre of a site. Housing would front onto this space and would provide a distinctive identity to the development and a sense of place. The area

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would be planted with a range of native species to the satisfaction of the Tree Officer. It was agreed under the outline consent that the developer would pay contributions towards the improvement and maintenance as public open space at the adjacent Woodrow Park together with the provision of leisure equipment at existing nearby sites.

Private amenity space for all of the units would be in compliance with the Councils adopted SPG 'Encouraging Good Design'. As such, officers are satisfied that the scheme could not be regarded as an over-development of the site.

### Trees and landscaping

Following receipt of the Tree Officers comments, further tree survey work has been undertaken to ensure that retained trees are suitably protected. Plots 1 to 3 towards the entrance of the site have been re-orientated and hardstandings associated with proposed roads 3 and 7 have been amended such that no incursion into the root protection zones of the TPO trees would occur.

The landscaping plans and planting schedule have been re-worked in line with the comments received from the Tree Officer.

The area to the west of the entrance road containing Plots 1 to 9 is outside the red line as shown on the original outline plan but within the red line area as amended under application 2013/103. Officers have no concerns regarding the residential development of this land since the visual amenity value of this area is limited and contains no trees worthy of protection. However, to ensure that this aspect of the development presents a green façade to Woodrow North, the units have been re-orientated and moved further into the site to allow the use of a Permacrib 'green wall' which would be subject to double planting to ensure it greens up fully and would also be planted with native hedge species to screen the garden fences.

This would present an attractive frontage in this location once planted and is considered acceptable in design terms. While there is a small degree of vegetation loss in this area which the Tree Officer was seeking to maintain, your officers consider that the loss is compensated for by the greening treatment of the Permacrib wall. The building line associated with this development would follow the line of the existing hedgerow to the east beyond which lies plot 160 and would not appear inappropriate in this context.

A gap ranging from between 25 and 44 metres would exist between the built development and Woodrow North (to the south) and already contains a number of mature trees which would adequately screen the development from the highway. Despite writing to the nearest affected properties in Doverdale Close beyond Woodrow North, no objections to this aspect of the development have been received.

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### Affordable Housing

This is to be provided at 40% across the site with the split as set out earlier in this report. Detailed discussions have taken place between the Housing Strategy Team who state that they are in agreement with the provision and mix between social rented units and intermediate affordable housing which would be sold as low cost discounted sale and will remain as low cost discounted sale in perpetuity.

### Sustainability

The site represents a highly sustainable location. There are a wide range of facilities and services in close proximity including schools, shopping facilities, with the Woodrow District Centre roughly five minutes away (by foot) to the south, and employment providers at the Park Farm Industrial estate lying a short distance to the east. The site is also within relatively close proximity to the hospital and has good road and bus links to Redditch Town Centre and beyond. A number of cycle ways and footpaths also link to wider areas.

The developer has confirmed that both private and affordable homes would be constructed to achieve Level 3 of the Code for Sustainable Homes. A condition to this effect would be attached to any consent requiring this.

### Planning obligations

A planning obligation exists in respect to the outline application which requires that contributions be paid towards the provisions of sports facilities in the Borough, together with contributions towards the improvement and maintenance as public open space at Woodrow Park and the provision of leisure equipment at existing nearby sites. The S106 also requires that 40% of the dwellings be provided as affordable housing as has been confirmed earlier in this report.

### Conclusion

Officers consider that this reserved matters submission is wholly acceptable having regards to the matters of access, layout, scale, appearance and landscaping to be considered here and would meet some of the demonstrated housing need in the Borough. The proposal is considered to comply with the planning policy framework and unlikely to cause harm to amenity or safety and as such is therefore recommended for approval.

### Recommendation

**That having regard to the development plan and to all other material considerations it is recommended that permission be GRANTED subject to the following conditions:**

1. Development to commence either before the expiration of five years from the date of the outline planning permission (28<sup>th</sup> January 2016), or

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- before the expiration of two years from the date of approval of this consent, whichever is the later.
2. Samples of materials for walls and roofs to be submitted for the prior written approval of the LPA
  3. Hardsurfacing details to be submitted
  4. Development to be built to a minimum Level 3 requirement set out under Code for Sustainable Homes
  5. Landscape management plan to be submitted
  6. Details of a lighting scheme for all public areas to be submitted
  7. Removal of PD rights for houses in close proximity to protected trees
  8. Tree protection measures for on-site working
  9. Limited working hours during construction period
  10. Development to be carried out in accordance with plans submitted with application
  11. H13 : Access turning and parking
  12. H34 : On site roads – engineering specifications to be submitted
  13. HC42 : On site roads phasing
  14. HC54 : Construction Environmental Management Plan

### Informatives

1. Reason for approval
2. Positive and proactive informative
3. Conditions, where applicable attached to outline application  
2010/210/OUT are still relevant to this permission
4. Drainage
5. Highway informatives : HN4, HN5, HN7, HN8

### Procedural matters

Under the agreed scheme of delegation to Planning Officers, major applications should be reported to Committee, where the recommendation is one of approval.





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**PLANNING APPLICATION 2013/076/FUL**

**ERECTION OF NINE DETACHED DWELLINGS**

**1378 AND LAND TO THE REAR OF 1380 EVESHAM ROAD, REDDITCH**

**APPLICANT: KENDRICK HOMES LTD**  
**EXPIRY DATE: 17TH MAY 2013**

**WARD: ASTWOOD BANK & FECKENHAM**

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

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.

### **Site Description**

The site is 0.4 hectares and is located to the south of Astwood Bank within the village envelope. The plot lies to the western side of Evesham Road, approximately 50 metres due north of Edgioake Lane which itself forms the administrative boundary between the Borough of Redditch and Wychavon District Council.

The site contains a dwelling (which is set back approximately 50 metres from Evesham Road) and outbuildings (number 1378) which are to be demolished to accommodate the development together with the domestic garden associated with number 1378. The southern part of the site contains a long rear garden belonging to the property 1380 Evesham Road. This property would retain (a much shorter) rear garden. The topography of the site is generally flat.

The site boundaries are comprised of timber fences adjoining domestic properties, and the Ridgeway Middle School immediately to the north.

### **Proposal Description**

This is a full planning application to erect nine detached dwellings. All would be four bedroomed houses with the exception of Plot 6 which would be five bedroomed. Every house would be formed of brickwork walls under a tiled roof and would have either a double or single integral garage, or in the case of Plot 1, a detached garage. All dwellings would have additional in-curtilage parking.

The existing vehicular access to number 1378, which is located between numbers 1370 and 1380 Evesham Road would serve the development.

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

## ***National Planning Policy***

The National Planning Policy Framework (NPPF)

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

B(RA).8	Development at Astwood Bank
CS.6	Implementation of Development
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)

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 Encouraging Good Design***

Planning obligations for education contributions  
Open space provision

## ***Worcestershire Waste Core Strategy 2012-2027 (adopted Nov 2012)***

WCS.17 Making provision for waste in all new development

## **Relevant Site planning History**

None

## **Public Consultation Responses**

Responses in favour

1 letter received. The letter states that the site is well set back from the highway and in an urbanised setting. Welcome's the addition of nine new dwellings.

Responses against

9 letters received. Comments are summarised as follows:

- Access to the site is in a hazardous location

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- Highway / Pedestrian safety would be prejudiced due to increased number of vehicle movements to and from the site
- The close proximity of Ridgeway school and associated pedestrian movements has not been taken into consideration
- Too intensive a development: would be out of character with surrounding area
- Construction hours on site should at least be limited
- Privacy would be compromised due to overlooking from the development
- Inadequate parking for the proposed development

Other issues which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application.

### Consultee Responses

#### ***County Highway Network Control***

Comments as follows:

The access proposal, whilst complying in many respects with the County Council's design guide, would not meet all of the necessary criteria for adoption as highway maintainable at public expense and would therefore constitute a private road.

The connection of the access with Evesham Road fully complies with County standards in terms of junction radii and visibility and therefore highway safety at this location would not be compromised. The layout allows for residents and visitors to turn adequately.

It has been noted that several objections have been received by the Borough Council in relation to additional traffic from this development potentially causing additional congestion. The level of vehicle trips at peak from developments of this nature is generally small. National studies have shown that around 30% of vehicle trips occur in the morning peak. The amount of properties proposed would therefore generate in the region of 3 to 4 vehicle movements in the peak hour, which would not be considered to have an adverse effect on the adjacent highway network. For the above reasons, the County Council has no objections to the proposal. Standard conditions concerning access, turning and parking provision, together with standard informatives are recommended for inclusion in the case of permission being granted.

#### ***RBC Arboricultural Officer***

A number of coniferous trees have been removed from the site (not protected by a tree preservation order). No remaining trees of any value remain within the site. The visual impact of the development from nearby existing development can be mitigated against by the provision of additional landscaping as part of a detailed landscaping plan.

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### ***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 construction on site be controlled

### ***WCC Educational Services***

Confirm that a financial contribution towards education provision would be required in this case

### ***RBC Community Safety Officer***

Has recommended and communicated measures to the applicant's agent which would improve the scheme from a community safety perspective. Welcomes the developer, Kendrick Homes commitment to use Secured by Design approved doors and windows as standard.

### ***North Worcestershire Water Management***

Notes that a public foul sewer is located nearby and therefore connection to this is unlikely to be a problem provided the applicant has received consent from Severn Trent Water to connect

### ***Waste Management team***

Wheelie bin requirement confirmed for inclusion in the planning obligation

### **Assessment of Proposal**

The key issues for consideration are as follows:

- a) Principle of development
- b) Design, appearance and layout
- c) Impact of the development upon nearby residential amenities
- d) Access and highway safety implications
- e) Sustainability
- f) Planning Obligation required

#### **Principle of development**

The application site is situated within the settlement boundary as defined on the adopted Local Plan proposals map. Policy B(RA).8: Development at Astwood Bank supports the provision of limited development within the sustainable rural settlement of Astwood Bank, provided it is of scale that would not be of detriment to the village's overall character and environmental quality. A more intensive form of residential development on this site is considered to be acceptable in principle.

#### **Design, appearance and layout**

Policy B(HSG).6 of the adopted Local Plan is supportive of new residential development providing it respects the character and appearance of its

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surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development. The NPPF and Policy B(BE).13 of the Local Plan also require that new development respects the local distinctiveness of an area very little of the proposed development would be seen from Evesham Road, set back, as it is proposed, a considerable distance from the existing ribbon / frontage residential development to the east. This important factor results in a proposed development which is inconspicuous in appearance which would not harm the character of its surroundings or erode the environmental quality of the wider area.

Ages and the sizes of dwellings in this part of the village vary considerably, and as such, no uniform pattern of development exists. The sizes of the proposed houses and the appearance of the development would not however be dissimilar to the residential scheme approved recently by Wychavon District Council which is situated to the southern side of Edgioake Lane, near to the junction with Evesham Road. The proposed development is considered to be acceptable in appearance, with each plot achieving garden sizes which accord with minimum sizes set out in the Councils adopted SPG 'Encouraging Good Design'.

Impact upon nearby residential amenity

The proposed development by virtue of its siting and scale would not have an overbearing or visually intimidating impact upon nearby properties. Within all new developments it is necessary to assess whether the Councils minimum separation distance of 22 metres would be achieved between rear facing windows serving a proposed development and existing rear facing windows to existing development. The 22 metre distance is easily achieved in respect of each plot.

In this case, the properties which are closest to the development site (and in particular, Plot 8), are those houses which are situated to the northern side of Edgioake Lane. There are no minimum distances to achieve within the Councils SPG Encouraging Good Design where rear windows to existing development face towards side walls to proposed dwellings. It is however noted that a distance in excess of 25 metres would exist in this case. Given the flat/level nature of the site, such a distance is considered more than adequate in order to safeguard against any loss of light or any overbearing impact. Two windows are shown at first floor level within Plot 8, although both would serve bathrooms. As such, windows would normally be obscurely glazed. In any case, the 25 metres separation distance would be sufficiently great to safeguard against any loss of privacy.

Clearly many forms of new built development have the potential to disturb and inconvenience nearby occupiers during the construction phase. In the case of permission being granted for this development, it is recommended that hours of operation on site be restricted by condition. Action can be taken separately and immediately by Environmental Health Officers under the Environmental Protection Act if a statutory nuisance is considered to exist, and thus it should not be controlled here.

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### Access and highway safety implications

The access road serving the development would measure 4.5 metres across. This is a standard width for a road serving a development of this size if the developer were seeking for the road to be adopted by the County Council and would be of sufficient width to allow vehicles travelling in either direction to pass safely. In this case the developers are not seeking adoption and as such the carriageway would be a private road. A private road is not to be confused with a 'private drive' which would generally have a width of approximately 3 metre or less (such as 'Tookey's Drive' for example) which is situated to the north of this site, again, to the western side of Evesham Road. Due to the widths of such accesses, historically, Borough Council planning policies have sought to limit the number of new dwellings which can be served via such 'private drives' in the interests of highway safety. With a 4.5m carriageway width, there would be no 'in principle' objections to the development of nine new dwellings each having access via a new 'private road'.

County Highways officers have examined the proposals carefully and have explained their reasons for raising no objection to the proposals on highway safety grounds commenting that the additional vehicle trips associated with such a development would not have a detrimental impact upon the surrounding highway network. Parking provision on site would accord with parking standards, having regards to requirements for four and five bedroomed dwellings.

Parking is provided to the frontage of properties such that it can be passively surveyed from habitable rooms serving the dwellings in accordance with Secured by Design recommendations.

### Sustainability

Astwood Bank is a sustainable settlement and the site is situated within close proximity and within walking distance to local amenities including shops, school and bus stops, reducing reliance on the motor car. The location of the site is therefore considered to be sustainably located.

### Planning Obligation required

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation which in this case would cover:

- A contribution towards playing pitches, play areas and open space in the area, due to increased demand/requirement from future residents, is required in compliance with the SPD.
- A contribution towards County education facilities. The County have confirmed that there is a need in this area to take contributions towards three schools: Astwood Bank First School, Ridgeway Middle School and Kingsley College.

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- A contribution to provide refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy

At the time of writing, the planning obligation is in draft form.

### Conclusion

Notwithstanding nearby residents concerns over the proposed new development, the proposals are considered to accord with national and local policy criteria. Subject to the satisfactory completion of the planning obligation, a favourable recommendation can be made.

### Recommendation

**That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Regeneration to GRANT planning permission subject to:**

**a) The satisfactory completion of a S106 planning obligation ensuring that:**

- Contributions are paid to the Borough Council in respect to off-site open space, pitches and equipped play in accordance with the Councils adopted SPD
- A financial contribution is paid to the Borough Council towards the provision of wheelie bins for the new development
- A financial contribution is paid to the County Council in respect to education provision

**and**

**b) Conditions and informatives as summarised below:**

### Conditions

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. Limited working hours during construction period
6. Access, turning and parking provision
7. Development in accordance with plans (listed)

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## Informatives

1. Reason for approval
2. Drainage
3. NB Highway informatives 4 and 5
4. S106 agreement is attached to this consent
5. LPA acted in a positive and proactive manner
6. Community safety informative

## **Procedural matters**

This application is being reported to the Planning Committee because the recommendation is that permission be granted subject to a planning obligation and because more than two objections have been received.



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**PLANNING APPLICATION 2013/085/COU**

**CHANGE OF USE FROM CLASS B8 TO CLASS B2**

**58 PADGETS LANE, REDDITCH, WORCESTERSHIRE, B98 0RD**

**APPLICANT: Mr P GAINES**  
**EXPIRY DATE: 27TH JUNE 2013**

**WARD: WINYATES**

The author of this report is Harjap Rajwanshi, Planning Assistant (DM), who can be contacted on extension 3384 (e-mail: harjap.rajwanshi@bromsgroveandredditch.gov.uk) for more information.

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

### **Site Description**

The application site relates to a storage/distribution unit (Class B8) located on an established industrial estate on Padgets Lane and lies within the Winyates ward. The site area is approximately 00.24 ha and the unit has a total gross internal floorspace of 1245 square metres. Residential dwellings are situated along Edgmond Close located to the south of the site and employment uses are situated to the north, east and west of the application site.

### **Proposal Description**

The application seeks planning permission to change the use from an existing storage/distribution unit to a unit for the manufacture of shower trays. The existing use falls within the B8 category of the Town and Country Planning Use Classes Order 1987 (as amended) and the proposed use is a B2 use.

The proposed hours of opening would be 7am to 6pm (Monday to Friday) and 7am to 1pm (Saturday). No External alterations are proposed as part of this application.

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

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## ***National Planning Policy***

The National Planning Policy Framework (NPPF)

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

Policy E(EMP).3 Primarily Employment Areas

Policy E(EMP).3a Development Affecting Primarily Employment Areas

The site is situated on land which is located within Flood Zone 3 of the Environment Agency Flood Zone Map and on land designated as a Primarily Employment Area, as depicted on the adopted Borough of Redditch Local Plan No.3 Proposals Map.

## **Relevant Site Planning History**

86/66 Warehouse: Approved: 09.04.86

90/598 Phase 3 Extension to existing Warehouse: Approved: 19.12.90

## **Public Consultation Responses**

None

## **Consultation Responses**

### Internal Consultees:

#### **Development Plans Team**

No Objection

#### **Community Safety Officer**

No Objection

#### **Economic Development Unit**

No Objection

#### **Tree Officer**

No Objection

#### **Arboricultural team**

No comments received

### County Consultees:

#### **County Highway Network Control**

No Objection

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

No Objection

#### **Water Management Officer**

No Objection subject to drainage condition

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External Consultees:**Environment Agency**

No Objection

**Crime Risk Manager**

No Objection

**Notes**

The advice of the Council's Strategic Planning Section has been sought in relation to the proposal's acceptability in policy terms. The following saved policies in Local Plan No.3 are appropriate to this application.

Policy E(EMP).3 provides that within Primarily Employment Areas, development falling within Classes B1 (Business), B2 (General Industry) or B8 (Storage or Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended), will normally be permitted.

Policy E(EMP).3a provides that development will only be permitted where it is compatible with the use of Primarily Employment Areas.

In accordance with the NPPF para 215, due weight should be given to this policy as it is consistent with paragraph 19 of the NPPF.

This application is proposing a change of use within the B Use Classes, which would comply with these policies.

In terms of emerging policy, draft Local Plan No.4 has recently been out for consultation with the public on the Plan's contents. The following emerging policies are relevant to this application. Policy 23: Development within Primarily Employment Areas, provides that development will not be permitted where it would restrict the current or future use or development of Primarily Employment Areas (as defined on the Policies Map) for employment purposes.

**Assessment of Proposal**

The main considerations in this application are the principle of the proposed development, the impact of the proposal on the neighbouring amenities and the impact on the existing parking arrangements.

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**Principle of Change of Use**

This proposal for change of use within the B Use Classes would support the continued use of Primarily Employment Land for its intended purpose. The proposal would be compliant with both national and local planning policy and therefore, from a planning policy perspective, this application would be supported as the proposed use is considered to be acceptable in principle.

In principle, the proposed Change of Use from (B8) to (B2) complies with the policies E(EMP).3 and E(EMP).3a of the Borough of Redditch Local Plan No 3 as listed above.

**Impact on neighbouring amenities**

The proposal may have potential to create noise through customer / staff activity. The Environmental Health department have been consulted on the proposal and have no concerns regarding potential noise / nuisance from the proposed (B2) use of this industrial unit.

Furthermore, the existing unit is situated within an established industrial estate and the residential dwellings situated to the south of the existing unit are sited approximately 65m (L) from the existing unit.

The Environment Agency have been consulted on the proposal with regard to potential flood risks and have stated that although the site is located within Flood Zone 3 ('high probability') based on their 'indicative' Flood Zone Map, the proposal is for a change of use within a 'Less Vulnerable' flood risk classification. Therefore, it is considered the potential flood risk would be no greater by the proposed (B2) use than the existing (B8) use.

It is therefore considered the proposal would raise no concerns over potential greater noise / nuisance or flood risks.

**Impact on the existing parking arrangements**

The Highways Officer has stated the parking standards for the proposed change of use are acceptable and the proposal would have no detrimental impact on highways safety.

A condition requiring the existing parking provision to be retained would safeguard the current parking in accordance with standards.

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**Recommendation**

**That having regard to the development plan and to all other material considerations, planning permission be DELEGATED to the Head of Planning and Regeneration to GRANT PERMISSION following the expiry of the public consultation period (14th June 2013) and subject to conditions and informatives as summarised below:**

- 1) Development to commence within 3 years
- 2) Plans approved specified
- 3) Existing parking provision to be retained

**Informative**

- 1) Reason for approval
- 2) LPA acted in a positive and proactive manner
- 3) Environment Agency letter dated 25th April; relating to the development note advisory content
- 4) Drainage

**Procedural Matters**

This application is being reported to Committee as the application is a small scale major and the recommendation is to grant planning permission. As such the application falls outside the scheme of delegation to Officers.



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**PLANNING APPLICATION 2013/088/COU**

**CHANGE OF USE FROM A TATTOOIST (SUI GENERIS) TO HOT FOOD  
TAKEAWAY (CLASS A.5)**

**140 EVESHAM STREET, REDDITCH**

**APPLICANT: HERITAGE ENTERPRISES  
EXPIRY DATE: 3RD JUNE 2013**

**WARD: CENTRAL**

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

The author of this report is Sharron Williams, Planning Officer (DM), who can be contacted on extension 3206 (e-mail: [sharron.williams@bromsgroveandredditch.gov.uk](mailto:sharron.williams@bromsgroveandredditch.gov.uk)) for more information.

### **Site Description**

The tattoo studio is one of a pair of semi-detached buildings. The building comprises of three stories, with a flat at first and second floor. The application only relates to the ground floor of the building. The site is adjacent to the Redditch Ringway and a public car park exists at the front of the unit. The adjoining property is used as a hairdresser's and an office building exists close by. The property backs onto residential properties.

### **Proposal Description**

Permission is sought to convert the ground floor of this building from a tattoo studio to a hot food takeaway. No external alterations are proposed to the property. The plans submitted show a kitchen facility and WC at the rear of the premises whilst the front of the building would have a reception area to be used as a waiting area for takeaway orders. The trading hours are expected to be Monday to Saturday 12.00 – 24.00 hours, and Sunday 16.00 – 23.00 hours.

### **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)

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## ***National Planning Policy***

National Planning Policy Framework (NPPF)

Paragraph 23 of the NPPF seeks to promote competitive town centres that provide customer choice. The NPPF supports policies that are positive and promote competitive town centre environments.

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).

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

E(TCR).3	Peripheral Zone
E(TCR).12	Class A3, A4 and A5 uses
C(T).2	Road Hierarchy

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 Documents***

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

## **Relevant Site Planning History**

1978/176 Change of use to retail aquatic (pet shop) Approved 12.1.78

## **Public Consultation Responses**

### Responses in favour

1 comment from the owners of the nearby off license shop raising the following points:

- From experience of running an off license and convenience store nearby, customers complain that there are limited quality food outlets nearby. Business has improved since the pay and display car park has been in operation as customers find it easier to park nearby to pop in. Fully support the proposal.

## **Consultee Responses**

### ***County Highway Network Control***

No objection to the grant of permission.

### ***WRS (Environmental Health)***

Concerned that the proposed activities may give rise to complaints of cooking odours from dwellings and other businesses in the vicinity if fumes from the kitchen / cooking range are not effectively treated.



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Recommend that a scheme for the minimisation of emissions of cooking odour and noise from the premises should be submitted and agreed in writing by the Local Planning Authority.

### ***Crime Risk Manager***

No comments to make on the proposal.

### **Assessment of Proposal**

The key issues for consideration in this case are:-

#### Principle

The site is within an area designated as the Peripheral Zone in the Borough of Redditch Local Plan No. 3. Policy E(TCR).3 of the Local Plan would apply which encourages development proposals to complement the role and function of the Town Centre encouraging a mix of uses. In addition, Policy E(TCR).5 would apply which aims to protect the primary shopping frontage of the Retail Core for change of use from Class A1 to A2 or A3, A4 and A5. Given that the site is within the Peripheral Zone and outside the Retail Core, it is unlikely that this change of use proposal would have a detrimental impact on the Retail Core or the role and function of the Town Centre and as such complies with the above policies.

#### Design and layout

The applicant does not have an end user for the proposed use at present, therefore, whilst details of the proposed floor layout have been provided and are unlikely to change, the applicant is unable to provide precise details of odour extractions as this would be dependent upon what is cooked on the premises. The likely location of this facility would be on the side wall of the building. Worcester Regulatory Services have requested these details, however, as there is no end user at this stage it is considered reasonable to impose a condition requiring this information to be provided and agreed before the use begins.

The side wall of the building is quite prominent, therefore, extra care would be necessary to reduce the visual impact of any flue on this elevation. Officers will discuss this matter further with the applicant.

#### Highways and access

A public car park exists across the road from the site enabling customers to use this facility when using the takeaway. County Highway Network Control has no objection to the proposal.

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## Conclusion

The principle of the proposal in this location is considered to be acceptable and unlikely to have a detrimental impact on the role and function of the Town Centre and its Retail Core. As such the proposal would comply with policy E(TCR).3 and E(TCR).5 of Local Plan No.3.

## 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. Details of materials to be submitted and approved.
3. Plans approved specified.
4. Details of an extractor flue to minimise food odours to be submitted, approved and implemented. Details to visually screen the external appearance of any extractor flue to be submitted, approved and implemented.
5. Details to minimise noise to be submitted and approved.
6. Use defined.
7. Hours of work defined.

## Informatives

1. Reason for approval.
2. LPA acted in a positive and proactive manner.
3. Guidance on requirements in respect to odours and noise.

## **Procedural matters**

This application is being reported to the Planning Committee because the application relates to a change of use to a new hot food takeaway facility (Class A.5). As such the application falls outside the scheme of delegation to Officers.

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### **PLANNING APPLICATION 2013/093/EXT**

**EXTENSION OF TIME APPLICATION FOR 2010/044/FUL: ERECTION OF THREE GENERAL INDUSTRIAL UNITS (B2) WITH ASSOCIATED OFFICES, CAR PARKING AND SERVICE YARD**

**LAND AT WINYATES WAY AND MOONS MOAT DRIVE, REDDITCH**

**APPLICANT: MR DAVID NASH  
EXPIRY DATE: 18TH JULY 2013**

**WARD: CHURCH HILL**

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

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.

#### **Site Description**

Existing undeveloped bowl shaped site, surrounded by roads on all sides, with straight roads to west (Winyates Way) and south (Moons Moat Drive). Winyates Way curves from the south east to the north west corner. To the west beyond Winyates Way is residential development, and to the east beyond Winyates Way is industrial/commercial development. To the north on the opposite side of Winyates Way is the TA centre.

The site is overgrown and contains grasses/trees/shrubs etc. It is an unkempt and poorly maintained site, with some evidence of use as a shortcut by pedestrians. To the south on Moons Moat Drive are two tarmac strips on the verge which suggest former bus stop provision.

#### **Proposal Description**

This extension of time application relates to application reference 2010/044/FUL. Permission was granted for the erection of a single building forming three general industrial units (B2) and associated offices with car parking fronting Moons Moat Drive and a rear service yard at the Planning Committee of 27th April 2010. The decision notice was dated 7th May 2010.

The description of the proposed development at that time was as follows: The building would run east-west within the site, and would be two storey in height, with a brick plinth 1m in height and metal cladding above, with a pitched metal roof (gable ends to east and west). The building would be 17.1m deep, 45.7m long and 8.4m high to the ridgeline (5.4m to the eaves). The elevation facing Moons Moat Drive would be the 'front' and includes windows at both ground and first floor, serving the ancillary office accommodation, whilst the rear elevation would contain taller roller shutter

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doors to provide servicing to the rear portion of the building which would be double height internally. Each unit would have a pedestrian door to the rear section. The unit to the western end of the site would also benefit from an enclosed rear yard, although no details of the fencing to enclose the rear yard have been provided.

The proposed building would be of 1032m<sup>2</sup> and would be likely to result in employment opportunities for around 25 full time staff. The proposed parking area includes provision for 23 cars, 5 vans, 3 motorcycles, 2 disabled spaces and 10 cycle spaces. A new access would be created from Winyates Way.

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

### ***National Planning Policy***

The National Planning Policy Framework (NPPF)

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

CS.2	Care for the environment
CS.7	Sustainable location of development
S.1	Designing out crime
B(BE).13	Qualities of good design
B(BE).19	Green architecture
C(T).12	Parking standards

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.

The site itself is undesignated within Local Plan No.3, however the land to the north, east and south is designated for employment uses, and the land to the west beyond Winyates Way forms part of a green corridor running through Church Hill and is designated as Primarily Open Space.

### ***Relevant Site Planning History***

2010/044/FUL	Erection of three general Industrial units (B2) with associated offices, car parking and service yard	Approved	07.05.2010
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## Public Consultation Responses

None received

## Consultee Responses

### ***County Highway Network Control***

No objection subject to conditions regarding parking provision implementation, and informatives regarding the construction phase

### ***Severn Trent Water***

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

### ***Arboricultural Officer***

No objection subject to provision of appropriate new landscaping to help soften the impact of the new development

### ***Police Crime Risk Manager***

No objection

## Background

Due to the general economic slowdown, the previous Government enacted legislation to allow an applicant (via a formal application) to be able to extend the length of time before the commencement of that development, provided that the 'original' consent (the application to be extended) in itself is extant. In this case, the 'original' consent expired on 7th May 2013. However, the courts have recognised that the local planning authority retain jurisdiction to determine an application under the extension of time procedures if the original permission has expired after the application was made but before determination. In this case, the application was lodged with the Council on 28th March 2013, prior to the expiry date of 7th May 2013 and therefore it is appropriate to consider the proposal as an extension of time application.

Subject to no material changes to the planning policy framework in the intervening period, the legislation allowing 'extension of time' applications would normally consider an additional three year extension of time to be reasonable.

## Assessment of Proposal

In considering such applications, it is only relevant to consider what has changed since the previous approval, both in terms of the planning policy framework under which the decision should be made, and also, any significant physical changes to the site and/or its surroundings that might result in different impacts from the proposed development. In terms of policies, The National Planning Policy Framework, which was enacted on 27th March 2012, replaces the former National Guidance set out within Planning Policy Statements (PPS's) which were taken into consideration in the determination of the earlier application. PPS and PPG guidance is no longer relevant under the new policy framework. Policies within

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the Borough of Redditch Local Plan No.3 which were considered under the earlier application are still relevant and are used here since these are considered to be in conformity with the NPPF.

No material changes to the planning policy framework are considered to have occurred since the 2010 approval which would affect the impact of this extension of time proposal. No material physical changes to the sites surroundings have occurred since the granting of consent in May 2010 and as such, in this respect there are not considered to be any additional resulting material impacts from the proposed development.

The plans which have been submitted under this application are identical to those plans approved under the 2010 application. The issues which were considered to be relevant under application 2010/044/FUL 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. In this case, the site is bounded on three sides by designated employment land, and to the fourth has the significant barrier of the bank with the road atop, providing a significant physical boundary and buffer to the primarily open space beyond. It is therefore considered appropriate to use the site for employment purposes, as it can be easily contained within the site and is unlikely to cause any significant harmful impacts on the similar surrounding uses.

### Design and layout

The layout of the proposed development is considered to be appropriate to the topography of the site, and acceptable in terms of layout and impacts on surrounding road users, who will generally be the only viewers of the site. This type of use requires a substantial quantity of open surface area for parking and servicing, and this has been located within the site such that it would have minimal visual impacts on the wider area. The proposal has been designed such that the parking is located adjacent to the pedestrian access points to the proposed units, and so that the office users would provide passive surveillance to the parking area, increasing security on the site. The parking would also be overlooked by users of Moons Moat Drive such that any misuse would be clearly visible and thus deterred.

The service area to the rear would be hidden from view from Moons Moat Drive by the proposed building, and located into the bowl of the site such that it would be unlikely to be visually prominent from any surrounding viewpoint.

The design and appearance of the proposed building is also considered to be acceptable. The height difference between the site and Winyates Way above at the level it crosses the Coventry Highway is approximately 7.5m, and thus it is not considered that the proposed building (at a maximum height of 8.4m) would be overly dominant on this site, and would not protrude sufficiently beyond the height

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of the adjacent highway embankment to cause any harm to visual amenity. The application form does not provide detail on the colours of the finishes proposed, particularly the metal cladding and the brickwork, and therefore a condition is recommended that these be agreed in order to ensure that the materials and finishes used are appropriate to the site and its surroundings.

No elevations or details of finishes for the boundary treatment have been provided, and it is therefore recommended that a condition be attached requiring the details to be submitted and agreed, in order to ensure that it is visually acceptable. Surfacing details are also not provided, and should be controlled in the same way, as well as being permeable in order to ensure that the development is as sustainable as possible.

### Landscaping

The proposal appears to suggest that the shrubs and trees to the perimeter of the site would be retained, whilst the remainder of the growth on the site would need to be cleared to accommodate the proposed development. In order to ensure that this is the case, and to soften the appearance of the development it is recommended that this be ensured through the imposition of a condition requiring additional landscaping to be provided. It is therefore considered that the proposal would not cause any detrimental impacts to the visual amenity of the site or its surroundings, and as such is considered to be compliant with policy.

### Highways and Access

The county have raised no objections to the proposed access and parking arrangements, and the parking spaces proposed, for all modes of transport, both comply with the local plan standards and should encourage non-car modes of transport and thus sustainable travel patterns. It is recommended that the suggested condition be attached to any consent granted, to ensure that the parking arrangements are available for use when the building becomes occupied. The proposal is therefore considered to comply with policy in this regard, however it is recommended that a condition be imposed requiring the proposed travel plan to be implemented.

### Sustainability

The proposal caters for non-car travel to and from the site, and is within close proximity to regular bus services. It is located within the town of Redditch, which is considered to be a sustainable settlement, and therefore it is considered to meet the current policy requirements. However, all applicants are encouraged to meet the highest possible levels of sustainability, and therefore an informative is recommended to encourage a high standard in this development.

### Conclusion

No material changes to the planning policy framework are considered to have occurred since the 2010 approval which would affect the impact of this extension of time proposal. Whilst the policies have changed, the thrust of the policies has not. The site itself and its surroundings have not changed to

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such an extent that the context of the site should be considered differently. It is therefore considered that the proposed development would accord with policy criteria and objectives and would not result in harm to amenity or safety. Officers consider it reasonable to allow an extension of time to implement this consent for a further three years, subject to the inclusion of conditions as summarised below.

### **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 of consent
2. Materials for walls and roof to be submitted
3. Landscaping scheme including boundary treatments: details to be submitted
4. Landscaping scheme including boundary treatments to be implemented in accordance with Condition 3
5. Surfacing to be permeable or sustainably drained
6. Highway condition
7. Green Travel Plan to be implemented in accordance with submitted details
8. Development in accordance with approved plans specified

### **Informatives**

1. Reason for approval
2. Advert consent requires a separate application
3. Drainage
4. LPA have acted in a positive and proactive manner
5. Highways informatives
6. Sustainability – build to highest BREEAM rating possible

### **Procedural matters**

The Council receives relatively few 'extension of time' applications and they are rarely presented before the Planning Committee. This application only comes before the Committee due to the fact that it is a small scale major application, and therefore cannot be determined by Officers under delegated powers.

The site was formerly under the ownership of RBC before it was bought by the applicant in 2010.



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**CHANGES TO NATIONAL PLANNING LEGISLATION RELATING TO  
PERMITTED DEVELOPMENT RIGHTS – INFORMATION REPORT**

Relevant Portfolio Holder(s)	Planning, Regeneration, Economic Development & Transport.
Portfolio Holder Consulted	No due to recent appointment
Relevant Head of Service	Mrs Ruth Bamford, Head of Planning & Regeneration Services
Wards Affected	All wards
Ward Councillors Consulted	No
Not a Key Decision	

**1. Summary of Information**

- 1.1 Permitted Development Rights (PDRs) are rights bestowed by legislation that allow 'development' to occur without the need for planning permission to be sought and complied with. They are criteria based set of regulations that allow for development within prescribed parameters. They often include conditions. They can be a material consideration when determining a planning application.
- 1.2 Whilst PDRs are usually dealt with and advised on by Planning Officers, they do have some impacts when considering planning applications at planning committee, especially where a property has a PD fall-back position. This means that development that could occur at a property outside the control of the Council is taken into account as part of the determination of an application; in some cases it is considered preferable to allow a development that is not within PDR limits and then remove PDRs rather than allow a less ideal situation that might result from the Council having no control. In these situations, a condition removing any remaining PDRs is usually attached to a decision.
- 1.3 On 9th May 2013, the Government published new legislation which took effect on 30th May 2013. This was an amendment to the permitted development rights regulations, as a result of a variety of topical issues. (For full details of the legislation, see the reference section at the end of this report.). The changes are aimed at encouraging economic growth and supporting businesses and householders. It is not clear that the quality of the built environment has been a significant driver in the consideration and implementation of these changes. They are mostly for a temporary period, covering development that is both begun and completed between 30th May 2013 and 30th May 2016. What follows is a summary of the changes.

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*Residential PDRs*

- 1.4 For dwellings (not flats) that are not in a Conservation Area, single storey rear extensions can now be twice as long as previously – up to 8m long on a detached house and 6m on all others. However, to extend between the current 4m/3m limit a prior approval application will be required. This means that an application is still required, however fewer matters can be considered in its determination and if it is not determined within 42 days then the proposal becomes PD by default. Only the impact of the proposed development on the amenity of any adjoining premises can be considered and no other matters.
- 1.5 It may be possible that these prior approval applications can be refused and appealed, however the appeal process has not been formalised at this stage.

*Schools development*

- 1.6 Fencing at schools can now be provided under PDRs to a greater height than was previously allowed – adjacent to a highway a 2m fence can now be erected where previously only a 1m high fence could be erected. This is providing that it does not obscure visibility for highway safety. There is also a provision that the use of an existing building can be changed for a single academic year (or part thereof) to a school, providing the use reverts at the end of the year. (This can only be used once on any individual site.)

*Changes of use*

- 1.7 Previously, only 235m<sup>2</sup> or less of floorspace could change from one B class use to another, but this limit in size has been increased to 500m<sup>2</sup>.
- 1.8 It is now PD to change from an office to a dwelling, subject to a prior approval process with a 56 day cut-off.
- 1.9 It is now PD to change from a variety of uses to a state funded school, subject to a prior approval process with a 56 day cut-off. These uses are B1a (office only), C1 (hotel), C2 (residential institution), C2A (secure residential institution) and D2 (assembly & leisure).
- 1.10 These changes of use are not PD where the building to be changed is a listed building or a scheduled ancient monument.

*Agricultural buildings*

- 1.11 The use of 500m<sup>2</sup> of floor area of an agricultural building can now be changed under PD to one of the following uses: A1 (retail), A2 (financial and professional services), A3 (restaurant/café), B1 (business), B8 (storage), C1 (hotel) or D2 (assembly and leisure). This is also subject to a prior approval process with a 56 day cut-off. Again,

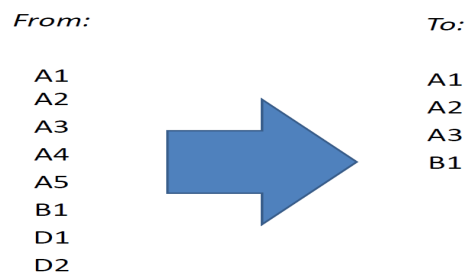
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these changes of use are not PD where the building to be changed is a listed building or a scheduled ancient monument.

*Flexible uses*

- 1.12 The concept of a flexible use has been introduced. This allows for a change from any of the uses on the left to any of the uses on the right in the chart below. This has to be for a single period of time no more than 2 years in length, after which the use must revert to the previous use. It must be for no more than 150m<sup>2</sup> of floor area and again does not apply to listed buildings or scheduled ancient monuments.

*Industrial/warehouse development*

- 1.13 Extensions can now be up to 200m<sup>2</sup> in floor area (rather than previously only 100m<sup>2</sup>) but they must meet all the other PD limits and be completed by the end of May 2016. This does not apply in Conservation Areas.

*Office buildings*

- 1.14 Extensions and alterations can now be up to 100m<sup>2</sup> or 50% (whichever is smaller) in floor area of the original building but they must meet all the other PD limits and be completed by the end of May 2016. This does not apply in SSSI areas.

*Shops, catering, financial or professional services*

- 1.15 Extensions and alterations can now be up to 100m<sup>2</sup> or 50% (whichever is smaller) in floor area of the original building but they must meet all the other PD limits and be completed by the end of May 2016. This does not apply in SSSI areas. They can also be nearer the boundary of the property unless the site adjoins a residential use or is in a Conservation Area.

*Broadband in Conservation Areas*

- 1.16 Previously the cabinet infrastructure in Conservation Areas required prior approval whereas in other areas it did not. In order to further the roll out of broadband nationally, this has been removed and such installations are now PD in Conservation Areas too. This has been

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extended for a 5 year period rather than the three year period for the other temporary changes.

### *Fees*

- 1.17 At the time of writing the report, no fees have been set for any of these new procedures, however it is possible that this will follow shortly.

### *The prior approval process*

- 1.18 The prior approval process is long established, and until these recent changes applied in cases of agricultural development, telecommunications development and demolition cases. It provides a mechanism where the principle of the proposed development is accepted, because it falls within certain prescribed limits, but the prior approval of the LPA might be required. In these cases, the legislation states what matters the LPA should consider in terms of whether prior approval is required or not. No other matters can be taken into account.

- 1.19 In the case of the residential prior approval, only the impact on adjoining neighbours' amenity can be taken into account. For the others, matters of transport/highway impacts, noise, contamination risks and flooding can be taken into account.

## 2. RECOMMENDATION

**The Committee is asked to NOTE the information contained in this report.**

## 3. IMPLICATIONS

No specific implications for any party have been identified other than as detailed in the summary above.

The Legal Services Manager and Democratic Services Manager have been consulted and have raised no objection to any aspect of this report and associated course of action.

Members are asked to refer any members of the public seeking advice on their PDRs to contact the planning team for further advice and assistance via [developmentcontrol@redditchbc.gov.uk](mailto:developmentcontrol@redditchbc.gov.uk).

## 4. REFERENCE INFORMATION

B class uses are:

**B1** Business: office, light industry, research & development

**B2** General industrial

**B8** Storage, warehousing & distribution

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CLG publication 'Larger home extensions: Neighbour consultation scheme'

[http://www.planningportal.gov.uk/uploads/neighbour\\_consultation\\_scheme\\_guidance\\_may13.pdf](http://www.planningportal.gov.uk/uploads/neighbour_consultation_scheme_guidance_may13.pdf)

'Development' is defined in the Act as:

*'the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land'*

LPA = Local Planning Authority (in this case, Redditch Borough Council)

'SSSI' is a Site of Special Scientific Interest (national designation)

Town and Country Planning (General Permitted Development) Order 1995 (as amended) SI 1995 418

<http://www.legislation.gov.uk/uksi/1995/418/contents/made>

Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 SI 2013 1101

<http://www.legislation.gov.uk/uksi/2013/1101/contents/made>

### **AUTHOR OF REPORT**

Name: Ailith Rutt, Development Management Manager

E mail: [ailith.rutt@bromsgroveandredditch.gov.uk](mailto:ailith.rutt@bromsgroveandredditch.gov.uk)

Tel: 01527 64252 Extension 3374 or 01527 534064

