

Planning Committee

Wed 15 Jan
2014
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

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

Your main rights are set out below:-

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

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

- 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

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

REDDITCH BOROUGH COUNCIL
PLANNING COMMITTEE



GUIDANCE ON PUBLIC
SPEAKING

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

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

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

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

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

Notes:

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

Further assistance:

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

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

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

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

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

Chair

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

Running Order

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

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

Decisions

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

Members of the Public

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

Special Arrangements

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

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

Further Information

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

Fire/ Emergency instructions

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

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

Do Not stop to collect personal belongings.

Do Not use lifts.

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

The emergency Assembly Area is on Walter Stranz Square.



PLANNING

Committee

15th January 2014

7.00 pm

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

1. Apologies	To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.
2. Declarations of Interest	To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. Confirmation of Minutes (Pages 1 - 2)	To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 18th December 2013. (Minutes attached)
4. Update Reports	To note Update Reports (if any) for the Planning Applications to be considered at the meeting (to be circulated to Committee Members and the public gallery prior to the start of the meeting)
5. Planning Application 2013/228/OUT - The Paddocks, Astwood Lane, Feckenham, Redditch, Worcestershire B96 6HG (Pages 3 - 16) Head of Planning and Regeneration	To consider an Outline Planning Application with some matters reserved, for 8 No. dwellings providing a mix of 4 x 2 bedroom and 2 x 4 bedroom, one of which to be a replacement dwelling. Applicant: Mrs Pat Dormer (Report attached – Site Plan under separate cover) (Astwood Bank & Feckenham Ward)

PLANNING

Committee

Wednesday, 15 January 2014

<p>6. Planning Application 2013/297/FUL - 1 Broad Ground Road, Lakeside, Redditch, Worcestershire B98 8YP</p> <p>(Pages 17 - 20)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a change of use to Haulage Depot and Storage and erection of fencing.</p> <p>Applicant: Fly By Nite Conferences Ltd</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Lodge Park Ward)</p>
<p>7. Enforcement Activity - 12 Month Update</p> <p>(Pages 21 - 24)</p> <p>Head of Planning and Regeneration</p>	<p>To receive a report detailing information in relation to statistics showing enforcement activity for the previous twelve months.</p> <p>(Report and Appendix attached)</p> <p>(No Specific Ward Relevance)</p>
<p>8. Enforcement Report - Condition of Property - Residential property in Headless Cross, Redditch</p> <p>(Pages 25 - 30)</p> <p>Head of Planning and Regeneration</p>	<p>To consider appropriate action in relation to an Enforcement matter in regard to the condition of a residential property.</p> <p>(Report attached)</p> <p>(The Appendix to the report and relevant Site Plan (issued under separate cover) are confidential in view of the fact that they contain confidential information relating to individuals' identities and alleged breaches of planning control which could result in legal action being taken by the Council, and has therefore only been made available to Members and relevant Officers.)</p> <p>(West Ward)</p>

9. 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”.

10. Confidential Matters (if any)

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



Planning Committee

18th December 2013

MINUTES

Present:

Councillor Andrew Fry (Chair), and Councillors Roger Bennett, Michael Chalk, Bill Hartnett (substituting for Councillor Wanda King), Roger Hill, Brenda Quinney, Yvonne Smith and Pat Witherspoon (substituting for Councillor Alan Mason)

Officers:

A Hussain, J Male and A Rutt

Committee Services Officer:

J Smyth

65. APOLOGIES

Apologies for absence were received on behalf of Councillors Joe Baker, Wanda King and Alan Mason.

66. DECLARATIONS OF INTEREST

There were no declarations of interest.

67. CONFIRMATION OF MINUTES**RESOLVED that**

the minutes of the meeting of the Planning Committee held on 20th November 2013 be confirmed as a correct record and signed by the Chair.

.....
Chair

68. **PLANNING APPLICATION 2013/277/FUL –
18-19 WOODFIELD CLOSE, ABBEYDALE,
REDDITCH, WORCESTERSHIRE B98 8JE**

Proposed rear single storey extension to existing shops

Applicant: Mr Mandeep Singh

RESOLVED that

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

The Meeting commenced at 7.00 pm
and closed at 7.10 pm

.....
CHAIR

PLANNING COMMITTEE

15th January 2014

Planning Application 2013/228/OUT

Outline application with some matters reserved - 8 no. dwellings providing mix of 4 x 2 bed, 2 x 3 bed and 2 x 4 bed, one of which will be a replacement dwelling

The Paddocks, Astwood Lane, Feckenham, Redditch, Worcestershire, B96 6HG

**Applicant: Mrs Pat Dormer
Expiry Date: 2nd September 2013
Ward: ASTWOOD BANK AND FECKENHAM**

(see additional papers for Site Plan)

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: steve.edden@bromsgroveandredditch.gov.uk for more information.

Site Description

The site is located on the northern edge of Feckenham and comprises approximately 0.36 hectares. To the east, the site is surrounded by small fields whilst to the north there is a mix of pasture and arable land adjacent to the Bow Brook. North-east of the Paddocks along Astwood Lane is the retail outlet of outdoor equipment store Winfield (formerly Barretts) and then several cottages. An existing vehicular access to the site is located just before the bend into the village (travelling westwards).

Within the site, the land rises steeply from Astwood Lane, in a north to south direction. The land is partly grassed, but also contains a small pond at a raised plateau within the site. The site is presently occupied by a (B1 Class) business use, stables and a ménage. In addition, a brick building (adjacent to no.68 High Street) which is occupied as a separate residential unit (and which is to be demolished and replaced as part of the application) is contained within the site.

A tall line of evergreen hedging (Leylandii trees) forms the perimeter boundary to the south.

The site lies adjacent to but outside the village settlement boundary/envelope. The site is also adjacent to but outside the Feckenham Conservation Area.

The site is within an area designated as Green Belt in the Borough of Redditch Local Plan No.3.

Proposal Description

Outline planning permission is sought for the erection of 8 new dwellings, one of which would be a replacement dwelling.

The only matter which is for consideration here is that of vehicular access to the proposed development. The matters of layout, appearance, landscaping and scale would

**PLANNING
COMMITTEE**

15th January 2014

be considered as part of any future reserved matters application, if this application were to be approved.

Although the matter of layout is not for consideration here, an indicative site layout plan has been submitted showing how 8 new dwellings might be arranged on the plot as part of any future application.

At this outline stage, the applicant is asking the Council to consider not just the principle of development but specifically is seeking consent to erect 8 dwellings at the site.

The application has been accompanied by a draft planning obligation; an ecological study (Phase 1 Habitat Assessment) and a Landscape Assessment

Relevant Policies :**National Planning Policy**

National Planning Policy Framework

Borough of Redditch Local Plan No.3

B(RA).1	Control of development in the Green Belt
B(RA).9	Development at Feckenham
B(BE).13	Qualities of Good Design
B(HSG).6	Development within/adjacent to the curtilage of a dwelling
CS.6	Implementation of Development
CS.7	The sustainable location of development
C(T).12	Parking Standards (Appendix H)

Supplementary Planning Documents

Encouraging Good Design
Open Space Provision
Education

Relevant Planning History

2005/244/COU	Change Of Use From Commercial Equestrian To Light Storage	Approved	07.12.2005
2010/245/FUL	Demolition and removal of a light industrial unit, stables and ménage and the erection of 6 no. semi detached dwellings and 1 no. detached dwelling	Refused	16.12.2010
1978/179/FUL	Stable block	Approved	07.07.1978

**PLANNING
COMMITTEE**15th January 2014

Consultations**Feckenham Parish Council**

Comments summarised as follows:

An extraordinary meeting of the Council attended by forty seven parishioners was held on 17th October. After much discussion and deliberation, the Council resolved to support this application.

Factors influencing the decision included the brownfield nature of the site, its visual impact on the approach to the village, the small number of houses in total and the inclusion in the plan of a significant proportion of small houses. While it is clear the poor visibility when exiting the site is mitigated by the outline plan, there are a number of outstanding concerns.

The Council welcomes the provision of pavement to the west of the site entrance. A similar pavement provision to the east, which the applicant stated is a possibility, would also be welcomed. This additional pavement will make pedestrian journeys to the village school safer.

The Council understands the current plan for car parking provision on the site complies with policy. However, the Parish Council would wish to see additional car parking provided on the site which is some distance from the village car park.

While the proposed site is outside the development zone, it is permissible to build residential housing on a brownfield site if the impact on the openness of the greenbelt is no greater than that which exists. The proposed development has approximately the same footprint as the existing buildings; however, the increased height of the dwellings will impact on the sightline from the road. Therefore, the Council requests attention to the roofline detail is a matter of priority if a detailed application is to follow.

Many parishioners are anxious this development may increase the risk of flooding in the village. Feckenham Parish Council urges Redditch Borough Council and the developer to take every reasonable precaution to mitigate this risk should a detailed plan be submitted.

Severn Trent Water

No objection, subject to imposition of standard drainage conditions

Highway Network Control

Highways comment that the proposed development is acceptable in highways terms and therefore raise no objection subject to the inclusion of conditions covering access turning and parking, on site roads specification together with standard highway informatives

**PLANNING
COMMITTEE**15th January 2014

The County request that a contribution under the 'Infrastructure Delivery Plan' be sought as part of the application.

Area Environmental Health Officer (WRS)

If the development were to be approved, any contractor should refer to WRS Construction and demolition guidance. Otherwise, no objection.

County Education Team

State that in this case, a contribution would be payable to the County Council for education provision in accord with the adopted SPD.

Police Crime Risk Manager

No objection

North Worcestershire Water Management

Comments summarised as follows:

According to Environment Agency maps the site is not located within an area of fluvial flood risk however the Bow Brook flows directly to the north of the site and the surrounding area to this is within flood zones 2 and 3. There are also some minor spots of historic surface water flooding within the nearby local area but again not to the site itself. Astwood Lane has a history of drainage issues at various points but again, the site itself does not appear to have experienced any issues in the past. Based on this information it will be important to ensure that an adequate way of dealing with any additional surface water runoff created from the proposed development is implemented in order to ensure that it will not create or exacerbate any flood risk on site or within the surrounding local area.

Severn Trent Water sewer records show there to be public foul and surface water sewers within the nearby vicinity.

The applicant proposes to dispose of additional foul water created by the proposed development via the existing mains sewer. Please bear in mind that it will be necessary for the applicant to gain permission to connect from the relevant Water & Sewerage Authority, in this case Severn Trent Water Ltd. in order to do this.

Regarding the discharging of additional surface water created by the proposed development, the applicant proposes to utilise an existing pond on the site. Based on local knowledge of the area I am aware that there are a number of land drainage issues along Astwood Lane including issues with roadside ditches. The applicant would therefore need to demonstrate that the existing pond was able to hold the additional surface water and that the culverted watercourse which the pond then drains to (according to the site plan provided) was able to cope with the additional flow. If this proved not to be the case then the applicant would need to put remediations in place to ensure that it could. The applicant also proposes to use an attenuation tank for domestic rainwater in order to keep the discharge at Greenfield site rate, which I am pleased to

**PLANNING
COMMITTEE**15th January 2014

see. I would also like to recommend that the applicant consider using additional SuDS techniques (such as porous surface materials, water butts, etc) wherever viable on site in order to attenuate as much surface water on site as is possible. Again, regarding connection to the existing public drainage system within the vicinity. It will be necessary to obtain written permission to connect from Severn Trent Water Ltd.

Based on my comments I would like to attach the following information and conditions:

No development shall take place until written evidence has been submitted to the LPA that the Water & Sewerage Company, in this case Severn Trent Water Ltd, has been consulted and is satisfied with the proposed scheme of foul and surface water drainage. Proof will also need to be provided to show that the proposed scheme for surface water drainage is adequate. Details of any remediations put in place to ensure its adequacy will also need to be provided if any have been necessary.

RBC Development Plans

Comments summarised as follows:

The site is on land which is designated as Green Belt as depicted on the adopted Borough of Redditch Local Plan No.3 Proposals Map. The site lies on the outskirts of the village, beyond the Village Settlement Boundary and the Conservation Area Boundary.

When applying the National Planning Policy Frameworks principle of the presumption in favour of sustainable development this proposal cannot be supported as it is not considered to be in a sustainable location.

Contrary to the applicant's Supporting Planning Statement, 4.5 (3), Redditch Borough Council can demonstrate a five year supply of land for housing. At 1 April 2013, Redditch Borough Council had a 5.99 years supply of land for housing. Therefore, the Plan is not considered to be out-of-date with respect to this matter and this should not be used as an argument in favour of allowing the proposal.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has not been able to demonstrate that very special circumstances exist to support this proposal. A review of Green Belt land around Redditch (January 2013) has not resulted in Green Belt re-designation for development in this vicinity. Furthermore, the identified affordable housing need for Feckenham has currently been met via the Yeates Acre development. The Needs Assessment for Feckenham is not scheduled for update until 2015. The impact on the openness of the Green Belt remains an issue.

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

**PLANNING
COMMITTEE**15th January 2014

limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Whilst the applicant demonstrates that the overall volume of new development is three cubic metres less than the existing development on site, the positioning of the new dwellings will have a greater impact on the openness of the Green Belt.

Nothing has changed through the publication of the NPPF since the last application (2010/245/FUL) was refused with respect to Green Belt principles and functions, which could be considered to lessen the harm on the Green Belt in this location. It is considered that this application proposes more dwellings than the previously refused scheme, and appears to present a more intensive layout. It is considered that the openness of the Green Belt is at a greater risk of harm through this proposal.

Policy B(RA).9 Development at Feckenham states Development within the settlement of Feckenham will be restricted to:

- i. the limited extension, alteration, conversion or replacement of appropriate buildings within the settlement boundary;
- ii. infilling within the settlement boundary, as defined on the Proposals Map, to meet local needs for employment and/or community facilities and services and local facilities of an appropriate scale; and
- iii. affordable housing on Exception sites in accordance with Policy B(RA).10 (Exceptions Housing at Astwood Bank and Feckenham).

This proposal fails to meet any of the policy's criteria.

The draft Local Plan No.4 is currently out for Proposed Submission Representation (Regulation 19). Consultation began on 30 September and will end on 11 November, with a view to submission of the Plan in December 2013. There are policies contained within the proposed Submission Local Plan with limited weight because the Plan has not been submitted, but they are relevant policy considerations for this planning application.

Policy 2 Settlement Hierarchy states Feckenham is a small, rural settlement predominantly set within the Green Belt, which offers limited local facilities but has important conservation and historic merit. In order to conserve and enhance these characteristics, development within or adjacent to the settlement boundary, as defined on the Policies Map, will provide for locally identified affordable housing and other development needs only, in accordance with the most up-to-date guidance in the National Planning Policy Framework and Parish Housing Needs Survey.

PLANNING COMMITTEE

15th January 2014

The Reasoned Justification states 'Locally identified development needs' refers to the anticipated requirements, for example, housing, generated by local growth or other trends, with the exception of inward migration.

Redditch as the main settlement is where the development needs are proposed to be met, and that no general housing is envisaged for Feckenham. This policy reiterates that of Local Plan No.3 Policy B(RA).9, detailed above and should therefore be given appropriate, although limited weight.

In conclusion, this application is proposing private residential development in an unsustainable Green Belt location. The considered harm this development will have on the openness of the Green Belt is not out-weighed by the demonstration of very exceptional circumstances.

There is no outstanding or unmet affordable housing need which is required in Feckenham (excluding inward migration), and the Borough Council is able to demonstrate a five year supply of housing land. Therefore, from a planning policy perspective, this application cannot be supported.

Council's Conservation Advisor

Comments summarised as follows:

In principle, a high quality residential development in this location is unlikely to adversely affect the character of the area. As it stands, it is difficult to judge the quality of this development from the limited drawn information provided. I appreciate that detailed matters are not for consideration at this stage.

Public Consultation Response

Neighbours

In favour

20 letters received. Comments summarised as:

Housing is much needed in the village. New housing would support local businesses, amenities and schools. The development would improve the visual amenities of the area and would enhance the vitality of the village.

In objection

7 letters received. Comments summarised as:

Approval would set a dangerous precedent. If 'infilling' was allowed here, there are several larger fields between this proposal and Yeates Acre further to the east would this be developed on next?

Adverse impact on wildlife in the area. Habitat survey not thorough enough to establish whether protected species are present on site

Visibility on to High Street is dangerous. New dwellings on the site and increased intensification of use on the site would prejudice highway safety

Drainage concerns

Insufficient parking for the proposed level of development

**PLANNING
COMMITTEE**15th January 2014

Contrary to the applicant's claims, the proposal would actually reduce jobs in the village by the loss of the light industrial unit and the stables. Further, the village does not have suitable job vacancies for people who would be able to afford to buy the new open market houses

As stated in the previous refusal of permission notice, Feckenham is an unsustainable rural settlement. New private housing should not therefore be permitted.

The improvement in appearance of the plot as is being claimed is a matter of opinion.

The poor state of the plot at present may only be temporary.

The large Leylandii hedge planted to the southern boundary (outside the applicants control) would cast almost permanent winter shade over many of the houses. If permission were to be granted the adjoining landowner could be faced with the considerable cost of removing the trees due to the impact on amenity

If the trees were to be removed, the presence of new houses so close to an adjoining boundary would result in loss of privacy to existing dwellings

The 'replacement' dwelling is located outside the red line (application site) area.

Therefore how can we be sure that this will in fact be demolished and the land re-instated?

The figures given in the design and access statement are misleading, being calculated on volume rather than footprint. This gives an artificial representation of the degree upon the openness of the green belt.

Why hasn't a detailed application been submitted? Such an application is necessary given the proximity of the site to the sensitivity of the adjoining Conservation Area

Assessment of Proposal

The main issues for consideration are considered to be as follows:

Impact of development upon the openness of the Green Belt

The site lies within the Green Belt and therefore Policy B(RA).1 (LP No.3) applies. Within the Green Belt, development is limited to that which is not inappropriate and which would preserve its openness. Inappropriate development is, by definition, harmful to the Green Belt.

The National Planning Policy Framework (NPPF) which replaces the former PPG2, comments that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF goes on to say that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions include:

**PLANNING
COMMITTEE**15th January 2014

Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The applicants have based their case for approval around Paragraph 89 above, considering that the proposed development would be acceptable since they consider it would have no greater impact on the openness of the Green Belt than that of the existing development on the site which would be removed. The existing structures on the site are listed as follows:

i)	Large workshop/commercial unit	1585 cubic metres
ii)	Stables	334 cubic metres
iii)	Ménage and fencing	
iv)	'L' shaped dwelling	320 cubic metres
v)	Garage/workshop to 'L' shaped dwelling	105 cubic metres

The total VOLUME of buildings to be removed would be 2344 cubic metres.

The application as originally submitted requested the Council to consider the matter of layout. At that stage, the total proposed cubic volume of development for the proposed 8 dwelling scheme had been calculated by the applicant to be 2341 cubic metres.

Layout is no longer for consideration, although the principle of erecting 8 dwellings on the site is. In the absence of a fully detailed application including accurate measurements of the build, it is therefore difficult to say whether the 2341 cubic metre figure put forward by the applicant can be trusted as a reliable and representative figure, although based on a dwelling being two storey (with no raised ridge to create room in roof space), officers would estimate that the figures given represent a roughly approximate indication of possible volume.

As referred to by one of the representations received in objection to the application however your officers do agree that figures given by the applicant are somewhat misleading which in turn gives an artificial representation of the degree of impact upon the openness of the green belt. The RBC Development Plans (Planning Policy) Officer also agrees with this statement.

As set out above, by far the largest building present on the site is a commercial unit measuring 1585 cubic metres. This was originally used for equestrian purposes before gaining permission for it to be used for storage in 2005. The building, whilst being large in size is located relatively sensitively to the south-east corner of the site. Officers consider that it has the appearance of a farm building accentuated by its location behind a stable block. The remainder of the site is largely open, adding to the general feeling of spaciousness.

**PLANNING
COMMITTEE**15th January 2014

The height of the proposed development, (based on the indicative plans submitted) would be greater than that of existing built form. The commercial unit (measuring 1585 cubic metres) measures 5.5 metres to its highest point. Originally submitted indicative plans which included elevations of the development showed that the housing would measure 7.75 metres to its highest point. The elevations which were submitted originally have been superseded by an indicative three dimensional perspective drawing which indicates that the height of the development would be lower than the approximate 7.75 metre figure given above. However your officers have found several inconsistencies with the drawings, where for example, the proposed 4 bed unit, Plot 3, bears little resemblance to a four bedroomed dwelling when viewed on the indicative perspective drawing.

Such matters, together with the layout proposed albeit indicative would mean that the harm caused to the openness of the green belt would be greater than that which exists at present.

As part of the proposed scheme, an existing dwelling is proposed to be demolished, to be replaced by a new dwelling at a distance some 10 metres away from the (demolished) dwelling. The volume calculations put forward by the applicant which are so integral to the applicant's case for approval include this buildings 320 cubic metre volume. This raises two concerns.

Firstly, this dwelling is shown to lie outside the application site (red line) boundary, although it is stated to be a situated on land under the control of the applicant. It would be possible to sever this land from the application site and unenforceable to require this buildings demolition since it falls outside the 'red line' plan.

Secondly, even if it were to be demolished as part of the scheme, notwithstanding the current planning policy stance regarding new residential development within the Green Belt and within Feckenham (Policy B(RA).1 and B(RA).9,) the Council would be in a weaker position in attempting to defend a refusal for new residential development on this plot in the future if permission were to be granted here.

It is noted that garaging which would normally be expected to be provided as part of such a scheme (particularly one proposing four bedroomed housing) has not been shown on any of the indicative plans and as such, these volumes have not been calculated. It is your officers view that future pressure for the council to allow such ancillary structures would further erode and harm the openness of the green belt.

No 'very special' or exceptional circumstances are considered to exist in this case to justify approval of this application on Green Belt land and therefore residential development on the site of the kind proposed under this application is considered to be unacceptable.

Sustainability

Policy B(RA).9 applies to the proposal. Development within the settlement of Feckenham is limited, under the terms of this policy, to limited extension, conversion or replacement

PLANNING COMMITTEE

15th January 2014

of appropriate buildings within the settlement boundary, infilling within the settlement boundary to meet local needs for employment and or community facilities and services and local facilities of an appropriate scale; and affordable housing on exception sites. The proposed development (being a proposal for open market housing) fails to meet any of the criteria which are required to be met under Policy B(RA).9.

Feckenham is considered to be an unsustainable rural settlement due to the lack of local facilities such as shops, few local employment opportunities and limited public transport links (as conceded by the applicant). It is considered that the consequence of further housing development here would be increased car journeys to and from the village. This commuting would be contrary to the objectives of sustainability and as such, the scheme does not merit support on grounds of sustainability.

Design and Layout

The site is not within the Conservation Area. However, the site lies adjacent to the CA (to the south). Feckenham is a historic village settlement and therefore, the impact upon the character and appearance of the area has to be carefully examined. The Councils Conservation advisor comments that some form of residential development (from a historic environment perspective) may be acceptable in principle.

Officers consider that the scale of development proposed based on indicative plans would be conspicuous in appearance and harm the visual amenities of the area.

Due to the topography of the site, previous schemes for residential development on the site, including the indicative plan submitted here have located the new development to the south and eastern part of the site. To the southern boundary of the site there exists a tall 10 metre high leylandii hedge which is outside the control of the applicant. The orientation of the evergreen hedge means that the southernmost part of the site is cast in shade for much of the day. This is of particular concern to your officers since design guidance seeks that new residential development provides adequate standards of amenity for future occupiers. This includes ensuring that gardens and habitable rooms receive adequate levels of natural daylight. A scheme of this intensity would not provide such standards and the development is therefore considered to be unacceptable.

Impact of the proposals on highway safety

Representations have been received questioning the acceptability of the access to serve such a development. County Highways have however, concluded that the access is acceptable, and that there are no highway implications which might result in the proposed development giving rise to harm to highway safety subject to the inclusion of planning conditions.

Parking provision on site would accord with parking standards, having regards to requirements for two, three and four bedroomed dwellings.

PLANNING COMMITTEE

15th January 2014

Planning Obligations

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation (five dwellings or more: the proposal is for a new gain of seven dwellings). The following would be required under the adopted policy framework:

1. A contribution towards County education facilities. The County have confirmed that there is a need in this area to take contributions towards three schools Feckenham C of E First School; Ridgeway Middle, and Kingsley College.
2. A contribution towards playing pitches, play areas and open space in the area due to the increased demand/requirement from future residents is required in compliance with the SPD
3. A contribution towards the County Council Infrastructure Delivery Plan

A draft unilateral undertaking has been prepared by the applicant, stating that monies in respect to the above will be paid. If however the undertaking has not been satisfactorily concluded by the time of the 15th January 2014 Planning Committee or the Council's Legal Officer has concluded that the undertaking is not fit for purpose, a separate and additional reason for refusal would need to be formed. If necessary, an update will be provided prior to the Planning Committee meeting.

Conclusion

The sites green belt designation, and unsustainable location together with the fact that the proposed development would appear as a conspicuous form of development, harming the visual amenities of the area mean that approval of the development would be contrary to National Guidance contained within the National Planning Policy Framework, and Local Plan Policies CS.7; B(RA).1; B(RA).9; and B(BE).13.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the following reasons:

Reasons for Refusal

1. The site is identified in the Development Plan for the area as falling within the Green Belt where there is a presumption against inappropriate development. In such an area, development is limited to that which is not inappropriate to a Green Belt and which would preserve its openness. The proposal would amount to inappropriate development which is harmful to the Green Belt. It would result in an obtrusive form of development which would reduce the openness of the Green Belt and as such, the proposal is considered to be contrary to Policy B(RA).1 of the Borough of Redditch Local Plan No.3 and national guidance set out in the National Planning Policy Framework (NPPF).

**PLANNING
COMMITTEE**15th January 2014

2. Feckenham is considered to be an unsustainable rural settlement due to its lack of local facilities, few local employment opportunities and limited public transport. As such, Feckenham is suitable only for development that supports and or improves existing living and working conditions in the settlement and that serves to meet local need. Due to its unsustainable location, applications for new, open-market housing are not supported within Feckenham. As a consequence of further housing development at this site, increased car journeys to and from the village would arise. Such commuting would be contrary to the objectives of sustainability and as such, the proposed development is considered to be contrary to Policies CS.7 and B(RA).9 of the Borough of Redditch Local Plan No.3 and national guidance set out in the National Planning Policy Framework (NPPF).

Procedural matters

This application is being reported to the Planning Committee at the request of Councillor B. Clayton.

PLANNING COMMITTEE

15th January 2014

Planning Application 2013/297/FUL

Change of Use to Haulage Depot and Storage and erection of fencing

1 Broad Ground Road, Redditch, Worcestershire, B98 8YP

District: Lakeside

Applicant: Fly By Nite Conferences Ltd

Expiry Date: 26th February 2014

Ward: LODGE PARK

(see additional papers for Site Plan)

The author of this report is Ailith Rutt, Planning Officer (DM), who can be contacted on Tel: 01527 534064 Email: ailith.rutt@bromsgroveandredditch.gov.uk for more information.

Site Description

The site is bounded by Shawbank Road to the north, Holloway Drive to the east and Broad Ground Road to the south. Beyond Holloway Drive to the east is the Arrow Valley Country Park, and the verges in this area are all grassed with mature tree and shrub planting along the perimeters of the industrial units that characterise the area.

The site is accessed by vehicles from Broad Ground Road and has a large metal clad industrial building in the middle.

Proposal description

The application proposes the change of use of the site from solely B8 storage, distribution and warehousing to that which is a mix of B8 and sui generis, as a Haulage and Storage depot.

It also proposes a 2.4m green bastion security fence to the perimeter on the eastern and northern boundaries, and the western boundary to the north of the buildings.

Relevant Policies :

Borough of Redditch Local Plan No.3:
EEMP03 Primarily Employment Areas

Others:

NPPF National Planning Policy Framework
SPD Designing for Community Safety

Relevant Planning History

2005/512/FUL	Additional Storage Space Extension To Existing Building	Approved	15.12.2005
--------------	---	----------	------------

**PLANNING
COMMITTEE**15th January 2014

1998/327/FUL	Provision Of 2 Storage Containers In Fenced Area Of Property	Approved	28.08.1998
1998/063/FUL	Extension Of Existing Building	Approved	17.03.1998

Consultations**Highway Network Control**

No objection

Area Environmental Health Officer

No Comments Received To Date

North Worcestershire Water Management

No objection subject to condition to ensure that STW drainage consent has been sought

Public Consultation Response

None received

Assessment of Proposal

The site is designated in Local Plan 3 as an area where employment uses, including B1, B2 and B8 class uses, should be located. The proposal is for a use that falls mainly within use class B8 (storage, warehousing and distribution) but also within a sui generis use class relating to this as a haulage depot. This would appear to be an appropriate location for such a use, therefore, and thus the principle of the proposal is considered to be acceptable.

The site has been occupied by only short term occupiers since 2009, so to bring it back into use on a more permanent basis is also considered to be beneficial to the economy of the area. The proposal aims to result in the creation of 30-35 full time permanent posts and 10-15 part time warehouse staff which would be of further benefit to the growth of the local economy.

The proposal would not result in any changes to the access arrangements on the site or to the external appearance of the building. However, perimeter security fencing is proposed to protect the vehicles that may be left parked on the site externally. This is proposed to be 2.4m in height and of green finish, and meets with the requirements of the SPG in terms of its design and functionality and is therefore considered to be acceptable.

PLANNING COMMITTEE

15th January 2014

The plans also show arrangements on site for additional hard standing and vehicle parking, however these benefit from permitted development rights and thus do not need further consideration here, as they have been constructed to meet the requirements of the conditions of the relevant legislation. Therefore, any concerns relating to the drainage of the hard surfaced areas will be dealt with by other bodies using other legislation and it is not appropriate to attach a condition in this case.

It is not considered necessary to control the hours of operation of the premises given their location within an employment area at a significant distance from residential properties.

The proposal is therefore considered to be compliant with the relevant policy framework and of benefit to the local economy and as such is considered to be favourable. No other issues have been identified to outweigh this.

RECOMMENDATION:

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

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason :- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be implemented in accordance with the following plans:

FLYBYNITE BG 02-1250

FLYBYNITE BG 03-1250

Design, access and planning statement

Application form

Bastion Duo green fencing details (RAL 6005/9005)

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

Procedural matters

This application is reported to Planning Committee for determination because the application is for major development (site area is greater than 1ha), and as such the application falls outside the scheme of delegation to Officers.

PLANNING COMMITTEE

Date: 15th January 2014

ENFORCEMENT ACTIVITY – TWELVE MONTH UPDATE

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

Recommendation

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

Financial, Legal, Policy, Risk and Climate Change Implications

Financial

There are no direct financial implications in the reports.

Legal

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

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

Policy

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

Discussion

Planning Committee has asked that detailed information is provided with regard to notable cases of concern and enforcement activity in general.

PLANNING COMMITTEE

Date: 15th January 2014

The following cases are of particular note during this period:

a) Pikes Field, The Saltway, Astwood Bank, Redditch

This relates to the change of use of the land from agriculture to mixed use of agriculture and residential purposes and the stationing of a static caravan on the land.

An Enforcement Notice was issued on 22nd February 2013 with a compliance period expiring 8th July 2013 requiring the cessation of the agricultural use and removal of the static caravan. The land was subject to a further planning application which was subsequently refused on 15th May 2013. That decision has been appealed and a formal hearing is scheduled for 14th January 2014.

The Enforcement Notice is currently held in abeyance pending the outcome of the appeal.

b) Evesham Road, Headless Cross, Redditch

A tree surgeon was given a formal caution after admitting carrying out unauthorised works to a protected tree to its severe detriment.

The report contains the following appendix:

Appendix 1 Review of enforcement activity for the period January to December 2013

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

ENFORCEMENT ACTIVITY

<u>Period:</u>	<u>01/01/13</u>	To:	<u>31/12/2013</u>
Enforcement Complaints registered	→→		240
Live cases at year end	→→		46
Cases Closed	→→		228
Closed - ceased	→→		47
Closed - PP obtained	→→		8
Closed - no evidence	→→		34
Closed - permitted development	→→		40
Closed - No Planning issues	→→		58
Closed - Not expedient/other reasons	→→		36
Closed - Notice complied with	→→		5
Enforcement notices	→→		1
Stop notices	→→		0
Temporary stop notices	→→		0
S.215 untidy land notices	→→		5
Breach of condition notices	→→		0
Planning contravention and S.330 notices	→→		23
High Hedge remedial notices	→→		0
Tree replacement notices	→→		0
Number of Notices issued	→→		29
Prosecutions initiated	→→		0
Convictions/Formal cautions	→→		1
Injunctions granted	→→		0
Injunctions refused	→→		0
Enforcement appeals received	→→		0
Enforcement appeals dismissed	→→		0
Enforcement appeals allowed	→→		0

PLANNING COMMITTEE

15th January 2014

ENFORCEMENT REPORT - CONDITION OF PROPERTY

Responsible Portfolio Holder	Councillor Greg Chance
Responsible Head of Services	Ruth Bamford
The Appendix and Site Plan to this report contain exempt information as defined in Paragraphs 1, 2 and 6 of Part 1 of Schedule 12A to the Local Government Act 1972, as amended.	

Enforcement Case Details:

Allegation: Condition of property

Location: Headless Cross, Redditch,

Ward: West Ward

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

(See additional papers for confidential site plan)

Site description

The property is a detached two-storey house situated in a small cul-de-sac serving 4 properties situated off a Close in Headless Cross. It is a freehold property which has been in the same ownership since 1987.

Relevant site planning history

There is no planning history on the property.

Relevant site enforcement history

Enforcement issues in relation to this property date back to at least 2001. All cases relate to the same problem; the untidy condition of the land due to hoarding by the occupier.

December 2001 –

Following complaints, the occupier was threatened with enforcement action under Section 215. The owner eventually cleared the site in 2003 without the need for formal action.

February 2004 –

Following complaints, once again the occupier was threatened with enforcement action under Section 215. The owner eventually cleared the site in January 2005 again without the need for formal action.

PLANNING COMMITTEE

15th January 2014

February 2005 –

The situation on site deteriorated again and once again the occupier was threatened with enforcement action under Section 215. The owner eventually cleared the site once more in March 2006 without the need for formal action.

March 2008-

Once again, the condition of the land became a source of concern and the occupier was further threatened with enforcement action under Section 215. On this occasion a Section 215 Notice was issued requiring the clearing up of the site. Eventually the threat of direct action resulted in the occupier partially clearing the site themselves in March 2011 without the need for contractors to be used.

Investigation details

July 2012 –

The condition of the frontage of the property once again became a matter of concern. The front elevation of the property had once again become littered with rubble, earth, plant pots and other detritus. It was also noted that the window frames to the front elevation were badly in need of repair works.

August 2012 –

The Enforcement Officer wrote to the occupier requesting the land be cleared up without success.

May 2013 –

Section 215 Notice issued requiring the clearance of the land and the carrying out of remedial works to the window frames. The period in which to comply was set at 3 months.

June 2013 –

Letter of intent to appeal received from owner however no written confirmation received from the Magistrates Court and a check in August 2013 with Magistrates Clerks at Redditch Magistrates Court confirmed that no appeal had been received.

December 2013 –

The condition of the property remains unchanged.

Assessment

The condition of this property is such that it is adversely affecting the amenity of the area. The issue of hoarding on the property has been a problem on and off for more than 10 years now and once again needs addressing.

Due to the age, health and other circumstances of the owners of the property, prosecution proceedings are not seen as a viable option in this case.

PLANNING COMMITTEE

15th January 2014

Even in the event of the Magistrates upholding an allegation of non-compliance with the Section 215 notice, Magistrates can only impose a financial penalty. They have no powers to order compliance with the notice.

Officers consider that in this particular case, the most appropriate course of action would be to use its powers under Section 219 of the Planning Act to undertake clean up works and recover the costs from the owner.

There are no community safety or risk implications in this report.

Financial Implications

There is a financial implication for the Council as any action to clear the property will have to come out of existing budgets. It is considered that this would be alleviated by taking the necessary action to place a charge on the land and thereafter taking legal steps to recover the costs.

The risk therefore would relate to when those costs are recovered, as this might not be for quite some time. However, they are small in value.

Legal / Risk Implications

In terms of the exempt elements of the report (confidential Appendix attached to the report and the Confidential Site Plan provided under separate cover), and the “public interest” test for exempt consideration, Officers considered that it is rarely likely to be in the public’s best interest to reveal information which is the subject of possible legal action (S.100 1 of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order, 2006) refers.

Conclusion

The condition of this property is such that action is urgently required to alleviate that harm to amenity and to neighbouring properties. As the owner cannot or will not take responsibility, the enforcement officer considers that the only way forward in this matter is to take direct action and carry out the works in default.

Recommendation

The Committee is asked to RESOLVE that:

in relation to a breach of planning control, namely the overgrown condition of the front and rear of the property, authority be delegated to the Head of Legal, Democratic & Property Services, in consultation with the Head of Planning & Regeneration, to take the following action:

- a) **To appoint contractors to carry out the works specified in the Section 215 Notice to clear the site; and**

**PLANNING
COMMITTEE**

15th January 2014

- b) To instruct legal officers to take all necessary steps to secure the recovery of all costs incurred, by the placing of a charge on the property.

Attachments

Confidential Appendix – attached
Confidential Site Plan – under separate cover

By virtue of paragraph(s) 1, 2, 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

