

Planning Committee

Wed 12th Feb
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:

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Democratic Services Officer
Town Hall, Walter Stranz Square, Redditch, B98 8AH
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REDDITCH BOROUGH COUNCIL
PLANNING COMMITTEE



GUIDANCE ON PUBLIC
SPEAKING

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

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

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

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

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

Notes:

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

Further assistance:

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

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

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

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

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

Chair

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

Running Order

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

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

Decisions

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

Members of the Public

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

Special Arrangements

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

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

Further Information

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

Fire/ Emergency instructions

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

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

Do Not stop to collect personal belongings.

Do Not use lifts.

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

The emergency Assembly Area is on Walter Stranz Square.



PLANNING

Committee

12th February 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 - 4)	To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 15 th January 2014. (Minutes attached)
4. Change of Meeting Date	To formally note that the Planning Committee meeting due to take place on Wednesday 7 th May 2014 has been rescheduled to take place on Wednesday 14 th May 2014.
5. Update Reports	To note Update Reports (if any) for the Planning Applications to be considered at the meeting (circulated prior to the commencement of the meeting).
6. Planning Application 2013/291/COU - Unit 27 Kingfisher Walk, Town Centre, Redditch, Worcestershire B97 4EY (Pages 5 - 8) Head of Planning and Regeneration	To consider a Change of Use of ground, basement and sub-basement to Class A3 (Café / Restaurant) and A5 (Hot Food Take-away) use. Applicant: Mr Matthew Rhodes (Report attached – Site Plan under separate cover) (Abbey Ward)

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<p>7. Planning Application 2013/316/COU - Tookeys Farm House, Tookeys Drive, Astwood Bank, Redditch, Worcestershire B96 6BB</p> <p>(Pages 9 - 14)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Change of Use to private recreational use including golf practice facility comprising construction of one golf green, two golf tees, water pump housing (retrospective) and tractor shed.</p> <p>Applicant: Mr Mark Rolph</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Astwood Bank & Feckenham Ward)</p>
<p>8. Planning Application 2013/327/FUL - Oak House, Herbert Street, Town Centre, Redditch, Worcestershire B98 8BL</p> <p>(Pages 15 - 20)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for the conversion of Office building to 9 no. apartments.</p> <p>Applicants: Paul Marson / Martyn Harfield</p> <p>(Report attached, Site Plan under separate cover)</p> <p>(Abbey Ward)</p>
<p>9. Planning Application 2014/006/COU - Redundant toilet block adjacent to Unit 1 Matchborough Centre, Matchborough Way, Matchborough, Redditch, Worcestershire B98 0EP</p> <p>(Pages 21 - 26)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Change of Use of redundant former toilet block to form extension to Units 1 and 2 for use as a reception area and community hub to existing boxing club.</p> <p>Applicant: Mrs Sarah Lee, Redditch Community Amateur Boxing Club</p> <p>(Report attached – site Plan under separate cover)</p> <p>(Matchborough Ward)</p>
<p>10. Enforcement Report - Non-compliance with an Enforcement Notice - Land at The Saltway, Feckenham</p> <p>(Pages 27 - 32)</p> <p>Head of Planning and Regeneration</p>	<p>To consider an Enforcement Report relating to a breach of planning control in respect of a failure to comply with the requirements of an Enforcement Notice.</p> <p>(Report attached – Confidential Site Plan under separate cover)</p> <p>(The Appendix to the report and relevant Site Plan are confidential in view of the fact that they contain confidential information relating to individuals' identities which could result in legal action being taken by the Council and has therefore only be made available to Members and relevant Officers).</p> <p>(Astwood Bank & Feckenham Ward)</p>

11. 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”.

12. 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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15th January 2014

MINUTES

Present:

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

Officers:

S Edden, A Hussain and A Rutt

Committee Services Officer:

J Smyth

69. APOLOGIES

An apology for absence was received on behalf of Councillor Wanda King.

70. DECLARATIONS OF INTEREST

Councillor Roger Bennett declared an other disclosable interest in Agenda Item 8 (Enforcement Report – Condition of Residential Property in Headless Cross) in that he had assisted local residents in moving the matter forward for resolution.

71. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Planning Committee held on 18th December 2013 be confirmed as a correct record and signed by the Chair.

72. UPDATE REPORTS

Officers explained that this agenda item was to enable formal receipt of Update reports (if any) provided for Committee Members and the public gallery.

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Chair

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The Update reports for the two Planning Applications to be considered by the Committee were received and noted.

73. PLANNING APPLICATION 2013/228/OUT - THE PADDOCKS, ASTWOOD LANE, FECKENHAM, REDDITCH, WORCESTERSHIRE B96 6HG

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

Applicant: Mrs Pat Dormer

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

Parish Councillor R Williams (for Feckenham Parish Council) - supporter

Mr R Eost – (local resident) – supporter

Mr J Russell (local resident) - supporter

Mrs T Russell (local resident) - supporter

Mrs E Mitchell – Agent for the Applicant.

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be REFUSED for the reasons detailed in the main report and the following additional reason:

- “3. The close proximity and relationship of any such development to the line of the existing evergreen hedge forming the southern boundary to the site is unacceptable given that future occupiers of these properties would receive insufficient levels of natural sunlight for much of the day, significantly and detrimentally impacting upon residential amenity. The proposals are therefore contrary to Policy B(BE).13 of the Borough of Redditch Local Plan No. 3 and the Council’s adopted Supplementary Planning Guidance (SPG) on ‘Encouraging Good Design’. In addition, the development would not accord with one of the core planning principles of the National Planning Policy Framework, which seeks high quality design and good standards of amenity for all existing and future occupants of land and buildings.”**

(The Committee noted an Update Report provided for Members and the public gallery prior to the commencement of the meeting, which

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detailed additional consultation responses received in support of the application. Additional Officer comments were also noted in regard to various matters, including concerns in relation to the height of a boundary evergreen hedge that Officers considered would be detrimental to the residential amenity of future occupiers, and on which matter they considered it reasonable to recommend a third reason for refusal and as detailed in the resolution above.)

74. PLANNING APPLICATION 2013/297/FUL - 25 BROAD GROUND ROAD, LAKESIDE, REDDITCH, WORCESTERSHIRE B98 8YP

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

Applicant: Fly By Nite Conferences Ltd

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 Committee noted an Update Report, which provided details on a typographical error in regard to the address of the Application Site, which had been discovered subsequent to the Agenda being printed and published.)

75. ENFORCEMENT ACTIVITY - 12 MONTH UPDATE

The Committee received an information report relating to enforcement activity from 1st January 2013 to 31st December 2013.

Officers provided an oral update in regard to a specific current enforcement matter, namely Pikes Field, The Saltway, Astwood Bank, as detailed on page 22 of the report. Members were informed that, further to the appellant withdrawing their appeal against the Council's refusal of a Planning Application submitted to change the use of the land in question, Officers had recommenced Enforcement action that had been held in abeyance pending the outcome of the appeal.

RESOLVED that

the report be noted.

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**76. ENFORCEMENT REPORT - CONDITION OF PROPERTY -
RESIDENTIAL PROPERTY IN HEADLESS CROSS, REDDITCH**

The Committee considered a report relating to the condition of a private residential property in Headless Cross that is adversely affecting the amenity of the area. Officers provided clarification on timescales for progressing the matter.

RESOLVED 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, Equalities and Democratic Services, in consultation with the Head of Planning and Regeneration Services, to take the following action:

- a) **appoint Contractors to carry out the works specified in the Section 215 Notice to clear the site; and**
- b) **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.**

The Meeting commenced at 7.00 pm
and closed at 8.03 pm

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CHAIR

PLANNING COMMITTEE

12th February 2014

Planning Application 2013/291/COU

**Change of Use of ground, basement and sub-basement to Class A3
(Cafe/Restaurant) and A5 (Hot Food Take-away) use**

Unit 27, Kingfisher Walk, Redditch, Worcestershire, B97 4EY,

**District: Town Centre
Applicant: Mr Matthew Rhodes
Expiry Date: 27th December 2013
Ward: ABBEY**

(see additional papers for Site Plan)

The author of this report is Nina Chana, Planning Officer (DM), who can be contacted on Tel: 01527 548241 Email: nina.chana@bromsgroveandredditch.gov.uk for more information.

Site Description

This unit lies on Kingfisher Walk which is on the western side of the Kingfisher Centre. This is a vacant retail unit which provides approximately 140 square metres of retail and storage space divided between the mall level, the basement and the sub-basement. One of the adjacent units (No 26) is occupied but the other side (No. 28) is vacant.

Relevant Policies :

Borough of Redditch Local Plan No.3:
ETCR01 Vitality and Viability of the Town Centre
ETCR05 Protection of the Retail Core

Emerging Borough of Redditch Local Plan No. 4
Policy 30: Town Centre and Retail Hierarchy
Policy 31: Regeneration for Town Centre
Policy 32: Protection of the Retail Core

Others:
National Planning Policy Framework (NPPF)

Consultations

Senior Community Safety Project Officer Community Safety
No Comments Received To Date

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Development Plans

No Objections

Environmental Health- Food

No Comments Received To Date

Area Environmental Health Officer

No Comments Received To Date

Crime Risk Manager

No Comments Received To Date

Severn Trent Water Ltd

No Objections

Town Centre Co-ordinator

No Comments Received To Date

Public Consultation Response

None

Assessment of Proposal

This application is for a Change of Use from A1 to Use Class A3 (Cafe/Restaurant) and Class A5 (Hot Food Take Away). The unit is split into the mall level, basement and sub-basement area. The mall level of the unit falls within the Retail Core as designated by Borough of Redditch Local Plan No 3 and is currently empty and has been for a while. The basement and sub-basement areas are not within the designated retail core.

The Kingfisher Centre is committed to enhance the leisure and entertainment services and to boost the vitality and viability of the town centre as a whole and such a use would enhance both the day and evening economy. This would accord with and be supported by Policy E(TCR).1 - Vitality and Viability of the Town Centre.

Policy E(TCR).5 of the Borough of Redditch Local Plan No 3 requires the protection of the retail core. The unit which is proposed for the change of use is located between one unit which is already in non-retail use and one which is currently vacant, but was formally in retail use. This change of use would therefore result in two adjacent non-retail units, which is acceptable in terms of this policy.

Draft Local Plan No.4 contains a Vision which encourages the Town Centre to be vital and vibrant. This is supported by an objective to "improve the vitality and viability of Town and District Centres in the Borough by day and night by promoting a vibrant mix of uses including residential." There are particular policies contained within the Local Plan which seek to deliver the vision and objective.

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Policy 30 - Town Centre and Retail Hierarchy promotes the use in the town centre in line with the retail hierarchy. The retail hierarchy promotes the town centre to be the preferred location for leisure, entertainment and major retail developments and for uses that attract a large number of people hence, this type of use would be suitable for this location.

Policy 31 - Regeneration for the Town Centre includes improving and diversifying the town centre, hence this application would assist in adding to the vitality and vibrancy of the town centre.

Policy 32 - Protection of the Retail Core has the same requirements as Policy E(TCR).5 of the current local plan .

This change of use is also supported by the aspirations of the national Planning Policy Framework in terms of the vitality and viability of the town centre.

Given the location of the unit, it is not considered necessary to control the hours of operation.

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 proposal must be started within 3 years from the date of this notice.

Reason: To comply with National Legislation.

- 2) The proposal shall be carried out as shown on the plans, schedules and other documents listed below:

- Drawing Number W1324633 - LP1- Location Plan
- Drawing Number W1324633 - COU1 - Floor Plans and Shop Front Elevation

Reason: To make sure the development is carried out exactly as shown on the plans, to ensure that it relates to the area in which it is being built and protects how that area looks, in order to comply with Policy E(TCR).5 of the Borough of Redditch Local Plan Number 3.

Procedural matters

This application is reported to Planning Committee for determination because the application is for Change of Use from A1 to A3/A5, and as such the application falls outside the scheme of delegation to Officers.

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Planning Application 2013/316/COU

Change of use to private recreational use including golf practice facility comprising construction of one golf green, two golf tees, water pump housing (retrospective) and tractor shed

Tookeys Farm House, Tookeys Drive, Astwood Bank, Worcestershire, B96 6BB

**Applicant: Mr Mark Rolph
Expiry Date: 30th January 2014
Ward: ASTWOOD BANK AND FECKENHAM**

(see additional papers for Site Plan)

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

Site Description

The site is formed from a grassed field adjacent to the residential curtilage of Tookeys Farm House, which is a grade 2* listed building. It is an undulating field, with a valley in the middle running approximately east-west where water collects and drains towards an existing sizeable pond. The pond has recently had its sides firmed up and reinforced to improve safety.

The site lies west of residential areas in the village of Astwood Bank, with a field between it and the village settlement itself.

Proposal Description

The proposal is partially retrospective, in that works have begun but are now pending the outcome of this application as a result of the advice of the enforcement officer.

The works include:

- Engineering operations comprising the creation of two golf tees and one golf green at three of the top four corners of the field (already completed)
- Installation of a water pump and housing over a borehole, to provide water for the dwelling and its garden area (already completed)
- Installation of a tractor shed of timber construction on a concrete base - the base has already been constructed

The application originally included the erection of a summerhouse, but that has been withdrawn from the application and thus from the matters for consideration; it will be dealt with separately.

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

CS02 Care for the Environment

CS07 The Sustainable Location of Development

CS08 Landscape Character

BRA01 Detailed Extent of Control of Development in the Green Belt

BBE13 Qualities of Good Design

Others:

NPPF National Planning Policy Framework

Relevant Planning History

None

Consultations**Worcestershire Wildlife Trust**

Additional information requested which applicant has provided – final comments awaited

Worcestershire Archive And Archaeological Service

No Comments Received

Development Plans

The summerhouse and shed are not considered to be appropriate for the outdoor recreational use that has been created. These buildings therefore constitute inappropriate development in the Green Belt. The applicant has not put forward a case for very special circumstances to justify the harm that would be caused to the Green Belt.

The engineering operation involving the construction of the golf green and tees is considered to be an appropriate form of development since it preserves openness and does not conflict with any of the purposes of the Green Belt. The water pump building is considered to constitute an appropriate facility for the outdoor hobby of golf.

Conservation Officer

No objection except to the summerhouse as it would affect the landscape and setting of the listed building. Request that a physical boundary between the garden curtilage of the farm house and the field that forms the application site be re-instated, the details having been agreed with the Council.

In a farmstead situation such as this, an outbuilding such as the tractor shed would normally be located within the residential curtilage as part of the farm complex of buildings. However, in this case, the farm has been divided such that there is less need for it to be read with the other buildings and a higher risk of harm to the historic fabric. The proposed location is considered to be acceptable as it would not harm the setting of the listed building or the landscape character of the area.

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English Heritage

No Comments Received

Public Consultation Response

14 letters of objection received raising the following concerns:

- * Infringement of GreenBelt
- * Precedent for future development of this and adjacent sites
- * Negative impact on wildlife
- * Increase in traffic
- * Impact on Public Right Of Way network
- * Damage caused by stray golf balls
- * No need - enough golf clubs in the area already
- * Drainage changes will affect watercourse downstream

Assessment of Proposal

It should be noted that retrospective (or part retrospective as in this case) applications should be considered in policy terms as if work had not yet commenced on site, and if permission is not granted, then enforcement action would be considered.

The site lies within the Greenbelt outside the Astwood Bank village envelope and as such, acceptable uses are restricted in terms of sustainability and in order to protect its openness.

The proposed use has been described by the applicant as 'private amenity space' however in planning terms, this equates to garden land, and as such causes difficulty in this case as the extension of gardens within the Green Belt is normally resisted. Such a use would bring with it rights such as permitted development rights to add other structures into the field (which could be removed by condition if it were felt appropriate), and also would allow general residential use and associated paraphernalia to be introduced, even if not immediately intended, then gradually over time such things could creep into place. Therefore, an alternative description of the proposal as stated above has been agreed with the applicant.

The use of the site for private, low key recreation is considered to be acceptable in principle; however it should be restricted to private rather than commercial recreation due to the lack of associated facilities, business plan etc. The applicant has indicated that the intended use is solely for the residents of Tookeys Farm House and any guests that they might have, and therefore the use of the practice facility can be restricted both in terms of which and how many users it can accommodate.

In terms of openness, the engineering operations associated with the remodelling of the topography and levels of the field are considered to be minimal and given the undulating nature of the site, do not have any impact on the openness or character of the site. Some concerns have been raised about historic landscape features that may have been present

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on the site, however as the proposal is retrospective, it would not be possible to re-instate these. However, any changes to the biodiversity of the site as a result of the engineering operations may require mitigation. Further information is awaited in this regard, and conditions could be attached if necessary to ensure such works occur. Further information will be provided on the update report as appropriate.

The installation of a summerhouse, which is not considered necessary for the use of the site for private golf practice, would affect the openness of the site and therefore this element of the proposal has been removed from the application. The proposed tractor shed should normally be located within residential curtilage in order that it is within the land to which it relates however in this case the farm house is listed and such an outbuilding in its immediate grounds would not necessarily be considered to be sympathetic. Therefore, its location within the field adjacent to the dwelling is considered to be more appropriate as the shed would store maintenance equipment for both the residential curtilage and the golf practice facility and is not in an intrusive location.

Given its location at a distance from other residential properties, it is not considered that the proposal would cause undue harm or disturbance to surrounding residential or visual amenities.

The water pump housing is very minor in scale and in a corner of the field where it is not visually intrusive. It is a very small, low structure and thus considered to be acceptable.

Whilst the engineering operations may have altered the shape of the land, it still drains in the same direction and has a similar surface to before, and as such it is not anticipated that significant changes to the amount or rate of run-off would occur such that any downstream impacts needed to be examined in detail. The presence of the pond on the site and the resultant ability to control the release of water is also considered to mean that no further consideration is required in this case.

It is considered reasonable to control matters as stated above in order that the use not stray beyond the realms of the policy restrictions and so that the Council retains control over any future developments on this site.

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 hereby approved shall be implemented in accordance with the following plans:

Application form
ROLPH 11-1250
ROLPH 02-500

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ROLPH 03-500

ROLPH 04-500

ROLPH 06-100

Design and access statement (except the elements relating to the withdrawn summerhouse)

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

- 2) The use of the private golf practice facility hereby permitted shall be limited to occupiers and guests thereof of Tookeys Farm House, and the occupiers shall always be in residence when the facility is in use. The facility shall not be used by more than 6 adults and 4 children under 16 at any time.

Reason: In the interests of surrounding residential amenity and to prevent the over-intensification of the use of the site in accordance with Policies B(RA)1 and B(BE)13 of the Borough of Redditch Local Plan No.3.

- 3) Within three months of the date of this decision and prior to the first use of the golf practice facility, details of a physical barrier to be installed between the residential curtilage of the farm house and the application site shall be submitted to and agreed in writing by the Local Planning Authority. The programme for the implementation of the agreed works, both actually and in relation to the first use of the golf practice facility shall also be agreed and the works shall be implemented in accordance with the agreed programme.

Reason: In the interests of the setting of the listed building and to separate the residential curtilage from the golf practice facility in accordance with the NPPF.

Informatives

- 1) It should be noted that this permission does not give the site benefits from permitted development rights, nor does it include it within the residential curtilage of the listed farm house.

Procedural matters

This application is being reported to the Planning Committee because two (or more) objections have been received.

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Planning Application 2013/327/FUL

Conversion of office building to 9 No.apartments

Oak House, Herbert Street, Redditch, Worcestershire, B98 8BL

District: Abbey
Applicant: Paul Marson / Martyn Harfield
Expiry Date: 3rd December 2013
Ward: ABBEY

(see additional papers for Site Plan)

The author of this report is Nina Chana, Planning Officer (DM), who can be contacted on Tel: 01527 548241 Email: nina.chana@bromsgroveandredditch.gov.uk for more information.

Site Description

The site is located on the eastern side of Church Green East, to the rear of the historic buildings. It is accessed off and lies at the end of Herbert Street and the building looks out onto the NEW College campus and car park. The three storey building was built in the 1970's as offices and was occupied for this use up until two years ago.

Proposal Description

The application proposes part conversion and part alteration of the building into 9 No. one bedroom flats. The ground floor area which is proposed to house three flats is currently an undercroft car parking area. This will be enclosed to match the existing building. The remainder of the building will predominantly remain as the original with the exception of the enclosing of the ground floor which will incorporate new doors and windows and the existing windows will be replaced with double glazed windows. There is an existing link on the first floor which connects the Oak House to the rear of the Church Green East buildings. This link is going to be enclosed and be incorporated into a flat on the first floor. There is a communal bin area which is provided on the ground floor. In total nine flats would be created.

Relevant Policies :

Borough of Redditch Local Plan No.3:
ETCR01 Vitality and Viability of the Town Centre
BBE09 Streetscapes in Conservation Areas
CS07 The Sustainable Location of Development

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Emerging Borough of Redditch Local Plan No. 4

Policy 2: Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Effective and Efficient use of Land

Policy 30: Town Centre and Retail Hierarchy

Policy 31: Regeneration for Town Centre

Others:

NPPF National Planning Policy Framework

Relevant Planning History

None

Consultations**Conservation Adviser**

The building has no architectural merit and I consider the proposed changes will have no adverse effect on the conservation area - in fact I think greater residential occupation of town centres should be encouraged so I have no objection.

Development Plans

No Objections

Waste Management

No Comments Received To Date

Public Consultation Response

None

Assessment of Proposal

The National Planning Policy Framework encourages the following:

- sustainable development
- where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of buildings should be treated on their merits having regard to market signals
- recognise that residential development can play an important role in ensuring the vitality of town centres
- in areas where the need for additional housing has been identified, local authorities should normally approve applications for change to residential use from B Use Class buildings

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This is an existing building which lies within the Town Centre and also falls within the Town Centre Conservation Area, as indicated on the Borough of Redditch Local Plan No 3. This indicates that any proposals should be in keeping with the surrounding land uses.

The site is within a very short walking distance of the bus station, train station and the shopping centre, hence a sustainable location for a residential development.

This site currently has a B1 (Office) Use Class designation and has been marketed unsuccessfully for office use for the past two years. If this scheme had not been in the Conservation Area with three additional flats to be created in the existing undercroft at the ground floor level, the majority of the work could have been undertaken under the Permitted Development Rights Prior Approval procedure which was introduced in May 2013.

The Borough of Redditch has a housing requirement to meet up to 2030 and places some reliance on windfall sites such as this site. This proposal reuses a vacant office building and brownfield development is supported in policy terms.

The conversion of this building into flats would bring a vacant building back into use and improve the viability of the Town Centre which would be supported by Policy E(TCR).1 of Local Plan No 3.

Policies in the Emerging Borough of Redditch Local Plan No 4 would also give support to such developments.

The Highways Officer has raised no objections to the scheme with regard to car parking as the site falls within the Town Centre. Whilst there is no parking provision associated with this development, there is no requirement for dedicated spaces within the town centre.

With regard to the lack of amenity space, this is a town centre site and the lack of amenity space does not outweigh the justification that it is an existing vacant building within the town centre which is being enhanced and put to use which is supported by policy.

With regard to the loss of privacy and overlooking issues, there are car parking areas to the north and south of the building and the east elevation overlooks the college buildings and car park. There are no additional windows proposed on the first and second floor. There will be new windows introduced in the ground floor as this will involve the enclosing of the undercroft parking to create three flats. Therefore on balance, the development does not raise any such issues.

The site lies within the Conservation Area. The proposal is considered to preserve and enhance the character and appearance of the Conservation Area by the reuse of a vacant building which has been unoccupied for two years. The external fabric of the building is not going to be altered to a degree which would cause harm to the character of the area. The Conservation Officer has raised no objections to the scheme.

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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 and open space in the area, due to increased demand/requirement from future residents, is required in compliance with the SPD.
- 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
- a contribution towards education provision would also normally be sought in accordance with the SPG, however this development consists of one bedroom flats therefore there is no justifiable need for a contribution in this case

Conclusion

The proposal is considered to accord with national and local policy criteria. Having regard to all other material considerations this application is considered to be acceptable. Approval of this application would meet some of the demonstrated housing need in the Borough which is considered to outweigh the need to retain a vacant building. The proposal is therefore considered to be compliant with the relevant policy framework and of benefit to the local housing need and viability of the Town Centre and as such is considered to be favourable. No other issues have been identified to outweigh this. Subject to the satisfactory completion of the planning obligation, this application can be recommended for approval

RECOMMENDATION:

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

- 1) **The satisfactory completion of a S106 planning obligation ensuring that:**
 - a) **Contributions are paid to the Borough Council in respect to off-site open space and playing pitches in accordance with the Councils adopted SPD; and**
 - b) **A financial contribution is paid to the Borough Council towards the provision of wheelie bins for the new development;**
- and**

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2) Conditions and informatives as summarised below:

- 1) The proposal must be started within 3 years from the date of this notice.

Reason: To comply with National Legislation.

- 2) The materials you use on the walls of your development should match those of the existing building. If matching materials cannot be found then you must give details of, or send a sample of the type, colour and finish of the materials that you are going to use to the Council. The Council will agree these details with you in writing and you must use these materials when you build the development.

Reason: To make sure that the development relates to the area in which it is being built and protects how that area looks, in order to comply with (Policy B (BE).13 of the Borough of Redditch Local Plan Number 3.

- 3) The proposal shall be carried out as shown on the plans, schedules and other documents listed below;

Drawing Number - 2632-001
Drawing Number - 2632-002 Rev A

Reason: To make sure the development is carried out exactly as shown on the plans, to ensure that it relates to the area in which it is being built and protects how that area looks, in order to comply with Policy B (BE).13 of the Borough of Redditch Local Plan Number 3.

Procedural matters

This application is being reported to the Planning Committee because the application requires a S106 Agreement. As such the application falls outside the scheme of delegation to Officers.

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Planning Application 2014/006/COU

**Change of Use of redundant former toilet block to form extension to units 1 and 2 :
Use as a reception area and community hub to existing boxing club**

**Redundant toilet block adjacent to Unit 1 Matchborough Centre, Matchborough
Way, Redditch, Worcestershire, B98 0EP,**

**Applicant: Mrs Sarah Lee, Redditch Community Amateur Boxing Club
Expiry Date: 27th February 2014
Ward: MATCHBOROUGH**

(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 comprises two brick built former public conveniences. The toilet blocks have been redundant / vacant since early 2001. The total floorspace amounts to 37.5 square metres in area.

The toilet block subject to this application is attached to the northern side of Unit 1 Matchborough Centre which itself measures 250 square metres in area and is currently occupied by a boxing gymnasium (a D2 / Leisure use). The boxing gymnasium business also occupies Unit 2 Matchborough Centre (90 square metres in area) which is attached to and located to the immediate east of Unit 1 .

The toilet block, which is located centrally within the Matchborough Shopping Centre is bounded by a busway to the west and a courtyard to the east. Communal car parks for use by business owners and customers using the Matchborough Centre are situated to the north and south.

Proposal Description

Permission is sought to change the use of a former toilet block to form a reception area and community hub which would be used in connection with the existing boxing gymnasium business which occupies Units 1 and 2.

An existing internal wall separating Unit 1 from the toilet block would be removed in order to create an internal link between Unit 1 and the new extension. Due to the internal link, it is not necessary to form any new external access to the toilet block. The former external access to the toilet block, via two recessed doorways would be replaced by the insertion of two laminated glazed windows which would form an extension to the shop front to Units 1 and 2.

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The application site would be used as per hours of operation which exist within Units 1 and 2, which are as follows:

Monday to Saturday: 0930 to 2030 hrs

The use would not be in operation on Sundays / Public Holidays

Relevant Policies :

Borough of Redditch Local Plan No.3:

ETCR09 District Centres
S01 Designing Out Crime

Others:

NPPF National Planning Policy Framework

Relevant Planning History

None relating to the application site

Adjacent site (Units 1 and 2)

2012/309/COU	Change of use of unit 1 (restricted D2 use) and unit 2 (A1 retail) to boxing training gym and club	Approved	21.01.2013
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Consultations

Highway Network Control

No objection

Property Services Manager

No objection

Community Safety Officer

No Comments Received To Date

Development Plans

Comments summarised as follows:

This proposal would not result in the loss of retail floorspace but, as identified in the planning policy comments for planning application 2012/309/COU, there are concerns regarding whether the use is consistent with the scale and function of the district centre. No further evidence or justification has been submitted with this application therefore the proposed extension cannot be supported in planning policy terms

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Public Consultation Responses

No comments received

Assessment of Proposal

The key issues for consideration are as follows:

Principle of the proposed change of use

The relevant planning policy to consider in this case is E(TCR).9 of the Borough of Redditch Local Plan since the site falls within the Matchborough District Centre.

Typically District Centres in the Borough accommodate a newsagent, a general grocery store, a sub-post office and occasionally a pharmacy, a hairdresser and other small shops of a local nature. It is important to protect and where appropriate, enhance District Centres particularly with regard to their useful retail function. Proposals that would undermine the retail and community function of the District Centre would normally be refused planning permission.

The Councils Planning Policy Team objected to application 2012/309/COU considering that the boxing club use proposed at the time would be better suited to a town centre rather than a district centre location.

Officers recommended approval taking into consideration the fact that Unit 1 already had consent for D2 use, albeit restricted at the time to the business 'Where Next'. In addition, officers considered that the considerable period of vacancy relating to Unit 2 should be afforded significant weight in the determination of the application.

Having regard to all material considerations in the determination of application 2012/309/COU, on balance, officers considered that the principle of the change of use to a boxing gym (Units 1 and 2) would be acceptable. The Planning Committee agreed and permission was granted on 21.01.2013.

Notwithstanding the planning policy teams comments with respect to the nature of the proposed use being better suited to a town centre location, it is agreed that the proposal to be considered here would not result in the loss of any existing retail floorspace and would return into use a former toilet block which has been redundant since early 2001 and as such has fallen into disrepair.

As such, Officers do not object to the principle of the development.

Security

Officers do not raise any concerns in respect of security. The very minor external alterations as described earlier in this report would be considered to enhance the visual amenities of the area rather than detract from them. By allowing the re-use of redundant buildings within the district centre, arguably crime including anti-social behaviour is likely to be reduced.

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Conclusion

Allowing this former toilet block to be occupied in the manner proposed would increase footfall to other units within the Matchborough District Centre, enhancing vitality and viability, and as a community use, the proposals would comply with the aims and objectives at set out under Policy E(TCR).9. Having regard to this Policy and to all other material considerations the application is supported.

Recommendation

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

- 1) 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 application site shall be used as per hours of operation which exist within Units 1 and 2, which are as follows:

Monday to Saturday: 0930 to 2030 hrs

The use shall not be in operation on Sundays / Public Holidays

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

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

site location plan

Photograph 1

Photograph 2

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

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Informatives

- 1) The local planning authority has worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through pre-application advice and discussion.

Procedural Matters

Redditch Borough Council are landowners in this case. All such applications are reported to Planning Committee for determination.

REDDITCH BOROUGH COUNCIL**PLANNING
COMMITTEE**12th February 2014**ENFORCEMENT REPORT – NON-COMPLIANCE WITH AN ENFORCEMENT NOTICE**

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: NON-COMPLIANCE WITH AN ENFORCEMENT NOTICE****LOCATION: LAND AT THE SALTWAY, FECKENHAM****WARD: ASTWOOD BANK & FECKENHAM**

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

(Confidential Site Plan under separate cover)

Site Description

The site is an agricultural field where stock is kept. It is accessed from the B road directly through a field gate, and along the road boundary is a ditch and thick hedging. The site is bounded by hedging and fencing on all sides. The site rises away from the road.

Since the summer of 2012, the site has also contained a touring caravan, tents and other similar equipment where the appellant has been residing. These are unauthorised.

Relevant Site Planning History

Proposal	Decision	Date
Appeal against refusal of Application for temporary stationing of static caravan for residential purposes	Withdrawn day before hearing	13/1/14
Temporary stationing of static caravan for residential purposes and permanent	Refused (under delegated powers)	15/5/13

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incubation shed for agricultural purposes		
Enforcement notice seeking cessation of residential use of land	Notice issued	22/2/13
Stationing a log cabin for a temporary period of three years and erection of an incubator shed	Refused (under delegated powers)	6/9/12

Investigation Details

During the consideration of the first planning application, it became apparent through discussions and site visits that the applicant had taken up residence on the land in temporary accommodation. They were advised that this was unauthorised and should not continue, but informal advice was ignored.

Following the refusal of the first application an enforcement notice was issued seeking the cessation of the land for residential purposes and the removal of the caravan/tent etc that was used for such purposes.

The notice expired without effect, however a further planning application was then submitted, and so any formal action was held in abeyance.

The second application was refused and then taken to appeal, and thus formal action against the enforcement notice was further held in abeyance.

The appeal hearing date was set for 5 November 2013 but then postponed at the last minute due to the appellant's agent being involved in a car accident and unable to attend. The hearing was re-scheduled for 14 January 2014.

On 13 January 2014 the Planning Inspectorate made contact to inform us that the appeal had been withdrawn. Thus, in the absence of any pending decisions, it is now considered appropriate to take forwards the matter of the enforcement notice.

In both cases, the planning applications were made for temporary residential accommodation in association with the agricultural use of the site and in both cases, neither a need to be on the site 24/7 in relation to the agricultural use, nor a business case to demonstrate a likelihood of success over a three year period were substantiated. Therefore the proposal did not meet the policy tests.

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Throughout this period, officers have been in regular contact with several of the neighbouring occupiers regarding the appearance of the site and the inappropriate residential use being carried out. Clearly the use is directly in contravention with the applicable planning policies and affecting the residential amenity of others such that officers now consider it necessary to take more formal action to rectify the breach of the enforcement notice.

Conclusion

The situation with regard to this site continues to draw complaints.

Officers consider that prosecution is the most appropriate action in this matter to secure a resolution.

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

Recommendation

The Committee is asked to RESOLVE that

in relation to a breach of planning control, namely, the failure to comply with the requirements of an Enforcement Notice, authority be delegated to the Head of Legal, Equalities and Democratic Services, in consultation with the Head of Planning and Regeneration, to instigate legal proceedings in the Magistrates Court, if necessary.

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

