



# Planning Committee

Wed 6 Aug  
2014  
7.00 pm

Council Chamber  
Town Hall  
Redditch

**REDDITCH** BOROUGH COUNCIL

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a  
difference*

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# Access to Information - Your Rights

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

Your main rights are set out below:-

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

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

- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, on request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.

A reasonable number of copies of agendas and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its, Committees etc.

- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, most items of business before the Executive Committee are Key Decisions.
- Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:

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

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**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact the following:**

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

# **REDDITCH BOROUGH COUNCIL** **PLANNING COMMITTEE**



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

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

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

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

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

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

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**Notes:**

- 1) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Borough of Redditch Local Plan No.3, the County Structure Plan (comprising the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the development plan and the “environmental factors” (in the broad sense) which affect the site.
- 2) 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.
- 3) 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.
- 4) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Committee Services Team by 12 noon on the day of the meeting.

**Further assistance:**

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

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

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

# Welcome to today's meeting.

## Guidance for the Public

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### ***Agenda Papers***

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

### ***Chair***

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Democratic Services 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 Democratic Services Officer.

### ***Special Arrangements***

If you have any particular needs, please contact the Democratic Services 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 Democratic Services 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

6<sup>th</sup> August 2014

7pm

Council Chamber Town Hall

### Agenda

#### Membership:

Cllrs: Andrew Fry (Chair) Andrew Brazier  
Alan Mason (Vice-Chair) Wanda King  
Joe Baker Yvonne Smith  
Roger Bennett David Thain  
Michael Braley

|   |   |
|---|---|
| <b>1. Apologies</b>   | To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.   |
| <b>2. Declarations of Interest</b>  | 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.   |
| <b>3. Confirmation of Minutes</b><br>(Pages 1 - 4)  | To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 9 <sup>th</sup> July 2014.<br><br>(Minutes attached)  |
| <b>4. Planning Application</b><br><b>2013/254/FUL - Land at Uphill, Sambourne Lane, Astwood Bank, Redditch, Worcestershire</b><br><br>(Pages 5 - 12)<br><br>Ruth Bamford, Head of Planning and Regeneration | To consider a Planning Application for the proposed demolition of 'Uphill' and erection of two detached dwellings.<br><br>Applicant: Elevate Design Build<br><br>(Report attached – Site Plan under separate cover)<br><br><b>(Astwood Bank &amp; Feckenham Ward)</b> |

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Committee

6<sup>th</sup> August 2014

|  |   |
|--|---|
| <p><b>5. Planning Application<br/>2014/036/FUL - B &amp; Q DIY<br/>Supercentre, Jinnah<br/>Road, Smallwood,<br/>Redditch, Worcestershire<br/>B97 6RG</b></p> <p>(Pages 13 - 28)</p> <p>Ruth Bamford, Head of<br/>Planning and Regeneration</p> | <p>To consider a Planning Application for the reconfiguration of the existing store to create a Class A1 (bulky goods) unit and a Class A1 foodstore, together with associated external alterations and selected car park reconfiguration.</p> <p>Applicants: B &amp; Q Plc. and ASDA Stores Ltd</p> <p>(Report attached – Site Plan under separate cover)</p> <p><b>(Central Ward)</b></p> |
| <p><b>6. Planning Application<br/>2014/105/OUT - The<br/>Paddocks, Astwood<br/>Lane, Feckenham,<br/>Redditch, Worcestershire<br/>B96 6HG</b></p> <p>(Pages 29 - 42)</p> <p>Ruth Bamford, Head of<br/>Planning and Regeneration</p>             | <p>To consider an Outline Planning Application with one matter (landscaping) reserved for 6 dwellings providing a housing mix of 2 x 2 bedroom, 2 x 3 bedroom and 2 x 4 bedroom accommodation.</p> <p>Applicant: Mrs Pat Dormer</p> <p>(Report attached – Site Plan under separate cover)</p> <p><b>(Astwood Bank &amp; Feckenham Ward)</b></p>   |
| <p><b>7. Planning Application<br/>2014/170/FUL - 1<br/>Ellenbrook Close,<br/>Batchley, Redditch,<br/>Worcestershire B97 6TB</b></p> <p>(Pages 43 - 46)</p> <p>Ruth Bamford, Head of<br/>Planning and Regeneration</p>                          | <p>To consider a Planning Application for a first floor side extension over existing garage and single storey rear extension.</p> <p>Applicant : Mr Gary O'Rourke</p> <p>(Report attached – Site Plan under separate cover)</p> <p><b>(Batchley &amp; Brockhill Ward)</b></p>   |



## 8. 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”.

## 9. Confidential Matters (if any)

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





# Planning Committee

9<sup>th</sup> July 2014

## MINUTES

### Present:

Councillor Andrew Fry (Chair), Councillor Alan Mason (Vice-Chair) and Councillors Joe Baker, Roger Bennett, Natalie Brookes (substituting for Councillor Wanda King), Yvonne Smith and David Thain

### Officers:

Steve Edden, Amar Hussain and Ailith Rutt

### Committee Services Officer:

Jan Smyth

## 7. APOLOGIES

Apologies for absence were received on behalf of Councillors Michael Braley, Andrew Brazier and Wanda King.

## 8. DECLARATIONS OF INTEREST

No declarations of interest were made.

In respect of Planning Application 2014/115/FUL (Land adjacent Harris Close, Greenlands), Councillor Baker requested that his role as Ward Councillor for Greenlands, be noted.

## 9. CONFIRMATION OF MINUTES

**RESOLVED that**

**the minutes of the meeting of the Planning committee held on 11<sup>th</sup> June 2014 be confirmed as a correct record and signed by the Chair.**

.....  
Chair

# Planning Committee

9<sup>th</sup> July 2014

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**10. PLANNING APPLICATION 2014 /114/FUL – SAINSBURY'S SUPERMARKETS LTD, ALVECHURCH HIGHWAY, ENFIELD, REDDITCH, WORCESTERSHIRE B97 6RF**

Minor extension and alterations to store to accommodate relocated restaurant, toilets and Explore and Learning concession, together with car park alterations and improvements

Applicant: Sainsbury's Supermarkets Ltd

Mr T Hutton, the Applicant's Agent, addressed the Committee under the Council's public speaking rules.

**RESOLVED 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 Section 106 Planning Obligations ensuring:
  - a) the creation of a new cycle lane on Fishing Line Road;**
  - b) provision of pedestrian signage;**
  - c) improvement works to Lydham Close underpass; and****
- 2) the Conditions set out on pages 11 to 13 of the report.**

**11. PLANNING APPLICATION 2014/115/FUL – LAND ADJACENT HARRIS CLOSE, GREENLANDS, REDDITCH, WORCESTERSHIRE**

Erection of 46 dwellings, garages, landscaping and associated works (Phase 3)

Applicant: Mr James Hughes

Mrs K Ventham, the Applicant's Agent, addressed the Committee under the Council's Public Speaking rules.

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, authority be delegated to the Head of Planning**

# Planning Committee

9<sup>th</sup> July 2014

and Regeneration Services to GRANT Planning Permission, subject to:

- 1) the satisfactory completion of a Section 106 Planning Obligations to ensure that:
  - a) contributions are paid to the Borough Council towards the provision of space, pitches and equipped play in accordance with the Council's adopted Supplementary Planning Document (SPD);
  - b) a financial contribution is paid to the Borough Council towards the provision of wheelie bins for the new development;
  - c) contributions are paid to the County Council towards County education facilities, in accordance with the Council's adopted Supplementary Planning Document (SPD);
  - d) 18 units on the site are restricted to affordable housing in perpetuity; and
- 2) the Conditions and Informatives as set out on pages 22 to 27 of the report.

**12. PLANNING APPLICATION 2014/119/COU – 25 UNICORN HILL, TOWN CENTRE, REDDITCH, WORCESTERSHIRE B97 4QR**

Change of Use from A3 (Restaurant) to A5 (Takeaway) with associated works, including new shop front, new exhaust system and extended opening hours.

Applicant: Mr Umit Maman

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the Conditions set out or referred to on page 31 of the report.**

The Meeting commenced at 7.00 pm and closed at 7.34 pm

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CHAIR



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**Planning Application 2013/254/FUL****Proposed demolition of 'Uphill', and erection of two detached dwellings****Land at Uphill, Sambourne Lane, Astwood Bank****Applicant: Elevate Design Build  
Expiry Date: 4<sup>th</sup> December 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 application site which is roughly square in shape lies to the southern side of Sambourne Lane. The existing dormer bungalow 'Uphill' together with associated outbuildings is situated towards the centre of the plot, with detached properties beyond its western and eastern boundary. The southern boundary to the site is the side garden boundary to number 1201 Evesham Road.

Sambourne Lane is effectively open to the north with ribbon development consisting of two storey and single storey buildings to its southern side.

**Proposal Description**

This is a full planning application to erect of 2 no. five bedroomed detached dwellings on the site of the existing bungalow 'Uphill' which, together with its associated outbuildings would be demolished in order to facilitate the new build. Access to the dwellings would be via a new vehicular access / egress onto Sambourne Lane, positioned roughly mid-way between the plot. Both properties would share the new access. The existing bungalow (to be demolished) currently accesses the site via Sambourne Lane at a point towards the north-east corner near to the boundary with the bungalow Grandview. This existing access would be permanently closed if planning permission were to be granted.

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

CS07 The Sustainable Location of Development  
BHSG06 Development within or adjacent to the curtilage of an existing dwelling  
BBE13 Qualities of Good Design  
BRA08 Development at Astwood Bank  
CT12 Parking Standards

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**Emerging Borough of Redditch Local Plan No.4:**

- Policy 2: Settlement Hierarchy  
 Policy 5: Effective and Efficient Use of Land  
 Policy 39: Built Environment  
 Policy 40: High Quality Design and Safer Communities

**Others:**

- NPPF National Planning Policy Framework  
 SPG Encouraging Good Design

The site is situated within the settlement boundary for Astwood Bank.

**Relevant Planning History**

|              |  |                                      |
|--------------|--|--------------------------------------|
| 2008/265/FUL | Demolition Of Existing Dwelling And<br>Erection Of 4 No. Dwellings | Refused<br>18.09.2008                |
|              |  | Dismissed<br>at Appeal<br>28.05.2009 |

**Consultations****Area Environmental Health Officer**

No objection

**Highway Network Control**

No objection subject to the imposition of planning conditions relating to access, turning and parking provision and the closure of the existing vehicular access.

**Severn Trent Water Ltd**

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

**Public Consultation Responses****Responses in support**

1 letter received. Comments summarised as follows:

- Opportunity for Astwood Bank to continue to become a forward looking village. Additional housing can only enhance the village vitality

**Responses against**

5 letters received. Comments summarised as follows:

- Proposed development would be out of character with appearance of surrounding area and would therefore be contrary to planning policies
- The development would impact on neighbours by reason of dust, dirt, and noise during the construction period



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- The proposal would result in a loss of privacy to nearby properties through overlooking
- Enough housing in Astwood Bank as it is
- Approval would set a precedent for other similar proposals nearby

### Background

An application for the demolition of Uphill and the erection of four new dwellings was submitted in 2008. This application was refused planning permission as an inappropriate backland / back of garden scheme, which was considered to be out of keeping with the prevailing character and appearance of the area, noted by the absence of such backland style developments. The application went to appeal and the Inspector agreed with the Council that the backland form of development would be visually conspicuous and harmful to the visual amenities of the area. The current proposal does not represent back land development, but instead, the development of two detached dwellings fronting/ facing towards Sambourne Lane each with large gardens to the rear terminating at the boundary to the property 1201 Evesham Road.

### Assessment of Proposal

The key issues for consideration are as follows:

#### Principle

The planning policy framework has changed from that which existed in 2008, by the introduction of the National Planning Policy Framework (NPPF), which replaced the suite of Planning Policy Guidance Notes (PPG's) and Planning Policy Statements (PPS's) which were relevant in the consideration of the earlier application. The NPPF advises, in paragraph 49, that planning applications for residential development should be "considered in the context of the presumption in favour of sustainable development".

As before, under the 2008 application, since the site is located within the defined settlement of Astwood Bank and the site is not designated for any particular purpose within Local Plan No.3 or the emerging LP No.4, there are no objections to the principle of a residential scheme on the site, providing the details are considered to be acceptable.

#### Design, appearance and general layout

The NPPF advises, in paragraph 58, that planning decisions should aim to ensure that developments function well and add to the overall quality of the area, respond to local character and history and reflect the identity of local surroundings and materials and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 60 continues to state that planning decisions should "seek to promote or reinforce local distinctiveness". Paragraph 61 states "visual appearance and the architecture of individual buildings are very important factors".

Policy B(HSG).6 of the adopted Local Plan is supportive of new residential development within the curtilage of a dwelling house so long as it respects the character and

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appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development.

Unlike under the earlier application in 2008, the current proposal is not a back land scheme but frontage development which in the view of your officers respects the ribbon of development along this side of Sambourne Lane. Members may be aware that similar schemes involving demolition and rebuild have been permitted in relatively recent years, to the east of the application site (the properties now known as 'Updown House', 'Springfield' and 'Summer Meadow').

Amended plans submitted demonstrate that the development is now acceptable in terms of its design and layout since it is considered that the dwellings would now respect the character and appearance of the Sambourne Lane street-scene with the proposals complying with minimum separation distances between dwellings. The new development would provide private amenity space in excess of the Council's minimum standards, with garden sizes being commensurate with those which exist nearby.

In terms of appearance, the dwellings would be formed of brick walls, under a tiled roof with general detailing respecting the character of the surrounding area.

### Impact upon nearby residential amenity

No detrimental impacts to residential amenity would result from the proposed development by virtue of loss of privacy, light or visually overbearing impact, given the separation distances that would exist between the proposed dwellings and nearby properties.

### Access and parking

County Highways have raised no objection to the proposed access subject to the permanent closure of the existing vehicular access. Car parking provision on site easily complies with local standards.

### Sustainability

The site lies within the village of Astwood Bank and within a short walking distance of local shops and other amenities, and is therefore considered to be in a sustainable location.

### Biodiversity

Given that an existing dwelling is to be demolished in order to accommodate two new dwellings, a bat emergence survey has been carried prior to the applications determination, at the correct time of year. Such surveys are required in order to comply with legislative requirements and national advice since bats are designated as a protected species. The bat survey report submitted has concluded that the building to be demolished has not been identified as a bat roost. There are therefore no concerns on this matter and the proposal is considered to comply with policy requirements. In accordance with good practice and the aims of the NPPF to promote biodiversity two

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conditions are recommended (listed as conditions 6 and 7) regarding the timing of development and the provision of bat boxes.

Conclusion

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

**RECOMMENDATION:**

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

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) Prior to the commencement of development details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

- 3) During the course of any site clearance and development, the hours of work for all on-site workers, contractors and sub-contractors shall be limited to between;  
0800 to 1800 hours Monday to Friday  
0900 to 1200 hours Saturdays  
and NO WORKING shall take place at any time on Sundays, Bank Holidays or Public Holidays or at any time outside of the above permitted working hours unless first agreed in writing by the Local Planning Authority.

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

- 4) The Development hereby permitted shall not be brought into use until the access, turning area (if applicable) and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to, and approved in writing by, the Local

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Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason:- In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and in accordance with the National Planning Policy Framework.

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

Appropriate references to be added here

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

- 6) Prior to commencement of the development hereby approved, a statement detailing the timing of demolition in respect to the structures present on site (to be removed) shall be submitted to and approved in writing by the Local Planning Authority. Any demolition shall be carried out in accordance with the statement approved.

Reason: In the interests of biodiversity and in accordance with the provisions of the National Planning Policy Framework

- 7) Prior to commencement of the development hereby approved, a scheme for the provision of bat roost opportunities / bat boxes within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented by suitably qualified personnel to the satisfaction of the Local Planning Authority prior to the first use of the development approved.

Reason: In the interests of biodiversity and in accordance with the provisions of the National Planning Policy Framework

- 8) The proposed drive and parking area shall be finished in a permeable surface and retained as such thereafter.

Reason: To ensure adequate surfacing for the parking area and driveway that enables permeable drainage to prevent potential flood risk and in accordance with Policy B(BE).19 of the Borough of Redditch Local Plan No.3

- 9) Prior to the occupation of the dwellings hereby approved the existing vehicular access onto the adjoining highway shall be permanently closed. Details of the

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means of closure and reinstatement of this existing access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on the development hereby approved.

Reason: To ensure the safe and free flow of traffic using the adjoining County highway in accordance with the National Planning Policy Framework.

**Informatives**

- 1) The local planning authority have 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 negotiation and amendment.
- 2) The applicant is advised that development should not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved by Severn Trent Water Ltd.
- 3) This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Worcestershire County Council for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.

**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 2014/036/FUL

**Reconfiguration of the existing store to create a Class A1 (bulky goods) unit and a Class A1 foodstore, together with associated external alterations and selected car park reconfiguration****B and Q DIY Supercentre, Jinnah Road, Smallwood, Redditch, Worcestershire, B97 6RG****Applicants: B&Q Plc. and ASDA Stores Limited****Expiry Date: 3rd June 2014****Ward: CENTRAL****(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 formed from the existing B&Q warehouse retail site, and includes the surface car parking area to the north of the building, the building itself and the servicing areas to the rear (south). The site contains a large warehouse style building of brick plinth with metal clad upper and metal roof in pale grey. The site measures 3.5ha in area.

The site is set adjacent to a large interchange on the main highway route running through the town, with residential development all around.

**Proposal Description**

This application proposes the subdivision of the existing store into two stores, retaining the B&Q DIY warehouse use at the western end in a reduced area, and creating an A1 retail use at the eastern end of the site. Associated with the new A1 use would be the insertion of a mezzanine floor to increase the trading floor area by a further 1242m<sup>2</sup>.

Servicing of both units would remain to the rear (south) of the building, whilst the surface parking area to the front/side would remain for the use of customers of both units albeit re-arranged, creating spaces as follows, including two spaces with electric car charging points:

| <b><i>Situation</i></b> | <b><i>Spaces</i></b> | <b><i>Disabled spaces</i></b> | <b><i>Total spaces</i></b> |
|-------------------------|----------------------|-------------------------------|----------------------------|
| Existing                | 495                  | 12                            | 507                        |
| Proposed                | 490                  | 43                            | 533                        |

Various areas would be defined within the car park for trolley parking, and cycle shelters and hoops would be located at various points adjacent to the entry points to the building, to serve staff and customers of both units.

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The proposal is for the new A1 retail unit to open 24 hours a day Monday to Saturday and 10am until midnight on Sundays and Bank Holidays.

The co-applicant is Asda, and whilst the planning application is for an open A1 retail unit, it is likely that initially at least, if permission were granted, the unit would be occupied by Asda. They state that if that occurred, an additional 400 FTE (full time equivalent) jobs would be created.

The retention of a restricted DIY warehouse use (currently occupied by B&Q) at the western end of the site is also proposed and included within the application. As such, the existing trade/service yard at the eastern end of the site would be removed, and replaced by an extension to service a home delivery shopping element of the new retail unit. At the western end of the site, where the DIY store would remain, the existing garden centre canopies would be extended to create a greater semi-external area for the display of bulky goods. A loading canopy for the DIY store would also be erected and the existing trade entrance canopy to the front of the store would be removed.

The application is supported by a Design and Access Statement, a Planning Statement, a Retail Statement and Addendum, a Transport Assessment, 2 framework travel plans (one for each occupier), an Energy (Climate Change) Statement, a Statement of Community Involvement, a Flood Risk Assessment, a Noise Assessment, a Ground Conditions Site Investigation Report and an Air Quality Assessment and Addendum.

Additional information was provided in June from the applicants to provide additional support for their application. This included viability data and assessment to attempt to demonstrate that it would be unviable to develop their required A1 retail foodstore on any of the sequentially preferable town centre sites.

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

CS02 Care for the Environment  
CS06 Implementation of Development  
CS07 The Sustainable Location of Development  
S01 Designing Out Crime  
BBE13 Qualities of Good Design  
BBE14 Alterations and Extensions  
BBE16 Shop fronts  
BBE17 Shop front Security  
BBE28 Waste Management  
ETCR01 Vitality and Viability of the Town Centre  
ETCR02 Town Centre Enhancement  
ETCR04 Need and the Sequential Approach  
CT07 Public Transport Infrastructure  
CT12 Parking Standards



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Policy 3: Development Strategy

Policy 19: Sustainable travel and Accessibility

Policy 20: Transport Requirements for New Development

Policy 30: Town Centre and Retail Hierarchy

Policy 31: Regeneration for Town Centre

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

Policy 41: Shopfronts and Shopfront Security

**Others:**

National Planning Policy Framework (NPPF)

Edward Street SPD

Church Road (Formerly known as North West Quadrant) SPD

National Planning Policy Guidance (NPPG)

**Relevant Planning History**

| <b>Application reference</b> | <b>Proposal</b>  | <b>Decision</b> | <b>Decision date</b> |
|------------------------------|--|-----------------|----------------------|
| 2002/108/FUL                 | Greenhouse And Canopy.   | Approved        | 30/04/2002           |
| 2001/133/S73                 | Variation of condition 16 of 1999/210  | Approved        | 21/5/2001            |
| 1999/210/OUT                 | Mixed use development of DIY warehouse, low cost and social housing, mosque and community hall/skills centre | Approved        | 7/11/2000            |
| 1996/142/FUL                 | Construction Of A Secure Area Off Existing Service Yard  | Approved        | 25/04/1996           |

**Consultations****North Worcestershire Water Management (NWWM)**

The Flood Risk Assessment is acceptable to NWWM and there are no ordinary watercourses in the vicinity affected by the proposed development. No objection subject to condition

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**Worcestershire Regulatory Services**Air Quality

No objection providing the development proceeds in accordance with the reports submitted

Noise

Have reviewed the noise report that has been supplied for the above application. This is technically acceptable. The report concludes that in order for the site to be suitable for proposed development that certain mitigations measures would be required to reduce the noise levels to acceptable levels. It is therefore recommended that all of these measures are incorporated into the proposed development via the imposition of a condition, and that an informative be provided regarding best practice during demolition and construction.

Contaminated Land

In regards to contaminated land the site was remediated to a commercial end use therefore no objections subject to an informative.

**Severn Trent Water Ltd**

No objection subject to condition

**Development Plans**Initial comments:

Based on the information submitted to date, the proposal does not comply with planning policy as the sequential site assessment fails in two parts:

- insufficient evidence has been provided to demonstrate that part of the Church Rd/North West Quadrant site would not be available for redevelopment within a reasonable timeframe;
- in relation to the Edward Street site, the land which actually forms part of the Town Centre strategic site has not been considered by the Applicants in assessing whether it could reasonably accommodate the proposed Asda store.

In addition, there is a lack of detail regarding the Applicant's statement that a store-on-stilts format would not be economically viable in Redditch.

A foodstore located outside of the Town Centre would impact the ability of the Town Centre to attract an additional supermarket, which would undermine a key objective of emerging Local Plan No.4. Therefore, additional information which robustly discounts the Town Centre sites referenced above and justifies that the store-on-stilts format is not viable is required before this application can be considered compliant with planning policy.

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### Additional comments:

There is a clear presumption in both national and local planning policy for 'Town Centre first'. Emerging Local Plan No.4 identifies a need for convenience retail in the town and allocates two strategic sites which could be redeveloped for such a use.

Paragraph 24 of the NPPF states that a sequential test should be applied to planning applications for main Town Centre uses that are not in an existing centre and are not in accordance with an up-to-date local plan, as is the case with this proposal.

The NPPG provides more information on how the sequential test should be used in decision making (para 010) including a checklist which asks:

- o *with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the Town Centre. Any associated reasoning should be set out clearly.*
- o *is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential Town Centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*

The Applicants have considered two sites that the Council has identified through emerging Local Plan No.4 as their preference for locating a food store in or directly adjacent to the Town Centre (Policy 31, Emerging Local Plan No.4). The Applicants have also considered different store formats to their preferred trading format in relation to the two sites. However, as detailed above, it is not considered that the Applicants have provided a robust enough justification that either the alternative store format is not viable in Redditch nor that the strategic sites are unavailable, unsuitable or unviable and therefore have not satisfied the sequential test. Paragraph 27 of the NPPF states that where an application fails to satisfy the sequential test, it should be refused.

Furthermore, the strategic sites are in locations which are accessible by a range of modes of transport and would allow for 'linked journeys' to be made with other destinations in the Town Centre . Opportunities for linked journeys are much reduced at the B&Q site and it does not have the range of sustainable transport options available to Town Centre locations.

It is acknowledged that Asda is one of the only major supermarkets that does not have a presence in Redditch. There is also an identified need for convenience retail in the town. However, a foodstore located outside of the Town Centre would impact the ability of the Town Centre to attract an additional supermarket, which would undermine a key objective of emerging Local Plan No.4.

In conclusion, it is recommended that, from a planning policy perspective, this application should be refused.

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### Further comments:

Additional comments specifically relating to the viability work carried out by the applicant:

#### *Sequential Assessment & Viability*

My memo of 22<sup>nd</sup> May recommended that, from a planning policy perspective, the application should be refused. This was primarily based on the fact that the applicants had not provided a robust enough justification that the sequentially preferable sites are not viable for the proposed supermarket. In response to this the applicants have submitted a viability assessment of three sites that area in or adjacent to Redditch Town Centre:

- Church Road
- Edward Street
- Kingfisher Centre

The applicants have tested two different options for both the Church Road and Edward Street sites. A site within the ownership of the Kingfisher shopping centre has also been assessed in response to representations made by the shopping centre to this application.

The sequential test and viability assessment carried out by the applicants concludes that none of the five sites can be considered viable or deliverable as a result of individual site constraints, the unattractiveness of building a 'store on stilts' and land assembly issues. Consultants GVA have reviewed the applicant's submission and have also carried out a development appraisal of the sites to test the applicant's conclusions.

In summary, GVA conclude:

- the approach and assumptions used by the applicant in their development appraisals and the land assembly costs calculations are reasonable;
- they are satisfied that the applicant has adopted a sufficiently flexible approach by looking at alternatives for the Church Road and Edward Street sites, given recent case law ("Dundee Judgement")
- the applicants may have taken an optimistic approach to certain costs which may be much higher once a scheme is progressed

#### *Conclusion*

The viability information submitted by the applicants and GVA's critique of this work shows that, although there is a planning policy preference for a supermarket on a site in or adjacent to the town centre, there is not currently a viable site in a sequentially preferable location to the application site.

#### **Climate Change Manager**

No comments received.

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### **County Highway Network Control**

The Transport Assessment submitted with the application has been reviewed and found to be acceptable. The trip rates and modal shares accord with the County Council's recommendations and the nearby junctions are shown to be operating within capacity.

The existing parking facilities are shown to be sufficient for the proposal and the retained B&Q use.

In order to promote sustainable travel, discussions have been held with the Applicants and the following contributions have been suggested.

- A per annum subsidy for 10 years to secure the 64 service, which is currently under review by the County Council.
- A contribution to improve the safety of the adjacent subway by installing CCTV surveillance, thus making this route more attractive to the general public

Cycle parking facilities adjacent to the new store.

The financial contributions should be secured by Section 106 obligation and the cycle parking via the imposition of a condition.

The County Council therefore has no objection to the grant of permission, subject to the above Section 106 agreement heads of terms, conditions relating to the additional travel plan information required and the cycle parking provision.

### **County Public Rights Of Way**

No objection subject to informative

### **Public Consultation Response**

14 comments have been received in support of the proposal for the following reasons:

- Increase in employment opportunities for the town
- Keen to see an Asda in Redditch
- Positive impact on college

12 comments have been received in objection to the proposal for the following reasons:

- Enough A1 food retail in Redditch already, no need for more
- Negative impact on Town Centre and its attractiveness
- Sales competition on site should be prevented
- Should use empty sites in Town Centre, not this occupied unit
- Should support Town Centre businesses which this won't
- Would prevent future Town Centre foodstores which would be more desirable
- Alternative town centre sites available and deliverable

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- Wouldn't serve Town Centre workers
- Would reduce Town Centre business over time
- Would harm the vitality and viability of the Town Centre
- Demonstrable support for a town centre alternative
- Sites in the Town Centre have been discounted without good reason
- Preferred format of applicant considered but no other possible options
- Negative impact on adjacent residential area
- Limited public transport to site so not very accessible location
- Unsustainable location
- Need to ensure sufficient car parking provided
- Likely congestion (similar to Tesco/Coldfield Drive) on surrounding local road network
- Would need to extend resident only parking permit scheme in adjacent streets and increase patrols
- Increase in traffic will worsen existing rat runs towards Mount Pleasant
- Noise nuisance to surrounding local residents
- Land may still be contaminated and not appropriate for food use
- 24hr alcohol sales would increase ASB (anti-social behaviour) in the area and increase risk of crime
- Should reduce number of pedestrian access points to reduce risk of crime spilling in and out of the site
- Landscaping needed to minimise noise impacts
- The proposed water tank should be screened
- B&Q very successful and wouldn't leave if this not approved
- Negative impact on DIY sales offer in Redditch

2 further comments have been received raising potential issues as noted above, but not expressing a preference for or against.

**Assessment of Proposal****Background information**

The existing unit on the site trades as a DIY warehouse, and as such has restrictions in its planning consent that prevent it from operating as an unrestricted A1 retail foodstore. These restrictions are in place via conditions and a legal agreement and thus remain enforceable. If this application were to be approved, consideration would need to be given to whether such restrictions should be re-applied or not as part of the proposals discussed below.

**Policy principles**

The site is undesignated for a specific use within the current and emerging local plan, and therefore any proposals should be considered in terms of their impact on the site and surroundings.

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The proposed use, however, is governed by policies both nationally and locally that seek to restrict their locations for specific reasons. It is a policy objective to ensure that retail development of this size occurs in main Town Centre locations which are accessible by a range of modes of transport and where they can benefit from and provide benefits to other uses which are also most appropriately located in these centres, such as leisure and recreation facilities. This is also intended to increase sustainability by encouraging 'linked trips'.

Another significant policy objective is that the proposed retail use, due to its size, would not result in harmful effects on the existing town and district centres and therefore an impact assessment is required.

The policy objective is supported by the requirement for applicants to demonstrate that their proposals are located in the nearest available site to the Town Centre that would be suitable for their proposed use. This is a strict sequential test to ensure that A1 foodstores are located in town (or district) centres whenever possible.

Further, the evidence that underpins the emerging local plan identifies a need for a retail unit within the town centre of Redditch and therefore the plan specifically identifies two potential Town Centre strategic sites where such a use would be welcomed. These are on Church Road and at Edward Street, within and adjacent to the Town Centre.

Since the submission of this application, a further site has become publicised by its owner as one available and suitable for this type of development, which is the replacement of car park four within the town centre with parking at lower levels and a two storey foodstore at existing shopping mall level linking into the Kingfisher Centre and at the level above. This site has also been taken into account in considering this application.

The policy tests relating to whether the principle of this development is acceptable or not relate to the NPPF tests which are to do with the sequential location relative to the Town Centre, and the impact of the proposal on existing town/district centres and other retail facilities. The policy further requires that where viability is questioned in relation to more central locations, a site must be considered in terms of whether it is deliverable, available and viable to develop for the proposed use within a reasonable time period. The additional information provided by the applicants has sought to demonstrate that the town centre sites do not meet these tests.

Whilst it is acknowledged that the Church Road site would not be easy to assemble (due to a number of different land ownerships) and develop upon (due to topography), it is not considered that the Applicants have pursued this to a great enough extent to be able to discount it robustly - no attempt has been made even to contact landowners and establish whether land assembly could occur and in what timescales. The Applicants advise that there would be significant abnormal costs associated with the site but have not provided any evidence to justify this claim. Further, the Applicants raise highway and access matters as a barrier to development, but the County highway officer has advised that it would be possible to achieve suitable access to the site and that the extent and

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cost of any associated off site works would be unlikely to be as great as the Applicants claim. Their additional evidence demonstrates that the cost and delay of assembling the site, together with the need to re-arrange the highway network layout in that area would be sufficient to make the site unviable and undeliverable, as well as noting that it isn't currently available.

The Edward Street site falls partially within the Town Centre strategic site designation and partially within an employment use designation where B1/B2/B8 employment generating uses would normally be sought. However, given the proximity to the Town Centre and the identified need for a store, it is likely that this would outweigh the constraints of the policy restriction. (This precedent has already been set elsewhere in the town.) That aside, this is not a reason that the Applicants have cited as being a barrier to the development of this site.

The Applicants claim that the Edward Street site is separated from the Town Centre and would not allow for a development that was visually engaging and attractive, and again that there would be significant abnormal costs and highways difficulties. Again, the County highways officer has confirmed that it would be possible to achieve suitable access to the site and that the extent and cost of any associated off site works would be unlikely to be as great as the Applicants claim. Insufficient space is available on this site for a store comparable in size to that proposed and its associated parking, even in a 'store on stilts' format, and therefore the site is not considered to be economically viable. It is considered that this site would lend itself to a high quality gateway scheme that would announce entry into the Town Centre and as such the Applicants difficulty of visibility is disputed. As a result of the additional details it is now accepted that this site is not viable to deliver the applicant's particular requirements.

In terms of car park 4, the applicants claim that the site is too small to be able to re-provide the existing quantity of general parking, along with a store and its associated parking requirement. They claim that there would be an overall loss of parking in the town centre which would not be acceptable. There are also issues relating to its availability, however the parking provision requirements on this site appear to make it an unviable proposition.

The Applicants state that their preferred trading model of store, in terms of layout, shape, size etc, would not fit easily onto any of these sites, however they have not justified their preference or demonstrated that no format could be achieved on either site. They have further stated that they feel that they would be unable to compete if they were forced into providing a 'store on stilts' format, where the parking is provided below and then travelators/lifts transport shoppers above to the store floor(s). It is noted that this model of store is provided in other locations in the area, both within the town of Redditch and within easy reach outside the Borough.

There appears to be no information available to the council to support or refute the basis of the assumption that current town centre parking levels should be maintained and that the addition of a foodstore would lead to an increased requirement for parking overall



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within the town centre. The requirement for parking associated with a town centre foodstore could also be considered in more detail if a town centre site were proposed as it would be likely to be near to the bus and train stations and therefore there may be potential for a discounted quantum of parking. However, further information on this evidence has been sought as it is critical to the consideration of both the Edward Street and car park 4 sites and any further information on this matter will be provided in the update paper.

Reluctantly, it seems that the Council have to accept that at the current time, this is the only pending application for a foodstore in Redditch that would meet the need identified in the evidence base for the emerging local plan and this suggests that there are no other interests in providing a foodstore in any format on any site in the town. The viability information has been independently considered and verified by experts and it seems that in the current economic climate, the town centre sites are not viable for the type of foodstore development proposed here. This therefore addresses the policy requirement that the sequential test be met.

Whilst there may be other sites available outside the Town Centre, but closer to it than this site, these would also fall foul of the 'Town Centre first' policy requirements and are unlikely to be preferable and therefore have not been taken into account in this case, given the seeming availability and designation of Town Centre sites.

Turning to the impact assessment provided by the Applicants, this is considered to be acceptable. Taking into account the evidence that supports the emerging local plan and identifies a need for a new store, then it is not a surprise that the evidence demonstrates that no harmful impact from a new store in the Town Centre would arise. However, it is noted that minimal potential impacts on the Lodge Park District Centre might arise as a result of this proposal, which might be less likely to occur were the proposed use to be located within the Town Centre, at a greater distance from the district centre and therefore in less direct competition. This is not considered to be significant enough to warrant refusal on its own.

In addition to the concerns regarding the non-compliance with policy as detailed above, the longer term impact on the town as a whole should be taken into account. If an A1 use were to be allowed in this out of centre location, it would be highly unlikely that another operator would seek to open a foodstore within the Town Centre. This would result in a lack of deliverability of the emerging Town Centre policies which seek to attract a Town Centre foodstore in line with national policy and local evidence, but also the associated impacts of having a foodstore in the Town Centre and the potential for linked trips and other business would be lost.

It is considered necessary to continue the current DIY warehouse restrictions on that part of the site, in order that in future the A1 unrestricted use could not be rolled out to the site as a whole and result in significant negative impacts on the town and district centres outside the Council's control and therefore this restriction is to be retained within the legal agreement associated with this application.

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Having considered the principle of the development, the remaining matters must also be considered and then weighed accordingly:

### Design and external appearance

The proposed plans show the extent of the changes and locations thereof, but the detail of the plant is limited, as this would normally be dealt with at a later stage. Therefore, these details could be agreed via the imposition of conditions if necessary. The design of the proposed canopies for the DIY store is similar to those already on the site and is therefore considered to be acceptable in its design and materials. The external appearance of the majority of the built form on the site would remain largely unchanged from public view. The service areas to the rear would be protected by acoustic fencing, blocking noise and view to the public areas of the site and the residential properties beyond, and as such are considered to be acceptable.

### Sustainability: Transport, highways, parking and access

The Transport Assessment submitted in support of the application is considered to be acceptable; however more detail is required in the two travel plans (one for each operator). This could be dealt with through the imposition of a condition seeking further information prior to the commencement of the development/use. The parking provision shown accords with the adopted standards in the local plan and is therefore considered to be acceptable subject to its provision and retention.

In terms of the sustainability of the site and how to access it, the County highways team have recommended that an annual contribution be sought for the first ten years of the operation of the site towards the provision of a diversion of the 64 bus route into the site such that the bus shelter on the access to the site could be brought into use.

In order to encourage greater pedestrian access to the site via the existing subway under the Alvechurch Highway from nearby residential areas, a contribution towards improvements to its lighting, surfacing and security through the provision of a CCTV camera linked into the existing network monitored from the Town Hall has also been agreed with the Applicants. These financial contributions could be achieved through the signing of a Section 106 legal agreement.

The proposal includes cycle parking provision for staff and customers of both stores around the external walls of the building in close proximity to entry points. It is considered that sufficient cycle parking has been proposed, and that it would be of suitable quality and under cover. This is therefore considered to be compliant with the policy requirements.

### Contaminated land, noise and air quality

Worcestershire Regulatory Services have examined the information provided by the Applicants, sought additional information and then confirmed that there are no concerns regarding these three matters, subject to the imposition of appropriate conditions and informatives.

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### Other issues

It is noted that a proposal such as this would bring additional job creation to the town, which would normally be considered to be beneficial and to be supported. However, this would be the case whatever the location, and if it were in a more accessible location would have a wider reach in terms of potential applicants. It is never possible to restrict the search for employees and therefore to some extent there is always the risk that some of the available jobs would go to people from outside the area.

In terms of community safety and antisocial behaviour there is a low level of concern currently around this site from the community safety team, and efforts to reduce this or at least prevent it worsening would be welcomed. The proposed improvements to the subway to make it safer and more likely to be used are welcomed, however it is unclear whether the increase in activity at the premises resulting from longer opening hours and increased customer numbers would increase or decrease the potential for antisocial behaviour. It could result in greater surveillance decreasing unwanted activity, or it could attract more activity over a longer period.

### Legal agreement

The matters identified that would be covered in a legal agreement in order to comply with policy requirements are:

- Retention of current DIY Warehouse restrictions on remaining DIY warehouse element of store
- Annual contribution for ten years towards subsidising the bus route 64 to access the site (index linked)
- Contribution to provide subway safety enhancements including lighting, CCTV camera and connection to existing CCTV network
- Signage to guide pedestrians from the site to the town centre and its facilities
- Financial contribution towards town centre enhancements in order to encourage linked trips and improve the pedestrian environment at the south east end of the town centre
- Retention of existing parking requirement that the time allowed for parking on the site be such that linked trips can occur without time limits preventing this

### Conclusion

In weighing up all the material considerations noted above, it is considered that the proposed use and development does not accord with the local and national planning objectives of locating this type of use within the town or district centre and in the long run would be likely to prevent the delivery of the Town Centre strategic sites in relation to a food store, as the evidence only supports one further store in the town.

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However the creation of additional jobs is seen as an economic benefit to the town; the other detailed elements of the proposal largely appear to comply with policy requirements; the long term harm to the town as a whole and especially to the vitality and viability of the town and district centres is difficult to prove; the viability of town centre potential sites has not been proven and therefore the policy tests appear to have been met in this case such that there are no reasons in principle or in detail to reject the proposed development, despite its potential long term impacts on the town as a whole.

**RECOMMENDATION:**

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

**a) a planning obligation ensuring:**

- the restriction on the sale of goods to DIY warehouse at the western end of the site; and
- an annual contribution for a ten year period, index linked, towards the subsidy of a bus route that accesses the site; and
- a contribution towards subway enhancements as detailed above; and
- a contribution towards or the provision of a scheme of signage to lead pedestrians from the site to the town centre; and
- the retention of the existing parking restrictions that ensure that the car park can be utilised for trips to the town centre (unless included in the conditions); and
- a contribution towards town centre enhancements; **and**

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

- 1) Time limit for commencement of development
- 2) Details of roof plant to be agreed and implemented
- 3) Additional travel plan details as requested by highways to be agreed and implemented
- 4) Provision and retention of cycle parking
- 5) Condition requested by NWWM
- 6) Development to occur and be maintained as per the noise and air quality reports
- 7) Condition requested by STW
- 8) Additional security and safety information to be provided to the satisfaction of the community safety officer and implemented as agreed
- 9) Car park management strategy to be agreed and implemented
- 10) The store shall not open to public trading until the car parking provision has been laid out and marked out and this shall thereafter be maintained
- 11) Approved plans specified

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Informatives

- 1) NB S106 attached
- 2) NB contaminated land comments
- 3) NB PROW comments
- 4) NB positive and proactive working (PPA)
- 5) NB separate advertisement consent will be required for any proposed signage not benefitting from deemed consent

**Procedural matters**

This application is being reported to the Planning Committee because the application requires a S106 Agreement; and because the application is for major development (more than 1000m<sup>2</sup> of new commercial floorspace); and because two (or more) objections have been received. As such the application falls outside the scheme of delegation to Officers.



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**Planning Application 2014/105/OUT****Outline application with one matter (landscaping) reserved - 6 dwellings providing housing mix of 2 x 2 Bed, 2 x 3 Bed and 2 x 4 Bed accommodation****The Paddocks, Astwood Lane, Feckenham, Redditch, Worcestershire, B96 6HG****Applicant: Mrs Pat Dormer  
Expiry Date: 27<sup>th</sup> June 2014  
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](mailto: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.

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

**Proposal Description**

Outline planning permission is sought for the erection of 6 new dwellings. One matter (landscaping) is reserved for future consideration.

The matters which are for consideration here are that of vehicular access to the proposed development, layout, appearance, and scale. Only the matter of Landscaping would be considered as part of any future reserved matters application, if this application were to be approved. It is therefore necessary to give detailed consideration to the design, size and position of the proposed buildings.

The dwellings would comprise a mix of 2, 3 and 4 bedroomed properties formed of brickwork walls under tiled roof. Vehicular access to serve the development would be via the existing access to The Paddocks (Astwood Lane).

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

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

|          |  |
|----------|--|
| B(RA).1  | Control of development in the Green Belt                   |
| 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)                             |

**Emerging Draft Local Plan No.4:**

- Policy 2: Settlement Hierarchy
- Policy 3: Development Strategy
- Policy 4: Housing Provision
- Policy 5: Effective and Efficient use of land
- Policy 6: Affordable Housing
- Policy 39: Built Environment
- Policy 40: High Quality Design and Safer Communities

**Others:**

- NPPF National Planning Policy Framework
- SPG Encouraging Good Design
- SPD Open Space Provision
- SPD Education contributions

Worcestershire Waste Core Strategy (WWCS)

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.

**Relevant Planning History**

|              |   |
|--------------|---|
| 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 |
|              | Refused      16.01.2014      Appeal pending   |



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**Consultations****Feckenham Parish Council**

Comments summarised as follows:

This planning application is in essence much the same as outline application 2013/228 to which a public consultation was undertaken by the Parish Council in October 2013.

When the first application was lodged the Parish Council voted to support the application following a full debate when objectors concerns were noted and taken into account. Some objectors raised the issue of density. The number of houses has now been reduced to six.

Having considered the plan submitted, the Parish Council see no reason to alter the view of the previous Council meeting which supported the development of this brown field site. The proposed development would improve what is otherwise a poor aspect to this important entrance to the village.

Some two bedroom dwellings have been removed from the plan. This is regrettable as the village is in need of additional smaller forms of housing to encourage younger people to move into the village.

The Council would like to see more parking spaces provided and that access and visibility be fully considered. Materials to be used should be carefully considered.

**Severn Trent Water**

No objection, subject to imposition of standard drainage conditions

**Highway Network Control**

The proposed development is acceptable in highway terms and therefore no objections are raised subject to the inclusion of conditions covering access turning and parking, on site roads specification together with standard highway informatives

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, standard conditions pertaining to contamination should be attached, 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

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### **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. 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. 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 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.

No objections are raised subject to the imposition of a condition to address the above matters.

### **Public Consultation Response**

Neighbours

#### In favour

109 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

4 letters received. Comments summarised as:

Approval would set a dangerous precedent.

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Adverse impact on wildlife in the area.

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

Feckenham is an unsustainable rural settlement. New private housing should not therefore be permitted.

The Leylandii hedge planted to the southern boundary would cast 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

### Background

Members will recall that a similar application for outline consent was reported earlier in the year. That application was also in outline and proposed 8 no. dwellings providing a mix of 4 x 2 bed, 2 x 3 bed and 2 x 4 bed, one of which was proposed to be a replacement dwelling.

Under that application (2013/228), the only matter which was for consideration was that of vehicular access to the proposed development. The matters of layout, appearance, landscaping and scale would have been considered as part of any future reserved matters application, if the application had been approved. Notwithstanding this, as part of that application, the Council were being asked to consider the impact of a specific number of dwellings on the site, that being eight, with one of the eight being a larger replacement dwelling. On balance, the application was recommended for refusal with the main concern being that the development would have had a greater impact on the openness of the Green Belt than that of the existing development on the site which would have been removed. Members voted in favour of the officers recommendation and refused the application. An appeal to the Planning Inspectorate has since been lodged. At the time of writing the appeal is pending determination.

### Assessment of Proposal

The main issues for consideration are 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

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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:

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 | 1649 cubic metres |
| ii) | Stables                        | 356 cubic metres  |

The total volume of buildings to be removed would be 2005 cubic metres.

The total volume of buildings to be erected here would be 1930 cubic metres.

This results in an overall volume reduction of 75 cubic metres.

Calculations using floorspace are as follows:

Existing footprint: 464.55 square metres  
Proposed footprint: 409.36 square metres

This results in an overall footprint reduction of 55.19 square metres.

Under the earlier (refused) application, which incorporated a proposed replacement dwelling, the indicative proposed total cubic volume of development for the proposed 8 dwelling scheme had been calculated by the applicant to be 2341 cubic metres, an almost identical figure to the total volume of existing built form (which included the dwelling to be replaced).

Officers at that time considered that, in the absence of a fully detailed application including accurate measurements of the build, it was difficult to say whether the figures put forward by the applicant could be trusted as a reliable and representative figure. Originally submitted indicative plans which included elevations of the development showed that the housing would measure 7.75 metres to its highest point. Such heights would have been considerably greater than that of existing built form (the existing commercial unit measuring 5.5 metres to its highest point).

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As such, officers considered that the layout proposed under that application albeit indicative, would have resulted in greater harm to the openness of the green belt than that which exists at present.

As a part of the (refused) scheme, an existing dwelling would have been demolished, to be replaced by a new dwelling at a distance some 10 metres away from the (demolished) dwelling. This part of the application raised a number of concerns.

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

Secondly, even if the replacement building were to be demolished as part of that scheme, being situated 10 metres away from the new dwelling, officers considered that 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, thus increasing harm to the openness of the green belt and contrary to adopted policies.

This part of the site has been excluded from the current application and therefore concerns raised with this part of the proposal previously are no longer relevant.

Since the current application is effectively a detailed application albeit with the matter of landscaping reserved for consideration under a future application, it is now possible to accurately assess the impact of the development upon the openness of the green belt as required under Paragraph 89 of the NPPF. Your officers now consider that the proposed development of 6 new dwellings would now constitute the development of a previously developed site having no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. In principle the development is now considered to be acceptable.

### Design and Layout

The site lies adjacent to the Conservation Area (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 design of the development is considered to be much improved from that submitted under application 2013/228/OUT and designed around a courtyard including development with a ridge height of 5.85 metres (2 bed dwelling), rising to 6.35 metres and 6.5 metres for the three and four bed roomed dwellings. The development now reads more like a converted rural building scheme that responds well to the sites context in an edge of rural settlement location. In addition, the grouping of dwellings around a courtyard both improves the setting of the Conservation Area and importantly retains the openness of the green belt as required under Para 89 of the NPPF.

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Your officers are now less concerned with shading that will occur naturally from the location of the existing evergreen hedge to the southern boundary of the site, due to the net reduction in density and the fact that gardens serving the dwellings are generally larger than that proposed under the earlier application.

### Impact of the proposals on highway safety

Representations have been received questioning the acceptability of the access to serve such a development. As before, 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 Obligations

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation. 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 to provide refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy
4. A contribution towards the County Council Infrastructure Delivery Plan

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

### Other matters

The current and emerging Local Plan considers Feckenham 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). The consequence of further housing development at this location would be increased car journeys to and from the village. Such commuting would arguably be contrary to the objectives of sustainability and as such, it could be argued that the scheme does not merit support on grounds of sustainability.

The Parish Council feel strongly however that housing on the site, particularly smaller bedroomed units would add to the vitality and viability of the village which does support a shop, two public houses and a primary school. The Parish Council along with many of the representations received in support of the application consider that the proposal would

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help support local services and would improve this part of the village in terms of visual amenity and the setting of the nearby Conservation Area.

**Conclusion**

Officers consider that this revised application is acceptable having regard Paragraph 89 of the National Planning Policy Framework because the proposals would have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The design of the development is considered to respect the character of the area and the proposals would be unlikely to cause harm to amenity or safety. Approval of this application would meet some of the demonstrated housing need in the Borough. 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 & Regeneration to GRANT OUTLINE planning permission subject to:**

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

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

**and**

**b) Conditions and informatives as set out below:****Conditions**

- 1) (a) Application for approval of matters reserved in this permission must be made not later than the expiration of three years beginning with the date of the grant of this permission.
- (b) The development to which this permission relates must be begun not later than whichever is the later of the following dates:-

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- (i) the expiration of three years from the date of the grant of outline planning permission; or
  - (ii) the expiration of two years from final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
- (c) The matters reserved for subsequent approval include the following:-  
LANDSCAPING

Reason:- In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Prior to the commencement of development details of the form, colour and finish of the materials to be used externally on the walls and roofs of the development, including windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

- 3) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings under Classes A, B, C, D and E to Schedule 2, Part 1 shall be erected within the site edged red without first applying for planning permission.

Reason:- To ensure that the openness of the green belt is safeguarded from inappropriate development in accordance with Policy B(RA)1 of the Borough of Redditch Local Plan No.3.

- 4) The Development hereby permitted shall not be brought into use until the access, turning area (if applicable) and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason:- In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and in accordance with the National Planning Policy Framework.



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- 5) Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme as been constructed in accordance with the approved drawings.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

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

appropriate references to be added here to include plans and other associated documents

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

- 7) Prior to the development hereby approved commencing, full details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented prior to first use or occupation of the development.

Reason:- To allow proper consideration of the proposed foul and surface water drainage systems and to ensure that the development is provided with a satisfactory means of drainage and in accordance with National Planning Policy Framework.

- 8) No development approved by this permission shall be commenced until:

a) A desktop study identifying previous site uses, potential contaminants and other relevant information and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been undertaken and submitted in approval for writing by the LPA;

b) If deemed necessary as a result of the desktop study, a site investigation has been designed using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model), and has been submitted to and approved in writing by the LPA;

c) The site investigation has been undertaken in accordance with details approved and a risk assessment has been produced;

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d) A method statement detailing the remediation requirements using the information obtained from the site investigation has been approved in writing by the LPA.

Reason: To identify contamination which may pose a risk to the environment or harm to human health and in accordance with National Planning Policy Framework.

9) If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the LPA) shall be carried out until either;

- a site investigation has been designed and undertaken in accordance with details approved in writing by the LPA, a risk assessment has been produced and a method statement detailing the remediation requirements using the information obtained from the site investigation has been approved by the LPA or;

- If the above has been previously undertaken, the developer has submitted and obtained written approval from the LPA for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters and in accordance with National Planning Policy Framework.

10) All remediation works detailed in the method statement shall be undertaken and a report submitted to the LPA providing verification that the works have been carried out in accordance with the approved details.

Reason: To protect controlled waters by ensuring that the remediated site has been claimed to an appropriate standard and in accordance with National Planning Policy Framework.

**Informatives**

- 1) The local planning authority have 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.
- 2) The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 3) This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Worcestershire

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County Council for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.

- 4) If it is the Developer's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to the County Council's Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act, 1980, entered into.
- 5) It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, the County Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the Engineering details referred to in this conditional approval to the County Council's County Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP at an early date to enable surface water disposal arrangements to be assessed

- 6) The applicant should be aware that this permission also includes a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) and that the requirements of that and the conditions listed above must be complied with at all times.

**Procedural matters**

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



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Planning Application 2014/170/FUL

First floor side extension over existing garage and single storey rear extension

1 Ellenbrook Close, Batchley, Redditch, Worcestershire, B97 6TB, ,

Applicant: Mr Gary O'Rourke  
Expiry Date: 9th July 2014  
Ward: BATCHLEY AND BROCKHILL

(see additional papers for Site Plan)

The author of this report is Jane Griffiths, Planning Officer (DM), who can be contacted on Tel: 01527 534062 Email: jane.griffiths@redditchbc.gov.uk for more information.

**Site Description**

1 Ellenbrook close is situated within an urban area of Redditch. The property lies at the end of a small cul de sac, in which are situated both semi-detached and detached properties and the ground level here is flat.

This property is part of a modern housing development constructed in the late 1990's by Persimmon Homes.

**Proposal Description**

The proposal is for a first floor side extension over an existing garage and a single storey rear extension which will replace an existing conservatory. The side extension will be set back from the front wall of the existing house and also set down at roof level.

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

BBE13 Qualities of Good Design  
BBE14 Alterations and Extensions

**Others:**

NPPF National Planning Policy Framework  
SPG Encouraging Good Design

**Relevant Planning History**

None

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### **Consultations**

#### **Highway Network Control**

No Comments Received To Date

#### **Public Consultation Response**

4 letters received. Comments are summarised as follows:

- o Loss of light, outlook and privacy to existing properties
- o Over development of the site

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

1 letter of support has also been received.

### **Assessment of Proposal**

This application relates to a semi-detached property in a residential area where the principle of residential development is usually considered to be acceptable, however the permitted development rights have been removed from this property and others on this part of the estate. The reason for this being that the gardens to the properties here are generally small and it was felt necessary to help protect visual and residential amenity.

Planning permission was granted under Planning Ref. 96/459, and Condition 10 restricts permitted development rights under Schedule 2, Part 1, Classes A and E. The condition reads as follows:

Notwithstanding the provisions of the Town and County Planning General Permitted Development Order 1995, and subsequent amendments thereof, no development included within Schedule 2, Part 1, Classes A and E shall be carried out within the residential curtilages as approved without the express consent of the Local Planning Authority.

Reason:- In order to maintain and preserve the amenities of the area.

The single storey rear extension would normally be deemed as permitted development but in this case as permitted development rights have been removed this proposal has been included with the application for the first floor side extension.

The proposal is considered acceptable as the design, appearance and scale are sympathetic to the main house and as this property and adjoining neighbour are tucked

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away in a corner the proposed side extension would not detract from the character of the street.

It is considered that the extensions would not be over dominant and the scale and siting of the rear single storey extension complies with the 60 degree rule. With regard to the size of garden, as the proposed rear extension will only encroach a further 20 cm into the garden when replacing the existing conservatory, there will be minimal loss of garden length, a 9 metre length at the longest point will remain. The first floor extension sides onto the larger garden of the neighbouring properties, being approximately 13 metres away at the nearest point (a 11 metre minimum distance is usually required) and would therefore not cause any harm to amenity through overshadowing, loss of light or privacy due to its size and positioning and as such is considered acceptable.

This scheme has raised no other material planning issues and required no further negotiations or amendments. The proposal is therefore considered to be in compliance with policy and a sustainable form of development in accordance with the requirements of the National Planning Policy Framework.

Proactive engagement by the local planning authority was not necessary in this case as the proposed development was considered acceptable as initially submitted.

### **RECOMMENDATION:**

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

### **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 proposal shall be carried out as shown on the plans, schedules and other documents listed below;

Location plan, 1:1250

Site plan, 1:500

Existing elevations, 1:100 - Drawing No. GO-14-05(P)

Proposed elevations, 1:100 - Drawing No. GO-14-06(P)

First floor existing, 1:50 - Drawing No. GO-14-02(P)

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First floor proposed, 1:50 - Drawing No. GO-14-04(P)  
Ground floor existing site plan, 1:50 - Drawing No. GO-14-01(P)  
Ground floor proposed, 1:50 - Drawing No. GO-14-03(P)  
Roof plan existing, 1:50 - Drawing No. GO-14-08(P)  
Roof plan proposed, 1:50 - Drawing No. GO-14-08(P)  
Section, 1:50 - Drawing No. GO-14-07(P)

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 two (or more) objections have been received.