



Planning Committee

Wed 8 Oct
2014
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

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a
difference*

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Your main rights are set out below:-

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- Automatic right to inspect agendas and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees

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

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- Access 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:

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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:

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REDDITCH BOROUGH COUNCIL **PLANNING COMMITTEE**



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GUIDANCE ON PUBLIC **SPEAKING**

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

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

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

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

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

Notes:

- 1) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Borough of Redditch Local Plan No.3, the County Structure Plan (comprising the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the development plan and the “environmental factors” (in the broad sense) which affect the site.
- 2) Members of the public are now able to record all or part of this meeting either by making an audio recording, taking photographs, filming or making notes. The exception to this involves exempt / confidential information to be considered, when members of the public may be excluded from the meeting, the reason(s) for which will be defined in the Exclusion of the Public item on the Planning Committee Agenda.

An area of the Council Chamber has been set aside next to the Press for any members of the public who wish to do this. The Council asks that any recording of the meeting is done from this area to avoid disrupting the proceedings. Members of the public should now be aware that they may be filmed or recorded during the course of the meeting.

- 3) Once the formal meeting opens, members of the public are requested to remain within the Public Gallery and may only address Committee Members and Officers via the formal public speaking route.
- 4) Late circulation of additional papers is not advised and is subject to the Chair’s agreement. The submission of any significant new information might lead to a delay in reaching a decision. The deadline for papers to be received by Planning Officers is 4.00 p.m. on the Friday before the meeting.
- 5) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Committee Services Team by 12 noon on the day of the meeting.

Further assistance:

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

At the meeting, these Officers will normally be seated either side of the Chair. The Chair’s place is at the front left-hand corner of the Committee table as viewed from the Public Gallery.

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

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

Chair

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

8th October 2014

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

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

<p>1. Apologies</p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.</p>
<p>3. Confirmation of Minutes (Pages 1 - 6)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 10th September 2014. (Minutes attached)</p>
<p>4. Update Reports</p>	<p>To note Update Reports (if any) for the Planning Applications to be considered at the meeting (circulated prior to the commencement of the meeting)</p>
<p>5. 2014/009/FUL - Land at Moons Moat Drive, Church Hill, Redditch, Worcestershire (Pages 7 - 20) Ruth Bamford, Head of Planning and Regeneration</p>	<p>To consider a Planning Application for 14 new three bedroom detached houses. Applicant: Mr David Baker (Report attached – Site Plan to follow) (Church Hill Ward)</p>
<p>6. 2014/169/FUL - Land rear of Suntrap, Edgioake Lane, Astwood Bank, Redditch, Worcestershire (Pages 21 - 32) Ruth Bamford, Head of Planning and Regeneration</p>	<p>To consider a Planning Application for the erection of seven detached dwellings and garages. Applicant: Kendrick Homes Ltd (Report attached – Site Plan to follow) (Astwood Bank & Feckenham Ward)</p>

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<p>7. 2014/210/FUL - Lowans Hill Farm, Brockhill Lane, Brockhill, Redditch, Worcestershire B97 6QX</p> <p>(Pages 33 - 42)</p> <p>Ruth Bamford, Head of Planning and Regeneration</p>	<p>To consider a Planning Application for the reconstruction of farmhouse building to create two dwellings, conversion of existing barns to create five dwellings and erection of garage buildings and stores.</p> <p>Applicant: Mr Keir Price</p> <p>(Report attached – Site Plan to follow) (Batchley & Brockhill Ward)</p>
<p>8. 2014/213/COU - Unit 5A1 Millsborough House, Ipsley Street, Smallwood, Redditch, Worcestershire B98 7AL</p> <p>(Pages 43 - 46)</p> <p>Ruth Bamford, Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a change of use from secondhand furniture store to hot food takeaway (A1 to A5) to accommodate extension of existing business currently occupying Unit 5 Basement 3/4.</p> <p>Applicant: Mr David Gough</p> <p>(Report attached – Site Plan to follow) (Central Ward)</p>
<p>9. Exclusion of the Public</p>	<p>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:</p> <p>“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.</p> <p>These paragraphs are as follows:</p> <p>subject to the “public interest” test, information relating to:</p> <p>Para 1 - <u>any individual;</u> Para 2 - <u>the identity of any individual;</u> Para 3 - <u>financial or business affairs;</u> Para 4 - <u>labour relations matters;</u> Para 5 - <u>legal professional privilege;</u> Para 6 - <u>a notice, order or direction;</u> Para 7 - <u>the prevention, investigation or prosecution of crime;</u></p> <p>may need to be considered as “exempt”.</p>

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10. Confidential Matters (if any)

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



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MINUTES

Present:

Councillor Andrew Fry (Chair), and Councillors Joe Baker, Michael Braley, Natalie Brookes (substituting for Councillor Alan Mason), Jane Potter (substituting for Councillor Andrew Brazier), Yvonne Smith and David Thain

Officers:

Clare Flanagan, Helena Horton and Ailith Rutt

Committee Services Officer:

Jan Smyth

21. APOLOGIES

Apologies for absence were received on behalf of Councillors Roger Bennett, Andrew Brazier and Alan Mason.

22. DECLARATIONS OF INTEREST

No declarations of interest were made.

23. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Planning Committee held on 6th August 2014 be confirmed as a correct record and signed by the Chair.

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Chair

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**24. PLANNING APPLICATION 2014/036/FUL –
B & Q DIY SUPERCENTRE, JINNAH ROAD, SMALLWOOD,
REDDITCH, WORCESTERSHIRE B97 6RG**

Reconfiguration of existing store to create a
Class A1 (bulky goods) unit and a
Class A1 Foodstore, together with associated
external alterations and selected car parking
reconfiguration.

Applicants: B & Q Plc and ASDA Stores Ltd

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

Mr P. Anderson - resident
Mr A. Haughey - objector for Kingfisher Ltd Partnership
Ms R Sidaway, objector for Town Centre Partnership
Ms P Harvey, objector on behalf of Smallwood residents
Mr P Bartram – on behalf of joint Applicant Asda Stores Ltd
Ms J Sell – on behalf of joint Applicant B & Q Plc

RESOLVED that

having regard to the Development Plan and all other material considerations authority be delegated to the Head of Planning and Regeneration Services to GRANT planning permission, subject to:

- 1) a planning obligation ensuring:
 - a) the restriction on the sale of goods to DIY warehouse at the western end of the site;
 - b) an annual contribution for a ten year period, index linked,
 - c) towards the subsidy of a bus route that accesses the site;
 - d) a contribution towards subway enhancements as detailed above;
 - e) a contribution towards or the provision of a scheme of signage to lead pedestrians from the site to the town centre;

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- f) 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);
- g) a contribution towards town centre enhancements;
- 2) a satisfactory alternative proposal to the proposed 24hr opening times being negotiated and agreed with Officers to reduce noise levels and impact on local residents; and
- 3) the 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

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

(Officers advised on late additional representations received from the owners of the Kingfisher Shopping Centre, Town Centre Partnership and local residents, received after publication of the Agenda, together with Officers responses, as detailed in Updates 1 and 2 and published on the Council's Website, copies of which

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were made available for Committee Members and the public gallery prior to commencement of the meeting.

Having considered all of the information provided and the various representations made through the public speaking process, Members were of the view that the proposed development would be good for the economy of the town with additional jobs and the safeguarding of existing jobs. Members also considered that the development would not have a detrimental impact on the viability of the Town Centre. The Committee did, however, have concerns in regard to the proposed 24 hour opening times which they considered could have an impact on the local residential area. Officers were therefore asked to discuss this issue with the Applicant and negotiate suitable alternative opening times to reduce any such impact.

Subject to a planning obligation being agreed, conditions being imposed that were deemed appropriate, and the satisfactory re-negotiation of the opening hours for the Asda store, the Committee considered the proposal acceptable and delegated authority to grant planning permission to the Head of Planning and Regeneration on their behalf, as detailed in the resolution above.

Officers clarified that, should any of the matters detailed above not be suitably agreed between Officers and the Applicants, a report would be brought back to the Committee.)

Following the conclusion of the above application, the meeting was adjourned at 20.06pm for a brief comfort break. The meeting reconvened at 20.13pm.

**25. PLANNING APPLICATION 2014/096/OUT –
THE JOLLY FARMER PUBLIC HOUSE, WOODROW DRIVE,
WOODROW, REDDITCH, WORCESTERSHIRE B98 7UH**

Outline application with access and layout
for consideration for the demolition of a
Public House and the erection of 14 dwellings.

Applicants: Malvern Estates Plc and
Unique Pub Properties Ltd

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

Mr Victor Daines – local resident
Mr Paul Wakeling – local resident

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Mr David Rahal – for Malvern Estates Plc – joint Applicant.

RESOLVED that

having regard to the Development Plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration Services to GRANT Outline Planning Permission, subject to

- 1) the satisfactory completion of a Section 106 Planning Obligation to ensure that :
 - a) contributions are paid to the Borough Council for off-site space, pitches and equipped play area;
 - b) a contribution is paid to the Borough Council for the provision of wheelie bins for the new development; and
 - c) a contribution is paid to the County Council towards County education contribution facilities;and
- 2) the Conditions and Informatives as detailed on pages 38 to 41 of the report.

**26. PLANNING APPLICATION 2014/190/OUT –
25 BROAD GROUND ROAD, LAKESIDE, REDDITCH,
WORCESTERSHIRE**

Proposed rehearsal studio with offices
(Outline Permission with matters of access,
layout and scale for consideration)

Applicant: Mr C Reed

Mr S Vick, Agent for the Applicant, addressed the Committee under the Council's public speaking rules.

RESOLVED that

having regard to the Development Plan and to all other material considerations, Outline Planning Permission be GRANTED, subject to the Conditions and Informative detailed on pages 48 to 50 of the report.

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(The Committee noted a late representation from Worcestershire Regulatory Services (WRS) in relation to noise impact on nearby residential properties, as detailed in the published Update 2 report, copies of which were provided at the meeting for Committee Members and the public gallery).

The Meeting commenced at 7.00 pm
and closed at 8.52 pm

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CHAIR

**PLANNING
COMMITTEE**8th October 2014

Planning Application 2014/009/FUL**Erection of 14 detached three bedroomed houses****Land at Moons Moat Drive, Church Hill, Redditch****Applicant: Mr David Baker**
Expiry Date: 4th July 2014
Ward: CHURCH HILL**(see additional papers for Site Plan)**

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

Site Description

The site is undeveloped and measures approximately 0.5 ha. It is surrounded by roads on all sides with Moons Moat Drive forming the northern boundary. Beyond this, to the north lies Moons Moat First School and residential development off Rickyard Lane, with Arley Close and Acton Close being closest to the site.

Moons Moat Drive is accessed via a roundabout to the west with the Coventry Highway to the south of the site. Battens Drive is an exit from the roundabout to the south of the site with the Arrow Valley Park lying a short distance away to the south-west.

The site is level throughout and contains a large number of young trees, grasses and other low lying vegetation. It is a poorly maintained site and generally overgrown. An informal footpath crosses the site linking Moons Moat Drive to the north, to the slip road off the roundabout to the south.

Proposal Description

This is a full planning application to erect fourteen, three bedroomed detached dwellings.

Three house types are proposed. Types A and B would have integral garages whilst Type C would have attached garages. All would have additional in curtilage parking.

Every house would be formed of brickwork walls, with smaller elements of render (to be used on Types A and B only) under a concrete tiled roof.

Vehicular access to serve the development is proposed to be formed from Moons Moat Drive. This would be at a point approximately 35 metres to the west of the Rickyard Lane junction from Moons Moat Drive.

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Relevant Policies

Borough of Redditch Local Plan No.3

CS2 Care for the environment
CS6 Implementation of development
CS7 Sustainable location of development
CS8 Landscape character
B(BE)13 Qualities of good design
C(T)12 Parking standards
B(NE).1a Trees, Woodland and Hedgerows
S1 Designing out crime

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 39: Built Environment
Policy 40: High Quality Design and Safer Communities

Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
SPG Encouraging Good Design
SPD Open Space Provision
SPD Education contributions
Worcestershire Waste Core Strategy (WWCS)

The site itself is undesignated within both Local Plan No.3 and the draft Local Plan No.4.

Constraints:

Tree Preservation Order (New Town No.8 1965);

Relevant Planning History

None

Consultations

Highway Network Control

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

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

Arboricultural Officer

This site is currently of dense tree cover, and sits within an area Tree Preservation Order (New Town No.8 1965); however none of the trees on site are mature enough to be covered by this Order.

A visual barrier should be retained to screen the development from the adjacent roundabout and slip road. The tree retention plan does indicate that a decent amount of tree cover will remain to the Western and Southern boundaries.

A landscaping condition is needed to ensure that internal and boundary retentions and/or suitable replacement plantings are provided to the density indicated on the Tree Retention Plan and to provide further screening to parts of the Southern boundary.

Education Authority

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

Area Environmental Health Officer

Given the proximity of the dual carriageway, noise impact from this source on the proposed development should be taken into consideration.

It is recommended that the applicant be directed to the WRS Technical Noise Guide which contains guidance including remediation. Standard contaminated land conditions should be attached to any consent.

North Worcestershire Water Management

Notes that the site is not located within an area of fluvial flood risk although it will be important to consider drainage so as not to cause or exacerbate flood risk elsewhere.

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

With regards to the discharging of any additional surface water created by the proposed new dwellings, the applicant has proposed to use soakaways. Porosity tests will be required in order to ascertain whether soakaways would be appropriate. The applicant is asked to consider other forms of SuDS techniques to dispose of surface water, such as

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rainwater harvesting or permeable paving. Subject to the imposition of and agreement to a drainage condition, no objections are raised.

Crime Risk Manager

No objection to the general layout of the development. From a Crime Risk point of view, it is unfortunate that the development has a footpath running through it since this has the potential to increase the risk of crime. Ideally, I would like to see the footpath removed and the development completely enclosed by fencing although this may be contrary to sustainability objectives.

Severn Trent Water Ltd

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

Worcestershire Archive and Archaeological Service

The development site is located to the south west of Moon's Moat which is a medieval moated site and to the east of the site lies the Roman road of Ryknild Street. There is potential for below ground archaeological remains dating to the Roman and medieval periods although the disturbance from the construction of the dual carriageway should be taken into account. In this instance, an archaeological watching brief on all groundworks would be a sufficient method of assessing the archaeological remains in this area. This should be required via planning conditions.

Public Consultation Responses

Responses against

2 letters received raising the following summarised comments:

- Accidents are likely to increase as Moons Moat drive becomes busier. Access point too close to the roundabout
- Footpath crosses site allowing access to Arrow Valley Park, Moons Moat First School and nearby employment units and supermarket. Concerns raised if this could not be used
- Construction traffic likely to cause problems

Assessment of proposal

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

Principle

The site is undesignated within both LP No.3 and the emerging LP No.4, and therefore any use should be considered in terms of its appropriateness in that location, and its likely impacts on any surrounding development. In this case, to the north and east lies residential development, to the west lies a small employment area (site IN27). To the

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south of the Coventry highway lies employment land (with access off Battens Drive), and to the south west, public open space in the shape of the Arrow Valley Park.

Given that the nearest uses to the site are those of the residential areas off Rickyard Lane, it is therefore considered appropriate to use the site for residential purposes, as it can be easily contained within the site and is unlikely to cause any significant harmful impacts on surrounding uses. Similarly, existing surrounding uses would not cause harm to the residential amenities enjoyed by future occupiers of this development.

Design and layout

The layout of the development is that of a simple cul-de-sac arrangement which retains the informal footpath link through the site.

It is noted that the surrounding character and pattern of residential development varies and is somewhat more dense than is proposed under this application which comprises a density of 28 dwellings per hectare. The shape and size of the site together with the importance of retaining a footpath link across the site has dictated the general form of the layout with access onto Moons Moat Drive and a turning head within the site for service vehicles.

The layout proposed is considered to be appropriate to the sites constraints which include a significant quantity of vegetation, some of which would be retained, particularly at the western corner of the site to minimise visual impact from the roundabout and to afford an acceptable standard of private amenity for future occupiers.

The site and its resultant layout have led Worcestershire Regulatory Services to comment in respect of the proposed developments proximity to busy nearby roads and the issue of noise intrusion for future occupiers of the development. Although a tree screen would remain to the perimeters, it is recommended that a condition be imposed in the case of permission being granted which would require the provision of acoustic fencing to all perimeters in the interests of protecting the amenities of future occupiers of the development.

Any impact upon the nearest (existing) residents is likely to be minimal given the significant distance which exists between the site and properties to the north, in Acton Close.

It is noted that only two representations have been received in objection despite the extensive consultation process. The representations received concern wider highway safety impact concerns rather than those relating to loss of private residential amenities such as overlooking or loss of sunlight.

Since vegetation to the sites perimeters would be retained, the residential development of the site in the manner proposed would be unlikely to be visually prominent from any surrounding viewpoint and to road users, who will generally be the only viewers of the site.

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The design and appearance of the dwellings is also considered to be acceptable with the development complementing the character and appearance of the surrounding area. The dwellings would be two storey height with standard pitched roofs. All of the dwellings would have red facing brickwork walls with contrasting red brick string courses and detailing. Smaller elements of render would be used to House Types A and B. Cills to the front elevations would be in reconstituted stone in a natural colour. Roofs are intended to be of concrete interlocking tile construction.

Each of the dwellings would comply with minimum garden sizes in accordance with the Councils SPG 'Encouraging Good Design'. The dwellings would comply with other minimum spacing standards as set out in the SPG.

Windows serving habitable rooms have been inserted in gable elevations of the dwellings where appropriate in order to provide passive surveillance over public areas in accordance with secured by design advice.

Landscaping

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

Highways, access and parking

Notwithstanding the representations received in respect to highway safety, County Highways officers have raised no objections to the proposed access and parking arrangements, commenting that the additional vehicle trips associated with such a development would not have a detrimental impact upon the surrounding highway network.

Officers are satisfied that the conditions as requested by Highway Network Control are necessary and reasonable having regard to government guidance which exists with respect to planning conditions (Para 206 of the NPPF). It is not considered appropriate in this case to seek the infrastructure contribution following legal advice which has been received.

Sustainability

The site lies within the urban area of Redditch, and is therefore considered to be in a sustainable location. The retention of the existing footpath is important since it links the School (immediately to the north) with employment generating uses, a supermarket and public open space to the south of the site. The site is considered to be within easy walking distance of such amenities therefore placing less reliance on the private motor car, in line with planning policy objectives.

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Wildlife

The site has no special wildlife designations and therefore there is no requirement in planning policy terms to pursue the matter further. However, other protections would still apply under other relevant legislation and an informative to that effect is recommended.

Planning Obligation required

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

- A contribution towards playing pitches, play areas and open space in the area, due to increased demand/requirement from future residents, is required in compliance with the SPD.
- A contribution towards County education facilities. The County have confirmed that there is a need in this area to take contributions towards three schools: Moon's Moat First, Church Hill Middle and Arrow Vale High School.
- A contribution to provide refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy

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

Procedural matters

This is a small scale major application on RBC land, and therefore cannot be determined by Officers under delegated powers.

This site has been identified as a potential housing site through the Asset Disposal Programme and declared surplus by Executive Committee.

Conclusion

It is considered that the proposals comply with the relevant planning policy framework, and would be unlikely to cause any harm to amenity or safety. Subject to the satisfactory completion of the planning obligation, a favourable recommendation can be made.

RECOMMENDATION

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

- a) **The satisfactory completion of a S106 planning obligation ensuring that:**
- Contributions are paid to the Borough Council in respect to off-site open space, pitches and equipped play in accordance with the Councils adopted SPD

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- A financial contribution is paid to the County Council in respect to education provision
- A financial contribution is paid to the Borough Council towards the provision of wheelie bins for the new development

and

b) Conditions and informatives as below: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) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed boundary treatment and other means of enclosure, hard surfacing materials, new planting, trees and shrubs to be retained, together with measures to be taken for their protection while building works are in progress.

Reason:- In the interests of the visual amenity of the area and in accordance with Policy CS.8 of the Borough of Redditch Local Plan No.3

- 4) All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

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Reason:- In the interests of the visual amenity of the area and in accordance with Policy CS.8 of the Borough of Redditch Local Plan No.3

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

appropriate references to be inserted 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 the commencement of development, details of an acoustic fence to be provided shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be erected in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted.

Reason: In the interests of noise control to provide future occupiers of this development with an acceptable standard of amenity, in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

- 7) 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

- 8) Development shall not commence 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. The development shall be carried out in accordance with the approved details.

Reason:- To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and in accordance with the National Planning Policy Framework.

- 9) The Development shall not be occupied until the roadworks necessary to provide access from the nearest publicly maintained highway have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority.

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Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied in accordance with the provisions of the National Planning Policy Framework.

- 10) 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.

- 11) 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;
 - 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.

- 12) 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

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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.

- 13) 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.

- 14) A) No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording.
2. The programme for post investigation assessment.
3. Provision to be made for analysis of the site investigation and recording.
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

C) With a written agreed date the site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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Reason: In accordance with the requirements of paragraph 141 of the National Planning Policy Framework.

- 15) The footpath which crosses the site shall remain unobstructed and available for the public to pass through it at all times whilst development works on site are in operation. The footpath shall remain open in perpetuity.

In the interests of allowing the public the opportunity of passing through the site to access amenities in the interests of sustainability and in accordance with the provisions of 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 pre-application advice and discussion.

- 2) Whilst the full remit of the Secured by Design Scheme covers more than Land Use Planning and Development Control, Redditch Borough Council actively encourage developers to take full account of Crime Prevention and Community Safety issues throughout the design and construction of any development as an integral part of achieving good design. Applicants are advised that further details of Secured by Design and relevant construction specifications can be found at www.securedbydesign.com or by contacting the West Mercia Constabulary Crime Risk Manager on 01527 586181

- 3) The developer is reminded of his responsibilities towards Protected Species and their habitats under separate legislation:

Wildlife and Countryside Act 1981;
Countryside and Rights of Way Act 2000;

The above legislation, together with E.E.C. Directives such as that on the Conservation of Wild Birds (79/409/EEC) and the Conservation of Natural Habitats and Wild Fauna and Flora (92/43/EEC), affords protection in law to certain wildlife species and their habitat/environment. Whilst no material issue in connection with protected species has come to light during the assessment of your planning application, should any be discovered during site clearance, demolition or redevelopment, the developer is advised to contact the Worcestershire Wildlife Trust at 01905 754919 www.worcswildlifetrust.co.uk OR English Nature at www.english-nature.org.uk.

- 4) 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.

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- 5) 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.
- 6) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Councils Approved Contractor following the issue of a licence under Section 184 and 278 of the Highways Act, 1980.

The applicant should contact Worcestershire County Councils Highway Network Control Manager, County Hall, Spetchley Road, Worcester, WR5 2NP (telephone 0845 607 2005), regarding the issue of the necessary license authorising the access works to be carried out by the County Councils Approved Contractor at the applicants expense.

- 7) If it is the Developer's intention to request the County Council, as a 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 Worcestershire County Council. 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.
- 8) 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.

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 2014/169/FUL**Erection of 7 detached dwellings and garages****Land Rear of Suntrap, Edgioake Lane, Astwood Bank**

Applicant: Kendrick homes ltd
Expiry date: 20th August 2014
Ward: ASTWOOD BANK & FECKENHAM

(See additional papers for Site Plan)

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on extension 3206 (e-mail: steve.edden@bromsgroveandredditch.gov.uk) for more information.

Site Description

The site is approximately 0.4 hectares and is located to the south of Astwood Bank within the village envelope. It comprises garden land which includes a mix of short cut grassland and dense scrub within the curtilage of the property 'Suntrap' which gains its access via Edgioake Lane, to the south.

The western boundary to the site forms the edge of the Astwood Bank village envelope, beyond which lies green belt. To the east are side and rear garden boundaries to the properties 'Lorelei', 1380 Evesham Road and the recently constructed residential development constructed by the applicant under a recent 2013 consent which involved the demolition of number 1378 Evesham Road.

The Ridgeway Middle School is situated immediately to the north.

A small part of the site, at the point where access is gained to the property 'Suntrap' is situated within the administrative boundary of Wychavon District Council. Clarification in this respect is shown within the site plans pack which accompanies the Planning Committee Agenda.

Proposal Description

This is a full planning application to erect seven detached dwellings. Three house types are proposed. Plots 1, 2, 5 and 6 would be five bedroomed houses whilst Plots 3, 4, and 7 would be four bedroomed. Every house would be formed of brickwork walls under a tiled roof and would have either a double or single garage. All dwellings would have additional in-curtilage parking.

A new 4.8 metre wide vehicular access would serve the development from Edgioake Lane. The existing vehicular access serving the property 'Suntrap', located to the immediate east would be closed. 'Suntrap' would be served off the proposed new vehicular access.

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

B(RA).8	Development at Astwood Bank
CS.6	Implementation of Development
CS.7	The Sustainable location of development
B(HSG).6	Development within or adjacent to the curtilage of an existing dwelling
B(BE).13	Qualities of Good Design
B(NE).1a	Trees, Woodland and Hedgerows
C(T).12	Parking Standards (Appendix H)

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 39: Built Environment
- Policy 40: High Quality Design and Safer Communities

Others:

- NPPF National Planning Policy Framework
- NPPG National Planning Practice Guidance
- SPG Encouraging Good Design
- SPD Open Space Provision
- SPD Education contributions
- Worcestershire Waste Core Strategy (WWCS)

Relevant Site planning History

None

Consultee Responses**County Highway Network Control**

I would confirm that a 4.8m access road (being the width of 2 car parking spaces), is wide enough for 2 cars to pass. The location of the access on the outside of the bend on Edgioake Lane affords significantly enhanced visibility over and above the County Councils requirements, at a point where vehicles are slowing as they enter the built up area and the 30 Mph speed limit.

The County Council considers that the proposed development is acceptable in highways terms and therefore no objections are raised. Standard conditions concerning access, turning and parking provision, together with standard informatives are recommended for inclusion in the case of permission being granted.

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Arboricultural Officer

There are two trees which have the potential to be impacted on by this development – a mature Ash to the left front corner of the site (T1) and a mature oak on the western boundary to the rear of 'Suntrap' (T2).

With respect to T1, plans submitted show that the root protection area (RPA) is completely outside the influence of the access road and therefore the development should have no adverse impacts on it provided protective fencing is erected to the full extent of its radial RPA and to ensure that no storage or excavations take place within this area.

With respect to T2, this mature oak is of below average vigour with a large amount of deadwood which should be cleared out where it overhangs the development site. The service road would run within the RPA. However, any possible negative impacts on the tree could be mitigated against by ensuring that a no-dig method of construction and protective fencing are used. Such details could be secured by condition.

Severn Trent Water Ltd

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

Area Environmental Health Officer

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

WCC Educational Services

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

Crime Risk Manager

No objection subject to appropriate perimeter fencing being used and the insertion of windows to gable elevations where necessary in order to provide adequate surveillance over public areas

North Worcestershire Water Management

We have no record of previous flooding issues in this location. The applicant will need to receive consent from Severn Trent Water to connect to the public foul system. Sustainable urban drainage systems (SuDS) techniques are advised in order to deal with surface water disposal. Subject to the imposition of an appropriate drainage condition, no objections are raised.

Wychavon District Council

Comments awaited

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Public Consultation Responses

Responses against

6 letters received. Comments are summarised as follows:

- The development would impact detrimentally upon pedestrian safety
- Construction hours on site should at least be limited
- Privacy would be compromised due to overlooking from the development
- Social housing rather than executive detached housing is required
- Character of the area would be prejudiced
- The development would have a negative impact on wildlife in the area
- Drainage and flooding concerns
- New access point is in a dangerous location. Highway safety would be compromised
- The development would have a negative impact upon the listed cottage 'greensleeves' which is located to the immediate west of the proposed access point

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.

Procedural Information

An identical planning application has been submitted to Wychavon District Council since a small part of the site (at the point where access is to be gained from Edgioake Lane) falls within their jurisdiction. It is your officers understanding that WDC will not raise any objections to the application. A formal decision is expected before the RBC Committee meeting of 8 October 2014 and will be reported to members by means of the written update papers.

Assessment of Proposal

The key issues for consideration are as follows:

Principle of development

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

Design, appearance and layout

Policy B(HSG).6 of the adopted Local Plan is supportive of new residential development providing it respects the character and appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development. The NPPF and Policy B(BE).13 of the

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Local Plan also require that new development respects the local distinctiveness of an area.

The scheme represents a backland development. Such developments have to be considered on their merits having regard to the particular impact those schemes may have upon the character and appearance of an area.

Like the Kendrick homes development to the immediate east of this site where access is gained via Evesham Road, much of the development would be screened from public views. In this case, very little of the proposed development would be seen from Edgioake Lane by virtue of the dwellings being situated to the rear of 'Suntrap' which is a large and imposing detached dwelling. The development would also be partially screened by the presence of the Ash and Oak Tree (referred to as trees T1 and T2 earlier in this report).

Being set back a considerable distance from the existing ribbon of residential development fronting Edgioake Lane results in a proposed development which is inconspicuous in appearance which would not harm the character of its surroundings or erode the environmental quality of the wider area.

Ages and sizes of dwellings in this part of the village vary considerably, and as such, no uniform pattern of development exists. The sizes of the proposed houses and the appearance of the development would not however be dissimilar to recently granted permissions for new residential development, including that to the immediate east of the site, and that which is situated to the southern side of Edgioake Lane, near to the junction with Evesham Road. As such the appearance of the development is considered to be acceptable. Each plot achieves a garden size which would accord with minimum sizes set out in the Councils adopted SPG 'Encouraging Good Design'.

Since planning permission is being sought for seven new dwellings, this number would fall below the current policy threshold whereby affordable dwellings would need to be provided on site. The Council could not therefore insist on the provision of on-site social housing as requested in the representations received.

Impact upon nearby residential amenity

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

Often new developments result in a loss of privacy to existing properties. It is necessary to assess however whether this impact would be material and to such a degree that amenities would be seriously prejudiced. Your officers are satisfied

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that, notwithstanding the objections received, in this case any loss of privacy would be minimal and not material.

Clearly many forms of new built development have the potential to disturb and inconvenience nearby occupiers during the construction phase. In the case of permission being granted for this development, your officers are recommending that hours of operation on site be restricted by condition. Action can be taken separately and immediately by Environmental Health Officers under the Environmental Protection Act if a statutory nuisance is considered to exist.

Landscaping

Trees T1 and T2 as referred to by the Arboricultural Officer are not protected by means of a TPO (Tree Preservation Order). However, officers are satisfied that the health of the trees can be safeguarded subject to the imposition of appropriate landscaping conditions.

Access and highway safety implications

The access road serving the development would measure 4.8 metres across and the point where it meets Edgioake Lane. This is a standard width for a road serving a development of this size if the developer were seeking for the road to be adopted by the County Council and would be of sufficient width to allow vehicles travelling in either direction to pass safely. In this case the developers are not seeking adoption and as such the carriageway would be a private road. A private road is not to be confused with a 'private drive' which would generally have a width of approximately 3 metre or less.

Due to the widths of such accesses, historically, Borough Council planning policies have sought to limit the number of new dwellings which can be served via such 'private drives' in the interests of highway safety. With a 4.8m carriageway width, there would be no 'in principle' objections to the development of eight dwellings (including 'Suntrap') each having access via a new 'private road'.

County Highways officers have examined the proposals carefully and have raised no objection to the proposals on highway safety grounds commenting that the location of the access on the outside of the bend on Edgioake Lane affords significantly enhanced visibility over and above the County Councils requirements.

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

Sustainability

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

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Planning Obligation required

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

- A contribution towards playing pitches, play areas and open space in the area, due to increased demand/requirement from future residents, is required in compliance with the SPD.
- A contribution towards County education facilities. The County have confirmed that there is a need in this area to take contributions towards three schools: Astwood Bank First School, Ridgeway Middle School and Tudor Grange Academy.
- A contribution to provide refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy

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

Other issues

The property 'Greensleeves' is a Grade II listed building and is situated to the immediate west of the proposed access onto Edgioake Lane, within the jurisdiction of Wychavon District Council. Your officers understand that Wychavon District Councils Conservation Officer has examined the impact of the development upon the setting of the listed building and raises no objection. As stated earlier in the report, WDC's formal response will be provided to members by means of an update report.

Conclusion

The proposals are considered to accord with national and local policy criteria. Subject to the satisfactory completion of the planning obligation, a favourable recommendation can be made.

RECOMMENDATION

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

- a) **The satisfactory completion of a S106 planning obligation ensuring that:**
 - Contributions are paid to the Borough Council in respect to off-site open space, pitches and equipped play in accordance with the Councils adopted SPD
 - A financial contribution is paid to the County Council in respect to education provision

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- A financial contribution is paid to the Borough Council towards the provision of wheelie bins for the new development

and

b) Conditions and informatives as below: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) The development hereby approved shall be implemented in accordance with the following plans:

appropriate references to be inserted 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

- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed boundary treatment and other means of enclosure, hard surfacing materials, new planting, trees and shrubs to be retained, together with measures to be taken for their protection while building works are in progress.

Reason:- In the interests of the visual amenity of the area and in accordance with Policy CS.8 of the Borough of Redditch Local Plan No.3

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- 5) All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason:- In the interests of the visual amenity of the area and in accordance with Policy CS.8 of the Borough of Redditch Local Plan No.3

- 6) No demolition, site clearance or development shall take place until all trees and hedges to be retained on the site and around the boundaries of the site have been protected in accordance with the specification set out in British Standard BS:5837 2005: Guide for Trees in relation to Construction, and such protection measures shall remain in situ for the duration of the development and in accordance with Policies B(NE)1a and B(NE)3 of the Borough of Redditch Local Plan No.3.

Reason:-To ensure the protection of trees and hedgerows in the interests of visual amenity.

- 7) No site clearance, demolition, excavation or development shall take place until full details of tree protection measures and a detailed working methodology of construction near the tree(s) to be retained has been submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented throughout the course of development.

Reason:- To prevent damage to, and preserve the tree(s) in the interests of visual amenity and in accordance with Policy B(NE).1a of the Borough of Redditch Local Plan No.3

- 8) 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.

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

- 9) 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.

- 10) 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.

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) 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.
- 3) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Councils Approved Contractor following the issue of a licence under Section 184 and 278 or the Highways Act, 1980.

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The applicant should contact Worcestershire County Councils Highway Network Control Manager, County Hall, Spetchley Road, Worcester, WR5 2NP (telephone 0845 607 2005), regarding the issue of the necessary license authorising the access works to be carried out by the County Councils Approved Contractor at the applicants expense.

- 4) 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.
- 5) Whilst the full remit of the Secured by Design Scheme covers more than Land Use Planning and Development Control, Redditch Borough Council actively encourage developers to take full account of Crime Prevention and Community Safety issues throughout the design and construction of any development as an integral part of achieving good design. Applicants are advised that further details of Secured by Design and relevant construction specifications can be found at www.securedbydesign.com or by contacting the West Mercia Constabulary Crime Risk Manager on 01527 586181
- 6) The developer is reminded of his responsibilities towards Protected Species and their habitats under separate legislation:

Wildlife and Countryside Act 1981;
Countryside and Rights of Way Act 2000;

The above legislation, together with E.E.C. Directives such as that on the Conservation of Wild Birds (79/409/EEC) and the Conservation of Natural Habitats and Wild Fauna and Flora (92/43/EEC), affords protection in law to certain wildlife species and their habitat/environment. Whilst no material issue in connection with protected species has come to light during the assessment of your planning application, should any be discovered during site clearance, demolition or redevelopment, the developer is advised to contact the Worcestershire Wildlife Trust at 01905 754919 www.worcswildlifetrust.co.uk OR English Nature at www.english-nature.org.uk.

Procedural matters

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

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Planning Application 2014/210/FUL**Reconstruction of farmhouse building to create two dwellings. Conversion of existing barns to create five dwellings and erection of garage buildings and stores****Lowans Hill Farm, Brockhill Lane, Brockhill, Redditch, Worcestershire, B97 6QX****Applicant: Mr Keir Price
Expiry Date: 29th September 2014
Ward: BATCHLEY AND BROCKHILL****(see additional papers for Site Plan)**

The author of this report is David Kelly, Planning Officer (DM), who can be contacted on Tel: 01527 881345 Email: d.kelly@bromsgroveandredditch.gov.uk for more information.

Site Description

The site consists of an existing group of historic farm buildings which appear to have been poorly maintained in recent times. The buildings are 1-2 storeys, arranged around a courtyard and were originally designed for agricultural purposes such as animal housing, feed store and equipment storage. The farmstead dates to the 18th Century according to the County Historic Environment Record. The site of the former farmhouse was located on the west side of the farm buildings. This was unfortunately damaged by fire and demolished in 2009. The land to the south of the farmhouse (at a lower elevation) has largely been developed as part of the Brockhill Residential scheme under application 2011/177/OUT.

Proposal Description

The application comprises two components: the conversion of the remaining farm buildings to five residential units and the provision of two residential units through the rebuilding of the former farmhouse. The reconstructed farmhouse would occupy the same position as the former house, would have the same building envelope height and window openings.

The four sides of the courtyard would each become a dwelling, and the detached cart shed would also be converted to a single dwelling. The courtyard area would be a surfaced area for vehicular and pedestrian access and includes parking arrangements for some of the dwellings. To the rear of the buildings, on the 'outside' of the courtyard, each dwelling would have a rear garden area adjacent to the agricultural fields that surround the site. Two new timber car ports are proposed within the site. The barn to the east of the site would also be extended, on the northern side for a covered parking area and on the southern side a small single storey extension to form a utility room. This would be in place of what seems to have been a previous extension that no longer exists on the site.

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The proposed access to the site would now be from the existing completed residential scheme to the south (approved under 2011/177/OUT). In the previous proposal, two alternative accesses to the site were considered.

The application is supported by a Design & Access Statement, a Climate Change Statement, a completed West Midlands Sustainability Checklist, a Contaminated Land Phase 1 study, a Drainage Plan, a Bat Report and a Landscape Character Assessment.

Relevant Policies:

Borough of Redditch Local Plan No.3:

CS07 The Sustainable Location of Development
 BBE11 Buildings of Local Interest
 BBE13 Qualities of Good Design
 BBE19 Green Architecture
 BRA03 Areas of Development Restraint
 CT12 Parking Standards
 BNE01A Trees, Woodland and Hedgerows

Emerging Borough of Redditch Local Plan No. 4

Policy 2: Settlement Hierarchy
 Policy 3: Development Strategy
 Policy 46: Brockhill East

Others:

NPPF National Planning Policy Framework
 SPG Encouraging Good Design
 SPD Open Space Provision
 SPD Planning Obligations for Education Contributions

Relevant Planning History

2009/077/DEM	Application for prior notification of proposed demolition - Demolition of former Lowans Hill Farmhouse and outbuildings	Refused	23.06.2009
2011/087/FUL	Reconstruction of farmhouse building to create two dwellings. Conversion of existing barns to create five dwellings and erection of garage buildings and stores	Approved	07.09.2011

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Consultations**Education Authority**

There would be an education contribution required in respect of the following schools: Shared Tardebigge CE First and Holyoakes First, Birchensale Middle and Trinity High School.

Arboricultural Officer

No objection subject to conditions.

North Worcestershire Water Management

No objection subject to condition.

Highway Network Control

No objection subject to condition H25 (Access, turning and parking).

Area Environmental Health Officer

No objections subject to conditions.

Development Plans

No objection - renewal of previously approved scheme.

Parks and Green Space Development Officer

No comments received.

Leisure Services

The projects that that may benefit from proposed contributions located within the area are as follows: Batchley Play Area, Batchley Pond, Brockhill Park and Birchensale School (sports pitches).

Landscape & Countryside Manager

No comments received.

Crime Risk Manager

No comments received.

Severn Trent Water Ltd

No objection subject to conditions.

Conservation Advisor

No comments received. No objections were raised to previous scheme.

Worcestershire Wildlife Trust

No comments received.

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Worcestershire Archive and Archaeological Service

No objection subject to condition.

Planning Services - Bromsgrove District Council

No objection.

Public Consultation Response

No responses received.

Assessment of Proposal

Members should note that the proposal is identical to the previously approved scheme for the conversion of the farm buildings and the reconstruction of the farmhouse. (2011/087/FUL). This consent expired on the 7th September 2014.

The policy framework within which the application would be considered has changed since 2011, most notably with the publication of the National Planning Policy Framework (NPPF) in March 2012. The local development plan remains the Borough of Redditch Local Plan No. 3 adopted on the 31st May 2006. The policies of the adopted plan carry significant weight where these policies are consistent with those of the NPPF. It is considered that the policies of LP No.3 in relation to the matters of design and buildings of local historic interest are consistent with the policy objectives of the NPPF and therefore remain relevant in the determination of the application.

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

Principle

The site lies largely within the designated Area of Development Restraint (ADR) in the Borough of Redditch Local Plan No. 3 where land is reserved for possible development beyond the 2011 plan period. The site and the entirety of the surrounding area are identified for mixed use development (Policy 46) of the emerging Borough of Redditch Local Plan No. 4. The site remains ADR until LP4 is adopted. Applications within ADR land should be considered under policies relating to development within the countryside, in order to protect ADR land for future development. Within the open countryside, the re-use of existing vacant buildings is considered to be appropriate both in terms of retaining and revitalising buildings of local historic interest and also in terms of sustainability. The new build units would not normally be acceptable in the countryside. However, the designation of the land in the emerging Local Plan No. 4, proximity to recent residential development and the site history mean that the reconstruction of the farmhouse in the ADR would be acceptable.

Whilst some of the north eastern edge of the site falls within the Green Belt, there are no proposed structures to be built within it, and therefore the policy protection of the openness of the Green Belt would not be compromised as a result of this scheme. The

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site is also entirely enclosed from this side. It is considered that the openness should be protected by the imposition of conditions preventing freestanding structures from being erected in the rear gardens through removing appropriate Permitted Development Rights. This would also ensure that the character of the converted buildings was retained.

Design and Layout

The conversion of the former farm buildings has been designed sympathetically so that their form, character and appearance would be protected as much as possible, through the retention of existing openings and keeping to a minimum the insertion of new ones in the external walls of the building. The internal form and structure of the buildings would also be largely retained, leading to five different dwellings all designed to be in keeping with the existing historic built form on the site. Each of the five conversion properties would have a substantial private rear garden area, and the layout of the site has been designed so that each property would have its own identifiable parking areas, including visitor parking spaces. Each dwelling also has a cycle store/shed that is accessible from the access drive to the site. The conversion design is such that there would not be any overlooking between the properties.

The new build pair of semis has been designed to reflect the appearance of the farmhouse that had previously stood on the site. Whilst it has been altered to some extent and the internal layout is different as the built form now provides a pair of semis rather than a single large dwelling, this is considered to be acceptable. Each of the semis would have four bedrooms with the accommodation arranged over three floors, including a small bedroom within the roof space. The bulk and massing of the building is not overly large or dominant for the site or its surroundings and would not result in a detrimental impact on the landscape character of the site or any longer vistas. Each dwelling would have sufficient amenity space and parking arrangements and are orientated and designed so that they do not cause any harmful impacts on surrounding residential amenities. Therefore, it is considered that both the conversions and the new build dwellings are considered to comply with the detailed policy requirements for dwellings and as such are considered to be acceptable in that regard.

Historic Environment

Lowans Hill farm was considered for statutory listing by English Heritage prior to the destruction of the farmhouse in 2009. It was subsequently decided not to include it on the statutory list but the farmstead remains of local interest reflecting changes to farm methods over several centuries. It is evident on the site visit that the remaining buildings have been subject to some fire damage and finding a viable alternative use is important for their survival.

Due to the sensitive nature of the buildings to be converted and their historic interest, it is welcomed that minimal alterations are proposed to the external elevations of the buildings. In order to protect their historic integrity, it is recommended that PDRs be removed so that porches, extensions and changes to the roofs cannot be carried out without first seeking planning consent. This can be ensured through the imposition of conditions.

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Landscaping and trees

Some information has been provided in relation to the landscaping and tree works needed as part of this proposal, which is considered to be acceptable. The loss of natural planting has been kept to a practical minimum, with the perimeter hedging proposed to remain in place. However, it has been recommended that some structural planting be required through the imposition of a condition, to ensure that the impact on the landscape of the reuse of the site be minimised. Similarly, it is important to ensure that any boundary treatments between properties, dividing up what was the farmyard area, be of sympathetic design and materials. It is considered that the imposition of the landscaping condition (No. 5) attached to the previous application would be acceptable to mitigate any impact.

Highways and access

No objections in terms of access arrangements and safety have been raised and these are therefore considered to be acceptable. The proposal includes 14 parking spaces, which would equate to 2 spaces per dwelling and 2 additional visitor spaces. This level of parking provision complies with the provisions of Appendix H of the Local Plan.

Sustainability

The site is considered to be in a sustainable and easily accessible location with integration possible with the cycle route in the larger residential scheme to the south. The re-use of existing buildings in preference to replacing them is also considered to be sustainable in nature. There are no further concerns with this proposal in this regard.

Planning Obligations

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation. Normally the following would be required under the adopted policy framework:

- A contribution towards County education facilities in compliance with the SPD; and
- A contribution towards open space, playing pitches and play areas in the area due to the increased demand/requirement from future residents in compliance with the SPD.

The applicant has agreed to enter into such an Agreement and is working with the Council's Legal Team on a draft version.

Conclusion

The proposal is considered to comply with the current and emerging planning policies that apply and the retention and conversion of the buildings represents a sustainable form of development in an accessible location.

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RECOMMENDATION:

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

- a) The satisfactory completion of a S106 planning obligation ensuring that:
- the Council are paid appropriate contributions in relation to the development for pitches, play areas and open space provision in the locality to be provided and maintained;
 - the County Council are paid appropriate contributions in relation to the enhancement of local education provision.

b) Conditions and informatives as summarised below:

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

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

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

Plan Numbers to be inserted.

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

- 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 works (other than those expressly authorised by this permission and shown on the approved plans) shall take place within the site of this dwelling without the prior written consent of the Local Planning Authority.

Reason: To bring any future development or proposed change to the elevations of this building under planning control to ensure the character and appearance of the building and its surroundings is retained in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

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- 4) No development shall take place until a Programme of Historic Building recording and Interpretation, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording.
 2. The programme for post investigation assessment.
 3. Provision to be made for analysis of the site investigation and recording.
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) With a written agreed date the site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 141 of the National Planning Policy Framework.

- 5) 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.

- 6) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed boundary treatment and other means of enclosure, hard surfacing materials, new planting, trees and shrubs to be retained, together with measures to be taken for their protection while building works are in progress.

Reason:- In the interests of the visual amenity of the area and in accordance with Policy CS.8 of the Borough of Redditch Local Plan No.3

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- 7) Prior to the commencement of development details of the boundary treatments to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:-To ensure the development is afforded privacy and security between neighbours and the public realm and in the interest of the visual amenity of the street scene and in accordance with Policies B(BE).13 and S.1 of the Borough of Redditch Local Plan No.3.

- 8) In the event that new wall and roof materials are required to be used in the development they should match in colour, form and texture those on the existing buildings, or if a near match cannot be found, the written approval of the Local Planning Authority should be obtained for materials, prior to development commencing. 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 is in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

Informatives

- 1) 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.
- 2) 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.

Procedural matters

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

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Planning Application 2014/213/COU**Change of use from secondhand furniture store to hot food take away (A1-A5) to accommodate extension of existing business currently occupying unit 5 basement 3/4****Unit 5A1, Millsborough House, Ipsley Street, Smallwood, Redditch, Worcestershire, B98 7AL****Applicant: Mr David Gough
Expiry Date: 16th September 2014
Ward: CENTRAL****(see additional papers for Site Plan)**

The author of this report is Mr John Staniland, Planning Officer (DM), who can be contacted on Tel: Email: john.staniland@bromsgroveandredditch.gov.uk for more information.

Site Description

The application site is a vacant unit located within Millsborough House and was last used for the sale of second-hand furniture over a year ago. The unit is presently accessed via the courtyard within Millsborough House and also from Lodge Road, both accesses being via roller shutter doors. The unit adjoins the existing Pizza & Balti takeaway which has operated from the site for some 8 years and which is accessed down a flight of steps off Lodge Road.

Proposal Description

The existing Pizza & Balti company wish to expand into the vacant unit as it would give improved level access off Lodge Road as well as affording more space for the company to rationalise their business and operate with greater efficiency. The vacant unit would have a new glazed shopfront and roller shutter door on the Lodge Road frontage and internally would contain a small waiting area, service counter, food preparation and cooking areas plus a cold store and other storage areas. The company's existing unit would still be used for the Balti element of the business plus storage.

Externally, the present entrance off the courtyard would be blocked in and rendered with only a fire escape door remaining. A refrigeration unit would be mounted at high level on the courtyard side and on the Lodge Road frontage an external duct would be required to just above eaves level of the building. This would follow an existing projecting brick pier and be painted to blend in with the brickwork. An odour control baffle would be included to reduce odour and a quiet extraction system used. Precise details of these have not been provided.

Opening hours are proposed to be the same for both units i.e. 12pm-12am Monday to Thursday, 12pm-1am Friday and Saturday and 4pm-12am Sundays and Bank Holidays

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

BBE11 Buildings of Local Interest
BBE13 Qualities of Good Design
BBE17 Shop front Security
ETCR03 Peripheral Zone
ETCR12 Class A3 Uses
CT12 Parking Standards

Emerging Borough of Redditch Local Plan No. 4

Policy 30: Town Centre and Retail Hierarchy
Policy 31: Regeneration for Town Centre
Policy 36: Historic Environment
Policy 37: Historic Buildings and Structures
Policy: 40 High Quality Design and Safer Communities
Policy: 41 Shopfronts and Shopfront Security

Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
SPG Schedule of Buildings of Local Interest

Millsborough House is designated as a Building of Local Interest.

Relevant Planning History

None

Consultations**Development Plans**

The site lies within the town centre (as designated by the emerging Local Plan No.4) and the town centre peripheral zone under Local Plan No.3. A5 is an appropriate use in the town centre and although there are other A5 uses in the vicinity of the application site, it is not considered that this proposal would result in an over-intensification of A5 uses (as per the final paragraph of the reasoned justification of Local Plan No.4, Policy 35).

Environmental Health- Food

No Comments Received To Date

Highway Network Control

No Comments Received To Date

Public Consultation Response

None received

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Assessment of Proposal

As set out in the comments from Development Plans, the application site lies in the peripheral zone as defined in LP3 and the Town Centre as proposed in the emerging LP4. The use is acceptable in accordance with Policy E(TCR).3 of LP3 in that it is a commercial use which would complement the role and function of the Town Centre. The emerging Local Plan policies encourage mixed use areas in the Town Centre and proposals which enhance the evening and night time economy. In this case, the proposal would also result in a vacant unit being brought back into use and although it is for another A5 use, this would not lead to an over concentration of such uses in this area. Given the existing uses in the area, it is not considered that this proposal would result in any significant additional harm to surrounding residential amenity.

Bearing in mind the designation of Millsborough House as a Building of Local Interest, the installation of an external extraction duct on the Lodge Road frontage is unfortunate, bearing in mind there is already one serving the existing Balti next door. Although it is proposed to paint the duct to try and blend it in with the external red brickwork, it may be possible to relocate the duct on an inner courtyard wall but would probably mean changing the proposed internal layout to accommodate this. However, it is considered that this is worth pursuing and officers will continue to negotiate with the applicant and report progress on the Update paper.

Local Plan policies discourage the installation of external roller shutters as they tend to project a negative image. However, in this case, they are already in place and will be replaced by modern and quieter roller shutters and on balance this is considered acceptable in this location.

Parking restrictions on Lodge Road presently permit 15 minutes waiting between 8am and 6pm and staff would use the courtyard parking area.

It is therefore considered that the proposal is compliant with policy and unlikely to cause significant additional harm to amenity and therefore is acceptable.

RECOMMENDATION:

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

- a) **Investigation of the possibility of relocating the external ducting to an internal exterior wall and any appropriate additional/amended conditions being attached as necessary to the permission prior to its issue; and**
- b) **Conditions and informatives as summarised below:**
 - 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

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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, precise details of the appearance and finishes of the new frontage onto Lodge Road, including the roller shutter, shall be submitted to and agreed in writing by local planning authority. The development shall proceed in accordance with the agreed details.

Reason: In the interests of visual amenity and historic interest in the fabric of the building in accordance with Policy B(BE)17 of the Borough of Redditch Local Plan No.3. and the NPPF.

- 3) Prior to the commencement of development, precise details of changes to the inner courtyard frontage shall be submitted to and agreed in writing by the local planning authority. The development shall proceed in accordance with the approved details.

Reason: In the interests of security and visual amenity and in accordance with Policies S1 and B(BE)17 of the Borough of Redditch Local Plan No.3.

- 4) Prior to the commencement of development, details of the extraction equipment and external refrigeration unit shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include the external colour and finish. The development shall proceed in accordance with the approved details and be operated in accordance with the manufacturer's instructions.

Reason: In the interests of residential amenity and in accordance with the NPPF.

- 5) The use hereby approved shall operate only between the hours of 12pm-12am Monday-Thursday, 12pm-1am Friday and Saturday, and 4pm-12am Sundays, Bank and Public Holidays.

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

Procedural matters

This application is being reported to the Planning Committee because the applicant is Redditch Borough Council. As such the application falls outside the scheme of delegation to Officers.