

Planning Committee

Tue 12 Aug
2008
7.00 pm

Council Chamber
Town Hall
Redditch



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

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

Janice Smyth

**Member and Committee Services Support Assistant
Town Hall, Walter Stranz Square, Redditch, B98 8AH**

Tel: (01527) 64252 Ext. 3266 Fax: (01527) 65216

e.mail: janice.smyth@redditchbc.gov.uk

Minicom: 595528

آپ انگریزی میں مدد چاہتے ہیں— نسلیاتی رسائی [Ethnic Access] سے رابطہ کریں ٹیلیفون: 01905 25121

ইংরেজি ভাষার বিষয়ে সাহায্য চান – এথনিক অ্যাকসেস [Ethnic Access] এর সঙ্গে যোগাযোগ করুন, টেলিফোন: 01905 25121

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REDDITCH BOROUGH COUNCIL **PLANNING COMMITTEE**



GUIDANCE ON PUBLIC **SPEAKING**

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

in accordance with the running order detailed in this agenda (Applications for Planning Permission item) 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) Councillors' questions to the Officers - to clarify detail.
- 4) Public Speaking - in the following order:-
 - a) Objectors to speak on the application;
 - b) Supporters to speak on application;
 - c) Applicant to speak on application.

Speakers will be called in the order they have notified their interest in speaking to the Planning Officers (by the 4.00 p.m. deadline on the Friday before the meeting) and invited to the table or lecturn.

- Each individual speaker, or group representative, will have up to a maximum of 3 minutes to speak. (Please press button on "conference unit" to activate microphone.)
 - 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.)
- 5) 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.2, the County Structure Plan (comprising the Development Plan) and other material considerations which include Government Guidance and other relevant policies published since the adoption of the development plan and the “environmental factors” (in the broad sense) which affect the site.
- 2) No audio recording, filming, video recording or photography, etc. of any part of this meeting is permitted without express consent (Section 100A(7) of the Local Government Act 1972).
- 3) Once the formal meeting opens, members of the public are requested to remain within the Public Gallery and may only address Committee Members and Officers via the formal public speaking route.
- 4) Late circulation of additional papers is not advised and is subject to the Chair’s agreement. The submission of any significant new information might lead to a delay in reaching a decision. The deadline for papers to be received by Planning Officers is 5.00 p.m. on the Friday before the meeting.
- 5) Anyone wishing to address the Planning Committee on applications on this agenda must notify Planning Officers by 5.00 p.m. on the Friday before the meeting.

Further assistance:

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

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

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

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

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

Chair

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

Running Order

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

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

Decisions

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

Members of the Public

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

Special Arrangements

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

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

Further Information

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

Fire/ Emergency instructions

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

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

Do Not stop to collect personal belongings.

Do Not use lifts.

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

The emergency Assembly Area is on the Ringway Car Park.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

and

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



PLANNING COMMITTEE

Tuesday, 12th August, 2008

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs: M Chalk (Chair) J Field
D Smith (Vice- Chair) W Hartnett
K Boyd-Carpenter N Hicks
D Enderby D Hunt
R J Farooqui

1. Apologies and named substitutes	To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.
2. Declarations of Interest	To invite Councillors to declare any interest they may have in the items on the Agenda.
3. Applications for planning permission (Pages 1 - 38) Acting Director of Environment and Planning	To consider applications for planning permission. (Report attached) Various Wards
4. Enforcement of planning control (Pages 39 - 46) Acting Director of Environment and Planning	To consider two breaches of planning consent. (Appendix 2 to this report is confidential in view of the fact that it contains confidential information relating to individuals' identities and alleged breaches of planning control which could result in prosecution by the Council and has therefore only been made available to Members and relevant Officers.) (Report attached) (Greenlands and Lodge Park Wards)

PLANNING

Committee

Tuesday, 12th August, 2008

<p>5. Exclusion of the Public</p>	<p>During the course of the meeting it may be necessary, in the opinion of the Borough Director, 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>6. Confidential Matters (if any)</p>	<p>To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)</p>

Planning Committee

Various Wards

12th August 2008

4. APPLICATIONS FOR PLANNING PERMISSION

(Report of the Director of Environment and Planning)

1. Purpose of Report

To determine the attached applications for planning consent.

2. Recommendation

The Committee is asked to RESOLVE that

having regard to the development plan and to other material considerations, the attached applications be determined, the Committee having considered the recommendations indicated in each individual report, or subsequent update report.

3. Financial, Legal, Policy and Risk Implications

- 3.1 Financial : None.
- 3.2 Policy : As detailed under each individual application.
- 3.3 Legal : Set out in the following Acts:-
Town and Country Planning Act 1990
Planning and Compensation Act 1991
- 3.4 Others : Human Rights Act
Crime and Disorder Act.
- 3.5 None identified.

Report

4. Background Papers

Planning application files (including letters of representation).
Worcestershire County Structure Plan 1996 - 2011.
Borough of Redditch Local Plan No. 3.

Planning Committee

12th August 2008

5. **Consultation**

Consultees are indicated for each individual proposal.

6. **Other Implications**

Community Safety: See specific reports.

Human Resources: None.

Social Exclusion: None: all applications are considered on strict planning merits regardless of status of applicant.

Sustainability: See specific reports.

7. **Author of Report**

The author of this report is John Staniland (Head of Planning and Building Control), who can be contacted on extension 3203 (e-mail: john.staniland@redditchbc.gov.uk) for more information.

8. **Appendices**

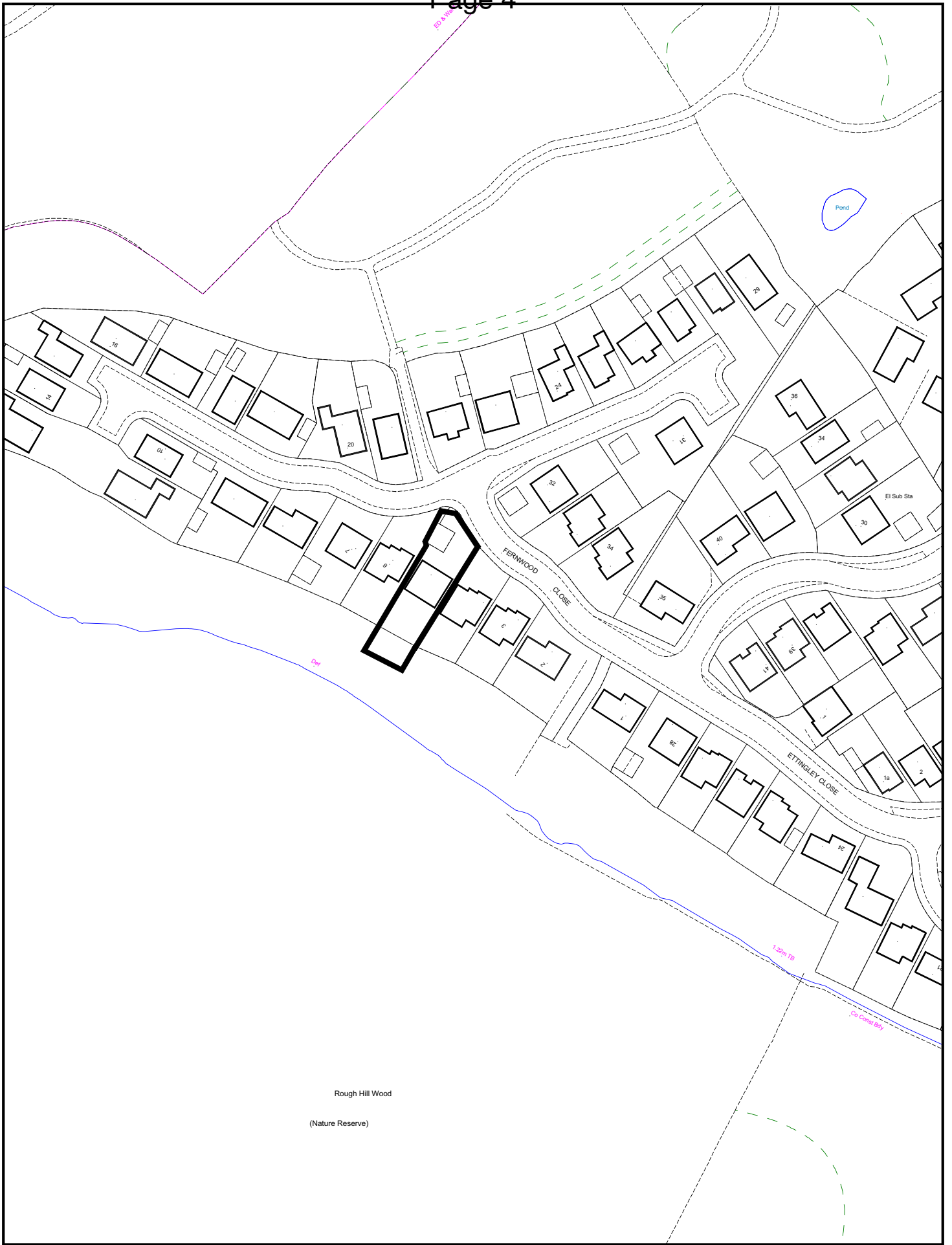
Appendix 1 - Index.

Appendix 2 - Applications.

Update reports (to follow - under separate cover)

INDEX

<u>Application No.</u>	<u>Proposal</u>	<u>Address</u>	<u>Page No.</u>
2008/188	Change of Use of Open Space to garden area and the retention of decking within the open space.	5 Fernwood Close, Wirehill	
2008/196	Conversion of Detached Garage Roof Space into Studio/Playroom with two Dormer Windows to the front and one Dormer at the rear.	3 Blackwell Lane, Brockhill	
2008/200/FUL	Erection of 33 Lodge-Style accommodation units ancillary to the main hotel with associated landscaping and infrastructure	Abbey Hotel, Golf & Country Club, Dagnell End Road, Redditch	
2008/202	Demolition of number 3 Plymouth Road and construction of 60 bedroom Nursing Home with associated parking	1 to 3 Plymouth Road, Redditch Bartek Developments	



2008/188

**5 FERNWOOD CLOSE, WIREHILL
MR P MAYHEW****Site Description**

The application relates to land at 5 Fernwood Close and the land to the rear of this property which is approximately nine metres in length and ten metres in width. This area at the rear of the back gardens in Fernwood Close is also part of a buffer zone of approximately twenty metres between the rear gardens of Fernwood Close and the Rough Hill Woods which is a Site of Special Scientific Interest (SSSI). The SSSI falls within Stratford District Council. This buffer strip between the residential properties and the SSSI is designated as Primarily Open Space in the Borough of Redditch Local Plan No 3.

Proposal Description

Retrospective planning permission is being sought for Change of Use of Open Space to garden area and the retention of decking within the open space.

The applicant has had his garden landscaped, the majority of which has been decked and a fairly substantial pergola has been constructed. However, 4.8 metres of the decking area encroaches into the area of Primarily Open Space which has been purchased by the applicant.

Hence, the application seeks retrospective consent for the Change of Use of the Open Space area to garden area and retention of the decking and the pergola.

Relevant Key Policies**National guidance**

PPG17 Planning for Open Space, Sport and Recreation.

Borough of Redditch Local Plan No 3

R.1 Primarily Open Space.
R.3 Provisions of Unrestricted Open Spaces.

Consultation Responses:***Neighbour Consultation:***

Three letters of objection received from neighbours. The following comments have been raised:

- encroachment on privacy in relation to the pergola.
- obstruction to view.

- affecting the privacy of the gardens at the lower level.
- height of pergola.

CPRE:

Objects to the loss of the buffer strip as it creates protection for Rough Hill Woods which is a SSSI Woodland and Nature Reserve.

Development Plans Team:

Object to the Change of Use of Open Space as this results in the loss of Primarily Open Space which is contrary to Policy R.1 of the Borough of Redditch Local Plan No 3 and also contrary to PPG 17.

Greenspace and Biodiversity Officer:

Objects to the loss of Primarily Open Space to garden area and the impact it would have on Rough Hill Woods. The buffer zone acts as an important area of movement of wildlife, plants, animals between the woods and the buffer area.

Stratford District Council:

Raises concerns on the encroachment into the Rough Hill Wood SSSI buffer zone.

Procedural matters

When considering retrospective applications for planning permission, guidance states that the development should be considered and determined as if the application was made prior to the development commencing, and that no consideration of the late nature of the application should have any bearing on the outcome of the decision, only on the conditions attached if consent is granted.

Assessment:

This application presents two separate issues; the first issue is seeking consent for the Change of Use of the Primarily Open Space to garden area and the second is seeking retrospective consent for the decking and pergola that have been erected.

Principle

This development is contrary in principle to Policies R.1 and R.3 of the Borough of Redditch Local Plan No 3 in terms of the Primarily Open Space designation. In order for proposals such as this to be considered favourably, the policy requires that it is demonstrated that there is a surplus of Open Space in this ward and that alternative provision of the equivalent or greater community benefit could be provided in the area at an

appropriate, accessible locality. However, in this case, this argument is not accepted because it is important to protect this buffer zone from the encroachment on to the SSSI.

The twenty metre buffer zone between the rear garden boundary of the property and the Rough Hill Woods (SSSI) is important for the movement of wildlife, plants and small animals between the woods and the buffer zone. The buffer zone is also important as it protects against any damage and disturbance to the woodland from the use of the dwellings which lie adjacent to the area.

Built form

The second issue is that as it stands the volume of the decking area and the pergola exceeds seventy cubic metres and has been constructed so that it covers in excess of fifty percent of the garden area and requires planning permission, however, if the decking which covers the extended garden area were to be removed, the remaining decking and pergola would fall within the limits of permitted development rights and outside the control of the Local Planning Authority.

Recommendation:

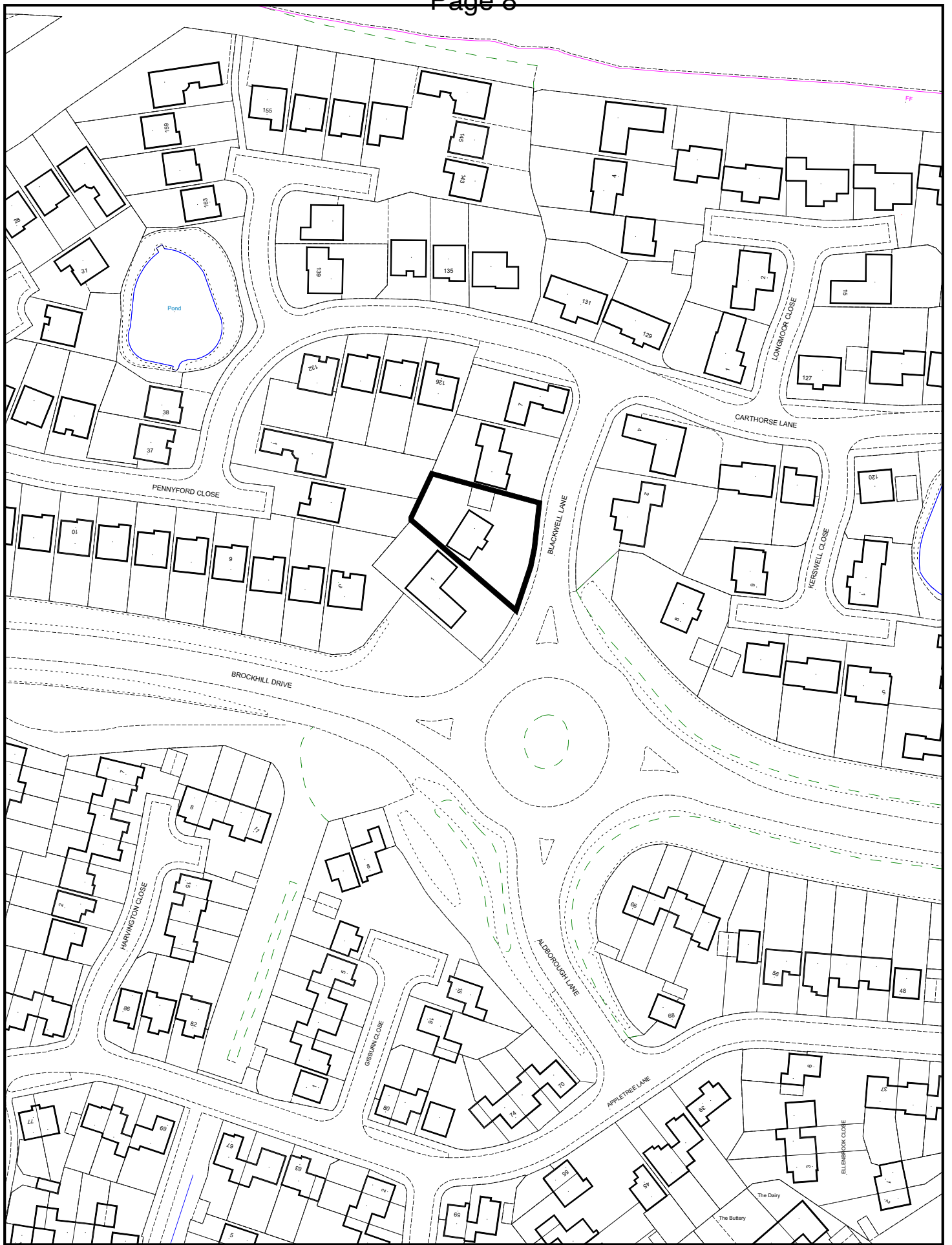
Members are invited to consider the following two part recommendation:

- a) **Having regard to the development plan and to other material considerations that planning permission be refused for the following reason:**

The reduction of the buffer zone of Primarily Open Space (which would result from the proposed change of use), located to protect the SSSI of Rough Hill Woods from the adjacent residential development, would be likely to result in encroachment that would lead to harm being caused to the SSSI, ecology and habitats and as such is contrary to Policies R.1 and R.3 of the Borough of Redditch Local Plan No 3 and PPG17.

- b) **The Committee is asked to RESOLVE that authority be delegated to the Head of Legal Services in consultation with the Acting Head of Planning and Building Control to take enforcement action, including the instigation of legal proceedings if necessary, in relation to a breach of planning control, namely, the making of a material change of use of the land to the rear by incorporating it into the curtilage of the dwelling house.**

The enforcement action would be by way of the service of an Enforcement Notice requiring the cessation of that use and the removal of that part of the decking erected on the land affected, and the instigation of prosecution proceedings if necessary in the event of any failure to comply with any requirements of that notice.



2008/196

**3 BLACKWELL LANE, BROCKHILL
MR ALAN EARP**

Site Description

The application lies within the urban area of Redditch and the properties were constructed in the mid 1990's. The property is a large detached dwelling and has a detached double garage to the side.

Proposal Description

Conversion of Detached Garage Roof Space into Studio/Playroom with two Dormer Windows to the front and one Dormer at the rear.

The applicant seeks planning consent for the creation of a playroom/studio at the first floor level of an existing double garage which was built at the same time as the dwelling. The proposal includes the construction of two small pitched dormer windows to the front of the property and one single flat roofed dormer to the rear of the property.

Relevant Key Policies

Borough of Redditch Local Plan No 3

B(BE).13 Qualities of Good Design
B(BE).14 Alterations and Extensions
SPG – Encouraging Good Design

Relevant Site Planning History:

Resubmission of Planning Application No 2008/122 - Refused as the proposal was to raise the roof by 900mm and the front dormers were excessively large.

Consultation Responses:

Neighbours:

Objections received from two neighbours raising the following concerns:

- overlooking
- out of character
- pruning of bushes and garden trees

Assessment:

This application is a resubmission of application number 2008/122 which was refused as the applicant was seeking consent to raise the roof of the garage by 900mm and the proposed front dormers were considered excessively large.

This current proposal has addressed the issues previously raised and appears to be acceptable. A number of dwellings surrounding the application site have been constructed with dormer type windows and therefore the construction of such windows is not of concern in terms of the character of the area.

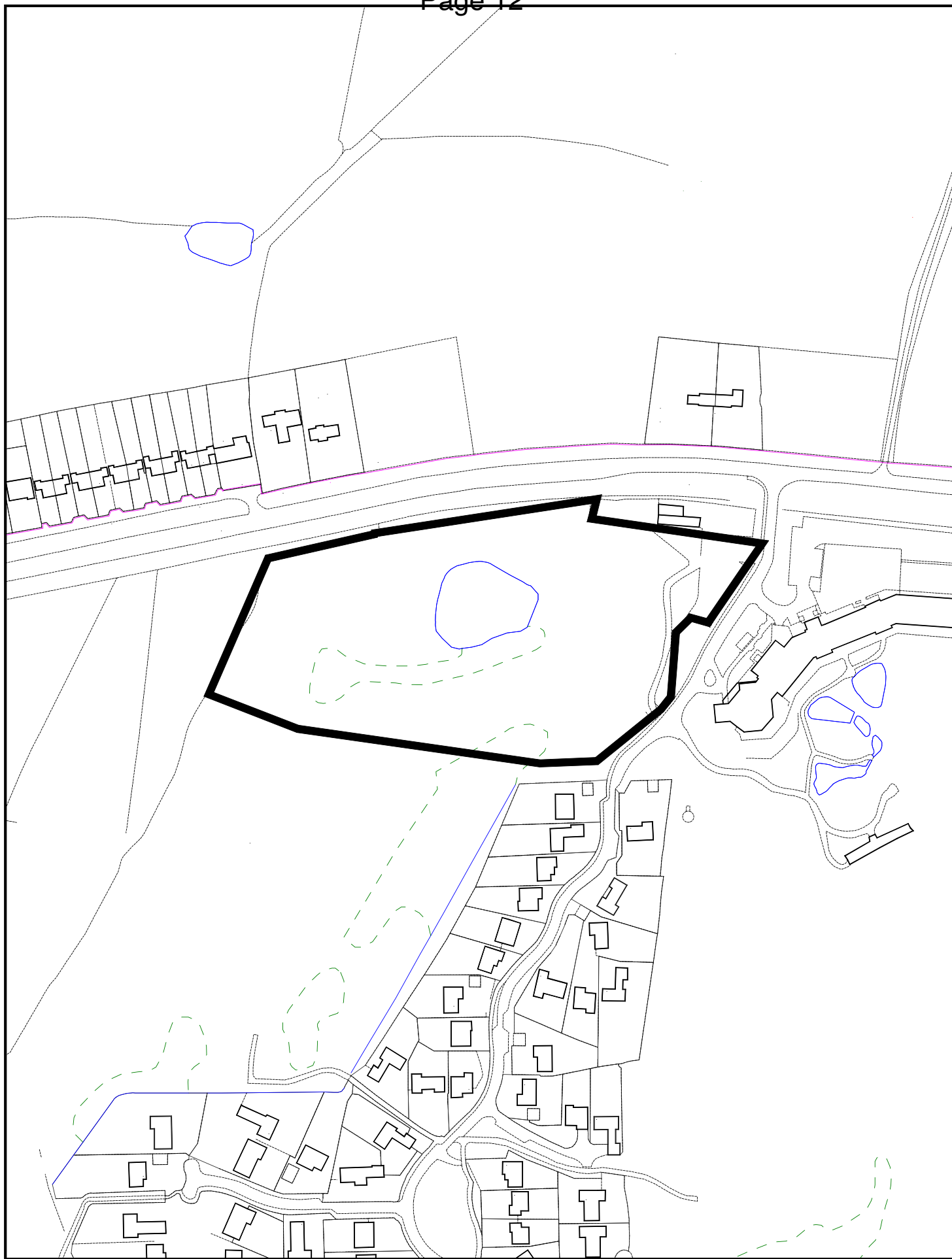
This proposal has been assessed against Policies B(BE).13 and B(BE).14 of the Borough of Redditch Local Plan No 3 and the Supplementary Planning Guidance - Encouraging Good Design and your officers are satisfied this application meets with the criteria of these policies and guidance. Concerns regarding privacy have been raised by the neighbours living to the rear of the property but the guidance in relation to distances between habitable rooms has been satisfied. The required distance in the SPG Encouraging Good Design is 22 metres and the distances between the two properties to the rear and the proposed dormer are 36 metres and 32 metres.

The proposal is therefore considered unlikely to cause significant harm to residential amenity, is compliant with the relevant policies and is therefore considered to be acceptable.

Recommendation:

That having regard to the provisions of the development plan and other material consideration, that planning permission be granted subject to the following conditions:

- 1) Development to commence within 3 years.
- 2) Materials to match existing.



2008/200/FUL ERECTION OF 33 LODGE-STYLE ACCOMMODATION UNITS ANCILLARY TO THE MAIN HOTEL WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE ABBEY HOTEL, GOLF & COUNTRY CLUB, DAGNELL END ROAD, REDDITCH**Site description**

The site is formed from an existing area of the golf course operated by the Abbey Hotel, and includes a large pond. The site is bounded to the north by Dagnell End Road, to the east by the western end of Hither Green Lane, and to the south by the remainder of the golf course. Adjacent to Hither Green Lane are also two car parking areas, one formally surfaced and marked out for hotel users and the other more informal and rough surfaced for golf course users. To the west of the site is an open field, beyond which is the Meadow Farm public house.

The existing Abbey hotel comprises a 100 bed hotel, conference and leisure facilities, and on site parking provision in excess of the current standards.

Proposal description

The proposal is for the creation of a small area of chalet/lodge style single storey timber buildings around the lake on the opposite side of Hither Green Lane from the existing hotel complex. The proposal includes the insertion of a roundabout in Hither Green Lane to allow for vehicular travel in all four directions at that point – into the hotel, the proposal site, and either direction along Hither Green Lane.

There would be 18 lodges for up to 4 people, and 15 smaller lodges for up to 2 occupants. Two lodges nearest the existing hotel would include full disabled access and facilities. The intention is that they form en-suite bedroom accommodation, with living areas, and are ancillary to the hotel in that the occupants can use the hotel facilities, including catering, sport and golf facilities. However, there would be basic facilities within each lodge for preparing drinks and snacks etc. The proposal includes the use of sustainable materials.

The lodges would be of timber construction, and made up of octagonal pods attached in pairs, with decking areas for sitting out. The lodges for two people are a single octagonal unit without decking. Each has a pitched roof of a similar shape to those atop the turrets of the main hotel complex, finished with cedar shingles to a maximum height at the point of the pitch of 4m. For all the lodges the external walls would be made of pine lapped boarding, and the window frames would also have a natural pine finish, with double glazed units inserted. Copper rainwater goods are proposed, as these weather well and become an integral part of the building and do not become visually intrusive. The lodges are designed and constructed so that at the end of their useful life they can be easily removed and recycled, and the site is left to return in its former natural condition. A security and control building adjacent to the barrier entrance is proposed, comprising 3 linked octagonal pods. Angling decks around the lake shore are proposed, and those lodges around the lake shore also have their decking fronting the lake.

The proposal shows an area to the north east of the site for staff car and cycle parking is to be retained, and an area in a similar location to the existing parking

area for visitor parking would be created. There would be a road around the site to provide access to the lodges, each of which would have its own parking bay attached, and a pedestrian spine footpath/cycleway linking to the side of Hither Green Lane opposite the hotel entrance. A comprehensive landscaping scheme is also proposed to provide planting, shelter and an attractive environment. The lodges would generally look out over the lake or over the golf course, with a significant tree belt to be retained and improved between the site and the residential properties on Hither Green Lane.

The application is supported by the following documents: Design & Access statement, Planning statement, Transport statement, Travel Plan, TPO statement, Community consultation statement, Secure by design statement, Landscape & visual amenity assessment, Landscape masterplan, Ecological appraisal and Great Crested Newt survey.

Relevant key policies:

National planning policy

PPS 1 Delivering sustainable development.
 PPS6 Planning for town centres.
 PPG13 Transport.
 Good practice guide on planning for tourism.

Regional Spatial Strategy

PA10 Tourism and culture.
 T2 Reducing the need to travel.

Worcestershire Country Structure Plan

RST14 Tourism development.
 RST17 Holiday chalets.
 T3 Managing car use.

Borough of Redditch Local Plan No.3

CS1 Prudent use of natural resources.
 CS2 Care for the environment.
 CS4 Minimising the need to travel
 CS7 The sustainable location of development.
 CS8 Landscape character.
 S1 Designing out crime .
 BBE13 Qualities of good design.
 BBE19 Green architecture.
 BNE1a Trees, woodland and hedgerows.
 CT1 Access to and within development.
 CT4 Travel plans.
 CT5 Walking routes.
 CT6 Cycle routes.
 CT10 Traffic management.
 CT12 Parking standards.
 R1 Primarily open space.

SPD: Designing for Community Safety.

The site is wholly within an area designated as Primarily Open Space on the Local Plan proposals map, and the land to the north of Dagnell End Road lies within Bromsgrove Council area and within designated Green Belt.

Relevant site planning history

07/494 and 07/495 for additional leisure facilities at the hotel approved 5/2/08.

07/486 for relief of condition to allow permanent use of 19th hole approved 24/1/08.

07/250 for 33 lodge style units of accommodation withdrawn 31/8/07.

06/420 for creation of additional golf hole for use when others being repaired/maintained approved 23/11/06.

00/029 for disabled access provision approved 18/5/00.

99/296 for extension to provide leisure facilities and conference facilities approved 18/5/99.

The original hotel use of the site was granted permission in the late 1980s following approval of various applications.

Consultation responses

Public

Twenty-one letters of objection have been received raising the following concerns:

- No sequential test has been carried out (PPS6).
- Contrary to tourism good practice guide.
- Site should remain as protected open space.
- Should relocate proposal to hotel side of site.
- Disproportionate increase in size of hotel.
- Increase in traffic generation likely.
- Pedestrian crossing would be required on Hither Green Lane.
- Emergency access may not be possible.
- Unsustainable location away from town centre.
- Likely impact on wildlife unacceptable.
- Increased noise disturbance to Hither Green Lane residents.
- Screen planting would have no effect.
- Increased access to golf course could lead to access to rear of properties after dark.
- Impact on views from the Green Belt.
- Visually intrusive.
- Probable light pollution from car parking area.
- Loss of golf facility.

Other non-material planning considerations have also been raised, but are not reported here as they cannot be given any weight when determining this application.

(There appears to be a misconception amongst residents that 51 lodges are proposed, and not 33, as this has been referred to in many letters. This appears to relate to considering the double lodges as equivalent to 2 hotel rooms, however hotel bedroom sizes often vary – they can be single, twin, double or family rooms – but each would count as one room regardless of potential occupancy levels).

County Highway Network Control

It is noted that there would be an over provision of car parking within the hotel complex as a whole as a result of this proposal. However, given the concerns raised by residents of on street parking, the likelihood that most users would arrive in private cars, and the current lack of travel mode options for arriving at the site, it is recommended that rather than refusing, the provision of coach parking facilities within the existing hotel site (blue land) is required.

Therefore, no objection is raised subject to the provision of coach parking facilities within the existing hotel site (blue land), a S278 agreement regarding the provision of the roundabout and highway works necessary to enable the development, the confirmation of the existence of a taxi drop off/pick up point at the site and the provision of a link to the local footpath network if possible. These are considered necessary because whilst it is accepted that most users would travel to and from the site by a private car, in the interests of encouraging sustainability and linking the site with other tourist attractions in the vicinity these measures would assist and be appropriate and related to the proposal.

Further information will be reported on the Update paper regarding the outstanding issues raised here.

Development Plans Team

No objection subject to justification of loss of open space

Landscape Team

No objection subject to conditions and creation of footpath link to Forge Mill Museum and thus the Arrow Valley Country Park.

Drainage Officer

No response received.

Biodiversity Officer

No response received.

Environmental Health Officer

No objection subject to conditions regarding lighting and hours of construction (the lighting requirements would be best dealt with by the imposition of an informative).

Historic Conservation Adviser

No response received.

Bromsgrove District Council

No response received.

Crime Risk Manager

No objection subject to conditions regarding car park lighting and CCTV.

Natural England

No objection subject to an informative reminding the applicants of their responsibilities under separate legislation.

Environment Agency

No objections subject to a condition regarding a SUDs system (Sustainable Urban Drainage).

Worcestershire Wildlife Trust

No objection subject to conditions relating to planting species.

Procedural matters

Members should be aware that as the previous application for a similar proposal was withdrawn and not determined, there is no decision on a similar scheme available to influence any consideration of this application.

The period for responding to consultations has elapsed, and therefore under the statutory framework, where no responses have been received, no objection can be assumed.

Any further responses received after publication of the report and prior to the meeting will be reported on the Update paper in order that they can be taken into consideration, even though received late.

Any existing concerns or difficulties are not material considerations when considering this application – this cannot be considered an opportunity to control previous consented development. If there are perceived concerns, these should be dealt with, where expedient, through the proper enforcement channels if any breach of permission has occurred. However, in this case, there are no concerns or breaches of consent on the Abbey Hotel site that officers are aware of.

The proposal is of a sufficient size to warrant screening under the EIA regulations. This is a process where the LPA considers the size and possible impacts of the proposal against criteria in the legislation, and then determines whether an EIA should accompany the application or not. In this case, given the criteria in the regulations, the nature of the proposed scheme and the submitted supporting information, an EIA is not required. A formal determination to this effect has been placed on the statutory register and the planning file, in accordance with the statutory framework.

Assessment of proposal

Principle

The site lies within designated Primarily Open Space within the Local Plan, and as such its protection would normally be sought. However, in this case, the open space has no public access or visual benefit as it is in private ownership and thus is vulnerable to development proposals. The applicant has confirmed that the Abbey Ward, in which the site lies, would retain an above average provision of open space per 1000 population even if the proposal were allowed, and this remains well above the average provision across the Borough, with no additional requirements. Further, the impact of the proposal on the economic and tourism sectors of the Borough is argued by the applicant to outweigh the loss of the open space.

National planning guidance on town centres includes leisure and tourism uses as appropriate for locating within town centres, and suggests that it is preferable to do so. However, where the proposed development is an extension to an existing use on a site outside a town or district centre, then this is accepted providing that the proposal would not have a negative impact on existing town centre provision. Due to the nature of the hotel, its location, and that of others within the Borough, it is not considered that this proposal would have such an effect. It is further considered that the benefits of additional employment and economic activity are such that the principle of the proposed development is acceptable.

National planning guidance on tourism seeks to locate developments in such a way that they are of an appropriate design which is sustainable, and have a positive impact on the environment. The detailed elements of this are considered below, however the guidance also supports the extension and improvement of existing tourism facilities, and therefore the principle of this proposal is considered acceptable in this regard. The guidance also discusses issues which may require control through the imposition of conditions. In this case, it is therefore recommended that due to the location of the site, a condition is attached to ensure that the lodges remain in use for holiday purposes and not as permanent accommodation or main residences. This is because the creation of new dwellings on this site would not normally be considered acceptable.

The loss of one hole from the golf course is not considered to result in a detrimental impact on the provision of this sports facility as there are currently 19 holes, and therefore the loss of one would still result in a playable 18 hole golf course. Thus the proposal is not considered to be contrary to policy in terms of the protection of existing sports and leisure facilities. It is therefore considered that the principle of development in this location is acceptable and in compliance with policy and planning guidance, but that the detail should also be acceptable in order to reach a favourable conclusion.

Design and amenity

The design of the proposed lodges and associated landscaping areas is considered to be acceptable in that it relates well to the existing topography and character of the landscape and the lake, and would maintain the countryside character of the site. The lodges are not overly large, and as such would be in

sympathy with their surroundings, as well as giving a natural appearance and feel to the area by reason of the proposed materials and design. Their design is considered to be acceptable in that they would be low rise and amongst taller vegetation, and their roofshape is considered to reflect and thus relate to the shape of some of the detailed roof structures on the main hotel building. It is therefore considered that the proposed development would be unlikely to have any harmful effects on the wider landscape views or character, or be visually intrusive.

The lodges nearest to existing residential dwellings on Hither Green Lane are at a minimum distance of 70m to the curtilage and 80m to the house and would have a significant tree belt between, and it is therefore considered that there would not be any significant detrimental impacts on residential amenity caused by the proposed development.

Highway safety and parking

The parking provision proposed accords with the requirements of the Borough Local Plan, and is therefore considered acceptable. The layout of roads, parking areas and accesses within the site is also considered to be appropriate to the overall appearance of the proposed development.

The highway Officer has raised concerns regarding the design of the roundabout at the access to the site. However, this is outside the site area and would be dealt with by the Highway Authority and is therefore not considered to be a barrier to the consideration of this application. However, conditions regarding the provision of these elements of the proposal prior to its occupation and use commencing are recommended.

- Hither Green Lane has no parking restrictions along it, and therefore any slight overspill could be accommodated. However, as the hotel has more spaces than would normally be required under the current adopted policies, there would also be space within the hotel site to accommodate any occasional and unforeseen traffic peaks. Further, as this overprovision of parking spaces is contrary to Local Plan policy, it is recommended that some coach parking provision be created within the existing hotel car park, which could particularly lower car parking requirements in relation to the conference facilities. An amended parking layout is awaited and will be reported on the Update paper.
-
- Due to the location on the edge of the settlement, the type of development proposed, and the likely high use of private cars to access the site, there are concerns regarding the sustainability of the site. However, it is in close proximity to the Forge Mill Museum, from which there are footpath and cycle links all through the Arrow Valley Country Park and into the centre of Redditch. The applicant has therefore been approached regarding the provision of a link from the golf course site to this network, and further details will be provided on the Update paper. Confirmation of an existing or proposed taxi drop off/pick up facility has been received and a condition is recommended to ensure its retention.
-

- Therefore, with these measures to improve the accessibility and therefore sustainability of the site and thus encourage a wider range of modes of transport to be used to access and leave the site, the proposal is considered to be in compliance with the central aim of the planning system to ensure that all development is sustainable. Therefore conditions are recommended to ensure that these measures are provided, maintained and retained.

Landscape and ecology

The relevant expert consultees have confirmed that the proposed details relating to landscape and ecology are considered to be acceptable, and that the proposal is compliant with Local Plan policies. However, conditions regarding planting details are recommended in order to ensure that appropriate species are planted on this site.

The report and survey work provided in support of the application are considered to have been carried out using a recognised and robust methodology, and demonstrate that there are no protected species within the site or its environs. It is therefore not considered that the proposal would result in a detrimental impact on the wildlife and habitats present on the site in the longer term, as the landscape and planting proposed is similar to that currently in existence on the site, and as much as possible would be retained during construction, with new planting to occur prior to occupation to ensure the ecological benefits of the site.

Sustainability

Two issues should be considered here – the sustainability of the materials and methods of construction of the proposed built form, and the accessibility of the site and range of modes of travel possible to arrive at it or depart from it. These latter are considered above under the highway safety and parking heading.

The proposal has been designed with sustainability at its heart as much as possible, particularly in relation to the construction and maintenance of the lodge accommodation. All the information submitted in support of this is considered to be acceptable, and the proposal is considered to be compliant with planning policy aims at all levels.

Secured by design

The crime risk manager has confirmed that he considers that the proposed development would meet the objectives of Secured by Design, and so conditions are recommended regarding specific elements of the proposal to ensure that these are implemented, both to ensure compliance with local plan policy and to ensure safety and security on site. Details of lighting and CCTV cameras have been provided, and minor alterations in the siting of one camera may be required, however this could be dealt with through the imposition of a condition. It is not considered that the proposal would result in increased risk of rear access to properties leading to a less secure environment for residents of Hither Green Lane.

Other issues

It is likely that some signage will need to be displayed across the site to aid visitors in their navigation, however no details have been provided for consideration as part of this application. Therefore, an informative note is recommended to be attached to the decision notice to alert the applicant/agent to the requirement for gaining advertisement consent in some circumstances prior to its display. It is considered possible that such signage could be designed to be sympathetic to the site and its surroundings in terms of its size, location, style and materials such that it would be visually acceptable and unlikely to cause danger to vehicle and pedestrian safety.

No concerns have been raised by residents or Bromsgrove Council regarding the impact of the proposal on views from within the designated Green Belt to the north of the site. It is not considered, as noted earlier when discussing landscape impacts, that the proposed development would be visually prominent or harmful to the landscape character and wider views of the site and its surroundings, and is therefore considered to be acceptable in this regard.

Conclusion

Whilst weight has to be given to the consideration of the technical loss of Primarily Open Space, the improved facilities and use of the application site proposed, as well as the consideration of the details of the application as set out above are considered to outweigh this potential cause for concern. Further, following the assessment of the proposal it is not considered that it would result in significant harm to amenity or safety, and therefore, subject to conditions regarding some detailed elements of the proposal to ensure their continued compliance with the planning framework, the proposal is considered to be acceptable and approval is recommended.

Recommendation

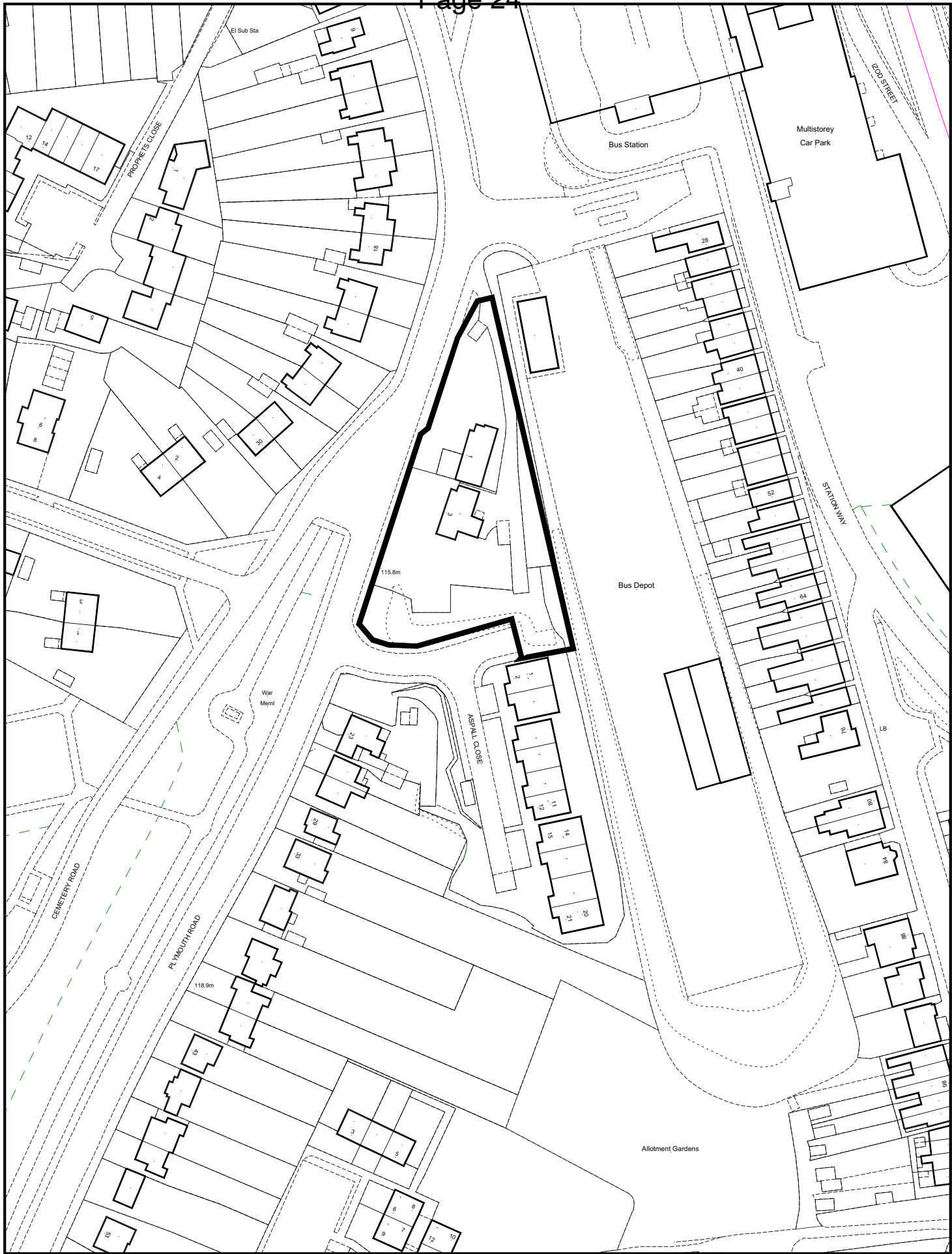
That having regard to the development plan and to all other material considerations, planning permission be granted subject to the following conditions:

1. Time limit for commencement of development
2. Materials samples and finishes to be agreed
3. Lodges to be used only for holidays and not as permanent accommodation or as main residences – max 6 week stay
4. Tree protection during construction
5. Meet NJUG guidelines when installing utilities to protect trees
6. Hard and soft landscaping and timing of implementation to be agreed in writing, including a maintenance programme

7. Implement condition 6 in agreed timeframes
8. Maintain planting so as not to obscure views from CCTV cameras
9. Refuse storage/collection to be agreed
10. Implement in accordance with the recommendations of the ecological report
11. Agree an ecological enhancement scheme, including timings
12. Lighting details to be implemented as per details submitted
13. Limit on hours of construction
14. CCTV camera locations to be agreed and implemented
15. EA SUDs condition
16. S278 works to be agreed prior to commencement and implemented prior to first use/occupation of development
17. Provide and maintain coach parking within main hotel complex
18. Taxi pick up/drop off point retention and maintenance
19. Footpath link provision.

Informatives

- a) Informative regarding the need for advertisement consent for any signage
- b) Informative regarding requirement for applicant to meet other statutory provisions
- c) Informative regarding lighting standards to prevent light pollution.



Planning Services
 Town Hall
 Walter Stranz Square
 Redditch
 Worcs B98 8AH

2008/202
 1- 3 Plymouth Road

Scale: 1:1250

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 Redditch Borough Council LA100024252 2007

2008/202

DEMOLITION OF NUMBER 3 PLYMOUTH ROAD AND CONSTRUCTION OF 60 BEDROOMED NURSING HOME WITH ASSOCIATED PARKING 1 TO 3 PLYMOUTH ROAD, REDDITCH BARTEAK DEVELOPMENTS**Site Description**

The site is triangular with an area of approximately 0.69 Acres (0.28 ha). It is located in Plymouth Road approximately 300m from the Town Centre. To the North-East of the site lies the bus station and to the South-West lies the memorial gardens and Cemetery Road.

The land was up until recently occupied by two bungalows, No.1 and 3 Plymouth Road. Number 1 has now been demolished. The site is overgrown and unkempt, and rises steeply up from Plymouth Road, with a level difference of about 5 metres. There are a number of trees on the site many of which are conifers and have in the opinion of your Officers, little amenity value.

The surrounding residential development to the South and West generally dates from the 1930's to 1950's and comprises typical detached and semi detached properties from this era. To the South of the site lies Aspell Close a recently constructed road leading to the residential development comprising 20 No. Apartments arranged in three blocks which was granted consent in 2004 under application 2004/265.

Proposal Description

Permission is sought for a Nursing Home providing 60 no. Bedrooms. The home will have a qualified Nurse on duty 24 hours a day. The residents are likely to be people who are physically or mentally frail who need regular attention from a nurse.

The proposed building would be mainly three storeys in height with a smaller four storey element around the central core. The nursing home would be cut into the bank which rises up from Plymouth Road, in order to minimise the overall massing and scale of the building. It would be constructed from traditional red brick and render including timber to respect the traditional residential character of the area.

A car park providing parking for 15 cars will be accessed off the existing access road (Aspell Close) at the rear of the building. Level access will be provided from the car park into the building at first floor level. A second point of access from Aspell Close is by the Plymouth Road junction, which will include 8 additional car parking spaces and a service area. 23 spaces will be provided in total.

An amenity space will be located adjacent to the main car park close to the main entrance at the rear of the building. A further landscaped amenity area is to be provided at the northern corner of the site.

Relevant Key Policies

National Planning Policy

PPS.1 Delivering Sustainable Development.
PPG.13 Transport.

Regional Spatial Strategy

UR4 Social Infrastructure.
QE3 Creating a high quality built environment for all.
T7 Car Parking Standards and management.

Worcestershire County Structure Plan

SD.3 Use of previously developed land
SD.4 Minimising the need to travel
SD.7 Sequential approach to the location of development
T.4 Car Parking
D.43 Crime Prevention and Community Safety
IMP.1 Implementation of development.

Borough of Redditch Local Plan No. 3

H.2 Homes for the Elderly
CS.3 Use of previously developed land
CS.6 Implementation of Development
CS.7 Sustainable location of development
S.1 Designing out Crime
B(BE).13 Qualities of Good Design
B(BE).19 Green Architecture
B(NE).4 Noise
C(T).1 Access to and within development
C(T).12 Parking Standards

SPD's / SPG's

Encouraging Good Design
Designing for Community Safety

Relevant site planning history

Extensive planning history relates to the site and the surroundings. The earliest application of note is 2000/404 which proposed the demolition of numbers 1 and 3 Plymouth Road, and on land including the land to the

south of the site (where the 20 No. apartments have since been built) the erection of 15 three and four bedroomed houses along with 8 three bedroomed flats. Although this application was refused planning permission by the planning Committee in October 2000, the application was subsequently allowed on appeal by the Planning Inspectorate in May 2001. This permission was however never implemented.

Applications for residential development (apartment schemes) were submitted on land to the immediate South of the site in 2002 and 2003 which were Withdrawn and Refused planning permission respectively, before application 2004/265 was submitted proposing the erection of 20 No. Apartments. This proposal was approved and has since been built and is located at the end of Aspall Close.

With respect to the application site itself, subject to this current proposal for planning permission, an application was submitted and granted consent in 2006 – ref 2006/285 for the demolition of the then bungalow present on the site – number 1 Plymouth Road, and for the erection of a new dwelling – granted in July 2006. This dwelling has since been demolished, but there would appear to be no intention of implementing this consent given the submission of this latest application for a 60 bedroomed nursing home.

In April 2008, planning permission was refused for a similar application to this current proposal (a 60 bedroomed nursing home) – application 2008/051. Members' chief concerns were that the bulk, scale, massing and design of the development would be inappropriate for this gateway location on the edge of the town centre.

Consultation Responses

Neighbour Consultation

The application has been advertised by notice in the local press, by site notice and by writing to occupiers of nearby properties.

At the time of writing this report, three letters had been received in objection to the proposal. Three letters in support of the proposals had been received, including a letter from CPRE.

Comments received in objection are summarised as follows:

Design and materials are not concurrent with other properties in the area.

The proposal would invade privacy.

The development by virtue of its height will have an intrusive and overly dominating impact in the area.

The building is located too far forward into Plymouth Road.

Insufficient car parking provision for a development of this size.

Sustainable means of construction etc must be considered as part of this application – how do we know that this will be carried out?

The road itself is busy enough as it is: the addition of an old people's home will add to the congestion on the roads as well as posing a danger for its residents and guests.

Concerns were raised with regard to removal of trees and wildlife habitat.

Only recently has planning permission been granted for 20 apartments a little further down causing much inconvenience to neighbouring properties. Residents should not have to incur such disruption again.

Inadequate provision for the safe storage and collection of all types of waste.

Unlikely that staff will use public transport to get to the site.

Comments received in support are summarised as follows:

Since the demolition of the detached dwelling, number 1 Plymouth Road, this part of the site has been left in a dreadful and unsafe state and is a magnet for anti-social behaviour. The site should be developed which would be a solution to this problem.

It is a very good idea to have a nursing home built in this position which is close to all amenities such as shops, bus station, railway station, theatre and cinema etc instead of being sited in an out of town location.

This development would be good for the people of Redditch both now and in the future.

Most residents of care homes have spouses etc who no longer drive and could easily visit such a nursing home using public transport.

It is good the fact that such a nursing home is located in a prominent position and not in a far away position "out of sight and out of mind"

Surely this form of development would serve the people of Redditch far better than what is currently an overgrown wasteland.

Being right next to a multi-storey car park, I do not see that "lack of parking" is an issue.

The site is surrounded by commercial business such as the Kingfisher Centre, bus station etc and is a brownfield site. A modern care home in the community, close to amenities is what is needed.

CPRE considers that the proposals are acceptable in principle provided that adequate soft landscaping conditions are attached. Is happy to note that a line of street trees are included in the overall design in a location between pavement and the building's frontage to Plymouth Road.

Worcestershire Highways Network Control (former Highways Partnership Unit)

No objections. Recommends conditions in the case of planning permission being granted relating to proper consolidation, surfacing and construction of the access and parking area.

Worcestershire NHS Primary Care Trust

Considers that the proposal would place additional pressure on healthcare services in the town

Severn Trent Water Ltd

Raise no objections in principle to the development. Should permission be granted would recommend the imposition of a condition which would require the applicant to submit details pertaining to foul and surface water disposal to the Local Planning Authority.

Police Crime Risk Manager

Raises no objections to the application.

RBC Environmental Health Officer

Recommend conditions in the case of planning permission being granted. For this particular proposal your Officers would consider it appropriate in the case of any recommendation for approval to attach conditions which would seek to control hours of construction activity at the site, and for a desk top study identifying any potential contamination at the site with further validation reports to be submitted for the prior written approval of the LPA (if necessary).

Urban Design Advisor (UDA)

Comments summarised as follows:

I commented on the merits of the earlier application 2008/051 in April 2008. The modifications to the original design improved the proposal and made it acceptable in terms of its massing and appearance. Although a large building, it was well related to its site and its form and articulation enabled it to relate acceptably to its context. Although there are two storey houses

opposite the site in Plymouth Road, to the North stands the large bulk of the shopping centre. As this is an edge-of-town-centre development, the proposal makes a satisfactory transition in scale between the large commercial neighbour and the smaller domestic ones. However, contrary to my recommendation, the Planning Committee felt that the scale and massing of the building was inappropriate for the site.

With regards to the current, amended proposal, the essentials of the proposal remain unchanged with the accommodation proposed, the same as before.

What has changed is the surface treatment of the building; the pattern of fenestration and the external materials. The curved wall to the north has reverted from brick to timber cladding on its upper floors, and the southern half of the building facing Plymouth Road has reverted from being unified by one material to being a mixture of brickwork and render. With regards to the fenestration, bay windows have been omitted and window arrangements have become more unified and regular.

Whilst the fenestration of the building is in my view less interesting, the changes are generally superficial. In conclusion, I still consider that the scheme as a whole should be approved.

Assessment of proposal

Principle

Policy H2 in the Borough of Redditch Local Plan concerns applications submitted for homes for the elderly. It states that in considering applications for the change of use of existing properties and for new development for homes for the elderly and nursing homes, each application will be treated on its individual merits subject to the consideration of requirements including;

That all necessary car parking and servicing can be provided within the curtilage of the site; that the accommodation has the benefit of convenient access for pedestrians, cyclists and other users of public transport; account will be taken of the position and suitability of amenity and garden space provided as part of the development for occupants of the proposed development; preference will be given to the utilisation of detached properties as these generally have a lesser potential for the disturbance of neighbours; and the development should not compromise the local environment with regard to the form, character and existing layout of an area.

Under the reasoned justification for this policy it states that from a sustainability point of view, homes for the elderly and nursing homes should be in locations where visitors and employees could travel by foot, cycle or

public transport. This would allow residents who are able to, to integrate with their community. Suitable locations would therefore include the Town Centre or District Centres and other locations that are convenient to a bus route.

Your Officers consider that the site in question, near to the town centre, railway station, and very close to the bus station is highly sustainable and ideally suited to such a use. The Town and Country Planning (Use Classes Order) categorises this use as a C2 use which itself is suited and compatible to being located within an area such as this.

The site is previously developed, brownfield land and it should be remembered that the Planning Inspectorate in their decision relating to application 2000/404 in May 2001 have established that that the whole of the site could be developed. Your Officers consider, like the Planning Inspector before, that the fir trees present on the site together with other vegetation is of low and limited amenity value and see no reason why vegetation could not be removed to accommodate a new built form so long as new landscaping is planted around the building.

General Background

Members will recall that a similar application was presented before the Planning Committee at the meeting on the 22nd of April 2008. Contrary to advice given by the Council's Urban Design Officer and your Officers, members considered that the bulk, scale, massing and design of the development would be inappropriate for this gateway location on the edge of the town centre, and permission was refused. Since the refusal of application 2008/051 above, the applicant has lodged an appeal (Public Inquiry) against this refusal of planning permission. Prior to the lodging of an appeal, but post-refusal of application 2008/051, the applicant requested a meeting with your Officers to discuss possible ways forward with a new planning application, which the Planning Committee may be in agreement with. This new application remains very similar to the recently refused application currently at appeal. The accommodation to be provided has not changed – it remains a 60 bedroomed nursing home of the same overall dimensions as before. The building has however been relocated to a position approximately **4.5 metres** further towards the Northern corner of the site. The elevational treatment including fenestration detailing has also changed as per the comments stated above from the Urban Design Advisor. By re-locating the building, a further 4 No. car parking spaces have now been accommodated within the site. Your Officers have been informed that if Planning Committee grant consent for this amended scheme, the appeal pertaining to application 2008/051 will be withdrawn.

Design

The building is considered to be acceptably sited within the plot having regard to the levels present in the site, and the need to respect the existing building line and street scene. The building quite rightly fronts onto

Plymouth Road, properly addressing the street frontage, with car parking mainly situated to the rear. Private amenity space for the residents is to be located to the rear which will be South facing and would provide a satisfactorily sized area for the residents to enjoy.

The building itself is contemporary in design and has been amended on several occasions since submission of the originally lodged plans, in order that the design of the building, its scale and massing satisfactorily addresses the context of the site and its surroundings.

The building has been brought forward towards the northern corner of the site and the 'gateway' located towards the town centre and the bus station to the north, where buildings increase in bulk, scale and mass. The bus station in particular is only some 60m to the north and with a height of 6 storeys creates a strong framework for the 'gateway' into the town. The proposed building's scale and mass is considered to be an appropriate balance to that, at the same time as providing a link to the more domestic scale of the adjoining residential area. The proposal is considered to accord with Policy B(BE).13 of the Borough of Redditch Local Plan which encourages new development to enhance the legibility of the Borough by the appropriate design and siting of distinctive corner buildings, landmarks, 'gateways' and focal points at key junctions and by the enhancement of key vistas that create visual links between places. In addition, development should enhance and/or create urban spaces, view, landmarks and other townscape features which make a significant contribution to the local character of an area and provide the opportunity to open up such features. The curved elevation has two storeys of cedar cladding veneer which rises above the brickwork parapet at the lower ground floor to emphasise the gateway location.

Site section drawings have been produced which demonstrate that the building would not harm nearby residential amenity in terms of over-dominance or overlooking. In this respect the proposals are satisfactory having regard to spacing standards / separation distances contained within the Council's adopted Supplementary Planning Guidance 'Encouraging Good Design'.

A car park to the rear provides spaces for 15 No. cars – this provision complies with car parking standards tables (Appendix H) within the Borough of Redditch Local Plan. This area is satisfactorily passively surveyed by active habitable room windows in accordance with Secured by Design principles. In addition, 8 No. staff car parking spaces are to be provided, (a doubling in provision from application 2008/051) at a location nearer to the Plymouth Road junction with Aspell Close. A transport assessment carried out by the applicant's agent containing trip generation data demonstrates that car parking provision on site would be more than adequate to cater for the development and as such the proposal would not prejudice highway safety.

The building is considered to respect the appearance of existing residential development opposite and near to the site, respecting the local distinctiveness of the area. A variety of materials found within existing residential development along Plymouth Road, including timber, brick and render, are to be used in the construction of the nursing home which help to break up the massing of the development.

The applicant states that the building has been designed to ensure compliance with Building Regulations approval document M (204) and the DDA (1995). All entrance doors will have level thresholds to allow wheelchair access and a lift will provide access to all floors.

The revised scheme is considered to have overcome the previous reasons of refusal for planning application 2008/051 and is acceptable in all other respects.

Ecological / Arboricultural Surveys

As stated within the report for application 2008/051, a bat survey was carried out on the 18th of April 2008 which concluded that there was no evidence of any bat activity at the site. In addition, a full tree survey has been carried out which concluded that the site has little arboricultural value.

Green Architecture

In respect of Policy B(BE).19 – Green Architecture which encourages new developments to maximise the use of, for example sustainable, local sourced and recycled materials and to maximise the energy efficiency of the building through its siting and orientation, through the adoption of energy conservation measures, the applicant has responded by stating that they are aspiring to a BREEAM rating of VERY GOOD.

BREEAM assesses buildings against a set criteria and provides an overall score which will fall within a band providing either a; PASS, GOOD, VERY GOOD or EXCELLENT rating.

The applicant has stated within a Sustainability Statement that they recognise the importance of sustainability and energy efficiency in the construction of new developments and realise the potential benefits of constructional innovation to reduce waste and increase energy efficiency, reducing the costs of maintaining the building as well as reducing harmful emissions into the atmosphere.

The Sustainability Statement explains that the rating system under BREEAM is based on the number of environmental credits achieved under each category, multiplied by a weighting factor. The 8 categories are: Management, Health and Wellbeing, Energy, Transport, Water, Materials, Land Use and Ecology, Pollution. A BREEAM rating of VERY GOOD requires a score of at least 55. The applicant states that at this stage not all of the design / specifications are known but it is reasonable to assume

that this rating is achievable. The Statement has been summarised by your officers as follows:

Management

The developer will register the site with the Considerate Constructors Scheme and comply with Best Practice Site Management Principles.

Health and Wellbeing

Bedrooms to have individual thermal adjustment controls and in other areas of the building, heating will be zoned to take account of different loads in each area.

Sound installation will be of a higher specification than standards set out in Approved Document E under the Building Regulations

Energy

In the reduction of CO₂ emissions, the developer will aim to substantially improve on the requirements as set out in the 2006 Building Regulations, Part L. However, details of this will not be known until SAP calculations have been carried out.

A heat loss Parameter (HLP) of 1.1 W/M²K or less will be targeted, but again, this will depend on SAP Data.

At least 75% of internal light fittings will be energy efficient. External lighting will have energy efficient external luminaries' specified.

Transport

Good access is available to and from public transport with the bus and train stations within approximately 250metres. It is expected that the majority of staff will come from the local area and will travel by foot, bicycle or bus.

Secure cycle storage will be provided on site.

A travel plan will be developed and tailored to the specific needs of the users of the development.

Water

Water saving devices such as 6/4 dual flush wc's and water efficient taps and showers will be fitted.

Mains leak detection systems will be installed.

Rainwater harvesting will be considered with a view to at least using collected rain water for the irrigation of the landscaped areas.

Materials

At least two of the following major building elements specified will have an 'A' rating as defined in the Green Guide Specification – external walls, windows, roof, upper floor slabs.

Materials will be responsibly sourced from local suppliers wherever possible. For timber products, third party certification is required to prove that the timber has come from a sustainable source.

A dedicated storage space within the building will be provided for the recycling of waste.

Land Use

The development will take place on land which has been previously developed.

Pollution

The specification of insulating materials will avoid the use of substances that have a Global Warming Potential (GWP) of 5 or more.

The external lighting design will be in compliance with guidance in the Institute of Lighting Engineers (ILE) guidance notes, to reduce night time pollution.

The full document submitted is contained on the Council's Public Access Website page linked to this application as well as on the public planning file.

The Sustainability Statement is applauded by your Officers, and recommend a planning condition to be attached to any decision notice, in the event of planning permission being granted to ensure the implementation of these details.

Security

The applicant states that good urban design principles have been incorporated into the design of the building to ensure that safety and security are key objectives. Along the Plymouth Road frontage, 1.2 metre high metal railings define the boundary and provide defensible space to the building. This defensible space increases from about 2m to 3.5m where the building steps back from the road allowing for trees to be planted in this area. At the car park entrance, a change of surface treatment gives the impression of entering a private area. Many of the bedroom windows would overlook the car park providing natural surveillance. The amenity area would also be overlooked by windows from the entrance lobby and the bedrooms above. 1.2 metre high railings would surround the amenity area

to provide security and safety for residents whilst allowing views through. To the rear boundary, a 2 metre high wooden fence is proposed with a light weight trellis topping. All entrance doors and car parking areas would be lit from dusk to dawn. Your officers are satisfied in all other respects with details submitted in order to satisfy Policy S.1 of the Local Plan.

Planning Obligation

Under Policy CS 6 (Implementation of Development) of the Borough of Redditch Local Plan, where appropriate, developers can be required to make provision for related environmental works and services etc. Developers can be required to finance such provision which is fairly and reasonably related in scale and kind to the proposed development and its impact upon the local environment. The above provisions will be subject of a Planning Obligation in accordance with the relevant legislation which should be secured before the issuing of any planning permission.

Members may recall that the development immediately to the South of this site – application 2004/265 (20 apartments) referred to earlier in this report was granted consent, subject to the applicant entering into a Section 106 Legal Agreement to cover off site enhancements and improvements. It is understood that the monies secured in that particular case have been spent on landscaping improvement works at the memorial gardens site off Plymouth Road.

Under this current application, your Officers consider it reasonable to and are asking for monies to cover works including new and replacement railings at the cemetery site along Cemetery Road, which itself is off Plymouth Road.

The applicant has indicated a willingness to enter into such an agreement and at the time of writing the Council's Solicitor is in the process of preparing such an agreement.

Subject to the completion of a satisfactory planning obligation, the proposal is considered to be compliant with relevant policies of the development plan, would not cause any harmful effects on the amenity of the site and surroundings or on highway safety, and is therefore acceptable.

Recommendations

Officers are seeking an either/or resolution from Members in this case as follows, in that Officers would carry out whichever of the **THREE** recommendations below applied:

- 1. That having regard to the development plan and to all other material considerations that planning permission be granted subject to:**

- a) **a planning obligation ensuring that appropriate contributions in relation to off-site improvement works in the locality are provided; and**
- b) **the following conditions:**
 - 1) Development to commence in three years.
 - 2) Sample materials to be submitted and agreed.
 - 3) Landscaping – hard and soft including boundary treatments to be agreed.
 - 4) Landscaping – hard and soft including boundary treatments to be carried out.
 - 5) Access and parking areas to be provided.
 - 6) Construction hours on site to be limited.
 - 7) Contaminated land survey and details to be agreed.
 - 8) Any unexpected contaminated found to be dealt with in agreement with LPA.
 - 9) Land contamination remediation measures if necessary to be agreed with LPA.
 - 10) Drainage – details to be submitted and agreed.
 - 11) Bin and cycle store details to be agreed.
 - 12) Defined use as C2 residential home only (not a general C3 residential Use Class).
 - 13) Further details to be submitted in respect of Sustainability Statement for prior written approval of the LPA.
- 2. **In the event that the planning obligation cannot be completed by the end of August 2008, Members are asked to delegate authority to Officers to refuse the application on the basis that without the planning obligation, the proposed development would be contrary to Policy CS. 6 of the Borough of Redditch Local Plan.**
- 3. **In the event of a refusal on ground (2) above and the applicant re-submitting the same or a very similar planning application with an acceptable completed Section 106 Agreement attached, authority be delegated to the Acting Head of Planning and Building Control to GRANT planning permission**

subject to the conditions stated in the original report and any conditions agreed at the meeting of the Planning Committee held on the 12th of August 2008.

Planning Committee

Greenlands and Lodge Park Wards

12th August 2008

ENFORCEMENT OF PLANNING CONTROL

(Report of the Director of Environment and Planning)

1. **Purpose of Report**

To determine the appropriate course of action to be taken on the enforcement matters attached at Appendix 1 of the report.

2. **Recommendation**

The Committee is asked to RESOLVE whether it considers it expedient to take the enforcement action specified in the attached enforcement reports.

3. **Financial, Legal, Policy and Risk Implications**

Financial

3.1 There are no financial implications in the reports.

Legal

3.2 Legal implications are as detailed in the reports and as set out in the following Acts:-

Town and Country Planning Act 1990.
Planning and Compensation Act 1991.

3.3 In terms of the exempt elements of the report, and the “public interest” test for exempt consideration, Officers consider that it is rarely likely to be in the public’s best interest to reveal information which is the subject of possible subsequent legal action (S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order, 2006 refers).

3.4 Under Article 8 of the European Convention on Human Rights, everyone has the right to respect for his/her private and family life, home and correspondence.

3.5 Interference with this right is only allowed in limited circumstances where it is in accordance with the law and is necessary in a democratic society for, among other things, the protection of the rights and freedom of others. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 of adjacent occupiers.

Policy

3.6 Policy implications are as detailed in the reports and as set out in the Borough of Redditch Local Plan No. 3.

3.7 Risk

None identified.

4. **Other Implications**

Any Community Safety, Human Resources, Sustainability or Social Exclusion implications will be detailed in the attached schedule.

Social Exclusion: Enforcement action is taken equally and fairly in accordance with the Enforcement Concordat, regardless of the status of the person or organisation, or the subject of enforcement action.

5. **Consultation**

There has been no consultation other than with relevant Borough Council Officers.

6. **Author of Report**

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

7. **Appendices**

Appendix 1 - Report – 1 - 2008/146/ENF

- Report – 2 – 2007/084/ENF

Appendix 2 - Key to exempt information.

(In view of the fact that it contains confidential information relating to the affairs of individuals and their identities and information relating to alleged breaches of Planning Control which could result in prosecution by the Council, Appendix 2 has been made available to Members and relevant Officers only).

ENFORCEMENT REPORT - 1 – 2008/146/ENF**Condition of land considered harmful to the visual amenity of the neighbourhood****Greenlands Avenue, Greenlands, Redditch****(Greenlands Ward)****1. Background / Key Issues**

- 1.1 This matter comes before your Committee with a long history dating back to 2005 with regard to the condition of the property due to the presence of scaffolding on the gable end of the property, and an alleged business use by way of selling plants grown on the premises. It has also been subject to a number of enquiries from the local Member of Parliament.
- 1.2 The property concerned is a semi-detached house with the gable end facing to the rear of properties in Auxerre Avenue. In March 2005, the then enforcement officer investigated complaints relating to the scaffolding and the storage and sale of potted plants. At the time, following the service of a planning contravention notice, the enforcement officer satisfied himself that the scaffolding had been erected to facilitate repairs to the property and as such did not require permission. He also satisfied himself that the scale of business use was within that permitted for running a business from home.
- 1.3 In October 2005, the then enforcement officer wrote to the owner of the property requesting the removal of the scaffolding, as no works had been undertaken in the preceding months. Despite assurances from the occupier, a further site visit in March 2006 revealed that no works had been undertaken.
- 1.4 On the 30th October 2006 a site visit by your enforcement officer revealed that the scaffolding had been dismantled from the gable end, albeit partially as at ground floor level some did remain. At the time, no further action was deemed necessary and the matter was left at that.
- 1.5 On the 4th July 2008, further complaints from residents were received, including one via the local Member of Parliament. The site was visited by the enforcement officer who considered that although there was no apparent breach of planning control relating to the business use of the property, he did consider the remaining scaffolding, old wood, plastic sheeting and the potted conifer trees stored in view on top of the scaffolding had deteriorated to such an extent that it constituted harm to the visual amenity of the neighbouring properties and needed addressing.

- 1.6 On the 21st July 2008, given the history of the site, a letter was sent to the owner of the property requesting the removal of the scaffolding and potted plants from the gable end of the property.
- 1.7 To date, no response has been received and no action undertaken by the occupier to rectify the situation.

2. Conclusion

- 2.1 Your officers consider that the condition of the gable end of this property is now adversely affecting the visual amenity of the neighbourhood, and in particular to those residents of Auxerre Avenue who face on to the gable end.
- 2.2 Your officers also consider this to be a serious breach of planning control which needs to be remediated.

3. Recommendation

The Committee is asked to RESOLVE that

authority be delegated to the Head of Legal Services in consultation with the Acting Head of Planning and Building Control to take enforcement action, including the instigation of legal proceedings if necessary, in relation to a breach of planning control, namely, permitting land to adversely affect the visual amenity of the neighbourhood, by way of the serving of a notice under Section 215 of the 1990 Act and the instigating of prosecution proceedings if necessary, in the event of any failure to comply with any requirement of that notice.

ENFORCEMENT REPORT - 2 – 2008/084/ENF

Condition of land considered harmful to the visual amenity of the area

Southcrest Road, Lodge Park, Redditch

(Lodge Park Ward)

1. Background / Key Issues

- 1.1 This matter comes before your Committee with regard to the condition of the frontage of these premises, which is considered harmful to the visual amenity of the area.
- 1.2 The property is a semi-detached dwelling in a popular residential area of the town where dwellings are generally maintained to a high standard.
- 1.3 In April 2007, complaints were received by the Council with regard to the condition of the frontage of the property, particularly in relation to a rusting motor vehicle parked there. Your enforcement officer visited the property and established that the car on the frontage had been there for many years and was now in such a state that it was virtually no longer moveable let alone driveable. He also noted that the garage doors were in extremely poor condition, having not been painted in many years and off their hinges. Overall, he considered that with regard to the surrounding properties, this constituted harm to the visual amenity of the area, especially to the occupiers of the adjoining properties.
- 1.4 Repeated efforts to make contact with the occupier failed to elicit any response, and a Land Registry search was required to find the identity of the occupier.
- 1.5 On the 31st January 2008, a legal notice under Section 330 of the 1990 Act was served on the occupier. That notice was returned on the 25th February 2008 accompanied by an assurance stating that he would remove the car by June 2008.
- 1.6 On the 5th June 2008, the occupier made contact with your enforcement officer requesting a further month to remove the vehicle and complete repair works to the garage, which was agreed.
- 1.7 On the 10th June 2008, following further complaints from neighbours regarding lack of action by the occupier, your enforcement officer visited the site and established that there had been little change since his initial visit.

2. Conclusion

- 2.1 Your officers consider that the condition of the frontage of this property, in particular the appearance of the garage doors and the rusted motor vehicle is now adversely affecting the visual amenity of the area, and in particular to those residents of properties adjacent to it, with little prospect of improvement in the foreseeable future.
- 2.2 Your officers consider this to be a serious breach of planning control which needs to be remediated.

3. Recommendation

The Committee is asked to RESOLVE that

authority be delegated to the Head of Legal Services in consultation with the Acting Head of Planning and Building Control to take enforcement action, including the instigation of legal proceedings if necessary, in relation to a breach of planning control, namely, permitting land to adversely affect the visual amenity of the area by way of the serving of a notice under Section 215 of the 1990 Act requiring the removal of the rusty motor vehicle and the carrying out of repairs to the garage doors, and the instigating of prosecution proceedings if necessary, in the event of any failure to comply with any requirement of that notice.

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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