

# Planning Committee

Tue 9 Sep  
2008  
7.00 pm

Council Chamber  
Town Hall  
Redditch



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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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**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**

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

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**Notes:**

- 1) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Borough of Redditch Local Plan No.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

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### **Agenda Papers**

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

### **Chair**

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

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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, 9th September, 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	R King

<b>1. Apologies</b>	To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.
<b>2. Declarations of Interest</b>	To invite Councillors to declare any interest they may have in the items on the Agenda.
<b>3. Applications for planning permission</b> (Pages 1 - 32) Acting Director of Environment and Planning	To consider applications for planning permission.  (Report attached)  <b>Various Wards</b>
<b>4. Enforcement of planning control</b> (Pages 33 - 46) Acting Director of Environment and Planning	To consider various 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)

# PLANNING

Committee

Tuesday, 9th September, 2008

<p><b>5. Exclusion of the Public</b></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><b>“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.</b></p>
<p><b>6. Confidential Matters (if any)</b></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

9th September 2008

### APPLICATIONS FOR PLANNING PERMISSION

(Report of the Acting 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.

#### 5. Consultation

Consultees are indicated for each individual proposal.

# Planning

## Committee

9th September 2008

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### 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 Ruth Bamford (Acting Head of Planning and Building Control), who can be contacted on extension 3219 (e-mail: [ruth.bamford@redditchbc.gov.uk](mailto:ruth.bamford@redditchbc.gov.uk)) for more information.

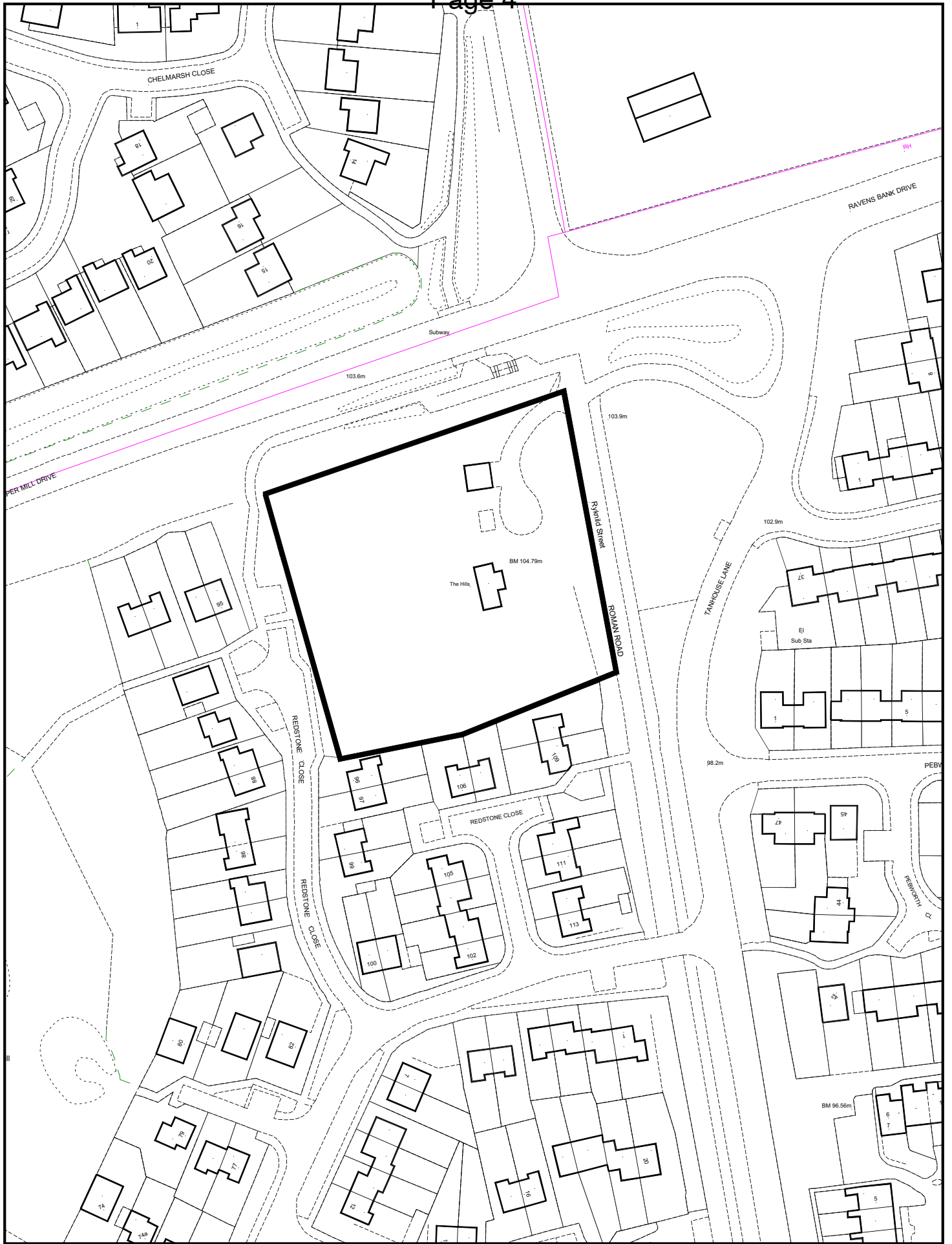
### 8. Appendices

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>
2008/225/FUL	Erection of four dwellings	The Hills, Tanhouse Lane, Church Hill North	5
2008/254/FUL	Erection of a Class A1 Store extension, addition of Mezzanine Floor at First Floor, New entrance, single storey decked car park, replacement Petrol Filling Station Kiosk, removal of Car Wash, alterations to Car Park & Internal layout (Relocation of Bus Pick Up/Drop off point). Replacement ATMs & other associated work	J Sainsbury's Supermarket, Alvechurch Highway, Redditch	15
2008/255	Reserved matters application - demolition of existing Vicarage and erection of residential development of 6 houses.	The Vicarage, Church Road, Webheath	27



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

Drawing:

2008/225  
The Hills, Tanhouse Lane

Scale: 1:1250

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Redditch Borough Council LA100024252 2008

**2008/225/FUL ERECTION OF FOURTEEN DWELLINGS  
THE HILLS, TANHOUSE LANE, CHURCH HILL NORTH  
J VARNEY BUILDERS  
EXPIRY DATE: 7TH OF OCTOBER 2008**

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**Site description**

The site lies to the west of Tanhouse Lane and is accessed from an access road off Tanhouse Lane just south of the junction of Tanhouse Lane with Paper Mill Drive. The access road crosses a wide, grassed highway verge.

The site is currently vacant, having previously contained a single large dwelling until recently when the site was cleared. It is now fenced off with typical construction site fencing. The site is bounded on all sides by substantial mature trees and shrubs and adjacent to the eastern boundary is the course of the Roman Road, which currently has hard surfacing and is maintained as a footpath and cycleway. The road is bounded on either side by an avenue of mature protected trees.

To the south, east and west of the site are residential areas typical of the new town of Redditch in suburban style and mainly of brick and tile construction, some with half timber style detailing, and mostly with front driveways and gardens to front and rear. To the north of the site is a highway verge and bank sloping down to Paper Mill Drive, a district distributor road.

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**Proposal description**

The proposal shows that the existing access to the site would be retained and used, and a cul-de-sac development of 14 dwellings - a mix of detached and semi-detached - would be formed, with dwellings facing north, south and east. These would all have back gardens towards the boundaries of the site and face inwards towards each other.

The dwellings would have 2 storeys and be of brick and tile with some projecting gable elements treated in half timber style detailing. All plots would have off -street parking to the front; some dwellings would have garages either attached or detached. Most would have bay windows to the front and canopy style porches.

The application is supported by a Design & Access Statement, a completed West Midlands Sustainability Checklist, agreement to enter into a planning obligation (but no solicitors details), a Secured by Design Statement and an Energy Statement. Other information has also been requested, including a tree survey, however this has not been forthcoming.

**Relevant key policies :**

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

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

***National planning policy***

PPS1 (& accompanying documents) Delivering sustainable development  
 PPS3 Housing  
 PPG13 Transport

***Regional Spatial Strategy***

UR4 Social infrastructure  
 CF4 The reuse of land and buildings for housing  
 CF5 Delivering affordable housing and mixed communities  
 QE3 Creating a high quality built environment for all  
 T7 Car parking standards and management

***Worcestershire Country Structure Plan***

SD3 Use of previously developed land  
 CTC5 Trees, woodlands and hedgerows  
 D5 Contribution of previously developed land to meeting the housing provision  
 IMP1 Implementation of development

***Borough of Redditch Local Plan No.3***

CS3 Use of previously developed land  
 CS6 Implementation of development  
 CS7 Sustainable location of development  
 S1 Designing out crime  
 B(HSG).1 Housing provision  
 B(HSG).4 Density of development  
 B(HSG).5 Affordable housing  
 B(HSG).6 Development within or adjacent to the curtilage of an existing dwelling  
 B(BE)2 Archaeological and historic sites and structures  
 B(BE).13 Qualities of good design  
 B(NE).1a Trees, woodland and hedgerows  
 B(NE).4 Noise  
 B(NE).6 Contaminated land  
 B(NE).9 Flood risk and surface water drainage

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CT1	Access to and within development
CT4	Travel plans
CT5	Walking routes
CT6	Cycle routes
CT12	Parking standards

***SPDs***

Encouraging good design.  
 Designing for community safety.  
 Planning obligations for education contributions.  
 Open space provision.  
 Affordable housing.

The site is covered by a blanket New Town TPO although all of the protected trees remain around the perimeter of the site rather than within it where they may become constraints.

The site is undesignated within the Local Plan, however the adjacent Roman Road and large grassed highway verge are designated as Primarily Open Space.

**Relevant site planning history**

None.

**Public Consultation responses**

**Responses in favour**

One response in support of the proposal has been received from the CPRE, seeking confirmation of the requirement for a full tree survey and the potential for contributions towards the surrounding bridleway network.

**Consultee responses**

***County Highway Network Control***

No objection subject to provision of off-site highway (S278) works prior to occupation and contributions towards improvement of highway subway to north of site and provision of bus shelter on Tanhouse Lane to serve the site.

***Environmental Health***

No objection subject to conditions regarding potential contaminated land, hours of construction and lighting.

***Arboricultural Officer***

None received.

***Drainage Officer***

None received.

***Crime Risk Manager***

No objection subject to conditions regarding boundary treatments, landscaping and its maintenance, hard surfacing and lighting.

***Severn Trent Water***

No objection subject to a condition regarding drainage details.

***Bromsgrove District Council***

None received.

***County Footpath Officer***

No objection.

***County Education***

Confirmation of need in this location for contributions to be sought as per SPD.

***Ramblers Association***

No objection providing that footpath 821 is not obstructed during construction.

**Procedural matters**

Technically, a demolition determination application should have been submitted prior to the demolition of the previous dwelling on the site, however there is no mechanism for a retrospective application and therefore no action can be taken to rectify this situation. (This is not a material consideration when determining this application)

**Assessment of proposal**

The key issues for consideration in this case are the principle of the proposed development, its density, design and layout, landscaping, highway and access safety, impacts on the historic environment and archaeology, its sustainability, any contaminated land issues, the requirement or otherwise for a planning obligation and any other material considerations.

**Principle**

The principle of locating residential development within the urban area of Redditch on previously developed land such as this is considered to be acceptable and in compliance with local and national planning guidance. However, this is not sufficient of itself to result in a favourable outcome, as this remains subject to the details being considered acceptable.



Density

The proposal would result in development at a density of 25dph, which is significantly below the guide range of 30-50dph contained in both Local Plan Policy B(HSG)4 and in PPS3. Further, the policy framework suggests that developments should both make efficient use of land and be sympathetic with the character of the surrounding development. Areas of development adjacent to the site to the west, south and east are in the region of 36-45dph, and as such present a more efficient use of land. Thus there appears to be no justification for the proposed development having such a low density and this is of concern.

To create a development that achieved the standard 30-50dph on this site, 16.5- 27.5 (17-27) dwellings would be required. It is considered possible that a proposal, both meeting the required amount of development and yet remaining sympathetic to the site and its surroundings, could be sustained on this site.

Design and layout

Policy requires that the appearance of the proposal, its layout and separation distances be considered, in terms of within the site and in context with surrounding built form. The design of the proposed dwellings is not dissimilar to those of surrounding dwellings, particularly in Redstone Close, and therefore these are considered to be sympathetic to the character of the area and compliant with Local Plan Policy.

However, as a result of the inefficient use of the site, the layout of the proposal is considered to be out of character, as it comprises large plots and dwellings with large footprints relative to those in the surrounding area. The proposal is therefore considered to be contrary to policy requirements in this regard and would be likely to cause harm to the area by creating an alien and bulky form of development unlike any other nearby built form.

Landscaping and trees

The boundaries of the site are well planted with mature trees and shrubs, and beyond the site are some significant protected trees. No details of how these would be retained and/or maintained/replaced have been provided and therefore it is not possible to consider the impacts of the proposal on these in order to ensure that the development would be secure, safe and visually acceptable.

A full tree survey has been requested but not received, and its absence therefore prevents full consideration of the proposal against policy requirements with regard to impacts on protected trees.

Highway and access

Policy requires that safety, parking spaces (their quantity and size), and the use by non-car travellers be considered. There are no concerns regarding the parking provision and access arrangements proposed within the site as

these all appear to comply with the relevant adopted standards. Whilst there are some issues which need to be resolved in relation to the access to the site, these can be dealt with by the highways authority using other legislation separate from the planning process. These relate to the width of the adjoining carriageway and the access arrangements where the road crosses the Roman Road footpath. This latter element needs to be carefully designed and clearly marked to ensure pedestrian and cyclist safety at all times, especially when crossing the path of vehicles.

No travel plan has been submitted with this application, or other indication of how the sustainability potential of the site would be maximised. This therefore does not allow full consideration of these matters, and is considered to be a missed opportunity when sustainability is central to the planning system.

The highway officer has noted that a contribution towards the upkeep of the nearby pedestrian subway and towards the provision of a new bus shelter would also be required in this instance in order that the network is provided to a suitable standard and does not suffer as a result of any potential increased usage resulting from the proposed development. These improvements would also help to encourage their use, and therefore increase sustainability in the area.

#### Historic environment and archaeology

Comments from expert consultees are awaited in this regard and therefore any additional information will be reported on the Update paper. However, it is not considered likely that the proposed development would compromise the integrity of the historic environment due to the separation and boundary treatments between this and the application site.

#### Sustainability

The site lies within the urban area of Redditch and is well served by public transport and footpath/cycle networks such that it is considered to be sustainable and in compliance with one of the central aims of the planning system - to reduce the use of the private car. Given these considerations, the site is an appropriate location for residential development.

#### Contaminated land

Despite it previously having been used for residential purposes, the Environmental Health Officers have noted nearby land uses and previous uses that may have had an impact on the quality of the soil at this site and, as such, conditions would be required to ensure that the development occurred in accordance with any necessary mitigation etc. in order for the proposal to comply with policy.

**Planning obligation**

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

- A contribution towards County education facilities would normally be required, and the County have confirmed that there is a need in this area to take contributions towards three schools - Abbeywood First, Church Hill Middle and Arrowvale High;
- A contribution towards playing pitches, play areas and open space in the area, due to the increased demand/requirement from future residents, is required in compliance with the SPD;
- If the proposal were for any more units than are proposed, this Council would also require that 40% of the dwellings be provided as affordable units for social housing in line with SPD policy. Therefore in this case, it is considered that the inefficient use of the land has resulted in a lost opportunity to provide additional affordable housing in line with policy requirements. Had the threshold been reached in the proposed development, this would have also been included in the agreement to ensure the retention of the units for this purpose in perpetuity.

**Other issues**

It is not considered that there is sufficient policy basis to request contributions towards the provision and maintenance of the bridleway network in this area, or that the proposed development would generate sufficient use to justify this, and therefore such contributions are not sought.

**Conclusion**

Despite the legislative presumption in favour of development, it is considered that significant elements of the proposal are not compliant with policy and therefore that the proposed development would be likely to cause harm to amenities and interests to such an extent as to warrant recommending the refusal of the application.

**Recommendation**

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

1. The proposal would result in a density of development of 25dph and thus would result in an inefficient use of land contrary to Policy B(HSG)4 of the Borough of Redditch Local Plan No.3. and PPS3 Housing.

2. The inefficient use of the land would also result in the lack of provision of affordable housing, contrary to the Borough housing needs assessment and resulting in an undersupply contrary to Policies B(HSG)5 and B(HSG)1 of the Borough of Redditch Local Plan No.3 and the SPD Affordable Housing.
3. The lack of an undertaking to make a contribution towards public open space, pitch and play provision, public transport infrastructure, education provision and to ensure the provision of affordable housing on the site is contrary to the requirements of Policies CS6, C(T)1, C(T)5, B(HSG)1 and B(HSG)5 of the Borough of Redditch Local Plan No.3 and SPDs Open space provision and affordable housing. Therefore the proposed development would result in an increase in the demand on local facilities with no compensation or enhancement, thus resulting in harm to the wider community around the site, and a lack of a range of sizes and types of housing to meet the needs of the whole community.
4. The layout of the proposed development, due to the size of the proposed dwellings and plots and the enclosed and separate nature of the site, would be out of character with the established pattern of higher density development within the area and as such the proposal is contrary to Policies B(HSG)6 and B(BE)13 of the Borough of Redditch Local Plan No.3.
5. Insufficient information regarding trees, archaeology, transport and travel has been provided to allow the full assessment of the proposal relative to Policies B(NE)1a, B(BE)2, CS4





**2008/254/FUL ERECTION OF A CLASS A1 STORE EXTENSION, ADDITION OF MEZZANINE FLOOR AT FIRST FLOOR, NEW ENTRANCE, SINGLE STOREY DECKED CAR PARK, REPLACEMENT PETROL FILLING STATION KIOSK, REMOVAL OF CAR WASH, ALTERATIONS TO CAR PARK & INTERNAL LAYOUT (RELOCATION OF BUS PICK-UP/DROP-OFF POINT). REPLACEMENT ATM'S & OTHER ASSOCIATED WORKS. J SAINSBURY'S SUPERMARKET LTD, ALVECHURCH HIGHWAY, REDDITCH**  
**EXPIRY DATE: 27TH OF OCTOBER 2008**

### Site description

Existing large site forming part of retail park adjacent to Alvechurch Highway, and accessed from roundabout where the Highway meets Middlehouse Lane. The application site includes the existing Sainsbury's petrol filling station (PFS) and also the existing store and car parking area. However, it does not include the other retail units on the retail park. The small roundabout does lie within the site, where all traffic entering the site arrives, and turns left for Sainsbury's/fuel or right for the other retail units (Homebase/Allied Carpets).

The Sainsbury's store is of brick and tile construction, with large, sparsely landscaped surface parking area. It is a typical retail outlet, with large pedestrian area to frontage, including trolley storage areas. The parking area rises gently to the southern end of the site, where it joins Fishing Line Road, and where there is currently an emergency/bus access.

The boundary of the site with the large roundabout and Alvechurch Highway is planted and thus the site is well screened from passing traffic. To the west of the site are residential properties which front onto Birmingham Road. Their rear gardens back onto the rear of the existing store.

### Proposal description

The proposed development has several elements to it which would form a general refurbishment and improvement to the existing provision of services on the site:

- The extension of the existing store forwards and to the southern side, to provide:
  - a) Mezzanine to provide additional WC facilities, with new café provision at first floor. (Limited first floor level accommodation is proposed, not a whole additional storey).
  - b) Extension of existing sales area into current café area.

- c) Front extension to provide covered ATMs, travelators between floors, and general ancillary atrium facilities including lifts and stairs.
- d) Level access into store from both car park deck levels.

The total new floor area would be 2498m<sup>2</sup>, of which 1309m<sup>2</sup> would be for additional trading area. The front elevation would be altered to remove the existing dummy gables and provide useable space instead. The overall design of the proposal is similar to that of the remainder of the existing store, and simply eliminates the gables.

- The addition of a decked car park above the existing to the front of the store, and the re-arranging of the existing parking areas to accommodate an additional 36 spaces to give a total of 474 spaces. Lighting to both car park levels is also proposed and lockable barriers to the parking areas and stair accesses for use out of hours.
- The alteration of the layout of the site and particularly vehicle circulation within it to improve access and safety. Vehicles would leave the roundabout on the Alvechurch Highway and flow round to their left around the perimeter of the site, with the option of a right turn lane into the PFS or to continue south into the store car park. An additional loop between the two would be provided to accommodate the recycling facility, with spaces for those using it, and with a small quantity of staff parking. Vehicles would all exit driving past the back of this facility and then turning right at the existing mini roundabout on the site. Cars seeking to access the other elements of the retail park would proceed as now, unaffected. Deliveries to Sainsbury's would also remain as currently operational.
- The bus service would access off the main roundabout, flow round the PFS and then turn right to a dedicated bus stop lay-by with shelter, and then leave the site turning right at the mini roundabout to gain access to the main roundabout on the Highway.
- The PFS would be reorganised 90° round, so that vehicles would turn into the PFS and face Allied/Homebase when at the pumps, with the kiosk between the pumps and the main access road in. A filter lane would assist their exit out to the left of the kiosk and into the access road toward the mini roundabout, which they would go right round and then leave the retail park site. This arrangement also accommodates an additional two filling pumps, as well as separating the PFS traffic from the store traffic. The PFS would have a new canopy roof and kiosk, of brick construction. Two screened jet wash bays would also be provided.



- The proposal is likely to result in around 50 new jobs being created at the store

The application is accompanied and supported by a Planning & Retail statement, Design & Access statement, Transport statement and Travel Plan Framework document.

### **Relevant key policies:**

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

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

### ***National planning policy***

PPS1            Delivering sustainable development.  
 PPS6            Planning for town centres.  
 PPG13          Transport.

### ***Regional Spatial Strategy***

PA13            Out of centre retail development.  
 QE3             Creating a high quality built environment for all.  
 T1                Developing accessibility and mobility within the region to support the spatial strategy.  
 T4                Promoting travel awareness.  
 T7                Car parking standards and management.

### ***Worcestershire Country Structure Plan***

T1                Location of development.  
 T3                Managing car use.  
 D31              Retail hierarchy.  
 D32              Preferred locations of large scale retail development.  
 D33              Retailing in out of centre locations.  
 SD1              Prudent use of natural resources.  
 SD2              Care for the environment.  
 SD4              Minimising the need to travel.

### ***Borough of Redditch Local Plan No.3***

CS1              Prudent use of natural resources.  
 CS2              Care of the environment.  
 CS3              Use of previously developed land.  
 CS4              Minimising the need to travel.  
 CS7              The sustainable location of development.

S1	Designing out crime.
B(BE)13	Qualities of good design.
B(BE)14	Alterations and extensions.
B(BE)19	Green architecture.
B(NE)5	Pollution implications of development.
E(EMP)3	Primarily employment areas.
E(EMP)3a	Development affecting primarily employment areas.
E(TCR)1	Vitality and viability of the town centre.
E(TCR)4	Need and the sequential approach.
E(TCR)11a	Retail sales at petrol filling stations.
E(TCR)12	Class A3 uses.
C(T)1	Access to and within development.
C(T)7	Public transport infrastructure.
C(T)10	Traffic management.
C(T)12	Parking standards.

### **SPDs**

Encouraging good design.  
Designing for community safety.

The site is designated as part of a Primarily Employment Area within the Local Plan, which includes the whole retail park and some industrial and commercial units to the south of the site.

### **Relevant site planning history**

2002/584	Extension of existing supermarket and erection of associated decked car park	Approved (inc.S106)	13/02/2007
2003/144	Totem and canopy signs	Withdrawn	1/10/2003
2003/145	PFS refurbishment	Withdrawn	15/07/2003
2003/491	Advert resubmission	Approved	26/11/2003
2004/040	Various advertisements	Approved	16/03/2004
2007/179	PFS refurbishment	Withdrawn	21/03/2007
2007/185	Advertisements at PFS	Approved	22/05/2007
2008/063	Replacement totem sign	Approved	14/03/2008

Application 2002/584 was for additional sales area and a three storey decked car park, but did not include any additional facilities or a mezzanine or any alterations to the PFS.

### **Public Consultation responses**

No responses received.

**Consultee responses**

***County Highway Network Control***

No objection subject to conditions, informatives and a planning obligation for off site enhancements to the transport network

***Environmental Health Team***

No objection subject to conditions relating to the PFS.

***Development Plans Team***

No response received.

***Retail consultant***

Comments to be reported on Update.

***Drainage Officer***

No response received.

***Tree Officer***

No response received.

***Crime Risk Manager***

No objection subject to conditions regarding various details such as lockable areas, CCTV details, lighting of parking areas and PFS safety.

***Severn Trent Water***

No objection subject to conditions regarding drainage provision and sewer access.

**Procedural matters**

Whilst the previous approval could also be implemented currently and is therefore a material consideration in the determination of this application, if the current proposal is considered to be compliant with policy and unlikely to cause significant harm to amenities or safety, then the legislative presumption in favour of development should apply.

**Assessment of proposal**

The key issues in the consideration of this application are the principle of the development, the design and visual impact of it, the suitability of the parking and access details, sustainability and any items required through a planning obligation.

**Principle**

The site is designated for employment generating uses, most of which fall within Class B of the Use Classes Order. Therefore, other proposed uses, such as this for A1 retail use, needs to address the relevant criteria of Policy E(EMP)3. The site is already in use for retail purposes, and has been for approximately 20 years, and therefore the retail use of the site is accepted. The sustainability of the use is considered below, and the applicant has confirmed that approximately 50 additional jobs would result from the proposed extensions and alterations. It is therefore not considered appropriate to insist on new employment (B class) uses on this site.

The proposed development needs to be considered in terms of the policy tests set out in the national planning framework and then in more detail in the Borough Local Plan. Whilst new retail proposals not located within the town centre are required to demonstrate (using the sequential test) that there are no more suitable sites nearer the town centre, the tests relating to the extension of an existing store are less rigorous and dependent on the floor area of the proposal. In non town centre locations, sustainability and access to the site by a variety of modes of transport should also be available. However, in this case, due to the size of the proposal additional information regarding alternative locations and impact on existing retail facilities has been sought and received. The applicants have demonstrated that there are no alternative sites where new retail provision could be located adequately and that the floorspace sought is ancillary to the existing retail provision on this site.

Given the information provided, and the policy considerations, it is considered in this case that it is acceptable to extend the existing store in this location, and that it would not have any detrimental impacts on any other retail facilities within Redditch. Access and sustainability are considered further below.

Given all these factors, and the existing use of the site it is considered acceptable for the current site to be improved and extended.

Having considered the principle of the development, the remaining elements must now be considered:

Design and visual amenity

The proposed design of the store extension and the new PFS is considered to be appropriate to the existing store and the other retail units on the site. It is not considered that the proposals would have any greater impact on the visual amenity of any residential properties, as it would not be visible from any. The nearest residential properties are on Riverside, and they are at a sufficient distance, with existing good quality screening such that there would be minimal additional visual impact from the proposed development.

Parking, access and highway safety

The parking provision (type, quantity and quality), the safety of the access and the internal circulation within the site should all be considered in relation to the relevant policy documents.

The table below gives details of the numbers of spaces proposed relative to policy requirements:

Space type	Max standard	Proposed	Difference
Car spaces	530	474 customer 20 staff	-36
Disabled spaces	26	24	-2
Cycle spaces	53	TBC	-
Motorcycle spaces	26	TBC	-
Lorry spaces	3	2	-1

It is clear from this table that the proposal complies with the adopted parking standards, and it is therefore considered to be acceptable in this regard.

Whilst no cycle and motorcycle parking provision has been shown, it is considered that details of these could be required by condition attached to any consent granted. Therefore, these are not considered to be a significant matter of concern.

The re-arranged access from the Alvechurch Highway roundabout is considered to be a benefit, as it would improve access to the site and thus prevent congestion backing up onto the highway. It would also aid in separating vehicles accessing the superstore, those accessing the PFS and those accessing the other retail park units. The additional PFS capacity would also assist in this.

The closure of the access onto Fishing Line Road is considered to be a benefit to residents in Birmingham Road as it will prevent unintentional use and access and thus remove traffic from this area, reducing noise and disturbance to neighbouring residential properties in the area. The retail park site as a whole does not exceed 5ha, and therefore there is no

requirement to retain an emergency vehicle access onto Fishing Line Road, and therefore it is considered acceptable that the existing access point be extinguished.

The pedestrian and vehicular circulation routes through and within the site are also considered to be safe and direct and thus are beneficial to all users of the site.

The delivery arrangements remain as existing for HGVs, with additional space to the rear for online shopping delivery vehicles and are therefore considered to be acceptable.

#### Sustainability

The site lies within the urban area of Redditch and is therefore considered to be in a sustainable location. The site is accessible to a variety of modes of transport including walking, cycling and public transport, and is therefore considered to comply with the sustainable objectives of the planning system.

#### Planning obligations

The previous approval was subject to a S106 planning obligation requiring various infrastructure improvements. These were improvements to the subway leading to Lydham Close, Riverside, improvements to the footpath from the retail park to the roundabout, the provision of a safe pedestrian crossing between Sainsbury's and the Allied Carpets site, a contribution towards a cycleway on Fishing Line Road and highway signage improvements.

Due to the scale and content of the current proposals, it is now considered that these infrastructure enhancements would still be required in relation to the current policy framework, and therefore these are still sought. The applicants have indicated their willingness to enter into an agreement to provide them and the necessary documents are being drawn up.

#### Other issues

The conditions requested to be attached by Severn Trent Water are not considered to meet the tests set out in Circular 11/95, as the drainage details are covered by Building Regulations and the Sewerage details would be dealt with by STW under the Water Industry Act. However, an informative is recommended to remind the applicant that they need to comply with all the relevant legislation in this regard.

**Conclusion**

The proposed development is considered to be compliant with current policy and unlikely to cause significant harm to amenities, safety or other retail interests within Redditch, and is therefore recommended favourably.

**Recommendation**

Officers are seeking an either/or resolution from Members in this case as follows, in that Officers would carry out whichever of the two recommendations below applied. Members should note that each of the two recommendations has two parts to it:

1. **That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Building Control to GRANT planning permission subject to:**
  - a) **a planning obligation ensuring that contributions are received towards subway improvements, roundabout surfacing and highways improvements; and**
  - b) **the following conditions:**
    1. Commencement within three years
    2. Permission to be implemented in accordance with the plans and details submitted
    3. Opening hours of store and PFS restriction (0800-2200)
    4. Uses as specified and not for any other, even those within the same Use Class
    5. Parking and access to be completed prior to occupation of extended store
    6. Bus shelter to be provided prior to occupation of extended store
    7. Hard and soft landscaping details to be submitted and agreed
    8. Hard and soft landscaping implementation timing restriction
    9. Construction hours on site (to protect nearby residential amenity in Birmingham Road)
    10. Fishing Line Road vehicle access to be fully stopped up prior to occupation of extended store
    11. Materials to match existing on store and to be agreed for PFS
    12. Parking during construction to be agreed
    13. Details of phasing of development to be provided and agreed to ensure customer safety and vehicle accessibility during construction
    14. No external storage on the site at all at any time
    15. Cycle and motorcycle parking provision to be agreed prior to commencement of development, implemented prior to the

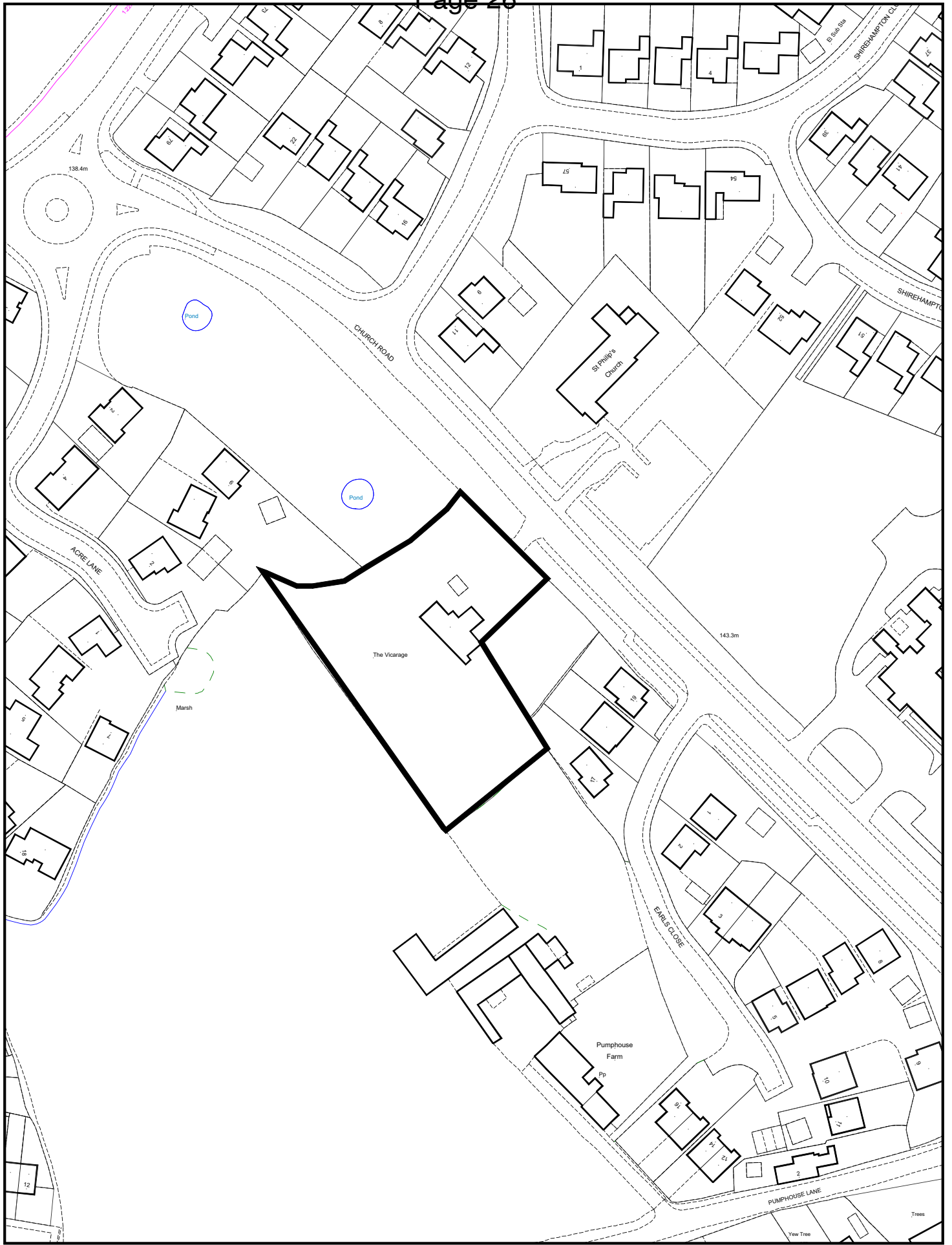
- 
- occupation of the extended store and retained available for use for the lifetime of the development
16. Travel plan to be submitted prior to commencement of development and agreed and implemented in accordance with included programme
  17. Details of car park and stair well security gates/barriers and their locking to be submitted, agreed, and implemented once structures on site and thereafter for lifetime of development
  18. CCTV details to be submitted and agreed
  19. Parking lighting details to be submitted and agreed to ensure safety
  20. PFS security and safety details (secured by Design) to be submitted and agreed
  21. Environmental health conditions
  22. No external storage to occur in the delivery area
  23. This consent not to be implemented alongside elements of any previous consent
2. a) **In the event that the planning obligation cannot be completed by 27 October 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 and therefore unacceptable due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements; and**
- b) **In the event that the planning obligation cannot be completed In the event of a refusal on this ground and the applicant resubmitting the same or a very similar planning application with a completed legal agreement attached, authority be delegated to the Head of Planning and Building Control to GRANT planning permission subject to the conditions stated above as amended in any relevant subsequent update paper or by Members at the meeting.**

**Informatives**

- i) Adverts may need separate consent, except where replacing existing
- ii) As requested by STW
- iii) For advice on Secured by Design contact Crime Risk Manager
- iv) S106 to be read in conjunction with consent
- v) No mud to be deposited on highway during construction







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

Drawing: **2008/255**  
**The Vicarage, Church Road**

Scale: 1:1250

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 Redditch Borough Council LA100024252 2008

**Planning**

Committee

2008/255

**Appendix 2**

9th September 2008

**RESERVED MATTERS APPLICATION - DEMOLITION OF EXISTING VICARAGE AND ERECTION OF RESIDENTIAL DEVELOPMENT OF 6 HOUSES.**

**THE VICARAGE, CHURCH ROAD, WEBHEATH  
CHANCERY TWO LTD  
EXPIRY DATE: 22ND SEPTEMBER 2008**

**Site Description**

The application site is the existing Vicarage and lies between Earls Close to the south and Acre Lane to the northwest. To the southwest there are open fields. It is a well screened site, bounded by mature hedgerows and also trees protected by Tree Preservation Order 71. The existing Vicarage sits in the centre of the application site and is accessed directly from Church Road.

**Proposal Description**

Outline approval was granted in 2006 for 6 new dwellings and a replacement Vicarage. All matters such as siting, design, external appearance, means of access and landscaping were not approved at the outline stage.

The dwellings consist of 4 different house types but all comprise of 5 bedrooms with some rooms having en-suite facilities, integral garages, living room, kitchen, and study facilities. Access to the site is the same as that shown on an indicative layout plan submitted under the outline application, although amendments have been made to the access arrangements to enable the scheme to be considered favourably by County Highway Network Control.

**Relevant Key Policies:*****National Planning Policy***

PPS.3           Housing.  
PPS.9           Biodiversity & geological conservation.

***West Midlands Regional Spatial Strategy***

CF2            Housing beyond Major Urban Areas.  
CF3            Level and Distribution of New Housing Development.  
CF5            The re-use of land and buildings for housing.

***Worcestershire County Structure Plan***

D.5            The contribution of previously developed land to meeting the Housing Provision.  
D.43          Crime Prevention and Community Safety.

CTC.5	Trees, Woodlands and Hedgerows.
T.4	Car Parking.
IMP.1	Implementation of Development.

**Borough of Redditch Local Plan No.3**

B(BE).13	Qualities of Good design.
B(HSG).6	Development within or adjacent to the curtilage of an existing dwelling.
B(NE).1A	Trees, Woodlands and Hedgerows.
B(NE).11	Protection of species.

Supplementary Planning Guidance on Encouraging Good Design (SPG)  
Supplementary Planning Document Designing for Community Safety (SPD)

**Relevant Planning History**

2005/154	Outline application for 7 dwellings with all matters reserved	Approved subject to conditions and S106	25/05/2006
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**Constraints**

A Tree Preservation Order exists on the site.

**Consultee's Comments**

***Neighbours/Site Notice/Press Notice***

3 letters of objection have been received raising the following concerns:

Plot 3 looks like it will be overlooking properties on Acre Lane (top floors) and will be of a visible height with it being 2½ storey. There is wildlife in the trees on the land intended for development including owls, woodpeckers, bats etc. Concerns relate to the welfare of adjoining trees to Acre Lane, and the great crested newt habitat.

***Worcestershire County Council, Schools Information and Planning Section - Children's Services.***

Note that this is a reserved matter application and that a Section 106 Agreement was completed under the outline permission in May 2006. Therefore, additional contributions are not necessary under this application.

***Worcestershire Wildlife Trust***

No comment at the time of drafting report.

***Severn Trent Water Ltd***

No comment at the time of drafting report.

***Crime Risk Manager***

No comment at the time of drafting report.

***Countryside and Biodiversity Section***

No comment at the time of drafting report.

***Arboricultural Officer***

No comment at the time of drafting report.

***County Highway Network Control***

No formal comments at the time of drafting report.

***Environmental Health***

Having examined the proposal would suggest that the following issues be considered and recommend following conditions to any consent granted:-

***Noise***

- Construction times condition be imposed.

***Light Nuisance***

- External artificial security lighting should be compliant with current guidance.

***Outdoor Nuisance***

- No burning of materials on site.
- Measures be incorporated to prevent migration of dust beyond the site boundary.

**Assessment of proposal**

The application is a reserved matter application for a scheme that was granted outline approval (05/154) in 2006. This reserved matters application only seeks approval for 6 of the new dwellings approved under the outline application 05/154. Therefore, the principle of residential development has been considered and approved at the outline stage and only detailed matters are being considered under this application. The proposal raises the following issues:

Design of the dwellings

The dwellings are large and plot 3 in particular is a 2½ storey house type. Concerns have been raised in respect to this matter and potential overlooking. The spacing between the rear windows at second floor level of plot 3 and properties in Acre Lane is approximately 45 metres and exceeds the Council's minimum distance required under SPG on Encouraging Good Design. (Minimum distance is 22 metres). However, Officers have concerns about the design of this particular house type and particularly the dormer windows at the rear of this plot which look overly fussy. Negotiations are being held to resolve this matter and progress will be reported on the Update paper.

Also some of the plots show an outline of a possible conservatory but no elevational details are provided for this aspect of the development. Should the proposal be approved there could be confusion as to whether planning permission has been granted for the conservatories. Officers would be reluctant to create a grey area on this matter and negotiations are being held for this detail to be either removed from the plans or that all details of the possible conservatories be provided now on the elevations of the proposed house types.

Other than the above matters, the general designs of the house types are acceptable. In addition, the garden areas for the plots comply with the Council's SPG on Encouraging Good Design even if the conservatories remain as part of the proposal.

Trees

There are a substantial number of trees on this site, some of which are protected by a Tree Preservation Order. It is understood from the plans submitted that most of these trees will be retained and form part of the overall development. Some plots have been shifted further away from the trees to ensure that the scheme does not affect the health and stability of the trees concerned, although some light pruning of overhanging branches will be required for some of the plots.

However, the plans submitted do not accurately detail all of the trees within the site. For instance, some trees along the site boundary adjacent to the neighbouring newt habitat area could be retained as part of the development, but are not shown in anyway on the plans not even clarifying as to whether the trees are intended to be removed. Also, canopies of two large trees are shown on the layout plan, but these trees have been removed (legitimately) quite some time ago. However, showing the canopy spread of these trees provides a misleading impression of the overall scheme. Clarification is necessary to resolve these matters. Comments are also awaited from the Council's Arboricultural Officer and further details will be provided on the Update paper.

Comments have been submitted by neighbours regarding the trees with concern relating to removal of trees and impact on wildlife.

#### Newt Habitat Area

Members will be aware that a newt habitat area exists outside the application site to the north west. Under the outline application it was negotiated that a 2 metre wide wildlife corridor strip be provided within the application site on the north western boundary. The purpose of the wildlife corridor is to enable any straying newts that may enter the site from the habitat area to move down the corridor towards the adjoining fields to the west of the site and away from any potential dangers. A dotted line is shown on the plans but no other information has been submitted in terms of boundary treatment. This area does not form part of the rear garden space of the proposed plots. However, there is concern as to how this wildlife corridor will be maintained, and how it can be prevented from forming part of the rear gardens of the proposed plots in the future. Further clarification is sought on this matter and additional boundary treatment details will be necessary. Clarification on the long term maintenance of this corridor will be required to ensure it is used as intended in perpetuity. Comments are awaited from the Council's Countryside and Biodiversity Section and Worcestershire Wildlife Trust on this matter.

#### General Wildlife

Comments have been made by neighbours regarding the wildlife in the area. This matter has been resolved at the outline stage when the principle of residential development was sought. A bat survey was submitted under the outline application and as a result of the findings, an appropriate condition was imposed on the outline approval.

However, further guidance from the Council's Countryside and Biodiversity Section and Worcestershire Wildlife Trust are awaited on this matter.

To conclude, there are a number of matters that need to be resolved under this reserved matters application. However, so long as these details can be adequately resolved and appropriate amended plans be submitted, it is considered that the proposed development is acceptable.

#### Recommendation

Subject to the matters noted above being addressed to the satisfaction of officers, it is recommended:

**That having regard to the development plan and to all other material considerations it is recommended that authority be delegated to the Acting Head of Planning and Building Control, to grant planning permission subject to an adequate conclusion to matters regarding**

**plot 3, trees, the newt habitat wildlife corridor, and subject to the following condition: -**

- 1) Development to commence within time limit on outline consent.

Informative

- 1) The applicant is advised that the conditions imposed under outline planning approval reference 2005/154 need to be discharged as part of this development.



# Planning Committee

Various Wards

9th September 2008

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## ENFORCEMENT OF PLANNING CONTROL

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(Report of the Acting 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 - 2007/195/ENF
- Report 2 - 2008/165/ENF
- Report 3 - 2007/221/ENF
- Report 4 - 2008/059/ENF
- Report 5 - 2008/096/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 – 2007/195/ENF****Condition of land considered harmful to the residential amenities of the area****Munsley Close, Matchborough, Redditch****(Matchborough Ward)****1. Background / Key Issues**

- 1.1 This matter comes before your Committee with regard to the condition of this property, in particular, the overgrown state of the rear garden, and its effect on the amenities of occupiers of the adjacent properties.
- 1.2 Efforts to negotiate the clearing up of the land to bring it into an acceptable condition have failed to secure any progress, despite verbal assurances being made by the owner back in February 2008.
- 1.3 On the 18th of August 2008, your enforcement officer met with neighbours to discuss the lack of progress. His inspection revealed that the back garden was so overgrown that it would be almost impossible for the owner to go outside and walk around in it, and further, a lean to extension to the rear of the property was in a state of near collapse. It was also noted that vegetation had taken root and was growing strongly on the roof of the garage.
- 1.4 To date, no action has been undertaken by the occupier to rectify the situation.

**2. Conclusion**

- 2.1 Your Officers consider that the condition of the property is now seriously affecting the residential amenity of the occupiers of neighbouring properties and constitutes 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 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, allowing the condition of the land to adversely affect the residential amenities of the occupiers of adjacent dwellings. Enforcement action would be by way of the serving of a notice under Section 215 of the 1990 Act and the instigation of prosecution proceedings if necessary in the event of any failure to comply with the requirements of that notice.**

**ENFORCEMENT REPORT - 2 – 2008/165/ENF****Condition of land considered harmful to the visual amenity of the area  
Barford Close, Matchborough, Redditch****(Matchborough Ward)****1. Background / Key Issues**

- 1.1 This matter comes before your Committee with regard to the condition of the rear garden and garage, side wall, frontage and curtilage of this property, which is such that it is now deemed harmful to the visual amenity of both the area and to residents living in adjacent properties.
- 1.2 The property has previously been subject to monitoring by the enforcement officer due to its condition, and the occupier has also in the past been spoken to by officers from Waste Management regarding waste on the public footpath. Complaints have been received recently regarding the deteriorating condition of the property and its surrounds.
- 1.3 On the 6th of August 2008 a site visit was made by your Enforcement Officer who confirmed that the condition of the property has worsened since his last visit. He noted that the garage had lost its roof and had been covered with unattractive blue tarpaulin like material, and the side wall and fence of the property had partially collapsed, revealing a very overgrown rear garden. There were bags of waste materials, bricks and other detritus both on and around the curtilage of the property.
- 1.6 On the 13th of August 2008, a legal notice under Section 330 of the 1990 Act was served on the occupier. (This is a notice requiring information to be provided in answer to questions posed by the LPA in order to determine matters such as the legal ownership of the site and the owner's intentions and usage, in order that any further notices requiring action can be served correctly. The questions are tailored to each particular situation. There is a legal requirement to complete and return these notices within 21 days.) The notice was not returned, however a very long letter was received on the 19th of August 2008 blaming the Council for the problem and indicating the matter may well have to be determined by the Courts.
- 1.6 To date, no action has been undertaken by the occupier to rectify the situation.

**2. Conclusion**

- 2.1 Your Officers consider that the condition of this property, in particular the appearance of the garage and collapsed boundary wall exposing the overgrown garden now adversely affects both the visual and

residential amenity of the area, and in particular to those residents of properties adjacent to it, with little prospect of improvement in the foreseeable future. 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, allowing the condition of land to adversely affect the visual and residential amenity of the area. Enforcement action to be 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 - 3 – 2007/221/ENF****Condition of land considered harmful to the visual amenity of the area  
Exhall Close, Churchill, Redditch****(Churchill Ward)****1. Background / Key Issues**

- 1.1 This matter comes before your Committee with regard to the condition of the rear garden and boundary wall of this property, which is deemed harmful to the visual amenity of the area and to the residents living in adjacent properties. These are three storey properties with first floor living rooms which overlook the property.
- 1.2 The property has been subject to monitoring previously by the Enforcement Officer due to its condition which has been deteriorating over the past few months. Following further complaints, the property was visited again where it was found that the rear wall appeared to be in poor structural condition, with bricks having been removed from its fabric and large cracks were appearing along its length. The garden was so heavily overgrown that local children were using a ramshackle structure to the rear as a “den” which has required police intervention, as any occupier of the property would be unable to see due to the overgrown condition of the garden.
- 1.3 On the 11th of August 2008, a legal notice under Section 330 of the 1990 Act was served on the owner of the land. That notice has yet to be returned completed, although verbal contact has been made. No works have been carried out to alleviate the problem.

**2. Conclusion**

- 2.1 Your Officers consider that the condition of this property, in particular the appearance of the garden and condition of the boundary wall now adversely affects both the visual and residential amenity of the area and 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, allowing the condition of land to adversely affect the visual and residential amenity of the area. Enforcement action to be 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 - 4 – 2008/059/ENF****Condition of land considered harmful to the visual amenity of the neighbourhood****Fenwick Close, Headless Cross, Redditch****(West Ward)****1. Background / Key Issues**

- 1.1 This matter comes before your Committee with regard to the condition of this property, in particular, the amount of detritus being stored in both the front and the back garden, and its effect on the visual amenity of the area. The property concerned fronts on to other residential property, whilst the rear backs on to a public footpath and is clearly visible to the public, adversely affecting the amenities of neighbouring properties as well as the visual amenities of the area.
- 1.2 This property has been the subject of concern dating back to 2001 where the records indicate that your then Enforcement Officer provoked some sort of clean up with the need to resort to enforcement action.
- 1.3 In March 2008 complaints were received regarding the condition of the property. Your Enforcement Officer visited the property and found the rear garden to be full of old fence posts, slabs, wood, plastic buckets, wire and other unidentifiable detritus.
- 1.4 On the 27th of March 2008, a legal notice under Section 330 of the 1990 Act was served on the occupier. That notice was returned completed and written assurance was given that the property would be tidied up.
- 1.5 On the 15<sup>th</sup> of August 2008, your Enforcement Officer visited the property to check on progress and found that no effort had been made to clean up the site.

**2. Conclusion**

- 2.1 Your Officers consider that the condition of this property, in particular the appearance of the garden now adversely affects both the visual and residential amenity of the area and 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, allowing the condition of land to adversely affect the visual and residential amenity of the area. Enforcement action to be 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 - 5 – 2008/096/ENF****Condition of land considered harmful to the visual amenity of the area****Birchfield Road, Webheath, Redditch****(West Ward)****1. Background / Key Issues**

- 1.1 This matter comes before your Committee with regard to the condition of this property, which is currently void, in particular, the amount of building materials and other detritus being stored on the front garden, and its effect on the visual amenity of the area. The property concerned fronts on to the main Birchfield Road, a busy route in and out of the town, and is adversely affecting the visual amenity of the area as well as the amenities of neighbouring properties.
- 1.2 Your Enforcement Officer first visited the property on the 1st of May 2008 where he found the front garden strewn with building materials, and building rubble from what appeared to be an abandoned building project. There was a car parked on the front drive with a flat tyre, which clearly had not been moved in some time.
- 1.3 Despite a number of letters and cards being put through door, no person has seen fit to contact the Department to discuss the problem. Local enquiries reveal that the owner of the property is an elderly lady who is now resident in a private nursing home, and that enduring power of attorney has passed to a relative. She is apparently unaware of the situation due to the onset of dementia.
- 1.4 Following further complaints, your Enforcement Officer again visited the premises on the 28th of July 2008 and found that there was no change in the condition of the property, except that the frontage was now becoming overgrown due to lack of maintenance. A further letter was put through the door, but again this has elicited no response.

**2. Conclusion**

- 2.1 Your Officers consider that the condition of this property, in particular the appearance of the front garden now adversely affects both the visual and residential amenity of the area and consider this to be a serious breach of planning control which needs to be remediated, and given the potential legal issues surrounding ownership, formal committee authority should be obtained before stronger measures are taken to identify the relative holding responsibility for the owners affairs.

3. **Recommendation**

The Committee is asked to RESOLVE that

**authority be delegated to 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, allowing the condition of land to adversely affect the visual amenity of the area. Enforcement action be by way of further investigation into the enduring power of attorney, the serving of notices under Section 330 and Section 215 of the 1990 Act and the instigating of prosecution proceedings if necessary in the event of any failure to comply with any requirements of those notices.**

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

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