

# Planning Committee

Tue 7 Oct  
2008  
7.00 pm

Council Chamber  
Town Hall  
Redditch



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

Your main rights are set out below:-

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

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

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

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

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

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

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

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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 lectern.

- 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.3, the County Structure Plan (comprising the Development Plan) and other material considerations which include Government Guidance and other relevant policies published since the adoption of the development plan and the “environmental factors” (in the broad sense) which affect the site.
- 2) No audio recording, filming, video recording or photography, etc. of any part of this meeting is permitted without express consent (Section 100A(7) of the Local Government Act 1972).
- 3) Once the formal meeting opens, members of the public are requested to remain within the Public Gallery and may only address Committee Members and Officers via the formal public speaking route.
- 4) Late circulation of additional papers is not advised and is subject to the Chair’s agreement. The submission of any significant new information might lead to a delay in reaching a decision. The deadline for papers to be received by Planning Officers is 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, 7th October, 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. Confirmation of Minutes</b> (Pages 1 - 18)	To confirm as correct records the minutes of the meetings of the Planning Committee held on the 15 July, 12 August and 9 September 2008.  (Copies attached)
<b>4. Applications for planning permission</b> (Pages 19 - 20)  Acting Director of Environment and Planning	To consider two applications for planning permission. (Items below refer.)  (Covering Report attached)
<b>5. Application 2008/275/FUL - 56 Hither Green Lane, Bordesley</b> (Pages 21 - 28)	To consider a Planning Application for the replacement of a bungalow with a dormer bungalow.  Applicant: Mr Nevil Jinks  (Report attached) <b>(Abbey Ward)</b>
<b>6. Application 2008/286 - 15 Beoley Road West, Lodge Park</b> (Pages 29 - 34)	To consider an Application for a change of use from shop to hot food take-away.  Applicant : Mr R Jedrzejczyk.  (Report attached) <b>(Lodge Park Ward)</b>

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<p><b>7. Changes to Householder Permitted Development Rights</b> (Pages 35 - 52) Acting Director of Environment and Planning</p>	<p>To inform Members of changes to Regulations in respect of householder permitted development rights (PDRs) and controls over development retained by the Local Planning Authority.</p> <p>(Report attached) <b>(All Wards)</b></p>
<p><b>8. Enforcement of planning control</b> (Pages 53 - 56) Acting Director of Environment and Planning</p>	<p>To consider a breach of planning control (covering report). (Item below refers.)</p> <p>(The Appendix 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 in respect of the following Enforcement matter, which could result in prosecution by the Council, and has therefore only been made available to Members and relevant Officers.)</p> <p>(Covering Report attached)</p>
<p><b>9. Enforcement Report 2008/025/ENF- Edward Street / Bromsgrove Road, Town Centre</b> (Pages 57 - 58)</p>	<p>To consider a breach of Planning Control in respect of the condition of land considered harmful to the visual amenity of the area.</p> <p>(Report attached) <b>(Central Ward)</b></p>
<p><b>10. Exclusion of the Public</b></p>	<p>During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p><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 paragraphs 1, 2 and 7 of Part 1 of Schedule 12 (A) of the said Act, as amended.</b></p>
<p><b>11. 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

15th July 2008

## Minutes

### Present:

Councillor M Chalk (Chair) and Councillors Banks (substituting for Councillor Smith), Boyd-Carpenter, Farooqui, Field, Hicks, Hunt and R King (substituting for Councillor Hartnett).

### Officers:

R Bamford, A Rutt and S Williams.

### Committee Services Officer:

T Buckley.

### 11. APOLOGIES

Apologies for absence were received on behalf of Councillors Enderby, Hartnett and Smith.

### 12. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 13. MINUTES

#### RESOLVED that

**the minutes of the meeting of the Committee held on the 17 June 2008 be confirmed as a correct record and signed by the Chair.**

### 14. APPLICATIONS FOR PLANNING PERMISSION

The Committee considered a number of applications for planning permission.

Officers tabled an update report detailing any late responses to consultation, changed recommendations, further conditions and any additional Officer comment. This report was further updated orally at the meeting as appropriate to each application.

Public speaking was permitted, in accordance with the Council's agreed procedures, in relation to three of the applications being considered, as detailed below.

**RESOLVED that**

**the following applications for planning consent be determined as detailed below:-**

08/121     Change of use of part of farm shop to tea room and extension to link existing shop premises to form food preparation area  
The Stables Farm Shop, Astwood Lane,  
Astwood Bank  
Mr J Cockburn

(Mr G French, supporter, addressed the Committee under the Council's public speaking rules.)

**Having regard to the Development Plan and to other material considerations, Planning Permission be GRANTED, subject to the following conditions:**

- 1) The uses hereby permitted shall be closed and cleared of customers outside the hours of 10.00 am to 4.00 pm daily;**
- 2) Materials to be used on walls and roofs shall match those on the existing building;**
- 3) Details of cycle parking provision shall be submitted to and agreed in writing by the LPA and implemented in accordance with those details;**
- 4) Details of refuse storage facilities shall be submitted to and agreed in writing by the LPA and implemented in accordance with those details;**
- 5) Notwithstanding the provisions of the Town and Country Planning (Use Classes – Amendment) Order 2005, the tea room hereby approved shall be used only for that purpose and for no other uses falling within the above Use Classes Order;**
- 6) The tea room operation at this site granted under this consent shall be restricted to a maximum number of twenty 'covers' at any time;**
- 7) Details pertaining to the provision of a satisfactory pedestrian access into the site shall be submitted, for the prior written approval of the Local Planning**

**Authority. The details thus approved shall be fully implemented prior to the first use of the development hereby approved.**

(This decision was taken contrary to Officer recommendation in view of the fact that the tea room would be small, no highway objections had been received, there would be no harm caused to the Green Belt and that the proposal would enhance the amenity of the area).

08/132     56 Hithergreen Lane  
Replacing a bungalow with a two storey  
5 bedroom house  
Mr Nevil Jinks

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

Mr Thornton – objector  
Mr Weaver – objector  
Councillor MacMillan – objector  
Mr D Jones – applicant's agent)

**Having regard to the Development Plan and to other material considerations, Planning Permission be REFUSED for the following reason:**

**The proposed dwelling, by reason of its additional height, bulk, scale and massing would have a detrimental and overbearing impact on the outlook of the surrounding residential properties. As such the development would be contrary to Policies B(BE).13 and B(BE).14 of the Borough of Redditch Local Plan No.3 and advice set out in the Council's adopted Supplementary Planning Guidance on Encouraging Good Design.**

(This decision was taken contrary to officer recommendation for the reasons stated above).

08/149     Retrospective application: outdoor seating area with  
electronic awning  
Astwood Bank Club, 5A Dark Lane, Astwood Bank  
Astwood Bank Club

(Mr D J Melley, the applicant, addressed the committee under the Council's public speaking rules.)

# Planning

## Committee

15th July 2008

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**Having regard to the Development Plan and to other material considerations, Planning Permission be GRANTED, subject to the conditions stated in the report.**

08/182     Part change of use to B2 (General Industrial Use)  
Unit 17 Oxleasow Road, East Moons Moat, Redditch  
Mr P Smith – PJS Mouldings

**Having regard to the Development Plan and to other material considerations, Planning Permission be GRANTED, subject to the conditions stated in the report.**

**15. NATIONAL PLANNING POLICY FRAMEWORK –  
UPDATE ON CHANGES**

The Committee received a report detailing changes to the national planning policy framework. The creation, consultation and adoption of the Development Plan had a direct impact on the Planning Committee as it implemented the plan through the decisions that the Committee makes.

**RESOLVED that**

**the report be noted.**

**16. ENFORCEMENT OF PLANNING CONTROL**

The Committee was updated on the results of a number of enforcement matters authorised for the period from April 2007 to March 2008, and on enforcement activity in general for that period, as detailed in the appendices attached to the report.

**RESOLVED that**

**the reports be noted.**

The meeting commenced at 7.00 p.m.  
and closed at 9.10 p.m.

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CHAIR



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# Planning Committee

12th August 2008

## MINUTES

### Present:

Councillor Michael Chalk (Chair), and Councillors K Banks (substituting for Councillor Smith), K Boyd-Carpenter, D Enderby, R J Farooqui, J Field, W Hartnett, N Hicks, D Hunt and R King

### Officers:

R Bamford, S Edden and A Rutt

### Committee Officers:

J Smyth.

### 17. APOLOGIES AND NAMED SUBSTITUTES

An apology for absence was received on behalf of Councillor Smith.

### 18. DECLARATIONS OF INTEREST

Councillor Enderby declared a personal and prejudicial interest in Planning Application 2008/188 (Retrospective Planning Permission for change of use of open space to garden area and retention of decking within the open space) - 5 Fernwood Close, Wirehill;

Councillor R King declared a personal but not prejudicial interest in Planning Application 2008/188 (Retrospective Planning Permission for change of use of open space to garden area and retention of decking within the open space) – 5 Fernwood Close, Wirehill;

Councillors Farooqui, Hicks, Hunt and R King declared personal but not prejudicial interests in Planning Application 2008/200/FUL (Erection of 33 Lodge-style accommodation units ancillary to the main hotel with associated landscaping and infrastructure) – Abbey Hotel, Golf and Country Club;

Councillor Farooqui also declared a personal but not prejudicial interest in Planning Application 2008/202 (Demolition of 3 Plymouth Road and construction of 60 bedroomed nursing home with associated parking) – 1-3 Plymouth Road;

all as detailed separately at Minute 19 below.

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Chair

# PLANNING

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Councillor Enderby further declared a personal and prejudicial interest in Enforcement Report 2008/146/ENF (Condition of land considered harmful to the visual amenity of the neighbourhood), Greenlands Avenue, Greenlands), as detailed separately at Minute 20 below.

### 19. APPLICATIONS FOR PLANNING PERMISSION

The Committee considered a number of applications for planning permission.

Officers tabled an update report detailing any late responses to consultation, changed recommendations, further conditions, any additional Officer comments. This report was further updated orally at the meeting as appropriate to each application.

Public speaking was permitted, in accordance with the Council's agreed procedures, in relation to all of the applications being considered, as detailed below.

#### **RESOLVED that**

**the following applications for planning consent be determined as detailed below:**

08/188      Change of use of Open Space to garden area  
and retention of decking within the open space  
5 Fernwood Close, Wirehill  
Mr P Mayhew

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

Ms C Hale (on behalf of Ms L Hollier) – Objector  
Ms V Kendrick – Objector on behalf of CPRE  
Councillor W King - Supporter  
Mr P Mayhew – Applicant.)

- 1) **Having regard to the Development Plan and to other material considerations, Planning Permission be REFUSED for the following reason:**

**“The application site forms part of a larger area of designated primarily open space which was established to act as a buffer area between the adjacent residential development and the Rough Hill Woods SSSI. The proposal would erode this buffer and is likely to set a precedent for further applications of a similar nature**

# PLANNING

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from nearby residents, the cumulative effect of which would have an unacceptable impact upon the SSSI and the visual qualities of the area. As such the proposal would be contrary to Policies R.1 and R.3 of the Borough of Redditch Local Plan No.3"; and

2. 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.

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillor R King declared a personal but not prejudicial interest, in view of the fact that he had accompanied Councillor W King on a Ward visit to the Applicant's home but had not participated in any discussions whilst there.

During consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillor Enderby declared a personal and prejudicial interest, in view of the fact that **the owner of No. 3 Fernwood Close, was known to him personally** and withdrew from the meeting.)

08/196      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  
Mr Alan Earp

(Mr R Skidmoor, Agent for the Applicant, addressed the Committee under the Council's public speaking rules.)

**Having regard to the Development Plan and to other material considerations, Planning Permission be GRANTED, subject to the conditions stated in the report.**

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08/200/FUL Erection of 33 lodge-style accommodation units ancillary to the main hotel with associated landscaping and infrastructure  
Dagnell End Road, Bordesley, Redditch  
Abbey Hotel, Golf and Country Club

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

Mr D Gee – Objector  
Mr Longley – Objector  
Mr M Blamire-Brown – Objector  
Miss C Osborne – Agent for the Applicant.)

**Having regard to the Development Plan and to other material considerations, Planning Permission be REFUSED for the following reasons:**

- 1. The Local Planning Authority has taken into account the information submitted in support of the proposed development, but considers it is not sufficient to outweigh the visual harm caused by the physical expansion of the Abbey Hotel complex into an area of designated open space, contrary to Policy R1 of the Borough of Redditch Local Plan No.3.**
- 2. The proposed lodge style buildings would be out of character with the site and its surroundings and represent an inappropriate form of development which would unacceptably detract from the visual and landscape qualities of the area, contrary to Policies CS8 and B(BE)13 of the Borough of Redditch Local Plan No.3.**
- 3. The proposed development would unacceptably detract from the living conditions of nearby residents, and the use and enjoyment of the designated open space, by reason of undue noise and disturbance from the general activity and vehicular movements associated with the chalet complex. As such the proposal would conflict with Policy (B(BE)13 of the Borough of Redditch Local Plan No.3.**

(This decision was taken contrary to Officer recommendation for the reasons stated above.)

(During consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000,



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Councillors Farooqui, Hicks, Hunt and R King declared personal but not prejudicial interests, in view of the fact one of the speakers, Mr D Gee (objecting), was known to them as a former Redditch Borough Councillor.)

08/202      Demolition of no.3 Plymouth Road and construction of 60 bedroomed Nursing Home with associated parking  
1 to 3 Plymouth Road, Southcrest  
Barteak Developments

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

Mr P Bladon – Objector  
Mr G Parker – Agent for the Applicant

Mr Hussain, the Council's Legal Adviser to the Planning Committee, also read out a letter of support for the application on behalf of a Miss Audsley.)

1.      **Having regard to the Development Plan and to other material considerations, Planning Permission be GRANTED, subject to:**
  - a)      **a planning obligation ensuring that appropriate contributions in relation to off-site improvements works in the locality being provided; and**
  - b)      **the conditions stated in the report and the following additional condition and informative:**
    - “14.      **Prior to the first use of the development hereby approved, the staff and visitor car parking areas granted under this consent shall be clearly demarked and signage shall be displayed at the site directing staff and visitors to the correct parking area, in accordance with details to be submitted for the prior written approval of the Local Planning Authority. The car parking spaces and signage thus approved shall remain in situ in perpetuity unless otherwise agreed in writing by the Local Planning Authority.**

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## Informative

The attention of the Applicant is drawn to the importance of keeping Plymouth Road free of parked vehicles during the construction period associated with the development of the Nursing Home, in the interests of highway safety”;

2. In the event that the planning obligation cannot be completed by the end of August 2008, authority be delegated to the Acting Head of Planning and Building Control to REFUSE the application on the basis that without the planning obligation, the proposed development would be contrary to Police CS.6 of the Borough of Redditch Local Plan No.3; and
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 any additional conditions agreed at the meeting of the Planning Committee held on the 12th of August 2008.

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillor Farooqui declared a personal but not prejudicial interest, in view of the fact that the Application site was situated within his Ward.)

## 20. ENFORCEMENT OF PLANNING CONTROL

The Committee considered two contraventions of planning law, namely:

- 1) Enforcement Report 2008/146/ENF  
Condition of land considered harmful to the visual amenity of the neighbourhood  
Greenlands Avenue, Greenlands

### RESOLVED that

authority be delegated to the Head of Legal, Democratic and Property 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

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**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.**

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillor Enderby declared a personal and prejudicial interest, in view of the fact that a former family member lived close enough to be affected by the enforcement site, and he therefore withdrew from the meeting.)

- 2) Enforcement Report 2008/084/ENF  
Condition of land considered harmful to the visual amenity of the area  
Southcrest Road, Lodge Park

**RESOLVED that**

**authority be delegated to the Head of Legal, Democratic and Property 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 a rusty motor vehicle and the carryout 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.**

The Meeting commenced at 7.00 pm  
and closed at 10.39 pm

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CHAIR

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# Planning Committee

9th September 2008

## MINUTES

### Present:

Councillor Michael Chalk (Chair), and Councillors K Banks (substituting for Councillor Smith), D Enderby, R J Farooqui, J Field, W Hartnett, N Hicks, D Hunt and R King

### Officers:

A Hussain, I Mackay and A Rutt.

### Committee Officers:

J Smyth.

### 21. APOLOGIES

An apology for absence was received on behalf of Councillor Smith.

### 22. DECLARATIONS OF INTEREST

Councillor Farooqui declared a personal but not prejudicial interest in Planning Application 2008/254/FUL (Erection of a Class A1 Store Extension and associated works at J Sainsbury's Supermarket Ltd, Alvechurch Highway) as detailed separately at Minute 23 below.

### 23. APPLICATIONS FOR PLANNING PERMISSION

The Committee considered two applications for Planning Permission.

Officers tabled an update report detailing any late responses to consultation, changed recommendations, further conditions and any additional Officer comments. This report was further updated orally at the meeting as appropriate to each application.

Public Speaking was permitted, in accordance with the Council's agreed procedures, in relation to one of the applications being considered, as detailed below.

### RESOLVED that

**the following applications for Planning Consent be determined as detailed below:**

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Chair

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08/225/FUL Erection of fourteen dwellings  
The Hills, Tanhouse Lane, Church Hill North  
J Varney Builders

**This matter was WITHDRAWN from the Agenda at the request of the Applicant and was not discussed.**

08/254/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 and  
internal layout (relocation of bus pick-up / drop-off  
point), replacement ATMs and other associated works  
J Sainsbury's Supermarket, Alvechurch Highway  
Sainsbury's Ltd

(Miss A Walton, Agent for the Applicant, addressed the Committee under the Council's public speaking rules.)

- 1) **Having regard to the Development Plan and to all other material considerations, authority be delegated to the Acting Head of Planning and 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;**
  - b) **the conditions and informatives stated in the report but with Condition 3 (Open Hours restrictions) being replaced by the following condition (Deliveries restrictions) and a further additional condition also as detailed below:**
    - “3. **No deliveries shall be made to the store between 2300 hours and 0700 hours and no external activity shall occur within the rear service / delivery yard between these times.**

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

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**23. Prior to commencement of the development, a site layout plan showing 26 disabled parking spaces on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan and the spaces retained for the lifetime of the development.**

**Reason: In the interests of accessibility and in accordance with Policies C(T)1 and C(T)12 of the Borough of Redditch Local Plan No.3”;**

- 2) In the event that the planning obligation cannot be completed by 27 October 2008, authority be delegated to the Acting Head of Planning and Building Control, 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**
- 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 legal 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 additional amendments / conditions agreed at the meeting of the Planning Committee held on the 9 September 2008.**

(At the conclusion of considering this application, Officers were requested to provide Members, when available, with final details on finishes, lighting etc., and specifically on arrangements for the provision of an emergency access point in light of the closure of the current emergency access in Fishing Line Road.)

(In view of his late arrival and not being present at the commencement of the Officers report on this application, Councillor Farooqui participated in but did not vote on this matter.

During consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillor Farooqui also declared a personal but not prejudicial

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interest, in view of the fact that a friend worked for Turley Associates, the Agents for the Applicant.)

08/255      Reserved Matters Application  
Demolition of existing vicarage and erection of  
Residential development of 6 houses  
The Vicarage, Church Road, Webheath  
Chancery Two Ltd

**Having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the condition and informative in the main report and the following additional conditions:**

- “2. Amended plans specified.**
- 3. The “Newt corridor” to be transferred to Redditch Borough Council for maintenance / upkeep.**
- 4. Prior to commencement of development, details of signage to be provided on site regarding the protection of the Newt Corridor shall be submitted to and approved in writing by the Local Planning Authority. The signage agreed shall be implemented on site prior to the occupation of the dwellings hereby approved and thereafter retained for the lifetime of the development in a good state of repair.**

**Reason: In the interests of species protection and biodiversity and in accordance with Policies B(NE)1a and B(NE)11 of the Borough of Redditch Local Plan.”**

## **24. ENFORCEMENT OF PLANNING CONTROL**

The Committee considered five contraventions of planning law, namely:

- 1) Enforcement Report 2007/195/ENF  
Condition of land considered harmful to the  
residential amenities of the area  
Munsley Close, Matchborough

**RESOLVED that**

**authority be delegated to the Head of Legal, Democratic and Property Services, in consultation with the Acting Head of Planning and Building Control, to take**



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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 residential amenities of the occupiers of adjacent dwellings, 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.

- 2) Enforcement Report 2008/165/ENF  
Condition of land considered harmful to the visual amenity of the area  
Barford Close, Matchborough

**RESOLVED that**

authority be delegated to the Head of Legal, Democratic and Property 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, 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.

- 3) Enforcement Report – 3 – 2007/221/ENF  
Condition of land considered harmful to the visual amenity of the area  
Exhall Close, Church Hill

**RESOLVED that**

authority be delegated to the Head of Legal, Democratic and Property 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, 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.

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- 4) Enforcement Report 2008/059/ENF  
Condition of land considered harmful to the  
visual amenity of the neighbourhood  
Fenwick Close, Headless Cross

**RESOLVED that**

**authority be delegated to the Head of Legal, Democratic and Property 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, 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.**

- 5) Enforcement Report 2008/096/ENF  
Condition of land considered harmful to the  
visual amenity of the area  
Birchfield Road, Webheath

**RESOLVED that**

**authority be delegated to the Head of Legal, Democratic and Property 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, by way of further investigation into the enduring power of attorney, the serving of Notices under Sections 330 and 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 those Notices.**

The Meeting commenced at 7.00 pm  
and closed at 8.56 pm

.....  
CHAIR

## Planning Committee

Various Wards

7th October 2008

### APPLICATIONS FOR PLANNING PERMISSION

(Report of the Acting Head of Planning and Building Control)

1. **Purpose of Report**

To determine applications for planning consent (covering report only).

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.**

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

3.1 Financial : None.

3.2 Policy : As detailed in each individual application.

3.3 Legal : Set out in the following Acts:-  
Town and Country Planning Act 1990  
Planning and Compensation Act 1991  
Human Rights Act 1998  
Crime and Disorder Act 1998.

3.5 Risk : As detailed in each individual application.

4. **Report**

The following items on the Agenda detail planning applications for determination at this meeting of the Committee.

5. **Background Papers**

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

# Planning Committee

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## 6. Consultation

Consultees are indicated for each individual proposal.

## 7. Other Implications

Asset Management            Not normally applicable.

Community Safety:        As detailed within each specific report.

Human Resources:        None.

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

Sustainability:            As detailed within each specific report.

## 8. 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: [ruthbamford@redditchbc.gov.uk](mailto:ruthbamford@redditchbc.gov.uk)) for more information.

## Planning Committee

Abbey Ward

7th October 2008

**2008/275/FUL REPLACING A BUNGALOW WITH A DORMER BUNGALOW  
56 HITHER GREEN LANE  
APPLICANT: MR NEVIL JINKS  
EXPIRY DATE: 13TH OCTOBER 2008**

### Site Description

(See additional Papers for Site Plan)

The application site lies within the urban area of Redditch as defined within the Borough of Redditch Local Plan 3. It covers an area of approximately 0.087 ha, and is located at Hither Green Lane, which is situated in the Abbey Park area of Redditch.

The area is predominantly residential and is characterised by modern two storey detached houses and a limited number of bungalows with garages situated to the front of the properties. The site is of an irregular shape and its curtilage includes a front car parking area and a rear garden area to the existing bungalow.

To the north of the site lies a golf course. To the east, the site backs onto detached residential two storey properties from which it is separated by a 2m fence and a mature hedgerow, which is approximately 3m (H). To the west of the site lie detached two storey dwellings and there is a fall in ground levels to the dwellings located to the south of the site.

### Proposal Description

The application seeks full planning permission for the replacement of the existing three bedroom detached bungalow with a five bedroom dormer bungalow. The proposal would raise the existing roof height by 1.3m to accommodate a first floor, which would include front, side and rear dormer windows, two rear roof lights serving bathrooms and a single four pane dormer window to both the front and rear elevation. The resultant dwelling would comprise of five bedrooms with four rear en-suite bathrooms at first floor level.

There would be no change from the existing T-shape footprint of the dwelling as it would be constructed in the same location with the same floor area. The dwelling would be constructed in traditional red facing brick walls, wood panel windows and doors, a tiled roof, panel fencing (boundary treatment) and a concrete vehicle access and hardstanding.

The proposal would increase the existing ridge height of 6.1m by 1.3m parallel to the front of the property, resulting in a total height of 7.4m.

The application is accompanied by a Design and Access statement, and streetscene elevations and plans showing the difference between the existing and proposed elevations.

# Planning Committee

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## **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.redditch.gov.uk](http://www.redditch.gov.uk)

## ***National Planning Policy***

PPS 1 (& accompanying documents) Delivering Sustainable Development  
 PPS 3 Housing  
 PPG 13 Transport

## ***Regional Spatial Strategy***

UR4 Social infrastructure  
 CF4 The reuse of land and buildings for housing

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

SD3 Use of previously developed land

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

B(BE).13 Qualities of Good Design  
 C(T).1 Access to and within development  
 C(T).12 Parking Standards

## ***SPDs***

Encouraging good design  
 Designing for community safety

## **Relevant site planning history**

2007/472	Detached side garage.	Approved	14/01/2008
2008/132	Replacing a bungalow with a 2 storey 5 bedroom house	Refused	17/07/2008

Work has begun on site on the construction of the approved garage, which would not affect the ability of the applicant to implement the development proposed here.

**Public Consultation responses**

Responses in favour

None

Responses against

5 comments received raising the following concerns:

- Loss of Outlook – caused by restricted views onto and over adjacent open spaces due to the proposal's size and an encroachment of the 45-degree rule to No. 54 Hither Green Lane.
- Loss of Privacy - due to additional front and rear elevation windows overlooking both the side en-suite windows (of no.54 Hither Green Lane) and the rear gardens and ground floor elevations of the neighbouring dwellings.
- Loss of Light - The proposal would restrict light into the rear elevations of neighbouring dwellings. This would result in neighbours planting conifers for screening purposes which would further restrict light and require use of artificial light to maintain acceptable levels of light.
- Over intensification and inappropriate development - as the dwelling has had previous consent for a rear conservatory and a detached garage and would now result in a total increase to 5 bedrooms (from the original 3 bedrooms), 8 parking spaces, an additional first floor resulting in a 2 storey dwelling and additional rear elevation windows which would result in the proposal not being subservient to the existing dwelling and would eliminate the dwelling's main feature/status as a bungalow.
- Concerns regarding whether sufficient space exists for the proposed increase in parking from 4 to 8 cars.
- Design - has an adverse impact on character and original concept of the area. No design that the applicant can submit could satisfy and overcome the objections previously stated for 2008/132/FUL. An existing dormer bungalow (No. 108) bears no resemblance to this proposal as no dwelling has as many windows, the average number being 3 per rear elevation.
- Density of development would result in an overbearing impact on neighbouring dwellings. Despite the proposal's lower ridge height, the height of the proposed dwelling would exceed the height of No. 54 Hither Green Lane by 80cm.

- The application has minimal changes and an identical layout and footprint to the previously refused application 2008/132/FUL.
- Planning permission would set a precedent for other bungalows on the estate to be granted permission for two storey extensions.
- During development there are concerns over working hours, security issues, suitable parking arrangements to prevent access problems and damage caused by HGV to adjacent properties.
- Concerns that the development might eventually form a business, which would be out of character with the estate and would alter the character and mix of the estate's dwellings.
- The proposal would alter the mix of dwellings originally envisaged in the design of the estate and result in a reduction of bungalows, which are presently in short supply.
- A request for the Planning Committee to visit the site.

**Consultee responses*****Severn Trent Water***

No comments received.

***Highways Network Control Unit***

No objection subject to a condition regarding access, turning area and parking facilities to be provided and a note to the applicant regarding the highway to be kept free of mud/materials.

***Environmental Health Officer***

No comments received.

**Assessment of proposal**

The key issues for consideration in this case are the principle of the proposed development, its design and layout, highway and access safety, its sustainability and any other material considerations.

**Principle**

The principle of locating residential development within the urban area of Redditch on previously developed brownfield 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.

Abbey Park is zoned as a residential development area and within the Borough of Redditch; the principle of replacement dwellings is therefore considered to be acceptable.

#### Design and layout

The proposed scheme's scale, form and massing is considered to respect fully the locality, having regard to general layout, garden size and footprint in the vicinity of the surrounding area, as well as in scale, style and appearance.

The proposal is set in excess of the adopted spacing standards and garden sizes, such that there is no cause for concern regarding any overlooking or loss of privacy to the surrounding residents. The proposal complies both with separation/spacing standards and with the orientation rules. Though the proposal at the rear elevation breaks the 45 degree rule to the neighbouring dwelling, No. 54 Hither Green Lane, the line is breached by only 0.9m by a glazed element and is therefore not considered likely to result in any detrimental impacts on the amenities of the neighbouring property.

Whilst the form and bulk of development on the site would be greater than that currently existing, it is not considered that the appearance or bulk of the proposed dwelling would be overly large for the plot or in relation to the surrounding pattern of built form in the area.

The height of the proposed dwelling (7.4m) would be considered acceptable as it would not be in excess of others in the vicinity, (the highest dwelling being 9.1m).

#### Highways and access

Policy requires that safety, parking spaces (their quantity and size), and the use by non-car travellers be considered.

The proposed five-bedroom dwelling would result in a requirement under the current adopted parking standards for the provision of 3 spaces, and these could be accommodated within the existing layout and there is therefore no cause for concern in this regard. These would be within and in front of the existing garage accommodation.

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.

## Sustainability

The proposal would be sited within a sustainable location and would not have a detrimental effect on the sustainability of the surrounding area and is therefore compliant with policy.

## Other issues

In line with planning legislation, each case is considered on its own merits, having regard for the development plan, and as this is the only bungalow on this part of the estate, it is not considered that allowing this proposal would set a difficult precedent for the future.

Planning consent was granted to convert a bungalow at No 108 into a dormer bungalow construction with alterations to the roof. This proposal included raising the original roof height by 2.1m to accommodate a first floor, which included front and rear dormer windows. Therefore, this proposal to replace a bungalow with a dormer bungalow, with a greater separation distance, is similar to the above dwelling which has been granted planning consent. Furthermore, there are no planning policies which seek to protect/retain bungalows.

Allowing this application would only provide consent for the use of the development as a private residential dwelling. If at a later date the occupant wished to run a business from the property, this would be subject to the usual requirements for planning permission, and therefore this authority would retain control over this possible future use. There is therefore no ground for refusal of this application on the basis of a possible future use for commercial purposes.

As a point of clarification it should be noted that density is calculated in terms of the number of dwellings per hectare, and therefore the increase in the number of bedrooms would not result in an increase in the density of development on this site.

## Conclusion

It is considered that the proposal is fully compliant with the relevant planning policies and guidance, and would be unlikely to cause any significant detrimental impacts to the amenities of surrounding residents or to the visual amenities of the area and as such the proposal is considered to be acceptable.

## Recommendation

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

- 1) Development to commence within 3 years

# Planning Committee

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- 2) Sample materials to be submitted
- 3) Landscaping scheme and boundary treatment to be submitted
- 4) Landscaping scheme and boundary treatment to be implemented
- 5) Limited working hours during construction
- 6) Parking and access to be constructed prior to occupation

## Informatives

Highway to remain free of mud and obstructions

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## Planning Committee

Lodge Park Ward

7th October 2008

**2008/286/COU CHANGE OF USE FROM SHOP TO HOT FOOD TAKE-AWAY  
15 BEOLEY ROAD WEST, REDDITCH  
APPLICANT: MR R JEDRZEJCZYK  
EXPIRY DATE: 3RD OF NOVEMBER 2008**

### Site Description

(See additional papers for Site Plan)

The site comprises a terrace of three 3-storey houses fronting onto Beoley Road West. The terrace has an imposing appearance in the street-scene, featuring three front gables. A terrace of similar appearance, with ground floor commercial uses and flats above, is located immediately to the east. Further to the West of the site lies the junction of this road (now closed to traffic) with Holloway Lane and Other Road. The Kings Arms Public House and car park are located on the opposite side of the road to the application site.

This Unit forms a terrace of three Units (11, 13 and 15) with the ground floors of these units currently occupied as follows:

- Unit 11 'Pol Market' (a Polish Shop)
- Unit 13 A Tanning Studio
- Unit 15 (The application site) currently a food store / fruit and veg shop

To the immediate East lies a further terrace of Units, the ground floors of which are currently occupied as follows:

- Unit 17 Currently vacant, but has planning permission for a Launderette
- Unit 19 Dhaka Indian take-away
- Unit 21 Dhaka Balti restaurant

Further to the West of Units 11, 13 and 15 lie further commercial units which are occupied as follows:

- Unit 1 A florists shop (A1 use)
- Units 3 and 5 Hairdressing Salons (A1 use)
- Units 7 and 9 These are small units operating as a printing shop.

### Proposal Description

Permission is sought for the change of use of the ground floor of the premises from a Shop (Use Class A1) to a hot food take-away (an A5 Use) as defined by the Town and Country Planning Use Classes Order. The application states that the unit would be used as a 'Polish Kebab House'

## **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.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

## ***National Planning Policy***

PPS 1 (& accompanying documents) Delivering Sustainable Development

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

- B(BE).13 - Qualities of Good Design
- E(TCR).4 - Need and the sequential approach
- E(TCR).12 - Class A.3, A.4 and A.5 (restaurants, snack bars, cafes, Pubs and bars and take-aways).
- C(T).1 - Access to and within development
- C(T).12 - Parking Standards

Under the previous Borough of Redditch Local Plan No.2 the site was shown as being within the Town Centre Peripheral Zone. However, under the current adopted Local Plan No.3, Town Centre boundaries have been more tightly drawn and as such, the premises no longer fall within the Peripheral Zone.

## **Relevant site planning history**

2005/503	Conversion of 3 no. dwellings into 3 no. ground floor retail units with 3 no. two bed-roomed flats above.	Approved	03/04/2006
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## **Public Consultation Responses**

### Responses in favour

None

### Responses against

2 letters received raising the following concerns:

- Concerns regarding the existing number of similar fast food takeaways in the area and that by approving this application existing business's will not be able to survive due to increased competition.

- Redditch cannot sustain this many food outlets – the market is becoming saturated with the same use of business.
- Concerns regarding parking provision and likelihood of inconsiderate and dangerous parking taking place.

**Consultee Responses*****County Highway Network Control***

No objection

***Environmental Health Officer***

Comments awaited

***Police Crime Risk Manager***

Comments awaited

***Waste Management Officer***

No objection subject to a condition regarding provision of a litter bin

**Assessment of proposal**

The key issues for consideration in this case are the principle of the proposed development, highway safety and any other material considerations.

**Principle**

Policy E(TCR).12 of the Local Plan deals specifically with proposals for Class A3, A4 and A5 uses which includes hot food takeaways, restaurants, cafés, wine bars and public houses. Officers have assessed the impact of the proposed hot food takeaway use upon neighbouring amenity and the cumulative impact of an additional A5 use as required by the above policy, and in the absence of any adverse comments in principle from the Council's Environmental Health Officer, together with regard which has been taken to the close proximity of the premises to the Town Centre and the relatively few A5 uses which would be present along this stretch of commercial premises to the northern side of Beoley Road West should consent be granted, Officers have concluded that the A5 Use proposed is acceptable in principle. The issue of competition between business's raised in the public representations is not a material consideration in the determination of this application.

Highway safety

Although no 'on-site' parking exists, given the aims of sustainability around which planning policy is centred, contrary to the representations received, the lack of on-site parking in this case is considered acceptable. This is because the site is in an area adjacent to residential development and is near to main pedestrian and public transport routes into the town centre. There are also opportunities for off street parking immediately opposite the site within a public car park adjacent to the Kings Arms Public House car park. The applicant claims that he would have authorisation to use 15 of these car parking spaces which greatly exceeds the required car parking standards under the terms of Policy C(T).12 for this type of development.

Other issues

A condition is recommended in order to control the methods of cooking and resultant fume extraction etc. prior to any development taking place on the site. A condition is also recommended in order to restrict the opening hours of the unit to a reasonable level in order to protect nearby residential amenity. Should a future occupant wish to increase these hours, a variation of condition application could be made and considered.

Conclusion

The proposal accords with current planning policy and it is not considered that the proposal would cause harm to amenity or highway safety.

**Recommendation**

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

- 1) Development to commence within 3 years
- 2) The use hereby permitted shall be closed and cleared of customers outside the hours of 12 noon to 2200 hours daily.
- 3) Full details of the means of extraction, ventilation and control of odour and other emissions to be submitted, agreed and implemented prior to use commencing.
- 4) Details of litter bin provision to be submitted for the prior written approval of the LPA. Development to be carried out in accordance with approved details.



Informatives

- 1) A separate planning application may be required for external alterations to the appearance of this building. The applicant is advised to contact the Local Planning Authority for further advice in this respect.
  
- 2) A separate application for Advertisement Consent may be required under the Control of Advertisements Regulations 2007 for any signage to advertise the business. The applicant is advised to contact the Local Planning Authority for further advice in this respect.

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## Planning Committee

All Wards

7th October 2008

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### **CHANGES TO HOUSEHOLDER PERMITTED DEVELOPMENT RIGHTS (PDRs)**

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(Report of Acting Head of Planning and Building Control)

#### 1. **Purpose of Report**

To inform Planning Committee members of changes to the regulations and thus controls over development retained by the Local Planning Authority (LPA).

#### 2. **Recommendation**

**The Committee is asked to RESOLVE that**

**the information provided below be noted and taken into account in the future decision making process.**

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

##### Financial

- 3.1 There may be a drop in the number of applications received due to increased rights, and thus a drop in income from planning application fees.

##### Legal

- 3.2 Officers and Members must be aware of the legislative changes when carrying out their daily functions to ensure compliance with the revised statutory framework.

##### Policy

- 3.3 There are no policy implications at this stage, although the revised legislation may influence the need for and content of future documents.

##### Risk

- 3.4 There are few perceived risks, as any applications subsequently made for development which no longer requires consent can be dealt with appropriately.

**Report****4. Background**

- 4.1 Through the legislative framework, the planning system bestows rights on householders which set out limits within which they may develop without the need to apply for planning permission. These are called 'Permitted Development Rights' and are set out in secondary legislation – the 1995 Town & Country Planning (General Permitted Development) Order, which has been amended many times. However, an amendment order was enacted on 10<sup>th</sup> September 2008 which came into force on 1<sup>st</sup> October 2008 which replaced the section of this legislation dealing with householder rights.
- 4.2 Householder permitted development rights are set out in several sections, and are couched in terms of specific things being permitted unless they fall within prescribed criteria set out in the order. Previously, these were perceived as quite complex, relating to floor area and cubic volume of extensions, things that are not always easy to calculate. In some cases, these were to be calculated relative to the original dwelling in proportionate terms.
- 4.3 The government has been keen to simplify these rights, and also increase them, freeing up Local Planning Authorities from dealing with small scale and often relatively insignificant developments and enabling them to concentrate on the more significant and larger scale developments. A balance between additional rights and the resultant impact of these on the visual amenity and appearance of built form must be struck in order that additional rights do not result in unsightly and harmful developments.
- 4.4 Below, the new rights are summarised, to provide an overview of the new system. Any Members or residents who are considering development at their home (or anywhere else within the Borough) are still encouraged to contact the Development Control Team prior to commencing works in order to confirm whether or not planning permission is required and in order to avoid possible enforcement action later.
- 4.5 It should be noted that the permitted development rights for householders do not extend to residents of flats, who remain without any rights to develop without requiring permission.
- 4.6 New guidance has been provided on the planning portal website (<http://www.planningportal.gov.uk/uploads/hhg/houseguide.html>) to assist householders in determining whether they need to make a planning application for their proposed development.
- 4.7 Attached at the rear of the report are both the new legislation, and a summary version that has been developed by Officers for use

internally and also to provide guidance to those enquiring. It is proposed that this guidance be added to the website to assist members of the public. The form currently used for people requesting advice on whether their proposal is PD or not will also be amended in light of the new legislation.

### 5. Key Issues

#### The enlargement, improvement or other alteration of a dwellinghouse

- 5.1 The right to extend a domestic property without permission can now be calculated according to factors such as the height and floor area of the proposed extension and whether it would face a road.
- 5.2 Alterations including a veranda, balcony or raised platform, satellite dish, chimney or flue/vent pipe also now appear to require consent always. Whilst most two storey and first floor extensions will still require planning permission, there will be some cases where they do not, possibly more so than currently. There are further restrictions if the dwelling is within a Conservation Area.
- 5.3 The conditions include that materials and roof pitch shall match as closely as possible those of the existing building, and that side windows at first floor level shall be obscurely glazed and non-opening below a certain height relative to the internal floor.

#### The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

- 5.4 These must not exceed the existing roof pitch, front a highway or result in an increased cubic content beyond prescribed limits. Similarly, they must not include a veranda, balcony or raised platform, satellite dish, chimney or flue/vent pipe. These rights do not exist for dwellings within Conservation Areas, and are subject to very similar conditions regarding matching materials, windows. A condition that appears to require the setting down of roof alterations also seems to exist.
- 5.5 Thus, similarly to the previous regulations, some dormer windows will benefit from permitted development rights whilst others will not.

#### Any other alteration to the roof of a dwellinghouse

- 5.6 Roof alterations are limited such that rooflights must not protrude above the roof tiling beyond 150mm, unlike the previous unlimited size and protrusion. However, on certain faces of the house they must be obscurely glazed and/or non-opening.

The erection or construction of a porch outside an external door of a dwellinghouse

- 5.7 The rules for porches remain unchanged.

The provision within the curtilage of a dwellinghouse of outbuildings/containers

- 5.8 This section provides rights for detached buildings within the grounds of dwellings such as pools, sheds, greenhouses etc. or containers for the storage of heating fuel etc. They must be single storey and not at the front, as well as not exceeding prescribed heights and sizes. Again, developments including a veranda, balcony or raised platform, satellite dish, chimney or flue/vent pipe also now appear to require consent always where these are detached from the dwelling. No buildings are allowed within the curtilage of a listed dwelling without seeking consent from the LPA. There is also a capacity limit for containers. (This element also provides for developments such as structures relating to pets, or the keeping of hens etc for personal use only.)

The provision or replacement of a hard surface

- 5.9 This item has received much media attention recently, so you may already be aware that there is no longer a blanket right for householders to hard surface their front garden areas. It is now only possible to do these surfacing works without requiring planning permission if it is between the dwelling and a highway, if the area is below a certain size, and if the surfacing would be of porous materials or includes direct run-off measures to a suitable permeable or porous area within the curtilage of the dwelling (e.g. a soakaway).
- 5.10 The Environment Agency and the Department for Communities and Local Government have jointly published a guidance document entitled 'Guidance on the permeable surfacing of front gardens' and this can be downloaded from the web at:  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/pavingfrontgardens.pdf>

Chimneys, flues and vent pipes

- 5.11 There are certain height restrictions on these, as well as which face of a dwelling they may be installed in but in general they require planning permission.

## Microwave antennae

- 5.12 These are items such as satellite dishes that receive TV signals, and broadcasting equipment for those involved in CB radio. There are various new limits relating to size, height, number and location of these antennae. There is a condition attached that they should be installed so as to minimise their effect on the external appearance of the dwelling and removed once no longer required.

## 6. Other Implications

- |                  |   |  |
|------------------|---|--|
| Asset Management | - | Not normally applicable.   |
| Community Safety | - | As these relate to works within the curtilage of dwellings only, there is no perceived impact on community safety. |
| Human Resources  | - | None perceived currently, although a longer term reduction in applications may become apparent.                    |
| Social Exclusion | - | No perceived implications  |
| Sustainability   | - | Fewer applications could be argued to have a minimal positive effect by requiring less travel and paperwork.       |

## 7. Conclusion

- 7.1 These changes are significant for householders and the Development Control team, and care should be taken to seek professional advice prior to new works commencing to ensure compliance with the amended regulations which are now in force.

## 8. Background Papers

- 8.1 Town & Country Planning (General Permitted Development) Order 1995 (as amended)
- 8.2 Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (see appendix 1) published 10<sup>th</sup> September 2008.

## 9. Consultation

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

**10. Author of Report**

The author of this report is Ailith Rutt (Development Control Manager), who can be contacted on extension 3374 (email: ailith.rutt@redditchbc.gov.uk) for more information.

**11. Appendices**

- |            |   |   |
|------------|---|---|
| Appendix 1 | - | Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (Schedule only) |
| Appendix 2 | - | Simplified guide to new Permitted Development Rights, added to Council website                                  |



**APPENDIX 1: TOWN & COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)  
(AMENDMENT) (NO.2) (ENGLAND) ORDER 2008 (SCHEDULE ONLY)**

PART 1

**DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE**

**Class A**

**Permitted development**

**A.** The enlargement, improvement or other alteration of a dwellinghouse.

**Development not permitted**

**A.1** Development is not permitted by Class A if—

- (a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;
- (c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;
- (d) the enlarged part of the dwellinghouse would extend beyond a wall which—
  - (i) fronts a highway, and
  - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;
- (e) the enlarged part of the dwellinghouse would have a single storey and—
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
  - (ii) exceed 4 metres in height;
- (f) the enlarged part of the dwellinghouse would have more than one storey and—
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
  - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;
- (g) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
- (h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
  - (i) exceed 4 metres in height,
  - (ii) have more than one storey, or
  - (ii) have a width greater than half the width of the original dwellinghouse; or

- (i) it would consist of or include—
  - (i) the construction or provision of a veranda, balcony or raised platform,
  - (ii) the installation, alteration or replacement of a microwave antenna,
  - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe,  
or
  - (iv) an alteration to any part of the roof of the dwellinghouse.

**A.2** In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

### **Conditions**

**A.3** Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—
  - (i) obscure-glazed, and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

### **Class B**

#### **Permitted development**

**B.** The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

#### **Development not permitted**

**B.1** Development is not permitted by Class B if—

- (a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- (b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;
- (c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

- (i) 40 cubic metres in the case of a terrace house, or
- (ii) 50 cubic metres in any other case;
- (d) it would consist of or include—
  - (i) the construction or provision of a veranda, balcony or raised platform, or
  - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
- (e) the dwellinghouse is on article 1(5) land.

### Conditions

**B.2** Development is permitted by Class B subject to the following conditions—

- (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be—
  - (i) obscure-glazed, and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

### Interpretation of Class B

**B.3** For the purposes of Class B “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

### Class C

#### Permitted development

**C.** Any other alteration to the roof of a dwellinghouse.

#### Development not permitted

**C.1** Development is not permitted by Class C if—

- (a) the alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- (b) it would result in the highest part of the alteration being higher than the highest part of the original roof; or
- (c) it would consist of or include—
  - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
  - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

**Conditions**

**C.2** Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be—

- (a) obscure-glazed; and
- (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

**Class D****Permitted development**

**D.** The erection or construction of a porch outside any external door of a dwellinghouse.

**Development not permitted**

**D.1** Development is not permitted by Class D if—

- (a) the ground area (measured externally) of the structure would exceed 3 square metres;
- (b) any part of the structure would be more than 3 metres above ground level; or
- (c) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

**Class E****Permitted development**

**E.** The provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

**Development not permitted**

**E.1** Development is not permitted by Class E if—

- (a) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (b) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (c) the building would have more than one storey;
- (d) the height of the building, enclosure or container would exceed—
  - (i) 4 metres in the case of a building with a dual-pitched roof,
  - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
  - (iii) 3 metres in any other case;
- (e) the height of the eaves of the building would exceed 2.5 metres;

- (f) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
- (g) it would include the construction or provision of a veranda, balcony or raised platform;
- (h) it relates to a dwelling or a microwave antenna; or
- (i) the capacity of the container would exceed 3,500 litres.

**E.2** In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) a World Heritage Site,
- (b) a National Park,
- (c) an area of outstanding natural beauty, or
- (d) the Broads,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

**E.3** In the case of any land within the curtilage of the dwellinghouse which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

### **Interpretation of Class E**

**E.4** For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

### **Class F**

#### **Permitted development**

**F.** Development consisting of—

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (b) the replacement in whole or in part of such a surface.

#### **Conditions**

**F.1** Development is permitted by Class F subject to the condition that where—

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

**Class G****Permitted development**

**G.** The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

**Development not permitted**

**G.1** Development is not permitted by Class G if—

- (a) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or
- (b) in the case of a dwellinghouse on article 1(5) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—
  - (i) fronts a highway, and
  - (ii) forms either the principal elevation or a side elevation of the dwellinghouse.

**Class H****Permitted development**

**H.** The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

**Development not permitted**

**H.1** Development is not permitted by Class H if—

- (a) it would result in the presence on the dwellinghouse or within its curtilage of—
  - (i) more than two antennas;
  - (ii) a single antenna exceeding 100 centimetres in length;
  - (iii) two antennas which do not meet the relevant size criteria;
  - (iv) an antenna installed on a chimney, where the length of the antenna would exceed 60 centimetres;
  - (v) an antenna installed on a chimney, where the antenna would protrude above the chimney; or
  - (vi) an antenna with a cubic capacity in excess of 35 litres;
- (b) in the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof;
- (c) in the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney, or 60 centimetres measured from the highest part of the ridge tiles of the roof, whichever is the lower; or
- (d) in the case of article 1(5) land, it would consist of the installation of an antenna—
  - (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;
  - (ii) in the Broads, on a chimney, wall or roof slope which faces onto, and is visible from, a waterway; or
  - (iii) on a building which exceeds 15 metres in height.

**Conditions**

**H.2** Development is permitted by Class H subject to the following conditions—

- (a) an antenna installed on a building shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building; and
- (b) an antenna no longer needed for reception or transmission purposes shall be removed as soon as reasonably practicable.

**Interpretation of Class H**

**H.3** The relevant size criteria for the purposes of paragraph H.1(a)(iii) are that:

- (a) only one of the antennas may exceed 60 centimetres in length; and
- (b) any antenna which exceeds 60 centimetres in length must not exceed 100 centimetres in length.

**H.4** The length of the antenna is to be measured in any linear direction, and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.

**Interpretation of Part 1**

**I.** For the purposes of Part 1—

“raised” in relation to a platform means a platform with a height greater than 300 millimetres; and

“terrace house” means a dwellinghouse situated in a row of three or more dwellinghouses used or designed for use as single dwellings, where—

- (a) it shares a party wall with, or has a main wall adjoining the main wall of, the dwellinghouse on either side; or
- (b) if it is at the end of a row, it shares a party wall with or has a main wall adjoining the main wall of a dwellinghouse which fulfils the requirements of sub-paragraph (a).

**APPENDIX 2: SIMPLIFIED GUIDE TO NEW PERMITTED DEVELOPMENT RIGHTS, TO BE ADDED TO COUNCIL WEBSITE**

**Householder Permitted Development**

**Principal changes to take effect 1<sup>st</sup> October 2008**

**Class A - Extensions:**

Development will not require permission provided:-

Rear - Single-storey extensions

- The depth of the extension will not exceed 3m for an attached house and 4m for a detached house.
- The height of the extension will not exceed 4m.
- The extension will not extend beyond any side or principal elevation of the original dwelling, or any elevation which fronts a highway.
- If within 2 metres of the boundary – the eaves height will not exceed 3 m.

Rear - More than one-storey extensions

- The maximum depth of the extension will not exceed 3m.
- The extension will not extend beyond any side or principal elevation of the original dwelling, or any elevation which fronts a highway.
- The extension will be more than 7m from the rear boundary of the curtilage opposite the rear wall of the dwelling.
- The eaves and ridge heights of the extension will be no higher than those of the existing house.
- The roof pitch of the extension will match that of the existing house.
- If extension will not be within 2m of the boundary.

Side extensions

- The height of the extension will not exceed 4 m.
- The extension will not be more than one storey.
- The width of the extension will not be greater than half the width of the original dwelling.
- The extension will not front on to any highway.
- If within 2 metres of the boundary – the eaves height will not exceed 3 m.

Insertion of windows

Will be permitted, subject to the following restrictions:



Where it is an upper floor window, located in a wall or roof slope on the side elevation;

- Must be obscurely glazed.
- Must be non-opening – unless the parts of the window which can be opened are more than 1.7 metres above the floor in the room in which it is installed.

Conservation areas (Article 1(5) Land)

There are further restrictions in Conservation Areas, and development will not be permitted if:

- If the extension will extend beyond any wall forming part of the side elevation
- If the extension is more than one storey and extends beyond the rear wall of the original dwelling.
- No cladding, render, etc to the exterior of the dwelling

**Classes B & C – Roofs**

Development will not require permission provided:-

- The height of the roof as altered will not exceed the highest part of the existing roof.
- The roof as altered will not extend the plane of any existing roof slope which forms the principal elevation and fronts the highway.
- The increase in the volume of the roof space itself will not exceed 50m<sup>3</sup> for semi-detached and detached properties and 40m<sup>3</sup> for terraced properties.
- Any alteration to the roof will not protrude more than 150mm beyond the plane of the original roof.

**Class E – Curtilage development**

Development will not require permission provided:-

- Any building provided will not be a dwelling house
- The development will not consist of the provision of a verandah, balcony or raised platform
- The total amount of curtilage development to the property will not exceed 50% (excluding that occupied by the existing dwellinghouse).
- The building will not be forward of the principal elevation
- The building will be single-storey only, linked to the following maximum heights :-
  - ❖ 4 metres maximum with a dual pitched roof
  - ❖ 2.5 metres maximum if it is within 2 metres of the boundary of the curtilage
  - ❖ 3 metres maximum in all other cases

- ❖ 2.5 metres maximum eaves height in all buildings

(The above does not apply to development within the curtilage of a listed building, or in the case of Article 1(5) land, where any development would be located between the side elevation of the dwelling and the boundary of the curtilage.)

### **Class F – Creation of a hard surface**

Development will require permission if:-

- The hard standing will be in front of a principal elevation facing a highway, and will exceed 5 m<sup>2</sup> and not made of porous materials, or rainwater is not directed to a permeable or porous area within the property which allows the water to drain away naturally.
- The existing hard surface is to be replaced in whole or part.

### **Class G – Chimneys, flues and soil/vent pipes**

Development will require permission if:-

- The height of any chimney, flue or pipe will exceed the roof height by 1 metre or more
- In the case of Article 1(5) land, it will be installed on a wall or roof slope which fronts a highway, or forms part of the principal or side elevation of the dwelling.

### **Permission will always be required where:-**

- It relates to the provision of a verandah, balcony or a raised platform with a height greater than 0.3 metres.
- It relates to the installation or works to chimneys, flues, soil and vent pipes
- It relates to any alterations to the roof in a Conservation Area.

### **Notes in general:**

1. *The tolerances of 50m<sup>3</sup> or 10% for terraced properties and those in conservation areas and 70 m<sup>3</sup> or 15% for detached houses have been removed. (Class A)*
2. *The total development on land by way of extensions and curtilage buildings must not exceed 50% of the total area of the land (but excluding the area occupied by the existing dwellinghouse).*
3. *The term 'Principal elevation' is not defined as such, but will in almost all cases be the elevation which is deemed to form the main frontage of the property irrespective of its actual orientation.*
4. *In all cases, materials should match the existing house, except in the case of a conservatory.*
5. *For porches, fences, means of enclosure and highway access, permitted development rights remain unaltered. (Part 1 Class D and Part 2 Classes A & B)*

6. *Structures within the curtilage of a dwelling are no longer subject to limits regarding their proximity to the dwelling, i.e. the 5 metre rule. (Class E)*
7. *Article 1(5) Land is defined as being land within National Parks, areas of outstanding natural beauty, conservation areas, areas designated by the Secretary of State, the Broads and World Heritage Sites. As far as this relates to this Council, it only affects Conservation Areas within the Borough.*
8. *'Original dwelling' is defined as any building as originally built, or as it existed on 1<sup>st</sup> July 1948, whichever is the later.*

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## Planning Committee

Various Wards

7 October 2008

### ENFORCEMENT OF PLANNING CONTROL

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(Report of the Acting Head of Planning and Building Control)

1. **Purpose of Report**

To determine an appropriate course of action in respect of the following Enforcement report(s) (covering report only)..

2. **Recommendation**

**The Committee is asked to RESOLVE**

**whether or not it considers it expedient to take the enforcement action specified in the following enforcement report(s).**

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

Financial

3.1 There are no direct financial implications in the report(s).

Legal

3.2 Legal implications are as detailed in the report(s) and as set out in the following Acts:-

Town and Country Planning Act 1990.  
Planning and Compensation Act 1991.  
Planning and Compulsory Purchase Act 2004  
Human Rights Act 1998.  
Crime and Disorder 1998.

3.3 In terms of the exempt elements of the report(s), 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.

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

3.5 Policy implications are as detailed in the individual report(s) and as set out in the Borough of Redditch Local Plan No. 3.

3.6 Risk

As detailed within each specific report as appropriate.

### 4. Other Implications

Any Asset Management, Community Safety, Human Resources and Sustainability implications will be detailed in the attached separate report(s).

Social Exclusion: Enforcement action is taken equally and fairly, 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 - Key to Exempt Information (in respect of all the following Enforcement Reports).

(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, the personal information attached to this report has been made available to Members and relevant Officers only.)

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

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## Planning Committee

Central Ward

7th October 2008

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### ENFORCEMENT REPORT - 2008/025/ENF

#### Condition of land considered harmful to the visual amenity of the area Edward Street/Bromsgrove Road, Town Centre, Redditch

##### 1. Background / Key Issues

- 1.1 This matter comes before the Committee with regard to the condition of this land, in particular, the derelict state of the buildings on the site, and the overgrown condition of the land surrounding them, and the resultant effect on the visual amenity of the town centre for both residents and visitors (travelling by bus, train car or on foot), given its location at a primary gateway into the town centre.
- 1.2 The site consists of land fronting Edward Street and Bromsgrove Road, and also has an elevation overlooking Redditch railway station. It is a traditional "old" Redditch industrial site with the main works to the rear running parallel with the railway station platform. Consequently, this industrial building provides the first impression of Redditch to visitors arriving by train.
- 1.3 Contained within the site are a number of buildings of note which are locally listed. These include the Probable Masters House and Broxwood House. The site and its history are probably best described in the Council's Edward Street Supplementary Planning Document adopted in September 2007.
- 1.4 The deteriorating condition of the land and the buildings thereon has been of concern for some time now, and in February 2008 your Enforcement Officer undertook a photographic survey of the land. That survey revealed that the condition of the factory building facing on to the railway platform, the Probable Masters House, and Broxwood House were all in a dilapidated condition with broken windows, missing roof tiles, deteriorating facades and the surrounds heavily overgrown.
- 1.5 On the 10 March 2008, the company owning the land were contacted and asked to carry out improvements to the land in order to alleviate the harm to the amenity. This included re-painting works, removal of all broken glazing and boarding up of the windows and doors in such a manner to simulate the appearance of what formerly existed, and cutting back all overgrown vegetation. They responded by claiming the company was in financial difficulty and that the land had been put up for sale. It was therefore agreed to defer action for a short time to allow this to be done.

# Planning Committee

7th October 2008

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- 1.6 Although negotiations have taken place with the agents handling the sale of the land, your officers have been unable to agree any suitable interim arrangements, and the land remains unsold.
- 1.7 On the 16 September 2008, your Enforcement Officer again surveyed the site and found that the condition of the land, and in particular the Probable Masters House and Broxwood House, had deteriorated further. A series of photographs were taken to show the poor condition of the land.
- 1.8 The company owning the land remain in financial difficulty but are still trading. To date, they have not undertaken any works to alleviate the situation as requested back in March 2008.

## 2. Conclusion

- 2.1 Officers consider that the condition of this land adversely affects the visual amenity of the town centre, and provides a poor first impression of the town to visitors arriving in to the town centre by whatever means. At present Officers see little prospect of voluntary improvement in the foreseeable future. Your officers consider this to be a serious breach of planning control causing harm to visual amenity which needs to be remediated.

## 3. Recommendation

**The Committee is asked to RESOLVE that**

**authority be delegated to the Head of Legal, Democratic and Property 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 amenity of the area. Enforcement action would 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.**