

Planning Committee

Tue 4 Nov
2008
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

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

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**

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

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

Minicom: 595528

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

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

‘Potrzebujesz pomocy z Angielskim – skontaktuj się z Ethnic Access Tel: 01905 25121’

REDDITCH BOROUGH COUNCIL **PLANNING COMMITTEE**



GUIDANCE ON PUBLIC **SPEAKING**

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

in accordance with the running order detailed in this agenda (Applications for Planning Permission item) and updated by the separate Update report:

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

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

- Each individual speaker, or group representative, will have up to a maximum of 3 minutes to speak. (Please press button on "conference unit" to activate microphone.)
 - After each of a), b) and c) above, Members may put relevant questions to the speaker, for clarification. (Please remain at the table in case of questions.)
- 5) Members' questions to the Officers and formal debate / determination.

Notes:

- 1) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Borough of Redditch Local Plan No.2, the County Structure Plan (comprising the Development Plan) and other material considerations which include Government Guidance and other relevant policies published since the adoption of the development plan and the “environmental factors” (in the broad sense) which affect the site.
- 2) No audio recording, filming, video recording or photography, etc. of any part of this meeting is permitted without express consent (Section 100A(7) of the Local Government Act 1972).
- 3) Once the formal meeting opens, members of the public are requested to remain within the Public Gallery and may only address Committee Members and Officers via the formal public speaking route.
- 4) Late circulation of additional papers is not advised and is subject to the Chair’s agreement. The submission of any significant new information might lead to a delay in reaching a decision. The deadline for papers to be received by Planning Officers is 5.00 p.m. on the Friday before the meeting.
- 5) Anyone wishing to address the Planning Committee on applications on this agenda must notify Planning Officers by 5.00 p.m. on the Friday before the meeting.

Further assistance:

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

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

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

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

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

Chair

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

Running Order

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

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

Decisions

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

Members of the Public

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

Special Arrangements

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

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

Further Information

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

Fire/ Emergency instructions

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

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

Do Not stop to collect personal belongings.

Do Not use lifts.

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

The emergency Assembly Area is on the Ringway Car Park.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

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

OR

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

you have a personal interest.

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

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

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

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

and

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

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

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



PLANNING COMMITTEE

Tuesday, 4th November, 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

<p>1. Apologies</p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any interest they may have in the items on the Agenda.</p>
<p>3. Applications for planning permission (Pages 1 - 2) Acting Director of Environment and Planning</p>	<p>To consider six applications for planning permission. (Items below refer.) (Covering Report attached) Various Wards</p>
<p>4. Application 2008/275/FUL - 56 Hither Green Lane, Bordesley (Pages 3 - 10)</p>	<p>To consider a Planning Application for the replacement of a bungalow with a dormer bungalow. Applicant: Mr Nevil Jinks (Report attached) (Abbey Ward)</p>
<p>5. Planning Application 2008/289/FUL - The Kingfisher School, Clifton Close, Matchborough West (Pages 11 - 14)</p>	<p>To consider a Planning Application for the erection of a concrete garage and a 65 metres straight run of 4.5 metre high sports netting. Applicant: The Kingfisher School (Report attached) (Matchborough Ward)</p>
<p>6. Application 2008/303/OUT - Land at Peterbrook Close, Oakenshaw (Pages 15 - 22)</p>	<p>To consider an Outline Planning Application for a residential development. Applicant: Property Services, Redditch Borough Council (Report attached) (Headless Cross and Oakenshaw Ward)</p>

PLANNING

Committee

Tuesday, 4th November, 2008

<p>7. Application 2008/304/OUT - Land off Banners Lane, Crabbs Cross (Pages 23 - 30)</p>	<p>To consider an Outline Planning Application for a residential development.</p> <p>Applicant: Property Services, Redditch Borough Council</p> <p>(Report attached) (Astwood Bank and Feckenham Ward)</p>
<p>8. Application 2008/305/OUT - Land at Wirehill Drive, Lodge Park (Pages 31 - 38)</p>	<p>To consider an Outline Planning Application for a residential development.</p> <p>Applicant: Property Services, Redditch Borough Council.</p> <p>(Report attached) (Lodge Park Ward)</p>
<p>9. Application 2008/316/FUL - 1207 Evesham Road, Astwood Bank (Pages 39 - 44)</p>	<p>To consider a Planning Application for internal alterations and addition of conservatory to rear to enable whole of premises to be used as a restaurant.</p> <p>Applicant: Mr R Seed</p> <p>(Report attached) (Astwood Bank and Feckenham Ward)</p>
<p>10. Information Report (Pages 45 - 48) Acting Director of Environment and Planning</p>	<p>To receive and note an item of information relating to the outcome of an appeal against a Planning decision.</p> <p>(Report attached) (Winyates Ward)</p>
<p>11. Enforcement of planning control (Pages 49 - 52) 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>12. Enforcement Report 2008/025/ENF - Castleditch Lane, Oakenshaw (Pages 53 - 54)</p>	<p>To consider a breach of Planning Control in respect of an exention to the side of a property.</p> <p>(Report attached) (Oakenshaw and Headless Cross Ward)</p>

PLANNING

Committee

Tuesday, 4th November, 2008

13. Exclusion of the Public	<p>During the course of the meeting it may be necessary, in the opinion of the Borough Director, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7 of Part 1 of Schedule 12 (A) of the said Act, as amended.</p>
14. Confidential Matters (if any)	<p>To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)</p>

Planning Committee

Various Wards

4 November 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

4 November 2008

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.

7. **Author of Report**

The author of this report is Ruth Bamford (Acting Head of Planning and Building Control), who can be contacted on extension 3219 (e-mail: ruthbamford@redditchbc.gov.uk) for more information.

Planning Committee

Abbey Ward

4 November 2008

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

Background and procedural information

Members will be aware that this application was reported to the meeting on 7 October and discussed and a resolution to grant permission was reached. However, concerns have arisen regarding the fairness of the way in which this decision was made and the application is therefore reported back to this meeting for consideration and determination.

The report below is as was presented at the meeting on 7 October, and includes the information that was on the Update report for that meeting.

All parties involved, including the applicant/agent and those making representations have been made aware of this, and invited to register to speak again. Any additional information received will be presented to Members at the Committee, on the update report wherever possible.

In considering the application, Members are reminded of their resolution and that this should be considered relative to the new information now being provided by officers and those speaking.

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 five en-suite bathrooms.

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.

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
www.wmra.gov.uk
www.worcestershire.gov.uk
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

6 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.
- With regard to loss of privacy and amenity concerns, it would be more appropriate for the window on the right hand side of the rear elevation to face the adjacent golf course rather than all the neighbours at the rear of the property.

Consultee responses

Severn Trent Water

No objection subject to a condition regarding drainage details

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 objection.

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
- 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
- 7) Drainage details to be submitted and agreed

Informatives

Highway to remain free of mud and obstructions

Planning Committee

Matchborough Ward

4 November 2008

2008/289/FUL ERECTION OF A CONCRETE GARAGE AND A 65 METRE STRAIGHT RUN OF 4.5 METRE HIGH SPORTS NETTING
THE KINGFISHER SCHOOL, CLIFTON CLOSE, MATCHBOROUGH WEST, REDDITCH
APPLICANT: THE KINGFISHER SCHOOL
EXPIRY DATE: 5 NOVEMBER 2008

Site Description

(See additional papers for Site Plan)

Site consists of a detached school building (formerly Icknield First School) with playgrounds, fields and general landscaping surrounding the building. Public footpaths abut the boundaries of the school site, including residential properties that back onto the footpaths. Most of the boundary treatment to the site has established hedge planting.

Proposal description

A large single garage is proposed to be erected on site adjacent to the former caretaker's bungalow that is now a children's nursery. The garage would measure 7.2 m by 3.6 m with a monopitched roof and would be finished with concrete panels and box profile galvanised steel sheeting in a mushroom colour with brown flashings. A single roller shutter door is proposed at the front of the garage.

Sports netting is proposed to be provided along the eastern boundary of the school site. The netting would run for approximately 65 metres with a 4.5 metre height. The netting would be positioned on top of the existing twin bar panel fencing that is currently 2 metres high. The netting is made from polypropylene with a 25mm x 25mm mesh, and would be supported with posts at 5 metre intervals.

The application is supported by a Design & Access Statement, which explains that the garage is required to house the school mini bus for reasons of security and protection to the vehicle. The design of the garage means that it will be low maintenance which will be a cost benefit to the school, and also, its positioning is critical given that dropped kerbs and double gates exist for access purposes.

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
www.wmra.gov.uk
www.worcestershire.gov.uk
www.redditchbc.gov.uk

National Planning Policy

PPS1 (& accompanying documents) Delivering sustainable development

Regional Spatial Strategy

QE3 Creating a high quality built environment for all.

Worcestershire Country Structure Plan

D.43 Crime Prevention and Community Safety.

Borough of Redditch Local Plan No.3

R.1 Primarily Open Space.
 S.1 Designing Out Crime.

Relevant site planning history

Appn. no	Proposal	Decision	Date
2008/232 consultation	Proposed double classroom mobile building and new canopy between mobile building and school	Approval	22 Sept 2008

Public Consultation responses

Responses against

2 letters received raising the following points:

- Object to the netting. School has been nothing but trouble since opening, don't see why neighbours should have to look at a net fence, will feel like a prison environment.
- Will feel like a prisoner in home, with the proposed fence, feel that the bushes have grown to an adequate height and any higher would restrict the light into home.

Consultee responses***County Highway Network Control***

No objections.

Worcestershire County Council (as landowner)

No objections.

Assessment of proposal

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

Principle

The provision of the garage would be located in an area that is designated as Primarily Open Space in the Borough of Redditch Local Plan No.3. Generally under Policy R.1 of the Local Plan No.3, the loss or partial loss of any designated open space would not normally be acceptable. However, given that the garage would utilise a small amount of open space that is not accessible to the general public, it is considered that the principle of erecting a garage in this location is acceptable on this occasion. Following discussions with the applicant, the garage is necessary to house a mini bus which is being purchased by the school.

The purpose of the netting is to prevent school pupils throwing items from the school onto the pavement / gardens etc as it is understood that this has been a problem in the past and residents have raised concerns. A consultation process was carried out with the residents of Eathorpe Close prior to the school reaching a decision to submit a planning application for the netting. It is considered that the provision of the netting would resolve the problem.

However, two letters of objection have been submitted in respect to the netting. The main concern is that the netting due to its position and height, may give the perception of being in a prison. The objectors live directly adjacent to the where the netting is proposed. Whilst it is accepted that the netting would be positioned to a maximum height of 6.5 metres from ground level (on top of the existing fenceline), the nature of the netting would be similar to that which can be found on most school sports grounds. Officers have considered the option of moving the netting to around the perimeter of the playground to create a better spacing between the netting and the neighbour's properties. However, this would not necessarily resolve the problems currently being experienced with pupils throwing items over the fence. The distance from the rear facing external walls of existing residential developments to the proposed fence would be approximately 12 meters. On balance, it is considered that the netting provided in the location proposed would have minimal impact on the neighbours and also resolve the problems experienced as a result of the pupils. However,

Planning

Committee

4 November 2008

limited information has been submitted in respect to the netting, and further clarification is being sought by Officers on this matter in terms of its appearance and colour.

Design and layout

The size and design of the garage is such that it will accommodate the mini bus. No objections have been submitted in respect to the garage.

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 proposals are considered to be acceptable.

Recommendation

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

- 1) Development to commence within 3 years
- 2) Sample of netting to be submitted

Planning Committee

Headless Cross and Oakenshaw Wards

4 November 2008

**2008/303/OUT OUTLINE RESIDENTIAL DEVELOPMENT
LAND AT PETERBROOK CLOSE, OAKENSHAW, REDDITCH
APPLICANT: PROPERTY SERVICES, REDDITCH BOROUGH COUNCIL
EXPIRY DATE: 17 NOVEMBER 2008**

Site Description

(See additional papers for Site Plan)

The site is approximately 1497 sqm (0.1497 ha) and is an open area of land on a corner of a cul-de-sac surrounded by 3 and 4 bed detached owner occupied dwellings. This grassed area slopes gently away from number 3 Peterbrook close towards number 8 Peterbrook Close to the North. A thick mixed hedge forms the Eastern boundary to the site, with domestic garden fencing and trees forming the Southern and Western boundary. Access into the site is via the predominantly open Northern boundary opposite the entrance to number 8 Peterbrook Close.

This is a residential area characterised by detached development dating from the early 1980's, and formed of red brick and red/brown tiles. Parking is generally within the curtilage of each property.

Proposal description

This is an outline application for residential development with all matters reserved for future consideration (access, layout, scale, appearance and landscaping).

The application is supported by a Design & Access Statement, a sustainability checklist and details relating to any potential planning obligation.

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

www.wmra.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National planning policy

PPS1 (& accompanying documents) Delivering sustainable development

PPS3 Housing

Regional Spatial Strategy

UR4 Social infrastructure

CF5 Delivering affordable housing and mixed communities

QE3 Creating a high quality built environment for all

Worcestershire Country Structure Plan

CTC5 Trees, woodlands and hedgerows

IMP1 Implementation of development

Borough of Redditch Local Plan No.3

CS6 Implementation of development

CS7 Sustainable location of development

CS8 Landscape character

S1 Designing out crime

B(HSG).1 Housing provision

B(HSG).4 Density of development

B(HSG).5 Affordable housing

B(HSG).6 Development within or adjacent to the curtilage of an existing dwelling

B(BE).13 Qualities of good design

B(NE).1a Trees woodland and hedgerows

B(NE).6 Contaminated land

B(NE).9 Flood risk and surface water drainage

C(T).5 Walking routes

C(T).6 Cycle routes

R2 Protection of incidental open space

SPDs

Encouraging good design

Design for community safety

Planning obligations for education contributions

Open space provision

Affordable housing

Relevant site planning history

None.

Public Consultation responses

Responses in favour

1 letter received raising the following points:

This small incidental open space is in close proximity to more open land referred to as a park. The area has a network of footpaths leading to the park.

There is no evidence of constant use and therefore no actual loss of space need by local children with the park being nearby (Policy R2 of the Local plan applies).

Some support is given to the principle, but full support is reserved until that 'reserved matters application' is received.

Responses against

46 letters received raising the following points:

- Existing properties totally overlook this area
- Trees were planted on this site originally to enhance the visual qualities of the site – would be wrong to remove them
- To build additional dwellings on this plot would be detrimental to highway safety
- Site is on a blind bend. Further development will lead to accidents
- A natural spring is under the land and there are as a result drainage problems on the site. This is why trees have been planted near to

- the site – to soak up excess water. Trees and shrubs should not be removed, nor the land disturbed
- The land has been kept as a play area. It is open space and should not be developed
 - Why was the land not developed in the first place?
 - By developing this site it would represent the loss of safe play space
 - Nearby areas are unsuitable as play area due to history of criminal damage and misuse – vandalism, use of drugs, areas being set fire to etc
 - This development will have a negative impact upon wildlife and eco-system
 - Existing residential area's nearer to the town centre should be developed before green spaces such as this
 - Five dwellings on the site is excessive and would be out of character with surrounding area

Consultee responses

County Highway Network Control

No objection subject to informatives regarding the design of the future proposals.

Environmental Health

No objection subject to conditions / informatives regarding construction times, lighting and odour control

Drainage Officer

No response received

Crime Risk Manager

No objection subject to the imposition of an informative to ensure that security and safety are designed into any scheme on this site

Severn Trent Water

No objection subject to a condition regarding drainage details

County Education Team

Identified need for contributions in relation to three local schools, in compliance with the adopted SPG

Procedural matters

This is an outline application with all matters reserved, and as such, only the principle of development can be considered at this stage, as no details are available. However, if there are reasons why the development could not be designed to be appropriate to the site, these can be raised as concerns at this stage.

The application plans and documents include an indicative layout, however this is for illustrative purposes only to demonstrate how the site *could* be developed, and not how it *would* be developed. This therefore has no weight in the determination of the application.

Under normal circumstances, some matters might be required through entering into a S106 planning obligation to ensure the provision of certain matters. However, in this case the applicant is the Council, and the Council as Planning Authority cannot enter into an agreement with itself as land owner. Therefore, in this case, conditions can be attached in the place of an obligation. Should the site be sold and then subsequent applications be made by the new owner/developer, then the requirements of the conditions would remain in force regardless of ownership.

Assessment of proposal

The key issue for consideration in this case is the principle of the development, as all other matters are reserved for future consideration. As part of this, matters regarding density, sustainability and planning obligations can be considered.

Principle

The site is undesignated within the Local Plan, and thus can be considered as incidental open space under Policy R2. This is a criteria based policy, whereby development is considered to be acceptable provided that it meets these 6 criteria.

Criteria i), states that:

It should be demonstrated that the site has no particular local amenity value.

Your Officers would agree with the representations received in support of the application in that the land would appear to be little used by nearby residents and that the site has little local amenity value.

Criteria ii). states that:

It should be demonstrated that the site has no wildlife conservation value. There are no known wildlife interests on this site worthy of protection and therefore the proposal is also considered unlikely to cause significant harm to wildlife in this location. It is also noted that open spaces within close proximity to this site provide a larger area for such species and therefore the loss of this smaller area in comparison is insignificant.

Criteria iii). states that:

The need for the development should outweigh the need to protect the Incidental Open Space.

Given the limited importance of the site in terms of its use and amenity value, in this case the need for the development does in deed outweigh the need to protect this Incidental Open Space.

Criteria iv). states that:

It should be demonstrated that there is alternative provision of equivalent or greater community benefit provided in the area at an appropriate and accessible locality.

In this respect, there is considered to be alternative provision in the form of larger area's of open space in the near vicinity which offer greater community benefit and which are in a highly accessible location.

Criteria v). states that:

The site should not have a strategic function separating clearly defined developed area's or acting as a buffer between different land uses.

The clear lack of a strategic function separating developed area's and lack of a buffer function between different land uses leads your Officers to conclude that the proposed development would satisfy this criteria.

Criteria vi). states that:

The incidental open space should not play an important role in the character of the area.

Your Officers have concluded that the land does not contribute significantly to the character and appearance of the area, and that therefore the site does not play an important role in the character of the area.

The reasoned justification for Policy R2 comments that there should be a surplus of open space in that area for the development proposal to be acceptable. Your Officers would inform Members that under the 'Open Space Needs Assessment Update' a significant surplus of open space exists within the Headless Cross and Oakenshaw Ward, and that therefore the proposals comply with the RJ for Policy R2.

Given that the supporting information provided with this application demonstrates that the proposal meets the criteria listed under Policy R2, in principle there are no objections to the development of the site for residential purposes.

The site measures 0.1497ha and therefore development at a minimum of 30dph as recommended in PPS3 would result in at least 5 dwellings on this site. The indicative layout showing five detached dwellings would equate to a density of 33.3 dph meeting the government guidelines as stated in PPS3. The surrounding character and pattern of development is at approximately 30-35 dph, and therefore it is considered that development could occur on this site in such a way that it would be acceptable and not inappropriate to the surrounding area.

There are no site specific concerns regarding the proposal, and no constraints known that would prevent acceptable residential development being designed for the site in the future.

Sustainability

The site lies within the urban area of Redditch, and is therefore considered to be in a sustainable location. The applicant has provided a plan demonstrating the links to the site with the cycle and public transport provision in the area, and it is considered that the site could easily be accessed by a variety of modes of transport, in line with planning policy objectives.

Planning obligations

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

- A contribution towards County education facilities would normally be required, and the County have confirmed that there is a need in this area to take contributions towards three schools – Harry Taylor First, Walkwood Middle and Kingsley College;
- A contribution towards playing pitches, play areas and open space in the area, due to the increased demand/requirement from future residents, is required in compliance with the SPD;

As noted above, a planning obligation cannot be entered into in this case, however these matters can all be achieved through the imposition of conditions.

Other issues

There are either no comments received / no concerns or objections raised by consultees, including County Highways and the Councils Land Drainage Officer. The issues raised by residents in relation to highway matters and drainage in particular cannot therefore be substantiated, and thus the proposal is considered to be acceptable. Matters of design that could result in concerns such as privacy will be considered at the reserved matters stage when the details are submitted for consideration.

Conclusion

The proposal is considered to comply with the planning policy framework and unlikely to cause harm to amenity or safety and as such is therefore considered to be acceptable.

Planning Committee

4 November 2008

Recommendation

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

1. Time limit for commencement of development and for submission of reserved matters, including definition of reserved matters to follow
2. Planning obligation content requirements at reserved matters stage
3. Limit on operating hours during construction

Informatives

1. Lighting
2. Odour control
3. Highways
4. Secured by design – note comments of Crime Risk Manager

Planning Committee

Astwood Bank and Feckenham Ward

4 November 2008

2008/304/OUT DESCRIPTION: OUTLINE RESIDENTIAL DEVELOPMENT
ADDRESS: LAND OFF BANNERS LANE, CRABBS CROSS
APPLICANT: PROPERTY SERVICES, REDDITCH BOROUGH COUNCIL
EXPIRY DATE: 17 NOVEMBER 2008

Site Description

(See additional papers for Site Plan)

Sloping piece of grass to rear of properties at 12-28 (evens) Banners Lane, located between rear gardens and school playing fields. A thick hedge forms the boundary to the school site, and fencing with trees forms the boundary to the rear gardens. The site is accessed from a turning head off Banners Lane.

This is a residential area characterised by terraced development dating from the mid twentieth century, and formed of red brick and red/brown tiles. Parking is not generally within the curtilage of each property, but on street or in communal areas.

Proposal description

This is an outline application for residential development with all matters reserved for future consideration (access, layout, scale, appearance and landscaping).

The application is supported by a Design & Access Statement, a sustainability checklist and details relating to any potential planning obligation.

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
www.wmra.gov.uk
www.worcestershire.gov.uk
www.redditchbc.gov.uk

National Planning Policy

PPS1 (& accompanying documents) Delivering sustainable development
PPS3 Housing

Regional Spatial Strategy

UR4 Social infrastructure
CF5 Delivering affordable housing and mixed communities
QE3 Creating a high quality built environment for all

Worcestershire County Structure Plan

CTC5 Trees, woodlands and hedgerows
IMP1 Implementation of development

Borough of Redditch Local Plan No. 3

CS6 Implementation of development
CS7 Sustainable location of development
CS8 Landscape character
S1 Designing out crime
B(HSG).1 Housing provision
B(HSG).4 Density of development
B(HSG).5 Affordable housing
B(HSG).6 Development within or adjacent to the curtilage of an existing dwelling
B(BE).13 Qualities of good design
B(NE).1a Trees woodland and hedgerows
B(NE).6 Contaminated land
B(NE).9 Flood risk and surface water drainage
CT5 Walking routes
CT6 Cycle routes
R2 Protection of incidental open space

SPDs

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

The site is undesignated on the Local Plan proposals map and has TPO trees to the eastern boundary where the rear gardens meet the site.

Relevant site planning history

None.

Public Consultation Responses

Responses in favour

None received.

Responses against

8 comments received raising the following points:

- Object to loss of green space unless there is another area available instead
- Danger and noise disturbance from likely increase in traffic
- Loss of safe play space
- Current inadequate parking would worsen with more residents trying to park
- Negative impact on local wildlife
- Green space should be protected under climate change agenda
- Should build park not housing on this site

Petition

A petition of 138 signatures has been received from residents raising concerns of parking and road safety, environment and children.

Other issues which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application. Similarly, anonymous representations and signatures cannot be considered and so these are also not reported.

Consultee responses

County Highway Network Control

No objection subject to informatives regarding the design of the future proposals

Environmental Health

No objection subject to conditions regarding construction times and informatives regarding lighting and odour control

Crime Risk Manager

No objection subject to condition and informative to ensure that security and safety are designed into any scheme on this site

Severn Trent Water

No objection subject to a condition regarding drainage details

County Education Team

Identified need for contributions in relation to three local schools, in compliance with the adopted SPG

Procedural matters

This is an outline application with all matters reserved, and as such, only the principle of development can be considered at this stage, as no details are available. However, if there are reasons why the development could not be designed to be appropriate to the site, these can be raised as concerns at this stage.

The application plans and documents include an indicative layout, however this is for illustrative purposes only to demonstrate how the site *could* be developed, and not how it *would* be developed. This therefore has no weight in the determination of the application.

Under normal circumstances, some matters might be required through entering into a S106 planning obligation to ensure the provision of certain matters. However, in this case the applicant is the Council, and the Council as Planning Authority cannot enter into an agreement with itself as land owner. Therefore, in this case, conditions can be attached in the place of an obligation. Should the site be sold and then subsequent applications be made by the new owner/developer, then the requirements of the conditions would remain in force regardless of ownership.

Assessment of proposal

The key issue for consideration in this case is the principle of the development, as all other matters are reserved for future consideration. As part of this, matters regarding density, sustainability and planning obligations can be considered.

Principle

The site is undesignated within the Local Plan, and thus can be considered as incidental open space under Policy R2. This is a criteria based policy, whereby development is considered to be acceptable provided that it meets these 6 criteria.

Criteria i), states that:

It should be demonstrated that the site has no particular local amenity value.

Your Officers consider that the site has little local amenity value and that the scheme complies with this criteria.

Criteria ii). states that:

It should be demonstrated that the site has no wildlife conservation value. There are no known wildlife interests on this site worthy of protection and therefore the proposal is also considered unlikely to cause significant harm to wildlife in this location. It is also noted that the adjacent school playing field sites provide a larger area for such species and therefore the loss of this smaller area in comparison is insignificant.

Criteria iii). states that:

The need for the development should outweigh the need to protect the Incidental Open Space.

Given the limited importance of the site in terms of its use and amenity value, in this case the need for the development does indeed outweigh the need to protect this Incidental Open Space.

Criteria iv). states that:

It should be demonstrated that there is alternative provision of equivalent or greater community benefit provided in the area at an appropriate and accessible locality.

In this respect, there is considered to be alternative provision in the form of larger areas of open space in the near vicinity which offer greater community benefit and which are in a highly accessible location.

Criteria v). states that:

The site should not have a strategic function separating clearly defined developed areas or acting as a buffer between different land uses.

The clear lack of a strategic function separating developed areas and lack of a buffer function between different land uses leads your Officers to conclude that the proposed development would satisfy this criteria.

Criteria vi). states that:

The incidental open space should not play an important role in the character of the area.

Your Officers have concluded that the land does not contribute significantly to the character and appearance of the area, and that therefore the site does not play an important role in the character of the area.

The reasoned justification for Policy R2 comments that there should be a surplus of open space in that area for the development proposal to be acceptable. Your Officers would inform Members that under the 'Open Space Needs Assessment' a surplus of open space exists within the Astwood Bank and Feckenham Ward, and that therefore the proposals comply with the RJ for Policy R2.

Given that the supporting information provided with this application demonstrates that the proposal meets the criteria listed under Policy R2, in principle there are no objections to the development of the site for residential purposes.

The site measures 0.16ha and therefore development at a minimum of 30dph as recommended in PPS3 would result in at least 5 dwellings on this site. The surrounding character and pattern of development is at approximately 52-60dph, and therefore it is considered that development could occur on this site in such a way that it would be acceptable and not inappropriate to the surrounding area.

There are no site specific concerns regarding the proposal, and no constraints known that would prevent acceptable residential development being designed for the site in the future. It is considered that the row of TPO trees along the eastern boundary could be accommodated and remain protected as part of a detailed proposal on this site.

Sustainability

The site lies within the urban area of Redditch, and is therefore considered to be in a sustainable location. The applicant has provided a plan demonstrating the links to the site with the cycle and public transport provision in the area, and it is considered that the site could easily be accessed by a variety of modes of transport, in line with planning policy objectives.

There are no concerns or objections raised by consultees, and therefore the issues raised by residents in relation to highway matters and noise disturbance cannot be substantiated, and thus the proposal is considered to be acceptable. Matters of design that could result in concerns such as privacy will be considered at the reserved matters stage when the details are submitted for consideration.

It is considered possible to achieve a residential scheme on this site without causing harm to the protected trees along the southern boundary, and therefore no objection is raised in this regard.

The Committee must consider the development proposed in the application and not any alternative proposals suggested by residents, within the terms of the planning legislation.

Planning obligations

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

- A contribution towards County education facilities would normally be required, and the County have confirmed that there is a need in this area to take contributions towards three schools – Harry Taylor First, Ridgeway Middle and Kingsley College;
- A contribution towards playing pitches, play areas and open space in the area, due to the increased demand/requirement from future residents, is required in compliance with the SPD;

- If the reserved matters application to follow proposes more than 14 units this Council would also require that 40% of the dwellings be provided as affordable units for social housing in line with SPD policy. A clause should be included in their provision to ensure the retention of the units for this purpose in perpetuity.

As noted above, a planning obligation cannot be entered into in this case, however these matters can all be achieved through the imposition of conditions.

Conclusion

The proposal is considered to comply with the planning policy framework and unlikely to cause harm to amenity or safety and as such is therefore 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. Time limit for commencement of development and for submission of reserved matters, including definition of reserved matters to follow
2. Planning obligation content requirements at reserved matters stage
3. Planning obligation content requirements if 15 or more units proposed at reserved matters stage (or any other policy threshold applying at time of determination)
4. Limit on operating hours during construction
5. Secured by design principles to be incorporated into reserved matters scheme and a statement submitted with application(s) to demonstrate how this has been done

Informatives

1. Lighting
2. Odour control
3. Highways
4. Secured by design – note comments of Crime Risk Manager.

Planning Committee

Lodge Park Ward

4 November 2008

2008/305/OUT

**OUTLINE RESIDENTIAL DEVELOPMENT
LAND AT WIREHILL DRIVE, LODGE PARK
APPLICANT: PROPERTY SERVICES, REDDITCH BOROUGH COUNCIL
EXPIRY DATE: 22 DECEMBER 2008**

Site Description (See additional papers for Site Plan)

Sloping piece of grass to rear of properties 1-7 Gaydon Close, located adjacent the Warwick Highway and Wirehill Drive.

Proposal description

This is an outline application for residential development with all matters reserved for future consideration (access, layout, scale, appearance and landscaping).

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
www.wmra.gov.uk
www.worcestershire.gov.uk
www.redditchbc.gov.uk

National Planning Policy

PPS1 (& accompanying documents) Delivering sustainable development
PPS3 Housing

Regional Spatial Strategy

UR4 Social infrastructure
CF5 Delivering affordable housing and mixed communities
QE3 Creating a high quality built environment for all

Worcestershire County Structure Plan

IMP1 Implementation of development

Borough of Redditch Local Plan No. 3

CS6 Implementation of development
CS7 Sustainable location of development
CS8 Landscape character
S1 Designing out crime
B(HSG).1 Housing provision
B(HSG).4 Density of development
B(HSG).5 Affordable housing
B(HSG).6 Development within or adjacent to the curtilage of an existing dwelling
B(BE).13 Qualities of good design
B(NE).6 Contaminated land
CT5 Walking routes
CT6 Cycle routes
R2 Protection of incidental open space

SPDs

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

Relevant site planning history

None

Public Consultation Responses

Responses in favour

None received

Responses against

7 comments received raising the following points:

- Mature hedgerow across site should be retained/protected
- 'Environmental'
- Previous history
- Increase in traffic would cause noise/disturbance/safety concerns
- Loss of green space
- Increase in noise from Warwick Highway due to loss of landscaping

Petition

A petition of 12 signatures has been received from residents raising concerns of subsidence, road safety, site history and loss of green space.

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

Consultation responses***Environmental Health Officer***

No objection subject to conditions regarding construction times and the submission of a noise assessment at reserved matters stage (relating to the detailed proposal) and informatives regarding lighting and odour control.

County Highway Network Control

No objection subject to informatives regarding the design of the future proposals

Crime Risk Manager

No objection subject to condition and informative to ensure that security and safety are designed into any scheme on this site

Drainage Officer

No response received

County Education Team

Identified need for contributions in relation to three local schools, in compliance with the adopted SPG

Severn Trent Water

No objection subject to a condition regarding drainage details

Procedural matters

This is an outline application with all matters reserved, and as such, only the principle of development can be considered at this stage, as no details are available. However, if there are reasons why the development could not be designed to be appropriate to the site, these can be raised as concerns at this stage.

The application plans and documents include an indicative layout, however this is for illustrative purposes only to demonstrate how the site *could* be developed, and not how it *would* be developed. This therefore has no weight in the determination of the application.

Under normal circumstances, some matters might be required through entering into a S106 planning obligation to ensure the provision of certain matters. However, in this case the applicant is the Council, and the Council as Planning Authority cannot enter into an agreement with itself as land owner. Therefore, in this case, conditions can be attached in the place of an obligation. Should the site be sold and then subsequent applications be made by the new owner/developer, then a planning obligation could be

entered into at that stage if necessary in order to ensure future control and provision of facilities as necessary.

Assessment of proposal

The key issue for consideration in this case is the principle of the development, as all other matters are reserved for future consideration. As part of this, matters regarding density, sustainability and planning obligations can be considered.

Principle

The site is mostly designated as Primarily Open Space within the Local Plan, where Policy R1 applies. A smaller portion of the site is undesignated within the Local Plan and thus can be considered as incidental open space under Policy R2. Policy R1 is a criteria based policy, whereby in assessing applications for development on Primarily Open Space certain factors will be taken into account. These factors and your Officers responses to these are listed as follows:

i), The environmental and amenity value of the area.

Given the topography of the land the site has no particular or notable amenity value.

ii) The recreational, conservation, wildlife, historical and visual and community amenity value of the site.

The site as a whole performs a visual open space function but has little wildlife etc. generally. It could be beneficial to retain some open space on the application site.

iii), The merits of retaining the land in its existing open use, and, the contribution or potential contribution the site makes to the character and appearance of the area.

The site makes a contribution to the open character and appearance of Wirehill Drive, however not all of the site would need to continue to be undeveloped to achieve this.

iv) The merits of protecting the site for alternative open space uses.

It would be difficult to suggest appropriate alternative open space uses on the site given the topography of the land.

v) *The location, size and environmental quality of the site.*

The location, size and quality of the open space is considered to be compromised by the sites close proximity to Wirehill Drive.

vi) *The relationship of the site to other open space areas in the locality and similar uses within the wider area.*

There are other open spaces within Lodge Park, including the Lodge Park Pool area, which lies within 300 metres of the site by means of the nearest footpath.

vii) *Whether the site provides a link between other open areas or a buffer between incompatible land uses.*

In this case the site neither provides a link between other open areas nor a buffer between incompatible land uses.

viii) *That it can be demonstrated that there is a surplus of open space and that alternative provision of equivalent or greater community benefit will be provided in the area at an appropriate, accessible locality.*

The Councils Open Space Needs Assessment shows that there is a deficit and therefore no surplus of open space in the Lodge Park ward.

ix) *The merits of the proposed development to the local area or the Borough generally.*

It is understood that the merits to the Borough generally are for a built leisure initiative.

The assessment of the site in relation to the above criteria has shown that the site performs a visual open space function and that it lies in a ward with a deficit of open space in relation to the Borough average. For these reasons your Officers consider that it would be important not to build on the whole of the site. It is considered that the triangular area which is incidental open space and subject to Policy R2 in the Local Plan should remain free from development. This serves to protect the hedgerow and maintain the visual amenity of the flatter area of the site in relation to Wirehill Drive.

The site measures 0.68ha and therefore development at a minimum of 30dph as recommended in PPS3 would result in at least 21 dwellings on this site. The surrounding character and pattern of development varies between approximately 36-60dph, and therefore it is considered that development could occur on this site in such a way that it would be acceptable and not inappropriate to the surrounding area.

Any impacts from development on this site in relation to noise clearly cannot be considered fully until a detailed design is proposed. Therefore, in order to enable full consideration of these issues at reserved matters

stage, it is recommended that a condition be attached requiring the submission of a noise assessment to accompany that submission.

Sustainability

The site lies within the urban area of Redditch, and is therefore considered to be in a sustainable location. The applicant has provided a plan demonstrating the links to the site with the cycle and public transport provision in the area, and it is considered that the site could be accessed by a variety of modes of transport, in line with planning policy objectives.

Planning obligations

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

- A contribution towards County education facilities would normally be required, and the County have confirmed that there is a need in this area to take contributions towards three schools – Oakhill First, Woodfield Middle and Trinity High;
- A contribution towards playing pitches, play areas and open space in the area, due to the increased demand/requirement from future residents, is required in compliance with the SPD;
- If the reserved matters application to follow proposes more than 14 units this Council would also require that 40% of the dwellings be provided as affordable units for social housing in line with SPD policy. A clause should be included in the agreement to ensure the retention of the units for this purpose in perpetuity.

As noted above, a planning obligation cannot be entered into in this case, however these matters can all be achieved through the imposition of a condition.

Other issues

There are no concerns or objections raised by consultees, and therefore the issues raised by residents in relation to highway matters and traffic noise cannot be substantiated, and thus the proposal is considered to be acceptable. Matters of design that could result in details are submitted for consideration.

Conclusion

The proposal is considered to comply with the planning policy framework and unlikely to cause harm to amenity or safety and as such is therefore considered to be acceptable.

Recommendation

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

1. Time limit for commencement of development and for submission of reserved matters, including definition of reserved matters to follow.
2. Planning obligation content requirements at reserved matters stage
3. Limit on operating hours during construction
4. Noise assessment to accompany reserved matters application unless made only for access or landscaping details.
5. Secured by design principles to be incorporated into reserved matters scheme and a statement submitted with application(s) to demonstrate how this has been done

Informatives

1. Lighting
2. Odour control
3. Highways
4. Sewer locations
5. Secured by design – note comments of Crime Risk Manager

Planning Committee

Astwood Bank and Feckenham Ward

4 November 2008

**2008/316/FUL INTERNAL ALTERATIONS AND ADDITION OF CONSERVATORY TO REAR TO ENABLE WHOLE OF PREMISES TO BE USED AS A RESTAURANT
1207 EVESHAM ROAD, ASTWOOD BANK
APPLICANT: MR R SEED
EXPIRY DATE: 26 NOVEMBER 2008**

Site Description

(See additional papers for Site Plan)

The site is situated on the eastern side of Evesham Road adjacent to but outside of the defined District centre for Astwood Bank which is situated on the western side of Evesham Road as defined in the adopted Borough of Redditch Local Plan No.3. The existing bungalow has up until recently, been operating partly as a restaurant by the name of 'Barrington's' retaining a small part of the bungalow for residential use.

Existing hard standings to the front and rear of the bungalow provide space for car parking. Access to the bungalow is directly off Evesham Road.

Proposal description

This application seeks planning permission for internal alterations to the bungalow which would enable the whole of the property to be used for restaurant use. The most recent consent on the property enabled only partial change of use from residential, to a restaurant. The application also seeks planning permission for the erection of a small lean- to conservatory to the rear of the bungalow to be used for dining purposes as part of the restaurant. The proposed conservatory measures 7 metres in length, and would project 2 metres out into the rear garden area. Its maximum height would be 2.8 metres.

For members information, Barrington's restaurant is now closed and no longer open for business. It is understood that the prospective purchaser of 1207 is an Indian restaurant.

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.redditchbc.gov.uk

Planning

Committee

4 November 2008

Borough of Redditch Local Plan No.3

CS7 Sustainable location of development

B(NE).4 Noise

E(TCR).9 District Centres

E(TCR).12 Class A3, A4 and A5 Uses

C(T).12 Parking Standards

SPDs

Encouraging good design

Relevant site planning history

2006/048 Partial change of use of bungalow to a restaurant . Approved
15.3.06

Public Consultation responses

Responses in favour

None received

Responses against

None received

Consultee responses

County Highway Network Control

Comments awaited

Environmental Health

No adverse comments raised in respect of proposals

Assessment of proposal

The key issue for consideration in this case is the principle of the development, and the impact of the proposals upon residential amenity.

Principle of development

Members may recall planning application 2006/048, which was presented before planning committee on 7th May 2006. This application, which proposed the part change of use from a bungalow in residential use to that of a restaurant, was recommended for refusal by Officers at that time, but the application was supported and approved by the Planning Committee. Planning permission was granted for a scheme which retained a front portion of the bungalow (that nearest to Evesham Road) for residential use, but allowed the change of use of the rear part of the bungalow to a restaurant use. Other than the standard condition requiring that works start within 3 years from the date of the planning consent, other conditions attached to the permission restrict the use to A3 (restaurant) use only; restrict hours of opening to between 11.00 to 23.30 hrs on Mondays to Saturdays, and from 12 noon to 18.00 hrs on Sundays. The final condition requires the applicant to submit a scheme for the minimisation of emissions arising from cooking odour from the premises.

Your Officers had recommended the refusal of application 2006/048 on the basis that the proposal would constitute an unacceptable and incompatible commercial use in this predominantly residential part of Astwood Bank which was considered to be to the detriment of living conditions and amenities of adjoining residents and therefore contrary to Policy E(TCR).12 of the Local Plan. Given that the site is also outside of the District Centre, Officers considered that the proposal would be contrary to Policy E(TCR).9 which seeks to maintain the existing centre on the western side of Evesham Road.

The application as submitted in 2006 was presented as a tea room facility (which falls within Class A3 of the Use Classes Order as does a restaurant). Members on balance considered that the existing lack of a tea room or village restaurant facility in Astwood Bank would add to the vitality of the village centre, notwithstanding that the site was situated just outside of the district centre boundary. In addition, members considered that the site was in a sustainable location and could be accessed by a variety of modes of transport. The presence of on-site car parking together with the availability of car parking nearby and to the immediate North of the Sambourne Lane road junction meant that the proposal was not considered to be detrimental to highway safety.

Whilst the principle of a restaurant use on the eastern side of Evesham Road is therefore established, it is important to examine any wider impacts upon nearby residential amenities.

Impact of the proposal upon residential amenity.

The proposed conservatory to the rear is considered to be small in size, and the structure itself meets relevant criteria contained within the council's adopted SPG 'Encouraging Good Design'. As such the structure itself would not give rise to any adverse overbearing, overshadowing

impact upon nearby neighbours, nor would it adversely impact upon the character and appearance of the existing bungalow.

By using the space created by the introduction of the small conservatory, together with the use of the two small rooms the front of the building, (shown on the approved plan for 2006/048 to be retained for residential use) for dining as part of the revised restaurant floor layout, this would appear at first glance to represent an intensification of use. Your Officers, having discussed the application proposals with the applicant are however satisfied that no material intensification of use would occur, and that by placing appropriate conditions on any planning consent, the wholly restaurant use now being proposed, can be more adequately controlled, than is the case at present.

Under this application, the number of 'covers' (place settings) within the restaurant would be 38, which is the same as at present. The applicant has stated that they would be happy for any condition of approval to restrict the number of covers to 38. No such condition currently exists at present and as such, further tables and chairs could be moved into the existing building, without consent. In addition, no condition currently exists which restricts any outdoor seating area which has been known to occur in the past and has been difficult to enforce against. Such a clear condition restricting any outdoor seating could be attached to this current proposal, should members be minded to approve, which would help control noise spill, a complaint from neighbours received by your Officers in respect to application 2006/048.

Since the approval in 2006, the premises have chiefly been operating as a 'cafe' style establishment. By its nature, such a use will more often than not have table and chair settings closer together than would be the case with a restaurant. The submitted floor plan shows that relatively large spaces would exist between tables, and your Officers consider that on balance a restriction on a maximum number of covers to 38 would be reasonable. The use of the conservatory if permitted would seat 8 diners on two tables of 4. Such an arrangement, within the confines of a conservatory is considered to be acceptable.

The proposals would utilise the centrally placed door in the Evesham Road facing, front elevation for customer access / exit to and from the building. Under the approved scheme, due to the residential use to the front of the building, this door has not been used by customers, who instead use the existing door to the south facing elevation causing what is considered to be greater harm to residential amenity in terms of noise disturbance (particularly to the occupiers of number 1209 Evesham Road).

With regards to parking there is considered to be no material intensification of use associated with the proposal, so long as any condition restricts the numbers of covers to 38, so as before, parking provision and having regard to the sustainable location of the site, is considered to be acceptable. In respect to the issue of parking, your

Planning Committee

4 November 2008

officers would draw Members' attention to the application for a new dental surgery at the vacant plot between 1201 and 1205 Evesham Road, just to the north of this site. Permission was refused for this proposal by Planning Committee in 2005 due to the considered inadequacy of parking at the site but was later allowed on appeal by the Planning Inspector.

In addition to the conditions referred to above, your Officers would recommend that the following matters be addressed as conditions to any permission:

- No takeaways or deliveries from the premises (a separate A5 consent would be required for this)
- The premises shall be closed and cleared of customers and no deliveries of goods to the premises shall take place outside the hours of 11.00 to 23.30 hrs on Mondays to Saturdays and from 12.00 to 18.00 hrs on Sundays
- In the case of any changes to cooking equipment operations, the prior written approval of the Local Planning Authority should be sought.
- Customer entrance to the premise to be via the front (west facing) elevation to the premises only

Conclusion

Having carefully examined the proposals, your Officers are satisfied there would be no increased detriment to the residential amenities enjoyed by the occupiers of nearby properties by granting consent. Approval of this scheme subject to the inclusion of conditions as outlined in the recommendation will enable your Officers to more successfully control use at the site than is the case at present and consider that permission should be granted.

Recommendation

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

1. Time limit for commencement of development (three years)
2. Restriction of use to A3 only and no takeaways or deliveries from the premises
3. The premises shall be closed and cleared of customers and no deliveries of goods to the premises shall take place outside the hours of 11.00 to 23.30 hrs on Mondays to Saturdays and from 12.00 to 18.00 hrs on Sundays
4. In the case of any changes to cooking operations, the prior written approval of the Local Planning Authority should be sought for means of cooking odour / extraction equipment.
5. Customer entrance to the premise to be via the front (west facing) elevation to the premises only

Planning Committee

4 November 2008

6. Maximum number of covers (limited to 38).
7. No outdoor seating / dining to take place outside of the building
8. Development to be in accordance with submitted floor plan layout – drawing number sk 0105 001

Planning Committee

Winyates Ward

4 November 2008

INFORMATION ITEM

(Report of Acting Head of Environment & Planning)

1. **Purpose of Report**

To receive an item of information in relation to an outcome of an appeal against a planning decision.

2. **Recommendation**

**The Committee is asked to RESOLVE that
the item of information be noted.**

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

3.1 There are no financial, legal, policy or risk implications for the Council.

Report

4. **Background**

4.1 Planning Application file.

5. **Consultation**

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

6. **Other Implications**

There are no perceived impacts on Asset Management, Community Safety, Human Resources, Social Exclusion or Sustainability.

7. **Author of Report**

The author of this report is Ruth Bamford (Acting Head of Planning & Building Control), who can be contacted on extension 3219 (email: ruth.bamford@redditchbc.gov.uk) for more information.

11. **Appendices**

Appendix 1 - Outcome of Appeal against a Planning Decision

OUTCOME OF APPEAL AGAINST A PLANNING DECISION

Reference: 2008/058

Proposal: Variation of condition 14 of planning application 2007/313 to increase the permitted opening hours of builders merchant Buildland, Oxleasow Road, East Moons Moat

(Winyates Ward)

The application sought permission for a builders merchants without complying with a condition attached to planning permission 2007/313. The condition was No.14 which stated that the hours of opening shall be limited to between:-

07:30 to 17:00 hours Monday to Saturday
10:00 to 14:00 hours Sundays, and the premises shall not be open for business on Public and Bank Holidays

Members may recall that planning permission was refused for the above development in April this year. The reason for refusal was based on the increased activity during Bank and Public Holidays that would generate additional noise in the area hindering the amenities of the neighbouring residential occupiers.

The applicants appealed against this decision and put a case forward as to why the variation of the condition should be allowed. As part of the appeal process, neighbouring residential occupiers submitted representations against the development.

The Inspector understood the issues of the appeal to be that the development would alter in such a manner that it could be incompatible with the designation of the site and its surroundings as a primarily employment area. Also, in relation to the intended opening hours, the development would lead to an unacceptable loss of amenity for nearby residents, due to noise and disturbance.

With respect to the change towards more of a DIY use, it was accepted by the Inspector that whilst some of the products sold at the appeal site could also be sold in a DIY store, such premises also sell furniture, electrical goods, lighting and the like. Whereas with the appeal site the Inspector was content that the development appeared to be fully anchored in the building trade.

The Inspector accepted that the retail element of trading would be greater on bank and public holidays than at normal weekday times, but would be added to that which already occurs on Saturdays and Sundays. In addition, the Inspector also believed that relaxing the opening times would maximise employment generating potential.

With respect to noise and disturbance, the Inspector observed that operations within the yard were clearly audible from the rear of properties in Foxcote Close and that there are no barriers to the transmission of noise. The Inspector accepted the Council's view that noise which already causes complaint should not be acceptable on public holidays which may be valuable to resident's peace and quiet. However, the Inspector noted the applicant's suggestion of a condition to ensure that no moving, sorting or stacking stock in the open yard takes place on public and bank holidays. The Inspector considered that this would remove the potential for harm to and complaint from neighbours.

The Inspector considered all the arguments put forward and **ALLOWED** the appeal with the following conditions:

- 1) The use hereby permitted shall not be open to customers outside the following times:-

07:30 to 17:00 hours Monday to Saturday
10:00 to 14:00 hours on Sundays.
- 2) No machinery shall be operated, nor shall any goods or materials be moved, within the open yard on any bank or public holiday.
- 3) The premises shall not open on a bank or public holiday unless notices have been erected in such a form as to give effect to condition 2, and in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

The final paragraph of the appeal decision states that a restriction of movement within the yard area would be a necessary condition. To be effective, it would be necessary that the requirements of condition 3 should be prominently advertised on the site at all times. Whilst officers appreciate the Inspector's approach to this matter, this sentiment is not clearly reflected in condition 3. There is concern that the condition is inefficient and creates ambiguity as it does not specify that the sign would be erected at all times. To date, no details of the notices have been submitted by the applicant to discharge condition 3 and a public holiday has taken place since the appeal decision. It is intended that officers will be negotiating with the agent / applicant to ensure notices are erected on site, and monitoring will also continue.

Planning Committee

Headless Cross and Oakenshaw Ward

4 November 2008

ENFORCEMENT OF PLANNING CONTROL

(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 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 reports.

Legal

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

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

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

Policy

- 3.6 Policy implications are as detailed in the individual report(s), the Planning Enforcement Policy and as set out in the Borough of Redditch Local Plan No. 3.

- 3.7 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 Report(s)).

(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.

Document is Restricted

Planning Committee

Headless Cross and Oakenshaw Ward

4 November 2008

ENFORCEMENT REPORT - 1 – 2008/025/ENF

Erection of extension to side Castleditch Lane, Oakenshaw, Redditch

1. Background / Key Issues

- 1.1 This matter comes before your Committee with regard to the construction of an unauthorised extension to the side of these commercial premises, currently operating as a hot food takeaway.
- 1.2 On the 28 February 2008, your Enforcement Officer noted the unauthorised extension at these premises whilst investigating other matters. The property is a standalone red brick built building with a dual pitched roof situated opposite the local community centre and close to designated public open space and a special wildlife site. The extension was particularly noticeable as it had been constructed with a flat roof using white Upvc cladding material and did not match the adjacent building.
- 1.3 A check of the records revealed that no application had been received for any extension to the property, and on the 1 March 2008 your Enforcement Officer issued a planning contravention notice with a view to identifying the owner or occupier. Separate investigations revealed however that the occupier of the property was in the Far East following a family bereavement.
- 1.4 On the 22 May 2008, I was contacted by a planning agent who advised me that he had been instructed to deal with the matter. Due to difficulties in communicating with his client, he asked for a period of grace in which to submit the planning application, which was agreed at 8 weeks maximum.
- 1.5 On the 17 October 2008, a check of the records revealed that no application had been received, and a site visit by your Enforcement Officer confirmed that the extension was still in situ.

2. Conclusion

- 2.1 The Agent in this matter has been contacted again and a response is awaited. It is not certain however as to whether or not he is still instructed to act for the owner.

- 2.2 The extension as built is not certain to be approved as the materials used do not match the existing brick and tile building. Your Officers also consider that the appearance of the extension not only adversely affects the appearance of the existing building, but is also detrimental to the visual amenity of the surrounding area. Your Officers consider that enforcement action may be needed to secure its removal.

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, without planning permission, the erection of a side extension. Enforcement action would be by way of the serving of an Enforcement Notice and the instigating of prosecution proceedings if necessary in the event of any failure to comply with any requirement of that Notice.