

Planning Committee

Tue 2 Dec
2008
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

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

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

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

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- Access to a 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

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Minicom: 595528

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

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

‘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, 2 December 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 Acting Director of Environment and Planning (Pages 1 - 2)</p>	<p>To consider five applications for planning permission. (Items below refer.) (Covering report attached) (Various Wards)</p>
<p>4. Planning Application 2008/322/COU - Land at Charles Martin Business Park, Arrow Road North, Lodge Park (Pages 3 - 8)</p>	<p>To consider a Planning Application for temporary change of use of two industrial units and yard to car sales for three years. Applicant: Broadbent & Green (Report attached) (Lodge Park Ward)</p>
<p>5. Planning Application 2008/326 - 5A Dark Lane, Astwood Bank (Pages 9 - 12)</p>	<p>To consider a Planning Application relating to retrospective permission for an external canopy over a cellar entrance. Applicant: Astwood Bank Club (Report attached) (Astwood Bank and Feckenham Ward)</p>
<p>6. Planning Application 2008/328 - The Oaks Centre, Cherry Tree Walk, Batchley (Pages 13 - 16)</p>	<p>To consider a Planning Application in relation to the retention of a temporary building. Applicant: Mr R Gilbert – NEW College (Report attached) (Batchley Ward)</p>

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<p>7. Planning Application 2008/330 - Land adjacent to 125 Plymouth Road, Southcrest</p> <p>(Pages 17 - 22)</p>	<p>To consider a Planning Application for a proposed detached dwelling.</p> <p>Applicant: Mr D Bush, Oakside Property Ltd</p> <p>(Report attached) (Central Ward)</p>
<p>8. Planning Application 2008/331 - High Trees, Dark Lane, Astwood Bank</p> <p>(Pages 23 - 32)</p>	<p>To consider a Planning Application for the retention of existing property, demolition of outbuildings and development of 5 dwellings with associated access and amenity. (Resubmission of Outline Applicant 2008/125.)</p> <p>Applicant: Mr B Hands, Bradley Design Homes.</p> <p>(Report attached) (Astwood Bank and Feckenham Ward)</p>
<p>9. Improvement Works to Market Area - Monitoring Information report on Permission 2008/067/RC3</p> <p>Acting Director of Environment and Planning</p> <p>(Pages 33 - 42)</p>	<p>To inform Members of the Committee on the implementation and monitoring thereof of a previously approved Planning Application in respect of Improvement Works to the Market area.</p> <p>(Report attached) (Abbey Ward)</p>
<p>10. Information Report</p> <p>Acting Director of Environment and Planning</p> <p>(Pages 43 - 44)</p>	<p>To an item of information relating to the outcome of an appeal against a planning decision.</p> <p>(Report attached) (Headless Cross and Oakenshaw Ward)</p>
<p>11. Enforcement of planning control</p> <p>Acting Director of Environment and Planning</p> <p>(Pages 45 - 48)</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 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>

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<p>12. Enforcement Report 2008/242ENF – Weights Lane, Bordesley (Pages 49 - 50)</p>	<p>To consider a breach of Planning Control in respect of an unauthorised advertisement board situated within the Green Belt.</p> <p>(Report attached)</p>
<p>13. Exclusion of the Public</p>	<p>During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7 of Part 1 of Schedule 12 (A) of the said Act, as amended.</p>
<p>14. Confidential Matters (if any)</p>	<p>To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)</p>

Planning Committee

Various Wards

2 December 2008

APPLICATIONS FOR PLANNING PERMISSION

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

1. Purpose of Report

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

2. Recommendation

The Committee is asked to RESOLVE that

having regard to the development plan and to other material considerations, the attached applications be determined.

3. Financial, Legal, Policy and Risk Implications

3.1 Financial : None.

3.2 Policy : As detailed in each individual application.

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

3.5 Risk : As detailed in each individual application.

4. Report

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

5. Background Papers

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

Planning Committee

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6. **Consultation**

Consultees are indicated for each individual proposal.

7. **Other Implications**

Asset Management Not normally applicable.

Community Safety: As detailed within each specific report.

Human Resources: None.

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

Sustainability: As detailed within each specific report.

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

Lodge Park Ward

2 December 2008

**2008/322/COU RETROSPECTIVE APPLICATION FOR TEMPORARY CHANGE OF USE OF TWO INDUSTRIAL UNITS AND YARD TO CAR SALES FOR THREE YEARS
LAND AT CHARLES MARTIN BUSINESS PARK, ARROW ROAD
NORTH, REDDITCH
APPLICANT: BROADBENT & GREEN
EXPIRY DATE: 27 NOVEMBER 2008**

(See additional papers for Site Plan)

Site Description

The application site is located within a Primarily Employment Area as defined within the Borough of Redditch Local Plan, and lies to the North-East of and adjacent to the former 'Maries and Coulson' factory, now part of the Charles Martin Business Park.

Immediately to the north of the site lies the Coventry Highway. Brook Street lies approximately 70 metres to the south, and to the west lie the nearest residents – numbers 77 to 103 Arrow Road North which form a row of semi-detached and detached dwellings. The nearest of these, number 93 is situated approximately 100 metres from the application site.

The site is roughly rectangular in shape and measures approximately 36 metres in length, by 26 metres across, at its widest point. The area is mainly flat and is bounded on all sides by security fencing. Access to the site is via Arrow Road North.

Proposal description

This application, which is retrospective, is for temporary change of use (three years) for car sales.

It is proposed to use the two completed industrial units approved under application 2005/042 for car sales (stated as Units 4 and 5 on the approved plan), together with an adjacent open area within the site as a proposed car sales compound. It is the proposed car sales compound area which would have sited Units 1, 2 and 3 (had they been built). Staff and visitor car parking would be provided on the car parking area in accordance with the site layout plan approved under application 2005/042.

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

PPS 1 Delivering Sustainable Development
 PPG 4 Industrial and commercial development and small firms
 PPG 13 Transport

Regional Spatial Strategy

T7 Car Parking Standards and Management

Worcestershire County Structure Plan

D19 Employment Land Requirements

Borough of Redditch Local Plan No.3

E(EMP).3 Primarily Employment Areas
 E(EMP).3a Development Affecting Primarily Employment Areas
 B(BE).22 Temporary Buildings and Uses
 C(T).1 Access to and within development
 C(T).12 Parking Standards

Relevant site planning history

2005/042	5 no. light industrial units	Approved	22/03/2005
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Public Consultation responses

Responses in favour

None.

Responses against

10 comments received raising the following concerns:

- Would be unhappy if vehicles were allowed to park along Arrow Road North as this would cause problems with congestion.
- People who work in the Industrial Units opposite park on both sides of the road at present making it difficult for other road users to gain access to other industrial units / residential properties.
- Arrow Road North is busy enough as it is with traffic – this proposal will make matters worse and will impact upon highway safety.
- If they are allowed to do this others may wish to do the same.

- Lack of manoeuvring space for vehicles.
- If allowed to trade 7 days a week, the proposal will have an adverse impact on neighbour's amenity.

Consultee Responses

County Highway Network Control

No objections.

Environmental Health Officer

No objections

Police Crime Risk Manager

Comments awaited.

Assessment of proposal

The key issues for consideration in this case are the principle of the proposed development, and its potential impact upon nearby residential amenities having regard to highway safety concerns.

Principle of development

The site is within an area designated as a Primarily Employment Area in the Borough of Redditch Local Plan where the primary aim of Policy E(EMP).3 is to maintain uses within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (amended 2005) and to safeguard employment land. The Policy also allows for certain 'sui generis' employment type uses where those uses are considered to be compatible with the site and adjacent uses having regard to the nature of the use and the location of the site.

In this case planning permission is being sought for the change of use from a B1 use to a sui generis use (car sales).

This once vacant site was granted planning permission in 2005 for the erection of 5 no. portal frame light industrial units with metal clad (dark brown) finish. Of the 5, two have been erected, which are referred to as Units 4 and 5. The applicant wishes to postpone the construction of the remaining three approved units to allow a temporary use of the completed two units and site of the (yet to be built) Units 1, 2 and 3 for car sales for three years. The developer intends to complete the remaining three units on cessation of the temporary car sales use.

The proposed sui generis use is in this case considered to be a compatible use having regard to neighbouring uses, and such a use would be expected to locate within such an area. Indeed, such a use would not be considered an acceptable use in either a residential area nor a retail area, leaving an employment area as the only viable alternative. It is considered to be a quasi employment use in that one full-time and 2 part-time members of staff would be employed

Impact upon residential amenity

From your Officers visits to the site, the existing car sales operation appears to be operating from the site without detriment to nearby uses. Cars for sale are located wholly within the site in the area specified as the car sales compound, with the staff / visitor car parking area which provides space for 10no. cars being available for use. Your Officers have not observed the parking of any vehicles in connection with this existing use within the residential part of Arrow Road North. Amenities enjoyed by the nearest dwelling which is situated approximately 100 metres distant of the application site, immediately beyond the employment site's Western Boundary do not appear to be prejudiced by the current car sales use, an opinion shared by the Council's Environmental Health Officer. In addition, the County Councils Highway Network Control do not raise any objections to the proposals. Whilst your Officers appreciate the close proximity of residential development to that of Industrial uses to the East of Arrow Road North, your Officers consider that there are other existing lawful B2 / B8 uses within closer proximity to the occupiers objecting to this application, which are more likely to impact upon amenity than this car sales use.

The applicant's agent correctly states that Policy B(BE).22 deals with temporary buildings and uses. Under this policy, temporary uses of land are considered on their merits. In support of the proposal, the applicant's agent states that the present economic climate makes it difficult for the owners to complete the approved light industrial units with any expectation of getting tenants.

Conclusion

It is considered that this retrospective proposal is compliant with the relevant planning policies outlined in this report, and would be unlikely to cause detriment to the amenities enjoyed by surrounding residents. As such, the proposal is considered to be acceptable provided that any consent is temporary and is restricted to three years only. Given that the proposal is located within an employment site, your Officers would consider it unreasonable to restrict hours of opening more so than that wished for by the applicant – (0800 to 1800 hrs daily).

Recommendation

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

- 1) Temporary consent – 3 years only.
- 2) Car sales to take place solely within 'car sales compound area' and in existing Units 4 and 5 as shown on site plan scale 1:200 submitted with this application.
- 3) Visitor and staff car parking area to be restricted to Western part of the site as shown on site plan scale 1:200 and demarcated as shown on site plan scale 1:500 (Plan B) submitted with this application.
- 4) Hours of opening to be restricted to 0800 to 1800 hrs daily.

Planning Committee

Astwood Bank and Feckenham Ward

2 December 2008

2008/326/FUL EXTERNAL CANOPY OVER CELLAR ENTRANCE
5A DARK LANE, ASTWOOD BANK, REDDITCH
APPLICANT: ASTWOOD BANK CLUB
EXPIRY DATE: 3 DECEMBER 2008

(See additional papers for Site Plan)

Site Description

Site consists of a club house building off Dark Lane. Car parking and vehicular access exists at the front of the club house building. Houses (off Dark Lane) face the side of the club building and car parking area whilst The Coach House (private dwelling) is attached to the club house building.

Proposal description

Last year a simple roof structure of a similar design to a car port, made from timber and perspex was attached to the existing fencing and wall of the club house. This structure has been erected to the north of the club house building creating a covered area. It is understood that this was intended to be used as a dry store area for beer barrels and a dry access to the cellar. The structure measures approximately 3.1m by 3.3m maximum and the perspex roof is approximately 2.5 metres from ground level.

Retrospective permission is now sought for this structure as a canopy over the cellar entrance.

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

B(BE).13 Qualities of Good Design.

S.1 Designing Out Crime.

B(NE).4 Noise.

CS.1 Prudent Use of Natural Resources.

SPG Encouraging Good Design

Relevant site planning history

Appn. no	Proposal	Decision	Date
2008/149	Retrospective application: Outdoor seating area with electronic awning	Approval subject to conditions	16 July 2008

Public Consultation responses

Responses against

2 letters received raising the following points:

- Structure was erected at the time smoking inside buildings was banned. The structure has been used as an area to sit outside and smoke till late. Objector lives across the road from the site (bedroom windows approximately 13 m from the shelter) and has suffered significant noise and disturbance. Do not object to the structure, but do object to it being used as smoking / sitting / talking area.
- Also, 4 November 2008, objector can confirm that the structure was being used in the early evening as a sitting / smoking area, with the heater on too. Concern that the club are intent on using the facility as a smoking shelter despite change in club members' rules.
- Another objector lives in the dwelling adjoining the club house whereby the first floors of these two buildings are attached. The structure was used last year in the winter as an informal smoking area, and the smell of cigarette smoke and unacceptable late night noise was noted. The dwelling is built directly onto the Lane and the bedroom and bathroom window adjoin the club, making the occupiers particularly vulnerable to this disturbance. Unconvinced

that the club are able to prevent people congregating there regardless of any potential commitment to do so.

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

No comments received.

Crime Risk Manager

No comments received.

Assessment of proposal

Members may recall that as a result of determining planning application 2008/149, several conditions were imposed that included a condition to ensure that this structure and associated paraphernalia such as heater, table and chairs etc be removed within 3 months from the date of the decision notice. The structure is still there including the heater, and the 3 months required to remove the structure has now lapsed. It is assumed that the purpose of this application is to regularise the development although it is intended that the heater will be removed as part of this application. (There were also other elements to the previous application)

The Design and Access Statement states that the structure will be used as weather protection for the cellar entrance at the club. It is understood that members have been advised under the club's rules that this area should not be used as a smoking area.

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

Principle

Whilst planning permission has been granted for a smoking area under application ref 2008/149, the objections submitted under that application mainly related to the use of the structure now being considered under this application. When considering the previous application, officers considered it appropriate to impose a condition to require this structure to be removed in order to avoid confusion as to which structure should be used for smoking purposes, and to resolve concerns raised by neighbouring occupiers.

Therefore, to retain the structure in its current form regardless of its use, will always be a potential for this structure to be used for smoking due to its open design. As such, the development would continue to have a detrimental impact on the amenities of neighbouring occupiers in terms of noise and disturbance. Therefore, the principle of retaining the structure as it stands would not be considered favourably by officers.

However, given that the intended purpose of this structure is to create a dry entrance to the cellar, and an area for the beer barrels, it is considered that if the shelter were to be fully enclosed with a double door arrangement, this would ensure a dry entrance is maintained for the cellar entrance, and would prevent people from smoking / talking / loitering in this particular area.

If this arrangement could be incorporated as an amendment to this application, it is possible that officers would consider this revised proposal to be acceptable. Officers have requested these amendments and the agent is discussing this proposal with the applicant. At the time of drafting the report no details had been submitted to show this revision. However, should the patrons still choose to smoke or talk etc outside the potential double doors, planning officers would not be able to control this activity.

Sustainability

It is shown on the plans that the heater would be removed. Officers would encourage this work in order to comply with Policy CS.1 of the Borough of Redditch Local Plan No.3 which encourages the prudent use of natural resources.

Conclusion

The proposal is considered to be compliant with policy and unlikely to cause harm to amenity providing that it is not used for smoking or loitering, and therefore is considered to be acceptable subject to conditions to prevent its use as a smoking shelter.

Recommendation

Having regard to the provisions of the development plan and other material considerations, it is recommended that authority be delegated to the Acting Head of Planning and Building Control to GRANT planning permission subject to the receipt of suitably amended plans showing the structure fully enclosed with double doors and subject to the following conditions:

- 1 Amended plans specified.
- 2 The heater shall be removed within 1 month from the date of the decision notice.
- 3 No chairs / tables / heaters etc shall be erected in front of the double doors of the enclosed structure.
- 4 Doors to be provided within two months of the date of the decision and thereafter maintained in situ for the lifetime of the development

Planning Committee

Batchley Ward

2 December 2008

2008/328/FUL RETENTION OF TEMPORARY BUILDING
THE OAKS CENTRE, CHERRY TREE WALK, BATCHLEY
APPLICANT: MR R GILBERT – NEW COLLEGE
EXPIRY DATE: 5 DECEMBER 2008

(See additional papers for Site Plan)

Site Description

The area is designated as Primarily Open Space within the Borough of Redditch Local Plan No 3 and lies within the grounds of Batchley First School which is owned by Worcestershire County Council. The surrounding area is predominantly residential.

Proposal description

This application seeks consent for the retention of a temporary building which was erected in May 2002. The building is constructed around a steel frame with insulated plywood elevations (15.30 metres in width, 10.22 metres in depth and 3.7 metres in height). It has UPVC windows and a felt and tar roof with a very slight pitch.

The accommodation consists of two main teaching areas and male/female/disabled toilets facilities and some storage area.

The application is supported by a Design & Access Statement, which attempts to justify the importance of the use of the building as a successful learning centre for adults by way of offering a variety of courses. The statement also mentions that the facility is also used by Batchley Support Group, Surestart, Redditch Community Mental Health and West Mercia Police.

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

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2 December 2008

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

CTC.1 Landscape Character.
SD.2 Care for the Environment.

Borough of Redditch Local Plan No.3

B(BE).22 Temporary Buildings and Uses
R.1 Primarily Open Space
B(BE).13 Qualities of Good Design
C(CF).1 Community Facilities

Relevant site planning history

Appn. no	Proposal	Decision	Date
2002/001 County Council Consultation	Double Mobile Classroom for 3 years for use as a Community IT/Learning Centre	Approval	24/09/2003

Public Consultation responses

None.

Consultee responses

County Highway Network Control

No comments received.

Crime Risk Manager

No comments received.

Worcestershire County Council (as landowner)

No comments received.

Assessment of proposal

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

Principle

The temporary building, the subject of this application, was placed in the school grounds in May 2002 following approval by the County Council. Redditch Borough Council were consulted on the application and did not object to the proposal being implemented for a period of three years. Temporary permission was granted for a period of three years, which would have expired in May 2005. No subsequent application was made after the three years for the retention of the building.

The retention of this temporary building would be contrary to Policy B(BE).22 of the Borough of Redditch Local Plan No 3. This policy seeks to limit the use of temporary buildings to a maximum period of two years in order that more permanent solutions be found.

However, the information provided in the Design and Access Statement demonstrates that the Oaks Centre has been successful in providing learning opportunities for adults. In a number of cases, individuals who have attended courses here have been successful in seeking employment.

When the college is not using the building there are opportunities for Surestart and the Batchley Support Group to make use of the facility.

Design and layout

The building is easily accessible, however the quality of its appearance and materials is such that officers would not support its permanent retention, and would encourage its replacement with a more permanent building appropriate to the site and surroundings in its design and materials.

Landscaping and trees

There is a large tree growing in front of the building, adjacent to the public footpath. There is also a metal fence around the building which was erected at the same time as the building. There is plenty of room for improvement in terms of the landscaping around the building, for example, the planting of a hedge inside the fencing would provide screening from the road and residential properties. Should a permanent building be applied for, these matters could be dealt with in the long term.

Highways and access

The unit is accessible from the main road by means of a footpath, and provision has been made for the less able by the provision of a ramped access.

The Design and Access Statement mentions that the two members of staff and 40% of the students attending the courses use their cars to travel to the Centre, for which there is no car parking provision. However, this complies with adopted parking standards within the Local Plan and as the building is located within the community which it serves, this is considered to be acceptable.

Conclusion

It is considered that whilst this temporary building is contrary to Policy, the information provided demonstrates that there is a need for this facility for the local community in this area of the Town and therefore on balance, the provision of facilities outweighs some of the harm caused by the building and its non-compliance with policy.

Recommendation

Having regard to the development plan and to all other material considerations, temporary planning permission be GRANTED for a period of two years, subject to the following condition:

- 1) Permission to cease 2 December 2010.

Planning Committee

Central Ward

2 December 2008

2008/330/FUL **PROPOSED DETACHED DWELLING
LAND ADJACENT TO 125 PLYMOUTH ROAD, SOUTHCREST
APPLICANT: MR D BUSH, OAKSIDE PROPERTY LTD
EXPIRY DATE: 8 DECEMBER 2008**

Site Description

(See additional papers for Site Plan)

The site currently forms part of the garden area of No.125 and substantially slopes up from the roadside. Existing car parking and a garage for No.125 is currently being provided on this land.

There is a difference in levels of approximately 1 metre between No.125 and 123, with No. 123 set at the lower level. Most properties along this road are elevated with car parking facilities generally provided at the foot of the slope and either built into the land or on the natural gradient of the land.

Proposal Description

Full planning permission is sought for a detached dwelling on land at the side of No.125 Plymouth Road.

The dwelling would be two storey and set level with the front wall of No.125. The dwelling would provide kitchen/diner and lounge facilities at ground floor level with 3 bedrooms and en-suite facilities at first floor level.

Off street car parking for the dwelling and No.125 Plymouth Road would be provided in the front garden area of the two properties and would be in the form of two car parking bays. 2 car parking spaces would be provided for each dwelling.

A 1 metre side spacing is proposed at the side of the dwelling and the site boundary adjacent to No.125. The application is supported by a Design and Access Statement which states that this side access would enable the removal of house and garden refuse from its storage place to the rear of the dwelling. Adequate garden space would be provided for the dwelling, and adequate garden space would be maintained for No.125.

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

PPS.1 (& accompanying documents) Delivering sustainable development
PPS.3 Housing

Regional Spatial Strategy

CF2 Housing beyond Major Urban Areas
CF3 Level and Distribution of New Housing Development
CF5 The re-use of land and buildings for housing
CF6 Making efficient use of land
T2 Reducing the Need to Travel
T7 Car Parking Standards and Management

Worcestershire County Structure Plan

SD.3 Use of previously developed land
SD.4 Minimising the Need to Travel
T.4 Car Parking

Borough of Redditch Local Plan No. 3

CS.3 Use of Previously Developed Land
CS.4 Minimising the Need to Travel
CS.7 The Sustainable Location of Development
B(HSG).6 Development within or adjacent to the curtilage of an Existing Dwelling
B(BE).13 Qualities of Good Design
B(BE).14 Alterations and Extensions
C(T).2 Road Hierarchy
C(T).12 Parking Standards

Borough of Redditch Supplementary Planning Guidance (SPG) on Encouraging Good Design.

Relevant Site Planning History

Appn.no	Proposal	Decision	Date
2005/306	Proposed pair of semi-detached houses	Withdrawn	12.8.05

Members may recall that in 2005 a planning application was submitted for two dwellings on this site. The issues with that particular application were that the proposal did not fully comply with the 1 metre spacing requirement set out in the SPG on Encouraging Good Design, this resulted in the scheme looking very cramped particularly adjacent to No.125. The car parking arrangements for the two dwellings and existing dwelling were proposed to be 3 rows of tandem spaces, resulting in a substantial amount of land at the front being hard surfaced. Officers considered the scheme to

be an over intensive form of development. The proposal was recommended for refusal, but was withdrawn by the applicant.

Public Consultation Responses

Responses in favour

1 letter of comment stating no objection to the proposal but refers to issues that are controlled by Building Control and are not within planning remit.

1 letter of support from CPRE stating development will be an infill and windfall development. Keen to see existing landscaping retained.

Responses against

3 letters of objection raising the following points:-

- Increase in traffic on what is already a busy road, increasing the risk of a serious accident.
- Development would be out of character with surrounding properties that date back to the 1920's and would therefore look out of place.
- Proposal would overlook objector's property (live across the road) and reduce privacy.
- Concern of noise with vehicles coming and going.
- Other neighbour (next door but one) concerned about privacy.
- Concern of noise, dust and dirt whilst work takes place.
- Parking of vehicles for builders whilst work takes place will be problematic given how busy the road is and given it is a bus route and occupiers use the route to get to local shops/schools etc.

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

Consultee Responses

County Highway Network Control

No comments received.

Environmental Health

Suggest that the following issues be considered:-

- In view of the proximity of the proposed development it is suggested that construction times be restricted.
- External security lighting would be such that it does not adversely affect nearby residential occupiers.

Crime Risk Manager

No comments received

Seven Trent Water

No objection subject to a condition regarding drainage details.

Assessment of proposal

This proposal shows a reduction to the previously withdrawn scheme with it now for only one dwelling. The key issues for consideration in this case are as follows:-

Principle

The site currently forms part of the garden area of No.125 Plymouth Road which is residential and is situated within a predominantly residential area. Therefore, the principle of residential development in this location is considered to be acceptable because it is brownfield land within the urban area of Redditch.

Design and Layout

The proposed dwelling is level with No.125 at the front, but would protrude 1.5 metres further back in relation to the rear of No 125. However, due to the side spacing that would be maintained between the proposed dwelling and No.s 123 and 125, the proposal would fully comply with the 60° and 45° guidelines set out in SPG on Encouraging Good Design.

Although a 1 metre side spacing is proposed along the side boundary to No. 125, the side spacing to No.123 varies from 350mm to 500mm. There is concern that leaving such a narrow spacing would make access for general maintenance to this side of the house very difficult. Therefore, negotiations are being held with the applicant to reduce the width of the footprint slightly to enable a better side spacing. Reducing the width of the dwelling would also help the proportions of the dwelling when viewed from the front of the site.

The Design and Access Statement states that the dwelling is traditional in design to harmonise with adjacent properties. However, it is considered that additional improvements could be made to further enhance the scheme. Officers are negotiating this matter with the applicant. In addition, a street scene has also been requested. Any additional information and officer comments on it will be reported in the Update paper.

Landscaping and Trees

No details have been provided as part of the application although it is indicated in the Design and Access Statement that landscaping would be provided as part of the development. Members will be aware that this matter can be controlled through the imposition of conditions.

Highways and Access

At the time of drafting the report no comments had been submitted by County Highway Network Control. However under the previous application for two dwellings, comments related to the recommendation of conditions should the scheme be approved. Therefore, given this is a less intensive form of development it is unlikely that Highway Network Control will raise any objection to this proposal, but may recommend conditions for this scheme.

It is indicated on the details submitted that the parking area would be block paved. Given the potential extent of surface water run off (due to the gradient of the site and hard surfacing for footpath etc), Officers will be negotiating with the applicant for a permeable surface for the car parking area.

Sustainability

The applicant has provided a Climate Change Statement. This specifies that the design of the building is to maximise natural sunlight. External lighting shall be passive detection or light sensitive. Recycling facilities will be used and containers are to be stored at the rear of the property. The construction of the building would be highly insulated and comprise of double glazing. A condensing boiler is proposed and internal lighting would be energy efficient. Negotiations will be held with the applicant to ensure that the proposal complies with Level 3 of the Code for Sustainable Homes.

Other issues

Reference has been made by a neighbour regarding soil removal. From the plans submitted it does not appear to be a substantial amount of soil to be removed from the site and it is considered that it is likely that soil would be redistributed around the site. However, further clarification is being sought on this matter.

In respect to objections raised by neighbouring occupiers, it is considered unlikely that the proposal would hinder neighbours' privacy at the side or across the road from the site, as the proposal fully complies with Council's spacing requirements set out in SPG on Encouraging Good Design. In respect of disturbance with noise and builders' vehicles during construction, suitable conditions can be imposed to reduce such potential problems.

Conclusion

The proposal is considered to comply with policy and is unlikely to cause significant harm to amenity or safety.

Recommendation

having regard to the development plan and to other material considerations, authority be delegated to the Acting Head of Planning and Building Control to GRANT planning permission subject to comments and conditions recommended by County Network Control and subject to the following conditions:-

1. Development to commence within 3 years.
2. Details of materials to be submitted.
3. Landscaping scheme to be submitted and implemented.
4. Failure of planting to be replaced.
5. Limited working hours during construction.
6. Car parking for site operatives.
7. Dwelling to be built to a minimum Level 3 requirement set out under Code for Sustainable Homes.
8. Drive area to be of a permeable surface and retained as such.
9. Amended plans specified.

Informatives

- 1 Drainage details to be in agreement with Severn Trent
- 2 Development to be built to Secured by Design standards.

Planning Committee

Astwood Bank and Feckenham Ward

2 December 2008

**2008/331/OUT RESUBMISSION OF OUTLINE APPLICATION 2008/125. RETENTION OF EXISTING PROPERTY, DEMOLITION OF OUTBUILDINGS AND DEVELOPMENT OF 5 DWELLINGS, WITH ASSOCIATED ACCESS AND AMENITY
HIGH TREES, DARK LANE, ASTWOOD BANK
APPLICANT: MR B HANDS, BRADLEY DESIGN HOMES
EXPIRY DATE: 15 DECEMBER 2008**

Site Description

(See additional papers for Site Plan)

The site consists of an existing drive, a dwelling, associated outbuildings/garage and swimming pool. The site has mature tree/shrub/hedge planting. A parcel of land that is steeply sloping to the south of the dwelling appears to be separate from the property as a post/rail fence separates the two areas of land that form part of this planning application. It is understood that the land to the south of the dwelling was cultivated at one time, but is now overgrown.

Proposal Description

This is a resubmission of planning application 2008/125 and is an outline application to retain the existing property, demolish some outbuildings/garage to provide 5 additional dwellings and garages. Access to the development is via the existing access road off Dark Lane. Under this outline application the only matter to be considered at this stage is the access arrangements, whilst appearance of the development, landscaping, layout and scale of the development would be considered at the reserved matters stage.

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

CF2	Housing beyond Major Urban Areas
CF3	Level and Distribution of New Housing Development
CF5	The reuse of land and buildings for housing
CF6	Making efficient use of land
T2	Reducing the Need to Travel
T7	Car Parking Standards and Management

Worcestershire County Structure Plan

SD.3	Use of Previously Developed Land
T.4	Car Parking
IMP.1	Implementation of Development

Borough of Redditch Local Plan No. 3

CS.3	Use of Previously Developed Land
CS.4	Minimising the Need to Travel
CS.6	Implementation of development
CS.7	The Sustainable Location of Development
B(HSG).6	Development within or adjacent to the curtilage of and Existing Dwellings
B(BE).13	Qualities of Good Design
B(BE).14	Alterations and Extensions
B(BE).19	Green Architecture
C(T).12	Parking Standards
B(HSG).4	Density of Housing Development
B(RA).8	Development at Astwood Bank
B(RA).1	Detailed extent of and Control of Development in the Green Belt

Borough of Redditch Supplementary Planning Guidance (SPG) on Encouraging Good Design.

Borough of Redditch Supplementary Planning Document (SPD) Planning Obligations for Education Contributions.

Borough of Redditch Supplementary Planning Document (SPD) Open Space Provision.

Relevant Site Planning History

Appn. no	Proposal	Decision	Date
2006/178	Outline application - 4 Dwellings	Withdrawn	19.5.06
2008/125	Outline application - Demolition of existing dwellings and 6 dwellings	Withdrawn	29.5.08

Members will be aware that an application was submitted in 2006 for residential development (06/178). The application was recommended for refusal for the following summarised reasons:-

- 1) Development would be built on land that is considered to have Greenfield status.
- 2) In the absence of adequate access details, unclear as to what impact the development would have on the established hedge/tree planting that enhances this part of Dark Lane.
- 3) Development likely to be unduly conspicuous from the Green Belt.
- 4) In the absence of detailed tree survey information, the development could harm the existing planting.

For the above reasons the applicant chose to withdraw the application. A further application was submitted this year (2008/125), but increased the number of proposed dwellings to 6 including the demolition of the existing dwelling. It was considered by Officers that the development under 2008/125 did not fully address the potential refusal reasons of 2006/178 (mainly refusal reason No.1), and would potentially be refused for similar reasons. The agent decided to withdraw the application.

Public Consultation Responses

Responses in favour

1 letter of support from CPRE. The resubmission of the application showing High Trees to be retained should help to protect the trees nearby. Queries in respect to tree works to take place but generally CPRE continue to support development of the site.

Responses against

Two letters of comment raising the following points:-

- Development calls for five new dwellings and retention of the existing property. Understand that a maximum of 5 dwellings allowed off a driveway. Converting the road to adoptable standards will dramatically change the appearance of the lane. Also understand that the Policy is not to allow new accesses onto Dark Lane.
- To reduce the visual impact of the development, the height of the new dwellings should be restricted and incorporate dormer type design.
- Concern over the growing number of properties off Dark Lane and inability of the lane to cope with traffic volumes. There has to be a

practical limit to the many incremental developments which have occurred along Dark Lane.

- Concerns of light, noise, over development, privacy, trees, wildlife. Some of the area under consideration should be classed as Green Belt as it has not been part of the original house for over 10 years.

Consultee Responses

County Highway Network Control

No comments received.

Environmental Health

No comments received.

Crime Risk Manager

No comments received.

Severn Trent Water Ltd

Recommend Conditions

Council's Arboricultural Officer

No comments received.

Worcestershire County Education Service

If development goes ahead, there will be a need for a contribution towards local education facilities.

Council's Ecological Service

No comments received.

Worcestershire Wildlife Trust

No comments received.

Assessment of Proposal

The submission of this current application is very similar to that previously submitted but includes the retention of the existing dwelling rather than demolition. In addition, more information has been submitted to address Greenfield issues associated with the land to the south of the dwelling. The key issues for consideration in this case are as follows:-

Principle

The site falls within the Astwood Bank Village Settlement in the Borough of Redditch Local Plan No. 3. However, the land to the west of the site is Designated as Green Belt in the Local Plan No. 3.

Members will be aware that Policy CS.7 of the Local Plan applies and specifies a sequential approach to the location of development to be as follows:-

- i. Consideration of locations within Redditch urban area as previously developed land (Brownfield).
- ii. Consideration of locations within Redditch urban area on Greenfield land which avoids damaging the quality of the environment.
- iii. Consideration of locations adjacent to Redditch urban area outside Green Belt and adjacent to Redditch urban area in Areas of Development Restraint.
- iv. In exceptional circumstances, when all options set out above have been exhausted and there is a clear development need, consideration of locations adjacent to Redditch Urban Area on land designated as Green Belt, where the Green Belt would not be compromised.

Astwood Bank is considered to be a sustainable rural settlement. Development will be permitted within or adjacent to the boundary of the settlement at a level appropriate to meet local housing needs. In all instances the development should be of an appropriate scale and the best use would be made for Brownfield sites.

The Reasoned Justification for the policy states that every attempt should be made to make the best use of land and to reduce the need to take Greenfield land wherever possible.

Policy B(RA).8 specifies that development within Astwood Bank will only be permitted where it is at an appropriate level to meet local needs for housing and should be restricted to within the settlement boundary.

The land that includes the dwelling and garden area etc would be a Brownfield site, therefore the principle of residential development on this site, which is within the settlement boundary, could be considered favourably under the above policies. However, the status of the parcel of land to the south of the existing dwelling has always been unclear. The site is separate from the dwelling and garden in terms of boundary treatment and consists of an overgrown area of land of tree/shrub planting.

In terms of the definition of Brownfield sites (previously developed land) PPS.3 defines such land that is or was occupied by a permanent structure and covers the curtilage of the development. However, this does not mean that the whole area of the curtilage should be redeveloped. For instance, where the footprint of a building only occupies a proportion of a site of

which the remainder is open land, the whole site should not normally be developed to the boundary of the curtilage.

In this particular case, Officers have previously had the view that given the parcel of land is separated with boundary treatment and is overgrown, whilst it may fall within the general land ownership of the dwelling and garden, it does not necessarily mean that it has the same status as the dwelling and garden i.e. Brownfield status and could conflict with the sequential approach set out under Policy CS.7 of Local Plan No.3.

To address this matter, an aerial photograph (from about 1988) has been submitted by the applicant demonstrating that the land concerned was used as a vegetable garden with a greenhouse associated with the property. In addition, sworn declarations have been submitted clarifying the use of the land concerned by the occupiers (past and present) of the existing property. The aerial photograph has been compared to those that the Council hold and are similar, although the one submitted by the applicant is more detailed.

It is considered that the information submitted is sufficient to address the status of the land and Officers now accept the whole of the land to be a Brownfield site. In addition, under the Council's Strategic Housing Land Availability Assessment (SHLAA), this particular site has been identified and positively addressed as having potential to accommodate residential development in the Borough. Therefore, the principle of residential development on the whole of the application site is now considered to be acceptable on this occasion.

Design and Layout

Members will be aware that as this is only an outline application, with access to be considered for approval at this stage, any details submitted in respect to potential layout and details of dwellings and garages are purely indicative at this stage.

Whilst accepting the details are indicative, Officers would not encourage the use of the potential house type submitted. In addition, the layout of the development could be further enhanced to be in the form of a courtyard development. Such a scheme has been devised by the Council's Urban Design consultant. The site is on the edge of the village settlement, is elevated at the front and slopes down towards the south of the site. Land adjoining from the west of the site is designated Green Belt. The site is prominent when viewed from the adjoining land despite the number of trees along the western boundary. Therefore, due to the prominent levels of the site and how conspicuous it is from adjoining Green Belt, it is imperative that the development is small scale and makes the best use of the contours of the site. It is envisaged by Officers that any development in this location would need to be 'cottage style' and possibly split level development. The Design and Access Statement states that a dormered style scheme would

be provided to create a softer edge between the development and the open countryside.

Negotiations have been held between Officers and the agent in respect to these matters. It is intended that the layout will be altered accordingly to create a courtyard style scheme which enables better use of the contours of the site. In addition, the indicative house type currently submitted is intended to be withdrawn from the scheme to avoid any confusion over this matter. Officers have also negotiated the possibility of each plot being individually designed for its particular location, due to the contours of the site and its close proximity to the Green Belt. The agent is in agreement that small scale cottage style house types would be appropriate for the location.

Landscaping and Trees

The site comprises of several trees that are protected with a Tree Preservation Order. The indicative layout highlights trees that would need to be removed to implement the development. Officers have no objection to those trees being removed as it is clear from the plans that trees around the perimeter of the site would be retained. However, particularly along the western boundary, there are gaps where additional planting should be provided to help screen the development. Officers consider that a buffer tree planting strip between 5-10 metres could be provided within the application site along this boundary and / or possibly on the adjoining land. (The adjoining land is currently agricultural (lamb's grazing)). Any planting that may be provided on the agricultural land could be sustainable planting, e.g. willow, hazel, etc that could be coppiced on a regular basis for sustainable purposes. However, planting within the application site would need to be permanent planting. Officers are currently negotiating this matter with the agent/applicant. Also comments are awaited from the Council's Arboricultural Officer in respect to the details submitted regarding the trees on the site. Further details will be reported on the Update paper.

Highway and Access

The proposed access will be of the same alignment as the existing access but will be widened to be of adoptable standards. However, the alignment will be such that a willow tree within the site would need to be removed, but the hedge planting along the boundary that fronts Dark Lane would not be hindered. This would ensure that the screening that exists at the front of the site would be retained, and also ensures that the general rural character and appearance of this part of Dark Lane would be maintained.

In respect to traffic, comments have been submitted by neighbours raising concerns of additional traffic down Dark Lane. In the Design and Access Statement the agent stated that from personal knowledge of the village, there are peak times in the village, however, Dark Lane itself is generally quiet and low in traffic. Officers would also agree with this view, and as a result of traffic counts that have been undertaken on Dark Lane (as a result

of previous developments along this road) it was confirmed at that time that vehicle traffic was low. It is considered unlikely that the provision of 5 additional dwellings is likely to generate such additional traffic that it would cause harm to highway safety in this area. However, comments are still awaited from County Highway Network Control on this matter.

Sustainability

It is stated in the Design and Access Statement that the dwellings would be built to level 3 of the Code for Sustainable Homes. Water retention systems will be incorporated in the design of the dwellings to provide underground water tanks to reduce outfall and provide water for gardening and car washing. The positioning of the dwellings will be to maximise solar gain in order that renewable energy can be used to aid the water heating to the properties. However, the agent believes that the critical areas for consideration in terms of energy performance and carbon footprint is in the quality of the build and its insulation. Therefore, high levels of insulation will be provided and high efficiency boilers. In addition consideration will be given to sustainable building materials such as timber framing from managed woodlands.

It is also important to note that the development is within the village settlement of Astwood Bank, which is considered to be a sustainable location. The location of the site enables it to be in close proximity to village amenities, shops, post office, public houses, public transport links and the local schools, reducing the reliance on the motor car.

It is also considered that the potential tree planting along the western boundary could also aid sustainability. Appropriate tree species could be planted, regularly coppiced, and used for sustainable purposes.

Ecological Issues

A Protected Species Survey and Bat Survey and site Assessment have been submitted and are currently being considered by the Council's Ecological Advisers, and Worcestershire Wildlife Trust. Further comments on this matter will be provided in the update report.

S106 Agreement

Due to the potential number of dwellings proposed, a contribution towards local education facilities will be required. In addition, a contribution towards open space, playing pitch, and play facilities will also be required in order to comply with the appropriate SPD's for open space and education. These contributions are generally based on number of bedrooms/occupants etc. This level of detail has not been confirmed at outline stage, so it is considered prudent that a condition be imposed requiring a S106 Agreement/Unilateral Undertaking to be entered into at the reserved matters stage of the development to cover these matters.

Conclusion

It is considered that the land at the rear of the existing property is Brownfield land and not Greenfield. As such the whole of the application site which is within the village settlement can be verified as a Brownfield site suitable for residential development in accordance with Policy CS.7 of Local Plan No.3. In addition, the access arrangements that form part of this outline application are likely to be considered acceptable, (awaiting confirmation from County Highway Network Control). The layout and design of potential dwellings are not for consideration at this stage, and any information submitted is indicative only. However, following discussions that have taken place between Officers and agent it is anticipated that a revised indicative layout will be submitted and the current house type submitted shall be withdrawn. The tree/hedge planting around the perimeter of the site is intended to be retained with some limited tree removal to enable the implementation of the development. However, it is considered that due to the prominent location of the site, additional planting in the form of a tree planting belt could be incorporated within the development. Ecological details have been submitted and comments on these details are awaited.

Recommendation

Having regard to the development plan and to other material considerations, authority be delegated to the Acting Head of Planning and Building Control to APPROVE outline permission subject to comments from County Highway Network Control, Worcestershire Wildlife Trust, the Council's Arboricultural and Ecological Officers, subject to the expiry of the consultation period, and subject to the following conditions:-

- 1) Development to commence and reserved matters to be applied for within timeframes
- 2) Details of materials to be submitted.
- 3) Landscaping scheme to be submitted and implemented.
- 4) Failure of planting to be replaced.
- 5) Limited hours during construction.
- 6) Car parking for site operatives.
- 7) No gates/means of enclosure on any of the access roads.
- 8) Details of the tree planting belt to be provided along the western boundary of the site, to be submitted, approved and implemented. Failure of planting to be covered under condition No.4.

Planning Committee

2 December 2008

- 9) Under a reserved matters application the applicant shall enter into a S106 Agreement/Unilateral Undertaking to cover contributions towards education and open space provision.
- 10) None of the existing hedge planting that fronts Dark Lane shall be removed.
- 11) Dwellings to be built to minimum Level 3 requirements set out under Code For Sustainable Homes.
- 12) All hard surfaces to be permeable and retained as such
- 15) Amended plans specified.

Informatives

- 1) Development to be built to Secured by Design Standards.
- 2) Drainage details to be in agreement with Severn Trent.

Planning Committee

Abbey Ward

2 December 2008

IMPROVEMENT WORKS TO MARKET AREA - MONITORING INFORMATION REPORT ON PERMISSION 2008/067/RC3

(Report of Acting Head of Planning and Building Control)

1. **Purpose of Report**

To inform Members of the Planning Committee of the implementation and monitoring thereof of this application, following enquiries.

2. **Recommendations**

The Committee is asked to RESOLVE that

the content of the report be noted and the actions proposed be authorised.

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

Financial

3.1 There are no additional financial implications to the proposals.

Legal

3.2 Town and Country Planning Act 1990 (as amended)

3.3 Planning and Compulsory Purchase Act 2004 (as amended)

Policy

3.4 No changes to policy are required, and the proposals comply with currently adopted policies.

Risk

3.6 There are no perceived risks in this case.

Report**4. Background**

- 4.1 At Planning Committee on 1 April 2008, Members considered and determined (approved) a planning application made by Property Services of this Council for improvements to the market area and its continued permanent use as such. The application was approved subject to conditions, which are now the subject of ongoing monitoring, as well as interest from both the public and Members.
- 4.2 Members should be aware that a team of officers from across the relevant sections of the Council is meeting to discuss this and other projects and ensure that its implementation is in accordance with the planning consent.

5. Key Issues

- 5.1 Summarised at Appendix 1 are the conditions, their requirements and the current situation in relation to them. From these you will see that:

Hours of trading and deliveries

- 5.2 The hours of operation of the market, and thus the hours of deliveries, are not in accordance with those required by the conditions attached to this consent. They are as previously consented, because the application proposed no alternatives to them. However, these appear to vary from those within the market rules and regulations, and therefore the market is currently trading and delivering outside the hours stated in the permission. Following discussions with officers, it has been confirmed that the market rules and regulations are under review and that this can include an amendment to the operational hours in order that the new rules and regulations can be in line with the hours in the consent. Officers will seek to ensure that this is rectified within a reasonable timeframe.

Landscaping details

- 5.3 Officers have recently requested the landscaping scheme, and at the time of writing this is still awaited. However, any further progress in this regard will be reported on the Update paper or verbally at the Planning Committee meeting. Without details, it is not possible to comment further on the likely details of the scheme, or its implementation period.

Ongoing monitoring

- 5.4 The other matters to be considered are all ones of ongoing monitoring, and your officers are regularly visiting the site to ensure that operations are in accordance with the planning permission granted, and liaising with colleagues to ensure that the matter is kept under review.
- 5.5 Should Members wish to receive further information once the development is largely implemented and in accordance with the permission, this can be requested of officers.

6. Other Implications

- 6.1 Community Safety - The operation of the market in accordance with the planning consent would result in improved safety within the market area as vehicles and pedestrians would be less likely to share the surfaces simultaneously.
- 6.2 Human Resources - None known
- 6.3 Social Exclusion - None known
- 6.4 Sustainability - This was a consideration in the granting of planning consent.

7. Conclusion

- 7.1 Officers are working to rectify the outstanding matters, and to ensure that the market operates in compliance with the planning permission as granted in April 2008.

8. Background Papers

- 8.1 1 April 2008 Planning Committee Agenda, Update paper and minutes
- 8.2 Planning application file 2008/067/RC3

9. Consultation

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

10. Author of Report

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

11. Appendices

- | | | |
|------------|---|--|
| Appendix 1 | - | Summary of condition requirements of application 2008/067 and the progress made in complying with them |
| Appendix 2 | - | Decision notice for application 2008/067 |

Planning**Appendix 1**

Committee

2 December 2008

SUMMARY OF CONDITIONS AND CURRENT PROGRESS

Condition	What it required	What has been done	What has been agreed and when	Outstanding issues
1	Start on site by 3 April 2011	Works have commenced on site	n/a	None
2	Stall details to be provided before commencement, agreed and implemented as agreed.	Details have been agreed and implemented	Details were agreed on 20 June 2008 and have since been implemented	None
3	Market trading hours	Discussions between officers ongoing	Market rules need to be amended to incorporate hours	Trading currently is not in compliance with the hours imposed on the planning consent
4	Deliveries/collecti ons by vehicle to stalls to be within specified hours	Discussions between officers ongoing	Market rules need to be amended to incorporate hours	Deliveries currently not in compliance with the hours imposed on the planning consent
5	Soft landscaping to be agreed prior to commencement and include a programme for implementation	Agreed to propose and agree scheme once works mostly completed and include a programme of implementation	Awaiting details	Details yet to be agreed and then implemented. Monitoring will be required to ensure compliance
6	Stall maintenance programme to be submitted, agreed and implemented	Programme submitted and agreed	Details were agreed on 20 June 2008 and will now need monitoring	Monitoring will be required to ensure compliance
7	Hard surfacing details to be submitted and agreed prior to commencement of works, and implemented as agreed	Details submitted and agreed	Details were agreed on 20 June 2008 and monitoring to ensure their implementation has occurred	None
8	Quality of initial surfacing and any repair work to be to high standard	Works on site are in accordance with agreed details	n/a	Monitoring will be required to ensure compliance

Ongoing monitoring of conditions 3, 4, 5, 6 and 8 will be carried out by the Development Control Team and any other appropriate colleagues as necessary.



Town and Country Planning Act 1990

PLANNING PERMISSION

Borough of Redditch

Application No: 2008/067/RC3

Applicant

Agent

Redditch Borough Council
Town Hall
Walter Stranz Square
Redditch
Worcestershire
B98 8AH

Mr P Liddington
Town Hall
Walter Stranz Square
Redditch
Worcestershire
B98 8AH

Part I - Particulars of Application

Validation Date: 15th February 2008

Application No: 2008/067/RC3

PROPOSAL: Improvement works to pedestrian area and permanent use of area as outdoor market.

LOCATION: Land At Church Green/Market Place/Alcester Street, Town Centre, Redditch.

Part II – Particulars of Decision

The Borough of Redditch hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that PERMISSION HAS BEEN GRANTED for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted and subject to the following conditions:

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

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

Planning Committee

Appendix 2

2 December 2008

- 2) Prior to the commencement of development, details of the appearance, materials and finishes of the stalls, including a scaled elevation drawing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interests of visual amenity and the character and appearance of the Conservation Area, and in accordance with Policies B(BE)9 and B(BE)13 of the Borough of Redditch Local Plan No.3.
- 3) The market shall not trade before 0830 hours not after 1630 hours on any day.
Reason: In the interests of amenity and safety and in accordance with Policies R1 and S1 of the Borough of Redditch Local Plan No.3.
- 4) No vehicles making deliveries/collections or trading shall enter or manouvre on the site between the hours of 0830 and 1630 on any day except in the case of the early closure of the market at the request of the market manager. Such vehicles shall also not enter the site before 0700 on any day, or remain on site beyond 1800 on any day.
REason: In the interest of highway and pedestrian safety and in accordance with Policies CT5, CT6 and CT1 of the Borough of Redditch Local Plan No.3.
- 5) Prior to the commencement of development, details of all soft landscaping and planting to be retained, and methods of protection during construction, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details. The submitted details shall also include any new planting proposals, together with a programme of their planting and a scheme for renewing as necessary.
Reason: In the interests of the visual amenity of the area and in accordance with Policy CS.2 of the Borough of Redditch Local Plan No.3
- 6) Prior to the commencement of development, details of the maintenance programme for the stalls, including refurbishment and regular cleansing of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of visual amenity and the character and appearance of the Conservation Area, and in accordance with Policies B(BE)9 and B(BE)13 of the Borough of Redditch Local Plan No.3.
- 7) Prior to the commencement of development, details of the texture, colour and type of materials to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of visual amenity and the character and appearance of the Conservation Area, and in accordance with Policies B(BE)9 and B(BE)13 of the Borough of Redditch Local Plan No.3.
- 8) The surfacing details agreed under condition 7 shall be to a high standard, and implemented to provide a good quality surface and finish in keeping with the significance of the site and its surroundings, and to ensure that surface water does not collect at any point. Any patching, repairs or other works carried out to the surfacing after its installation shall be made good within 8 weeks of its reinstatement to ensure that it blends and matches to the same high standards to form an 'invisible repair'.
Reason: In the interests of the high quality appearance of the civic area, visual amenity and to enhance the character and appearance of the Conservation Area in accordance with Policies CS2, B(BE)1, B(BE)6, B(BE)9, B(BE)13, E(TCR)2 & R1 of the Borough of Redditch Local Plan No.3.

Date:

**Town Hall,
Alcester Street,
Redditch,
B98 8AH**

**John Staniland
Head of Planning & Building Control**

NOTE

- 1) The decision to grant planning permission takes into account the provisions of the Development Plan for the Area (RSS11, Worcestershire County Structure Plan 1996 - 2011 and the Borough of Redditch Local Plan No.3). In particular regard has been had to Local Plan No.3 Policy CS02, CS07, S01, BBE01, BBE04, BBE06, BBE09, BBE10, BBE13, BBE20, BBE25, ETCR01, ETCR02, ETCR04, ETCR05, CT01, CT05, CT06, R01, and other relevant material considerations. On balance, it was considered that the proposal would not cause significant demonstrable harm to the character and amenity of the area, highway safety or individual amenity.

- 2) Any adverts displayed on the site are likely to require Advertisement Consent from the Local Planning Authority. All stallholders should be informed of such requirements and any advertisements displayed without consent are liable to enforcement action and potential prosecution under the relevant legislation.

Notes:**Planning Applications and Reserved Matters Applications**

1. If the appellant is aggrieved by the decision of the of Local Planning Authority to refuse permission, he/she may appeal to the First Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990 within 6 months of receipt of this notice. (Appeals must be made on a form which is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. The First Secretary of State has power to allow a longer period for the giving of notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority.
2. If permission to develop land is refused, whether by the Local Planning Authority or by the First Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council a purchase notice requiring that the Council purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refuse by the First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

Advertisement Applications

1. Where the Local Authority refuse consent, the applicant may be given notice in writing within two months of receipt of this notice, or such longer period as the First Secretary of State may allow, appeal to the First secretary of State in accordance with regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992. The First Secretary of State is not required to entertain such an appeal if it appears to him having regard to the provisions of the regulations that consent for the display of advertisements in respect of which application was made could not have been granted by the Local Planning Authority.
2. A person who displays an advertisement in contravention of the regulations will be liable on summary conviction to a fine and in the case of a continuing offence, a fine for each day during which the offence continues after conviction.

Listed Building Consent Applications

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building Consent for the proposed works, he/she may, within six months of the receipt of this notice, appeal to the First Secretary of State in accordance with Section 20 of the Listed Buildings Act 1990. The First Secretary of State has power to allow a longer period

for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the Local Planning Authority in regard to the proposed works are in progress.

2. If Listed Building consent is refused, whether by the Local Planning Authority or by the First Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable.

Planning Committee

Headless Cross and Oakenshaw Wards

2 December 2008

INFORMATION ITEM

(Report of Acting Director 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:** 2008/071/COU**Proposal:** 145-147 Evesham RD, Headless Cross, Redditch**(Headless Cross and Oakenshaw Wards)**

Permission was sought for the change of use of an existing retail shop (Class A1) at 145-147 Evesham Rd, to a restaurant and takeaway (Classes A3 and A5 respectively) and the conversion of 2 rear garages to form kitchen premises. The proposed opening hours were to be from 5pm until 12 midnight seven days a week. Officers were of the opinion that the application would have an adverse impact on the character of the area due to an over concentration of such uses in the district centre at the expense of the primary retail function. In addition it would have an unacceptable impact upon the residential amenity of the occupiers of the flat above the proposal site by reason of noise, disturbance and odour nuisance. The proposal was not in accordance with policies E(TCR).9 and E(TCR).12 of the Borough of Redditch Local Plan No.3 and was refused for the following reason;

The proposal would result in an over concentration of A3/A5 uses within the area and be detrimental to the primary retailing function of the district centre and the residential amenity of adjacent properties. As such the proposal would conflict with policies E(TCR).9 and E(TCR).12 of the Borough of Redditch Local Plan No.3

The application went to appeal and was dismissed on 20 October 2008. The Inspector noted that whilst planning conditions could be used to address the issues of smell, noise and litter from the plant and equipment this would not outweigh the harm the proposal would cause to the living condition of neighbouring occupiers. In addition it was noted that there was already a high concentration of Class A3/A5 uses within the Headless Cross centre and the signalling of policy change in the forthcoming Core Strategy to limit A5 uses within a district centre supports this.

The inspector concluded that very few existing A3/A5 uses were open during the lunchtime period when the appeal site visit was carried out and with the appellants proposed opening hours being from 5pm to 11pm/midnight this indicated that this sizeable unit would be closed throughout the main part of the day. This would detract from the vitality of the shopping centre and potentially its long term viability. Finally the appellant had provided no information to demonstrate there was no demand for any other retail use for the vacant unit.

Planning

Committee

2 December 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 report(s).

Legal

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

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

2 December 2008

ENFORCEMENT REPORT - 1 – 2008/242/ENF

Unauthorised Advertisement on trailer Weights Lane, Bordesley, Redditch

1. Background / Key Issues

- 1.1 This matter comes before your Committee with regard to the display of a large advertisement on a trailer situated in an agricultural field at the above location, which is situated within the green belt.
- 1.2 The advertisement is directed at traffic using the busy Birmingham Road (A441), and advertises office space to let. Class 3A of the regulations governing the display of advertisements restricts the size of such advertisements to no more than 2 square metres without the need for express consent.
- 1.3 On 24 June 2008 your planning officer noted the trailer advertisement being displayed without express consent. A warning letter was sent to the land owner on 11 July 2008 seeking its removal or face enforcement action.
- 1.4 On 29 July 2008, a further site visit revealed that the trailer had been removed as requested.
- 1.5 On 5 November 2008, your enforcement officer, whilst passing the site, noted that the trailer and advertisement had once again been placed on the land without any permission. On 7 November 2008, a final warning letter was sent to the land owner warning him to remove the trailer from the field. It also warned that the Council would not tolerate any further breaches of the law. To date, no response has been received.

2. Conclusion

- 2.1 Following this flagrant breach, your enforcement officer researched the history of the site and discovered that in the last eight years, the offender had been formally warned on at least eight separate occasions regarding the displaying of such trailer advertisements in this field, but had generally removed it prior to any action being taken, only to re-instate it later. However, on the 18 June 2003, the offender appeared in Redditch Magistrates Court and pleaded guilty to two charges of illegal display of advertisements and was fined £760 and ordered to pay the Council's costs of £227.45. This had clearly not dissuaded the offender from repeat offences, as can be seen by more recent complaints regarding the matter.

Planning Committee

2 December 2008

- 2.2 Your planning officers consider that this advertisement would be unlikely to be granted express consent due to its size, appearance, position and location within the green belt. Your enforcement officer considers that the land owner is deliberately abusing the law by removing the trailer and later re-instating it to avoid enforcement action. Any display of an advertisement without consent is an offence open to immediate prosecution and your enforcement officer considers that the Council need to be in a position to prosecute any future breaches of the law by this person irrespective of the outcome of this particular breach. Members should note that the legislation allows offenders to be prosecuted as many times as offences alleged, there is no limit, and therefore the fact that there is a previous conviction does not hinder the ability of the Council to prosecute again.

3. **Recommendation**

The Committee is asked to RESOLVE that

authority be delegated to the Head of Democratic, Legal 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, the display of an advertisement without the express consent of the Local Planning Authority. Enforcement action would be by way of the instigation of prosecution proceedings if deemed necessary.