

Planning Committee

Tue 3 Feb
2009
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

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Your main rights are set out below:-

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

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

- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, on request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
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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:

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

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

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

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REDDITCH BOROUGH COUNCIL **PLANNING COMMITTEE**



GUIDANCE ON PUBLIC **SPEAKING**

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

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

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

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

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

Notes:

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

Further assistance:

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

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

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

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

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

Chair

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

Running Order

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

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

Decisions

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

Members of the Public

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

Special Arrangements

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

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

Further Information

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

Fire/ Emergency instructions

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

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

Do Not stop to collect personal belongings.

Do Not use lifts.

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

The emergency Assembly Area is on the Ringway Car Park.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

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

OR

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

you have a personal interest.

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

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

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

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

and

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

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

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



PLANNING COMMITTEE

Tuesday, 3 February 2009

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

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

<p>1. Apologies</p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any interest they may have in the items on the Agenda.</p>
<p>3. Applications for planning permission (Pages 1 - 2) Acting Director of Environment and Planning</p>	<p>To consider two applications for planning permission. (Items below refer.) (Covering Report attached) (Astwood Bank & Feckenham Ward)</p>
<p>4. Planning Application 2008/345/FUL – Feckenham C of E First School, School Lane, Feckenham (Pages 3 – 8)</p>	<p>To consider a Planning Application for the re-siting of existing temporary classrooms and formation of new car park and access points. Applicant: Governors of Feckenham C of E First School. (Report attached) (Astwood Bank & Feckenham Ward)</p>
<p>5. Planning Application 2008/395/FUL – Feckenham C of E First School, School Lane, Feckenham (Pages 9 – 12)</p>	<p>To consider a Planning Application for extensions to existing school and highway alterations to form new footpath. Applicant: Governors of Feckenham C of E First School. (Report attached) (Astwood Bank & Feckenham Ward)</p>
<p>6. Information Reports (Pages 13 - 22) Acting Director of Environment and Planning</p>	<p>To receive various items of information in relation to outcomes of appeals against planning decisions and Enforcement activities. (Report attached) (Various Wards)</p>

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Committee

Tuesday, 3 February 2009

<p>7. Enforcement of planning control (Pages 23 - 24) Acting Director of Environment and Planning</p>	<p>To determine the appropriate course of action to be taken in respect of an enforcement matter. (Covering Report attached) (All Wards)</p>
<p>8. Enforcement Report (Pages 25 - 26)</p>	<p>To consider a breach of Planning Control in respect of unauthorised Highway banner advertisements at various locations throughout the Borough. (Report attached)</p>
<p>9. 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>10. 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

Astwood Bank and Feckenham Ward

3 February 2009

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.

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

Astwood Bank and Feckenham Ward

3 February 2009

2008/345/FUL RE-SITING OF EXISTING TEMPORARY CLASSROOMS AND FORMATION OF NEW CAR PARK AND ACCESS POINTS FECKENHAM C OF E FIRST SCHOOL, SCHOOL LANE, FECKENHAM APPLICANT: GOVERNORS OF FECKENHAM C OF E FIRST SCHOOL EXPIRY DATE:- 23 DECEMBER 2008

Site Description

(See additional papers for Site Plan)

The school is located approximately 0.5 miles to the North-East of the Feckenham Village Centre. The School and grounds are accessed via Swansbrook Lane to the West. To the North of the School lies Foxley Farm, and to the South, at the corner of School Lane / Swansbrook Lane lies a single detached dwelling 'Emanjays'. The Victorian brick and tile main school building is situated between a large hardstanding playground which faces on to Swansbrook Lane (to the West), and a double temporary classroom building and small car park area to the East. A grassed playing field which is used for football and sports day activities lies further to the East, the entrance to which is off the car park. This site is situated within the Green Belt.

Proposal description

This proposal is to re-position an existing temporary double mobile classroom building which is located to the rear of the school site. The structure has a dark green, textured finish. In addition, it is proposed to create a new 13 no. space car parking area to the front of the site (facing Swansbrook Lane), which is currently occupied by a hard play area (playground), reducing the size of the hard play area by approximately 50 per cent.

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

PPG2 Green Belts
PPG13 Transport

Regional Spatial Strategy

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

Worcestershire County Structure Plan

T4 Car Parking
D39 Control of Development in the Green Belt

Borough of Redditch Local Plan No.3

B(RA).1 Detailed extent of and control of development in the Green Belt
B(BE).13 Qualities of Good Design
B(BE).22 Temporary Buildings and Uses
C(T).1 Access to and within development
C(T).12 Parking standards (Appendix H)

Relevant site planning history

96/085	Provision of a double mobile classroom (2 years)	Approved	2 April 1996
98/105	Retention of double mobile classroom (2 years)	Approved	23 April 1998
00/353	Retention of double mobile classroom (3 years)	Approved	30 Aug 2000
08/395	Extensions to existing school and highway alterations to form new footpath	Pending determination	

Public Consultation Responses

Responses in favour

None

Responses against

One letter received raising concerns summarised below:

- * Lack of appropriate consultation and agreement with neighbours prior to the submission of the application.

- * In order for the 'walking train' system to work, the continued use of the Barrett's of Feckenham car park is essential. As Barrett's is currently in receivership, the future use of their car park is out of the school's control.
- * General Highway Safety concerns given close proximity of the proposed vehicular entrance to the car park and the junction of School Lane with Swansbrook Lane.
- * Regrettable that there are no plans to replant trees / greenery when trees are proposed to be removed.

Consultation responses

County Highway Network Control

No objections raised. Recommends that conditions relating to access, turning and parking at the site be applied to any planning permission granted

Feckenham Parish Council

No objections

Procedural Matters

This application falls for determination by Redditch Borough Council, as the Governors of the school are the applicant in this case. Members will be aware that in most cases, planning applications at County maintained schools are determined by Worcestershire County Council.

Assessment of proposal

The key issues for consideration in this case are the principle of the development; the impact of the proposals upon the character of the area and the potential impact of the proposals upon highway safety.

Principle of the development

The value of temporary buildings, structures and uses is recognised by the Borough Council. However, the quality, appearance, durability and suitability of the buildings are usually inferior, and while this may be justified on economic grounds in the short term, it is not acceptable in the longer term. It is for these reasons that the imposition of a time-limit for the approval of temporary buildings is justified.

Whilst temporary classrooms continue to be widely utilised throughout the Borough, they are regarded as an unsatisfactory solution to school expansion from both a visual and practical point of view.

The reasoned justification for Policy B(BE).22 of the Local Plan (Temporary Buildings and Uses) stresses that the Council will continue to encourage

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the construction of purpose built accommodation. Members should be aware that a separate application (2008/395) which is to be presented at this Committee meeting does indeed demonstrate the School's commitment to a long term solution to the need to provide classroom accommodation at the school, and this would be implemented in the future subject to the availability of suitable funding.

Impact of the proposals upon the character of the area

This proposal would rotate the existing double mobile classroom building anti-clockwise, 90 degrees in such a way that the two classrooms would be positioned in approximately the same position as shown on the proposed plan submitted with the purpose built extensions application (2008/395). By rotating the classroom in this way, space would be 'freed up' to the rear of the school, allowing this area to be used as a hard play area, enabling passive surveillance of this area from school classrooms. The existing hard play area to the front of the school does not benefit from adequate passive surveillance.

Several benefits would arise by granting consent for the re-siting of this temporary classroom building, including creating easier access (via a gate) to the school playing field further to the East; the 'rotated' building which would be located towards the northern boundary would be less conspicuous in appearance than at present; teachers would be able to monitor pupil activity from the classrooms during school breaks. The re-siting of the classroom in this way enables other works including the re-siting of the hard play area, and the creation of a new car park to take place.

Highway Safety

The existing small car park (6 spaces) to the rear would be lost as a result of re-siting the building.

However, a new car park (13 no. spaces) is to be created at the school's frontage, where the playground area currently exists. The increased provision of car parking spaces, including the layout proposed is acceptable to County Highways and your officers, as are the proposed separate access / egress points which would relieve current problems with congestion which occur at the existing car park, during drop off / picking up times.

Other issues

A small number of existing trees would need to be removed to accommodate both the re-sited classroom building, and the car park to the front. These are however, small, ornamental trees and do not contribute significantly to the visual amenities of the area. Scope for new planting in what would be the grassed corners of the proposed new car park to the front, does however exist, and as such, your Officers would recommend the

inclusion of a landscaping condition should members be minded to approve the application.

Conclusion

It is considered, given that a purpose built accommodation application has recently been submitted at the site, that it would be reasonable in the circumstances to grant consent for the re-siting of this temporary building for a maximum of two years, but that the building be permanently removed from the site after this period, in accordance with Policy B(BE).22 of the Borough of Redditch Local Plan.

Recommendation

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

- 1) Classroom building to be permanently removed from the site within 2 years from date of the grant of this consent.
- 2) H13 – Access turning and Parking.
- 3) Soft landscaping scheme to be submitted for the prior written approval of the LPA.
- 4) Soft landscaping scheme to be implemented in accordance with details agreed.
- 5) Commence car park within 3 years.

Informatives

- | | |
|-------------------|--|
| 1. Highway Note 1 | No mud on the Highway. |
| 2. Highway Note 4 | Private Apparatus within the Highway. |
| 3. Highway Note 5 | Alteration of highway to provide new or amend vehicle crossover. |



Planning

Astwood Bank and Feckenham Ward

Committee

3 February 2009

**2008/395/FUL EXTENSIONS TO EXISTING SCHOOL AND HIGHWAY ALTERATIONS TO FORM NEW FOOTPATH
FECKENHAM C OF E FIRST SCHOOL, SCHOOL LANE, FECKENHAM
APPLICANT: GOVERNORS OF FECKENHAM C OF E FIRST SCHOOL
EXPIRY DATE: 24 FEBRUARY 2009**

Site Description

(See additional papers for Site Plan)

The school is located approximately 0.5 miles to the North-East of the Feckenham Village Centre. The School and grounds are accessed via Swansbrook Lane to the West. To the North of the School lies Foxley Farm, and to the South, at the corner of School Lane / Swansbrook Lane lies a single detached dwelling 'Emanjays'. The Victorian brick and tile main school building is situated between a large hardstanding playground which faces on to Swansbrook Lane (to the West), and a double temporary classroom building and small car park area to the East. A grassed playing field which is used for football and sports day activities lies further to the East, the entrance to which is off the car park. This site is situated within the Green Belt.

Proposal description

This proposal is to replace the existing temporary double mobile classroom building with purpose designed new brick and tile single storey extensions to the school which will enable the school to cope with practical problems associated with lack of space which currently exist. Two new classrooms together with a new glazed corridor, and a separate smaller teaching area are proposed to the rear of the school where the temporary classroom currently exists. To the southern elevation (facing School Lane), a new head-teacher's office and new reception room are proposed, together with a re-modelled library, either side of what would be a new main entrance to the school (also facing onto School Lane). A new domestic technology area and disabled toilet extensions are proposed to the school's western elevation which faces towards the current hard-surfaced playground.

In addition, the proposals include a new pavement at the Swansbrook Lane / School Lane junction, immediately beyond the property 'Emanjay's' northern boundary. A yellow, hatched 'safe walking' route crossing School Lane would link the footpath with the main school site.

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

PPG 2 Green Belts
 PPG 13 Transport

Regional Spatial Strategy

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

Worcestershire County Structure Plan

T4 Car Parking
 D39 Control of Development in the Green Belt

Borough of Redditch Local Plan No. 3

B(RA).1 Detailed extent of and control of development in the Green Belt
 B(BE).13 Qualities of Good Design
 B(BE).14 Alterations and extensions
 C(T).1 Access to and within development
 C(T).12 Parking standards (Appendix H)

Relevant site planning history

96/085	Provision of a double mobile classroom (2 years)	Approved	2 April 1996
98/105	Retention of double mobile classroom (2 years)	Approved	23 April 1998
00/353	Retention of double mobile classroom (3 years)	Approved	30 Aug 2000
08/345	Proposed re-siting of existing temporary classrooms and formation of new car park	Pending Determination	

Public Consultation Responses

Responses in favour

None

Responses against

None

Consultation responses

County Highway Network Control

No objections raised.

Feckenham Parish Council

Comments awaited

Worcestershire County Council Public Rights of Way Officer

Comments awaited

Ramblers Association

No objections.

Procedural Matters

This application falls for determination by Redditch Borough Council, as the Governors of the school are the applicant in this case. Members will be aware that in most cases, planning applications at County maintained schools are determined by Worcestershire County Council.

Assessment of proposal

The key issues for consideration in this case are the principle of the development; the impact of the external alterations upon the character and appearance of the building and its surroundings and any potential impact upon highway safety.

Principle of the development

The site is located within the Green Belt. However, the proposed extensions are not considered to be inappropriate, considering their scale and function. The benefits arising from the removal of the existing substantial temporary double mobile classroom with a permanent brick and tile extension solution are considered to outweigh any perceived harm to the Green Belt.

Impact of extensions / alterations upon character and appearance of the building and its surroundings

Whilst not listed, the school is an attractive red brick building dating from the Victorian period. The structure exhibits many fine architectural features and therefore it is most important that the extensions respect and enhance this building which plays a vital role to the village community. All of the extensions proposed are considered to be of very high quality in terms of their design and appearance, and would enhance the character of the school, particularly at the rear, where the flat roofed double mobile classroom is currently sited.

The re-orientation of the classroom extensions to the rear is such that a large playground area can be created in this position, which in turn would lead to the playing field further to the East. The provision of a hard play area in this location is of considerable benefit to the school since pupils would then be able to be easily monitored by teachers from classrooms (all to the rear). At present, inadequate passive surveillance exists over the existing hard play area located between Swansbrook Lane and the main school.

Highway Safety considerations

By granting consent for the proposed classrooms to the rear, the existing small car park (approximately 6 spaces) would be lost. A new car park (13 no. spaces) is to be created at the schools frontage, where the hard playground area currently exists. However, this proposed car park is not for consideration here, and is instead to be considered under another application (2008/345), to be presented at this Committee meeting. The pavement and 'safe walking route' proposal linking the pavement to the school has followed lengthy discussions between the school and the Highways Authority. The approval of this aspect would be of great benefit to pupils who walk to the school and will improve safety.

Conclusion

It is considered that the proposals accord with relevant Policies of the Borough of Redditch Local Plan, in that the extensions would respect and enhance the character and appearance of the existing school building and that the new footpath proposal would enhance pedestrian safety. As such, Officers fully support this application.

Recommendation

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

- 1) Development to commence within 3 years from date of consent.
- 2) Materials for walls and roofs to match existing.

Planning Committee

Various Wards

3 February 2009

INFORMATION ITEMS

(Report of Acting Head of Environment & Planning)

1. **Purpose of Report**

To receive several items of information in relation to:

- a) outcome of appeals against planning decisions; and
- b) statistics relating to enforcement activity.

2. **Recommendation**

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

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

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

4. **Background / Key Issues**

In line with previous requests from Members of the Committee, the Information Report can include items of information (if any) on:

- a) reasons for grant of planning permission;
- b) decisions taken under delegated authority;
- c) outcomes of appeals against planning decisions;
- d) outcomes of appeals against enforcement action
- e) notification of appeals received;
- f) notification of prosecutions relating to enforcement of planning regulations.

5. **Consultation**

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. **Background Papers**

Planning Application and Enforcement files.

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.

8. Appendices

- Appendix 1 - Outcome of an Appeal against a Planning Decision - 2007/268/COU.
- Appendix 2 - Outcome of an Appeal against a Planning Decision - 2008/032/HH.
- Appendix 3 - Outcome of an Appeal against a Planning Decision - 2008/073/FUL.
- Appendix 4 - Outcome of an Appeal against a Planning Decision - 2008/236/FUL.
- Appendix 5 - 6 monthly review of enforcement Authorisations.
- Appendix 6 - Enforcement statistics July to December 2008.

OUTCOME OF APPEAL AGAINST A PLANNING DECISION

Reference: 2007/268/COU

Proposal: Change of use from car showroom and trade counter to bulky goods (furniture and floor coverings) retail use
Unit 1, Washford Trade Park, Washford Drive, Redditch

(Greenlands Ward)

This appeal was against the Council's decision to refuse planning permission for the above development. The Council's reasons for refusal were that the proposed development would materially impact upon, and adversely affect the vitality and viability of existing town centres, including Studley. In addition, the Council considered that the applicant failed to take proper account of the Policy E(TCR).4 (Need and the Sequential Approach) which states that the first preference for siting main town centre uses is Redditch Town Centre, and where no town centre sites or buildings are available or likely to become available within a reasonable time, then alternative locations should be considered in a sequence starting with sites in the peripheral zone, and ending at sites located in out of centre locations (the least preferable). This Policy follows from PPS.6 (Planning for Town Centres).

Following receipt of a recent Borough wide retail impact assessment, carried out on behalf of the Council which has concluded that a furniture and floor coverings proposal of this size and in this location would not materially impact on the vitality and viability of Town Centres, the Council determined not to contest this particular refusal reason.

However, at the time of the refusal of planning permission and indeed at the time of the appeal itself (December 2008), the Council considered that there were sequentially preferable sites of a size suitable for the proposed use which should not have been discounted by the appellant. The appeal therefore focussed on the issue of sequentially preferable locations.

At the time of the refusal of planning permission, a large retail unit (number 10 Kingfisher Square – immediately below Wilkinsons) existed and Officers considered this to be suitable for the proposed use having regard to flexibility in site selection, stressed in PPS 6. At the time of the appeal in December 2008 however, this basement unit was no longer available. At the Appeal, Officers drew the Inspector's attention to two available Town Centre Units both of which were considered suitable for the proposed use – these being Units 7-9 Market Place (Tony's Handyman) and Unit 1A The Quadrant, Alcester Street (the former £-stretcher).

In respect to Unit 1A whilst this was suitable in terms of its size, and has a service entrance via a side door to the building, following a visit to the premises, the Inspector considered this door to be too small, and generally unsuitable for a retail furniture sales use of the type proposed.

In respect to 7-9 Market Place whilst the ground and first floor space was again considered to be sufficient for the proposed use, what was considered to be a restricted staircase access to the side of the store, and the relatively small goods lift led the Inspector to believe that the building was unsuitable for storing and selling large items of furniture. The Inspector raised no objection to the use of what would have been the service / HGV access area which is located to the rear of this site.

The Inspector considered that the Council's current retail assessment confirmed the assessment provided by the appellant which shows that the proposal would not significantly impact on the vitality or viability of other centres.

The Inspector considered that the Washford Trade Centre is well served by regular bus routes which serve a significant proportion of the Borough and link to the Town Centre. In addition, he found that no available and suitable more sequentially preferable sites or premises within the Borough currently existed. As such, the appeal was ALLOWED.

A condition attached by the Inspector restricts the use of the building to sales to the general public where the use involves furniture, floor coverings and household textiles only.

**OUTCOME OF APPEAL AGAINST A REMEDIAL NOTICE
SERVED AS A RESULT OF A HIGH HEDGES APPLICATION**

Reference: 2008/032/HH

Proposal: The reduction in height of a hedge consisting of four Leylandii trees growing in the rear garden of 40 Berrington Close, Ipsley.

(Matchborough Ward)

An application was received from 38 Berrington Close, Ipsley under Section 8 of the Anti Social Behaviour Act 2003 for the reduction of four Leylandii trees growing as a hedgerow in the garden of 40 Berrington Close.

The local authority issued a Remedial Notice under Section 69 of the Anti-Social Behaviour Act 2003 on the occupier of 40 Berrington Close, for the height of the hedge to be reduced to 2.3 metres above ground level and to maintain at this height.

The occupier of 40 Berrington Close appealed against the Remedial Notice which the Inspectorate decided should SUCCEED IN PART and the terms of the Remedial Notice BE VARIED to omit the fourth Leylandii tree (furthest away from the property) and reduce the remainder of the three Leylandii to a height of 3.8 metres and be maintained at a height of no more than 4.00 metres. The Inspector also allowed a time limit of two months from the date of the appeal decision (28 December 2008) for the reduction work to be carried out. The work therefore has to be completed by 1 March 2009. The Local Planning Authority had also stated in the Remedial Notice, which was appealed against, that the work has to be completed within two months of the date of the notice.

OUTCOME OF APPEAL AGAINST A PLANNING DECISION

Reference: 2008/073/FUL

Proposal: **Erection of 5 no. dwellings
Land adjacent to Saltways Cheshire Home,
Church Road, Webheath**

(West Ward)

This appeal was against the Council's decision to refuse full planning permission for the above development. The reason for refusal related to the perceived overbearing impact the bungalow (the fifth of the five properties proposed) would have had upon the residents of Shirehampton Close. No objections were raised to the proposed four, two storey houses and as such, this part of the development was not referred to in the reason for refusal.

The Inspector noted that the site dips down markedly across the northern end where it is adjacent to the gardens in Shirehampton Close, and that there is a 1.8m high fence along this boundary, which screens views from ground floor rooms, but not first floor rooms which look over this fence and across the appeal site.

The Inspector commented that there would be an approximate 15 metre separation distance between the existing houses in Shirehampton Close and the proposed bungalow. Whereas the Inspector considered that a two storey house sited close to this boundary would appear uncomfortably close and overbearing for the occupants of the neighbouring houses, he considered that a single storey bungalow with a hipped end to the roof on the north side, would be acceptable. He noted, taking into consideration the fall in land levels, that the bungalow would present a low profile to the Shirehampton Close houses with only a relatively small amount of the end wall and receding roof-line of the development visible above the fence. The Inspector also commented that no planting is proposed along this boundary which might eventually grow to an unreasonable height and give rise to unacceptable overshadowing.

Whilst he noted that there is no guidance in the Council's policies on minimum separation distances between rear and side elevations, he considered that the relationship between buildings is not unusual in a modern residential area and that the bungalow would not appear unacceptably overbearing for the occupants of the Shirehampton Close houses.

On other matters, the Inspector considered that the scheme, in terms of its design, materials and construction would not be significantly different from that found in the surrounding area, and

that the scheme would not impinge upon the living conditions of the residents of the Cheshire Home to the East given that separation distances of between 20 metres and generally 30 metres would be maintained between the care home and the proposed dwellings.

The Inspector concluded that the proposed scheme would not conflict with the objectives of Local Plan policies and therefore **ALLOWED** the appeal, subject to conditions.

OUTCOME OF APPEAL AGAINST A PLANNING DECISION

Reference: 2008/236/FUL

Proposal: A rear and side extension at ground floor level and bedroom extension over existing garage 94 Forge Mill Road, Riverside, Redditch

(Abbey Ward)

Planning permission was sought for a first floor extension above an existing garage to the front and a single storey extension to the side/rear of the property at 94 Forge Mill Road, Riverside. The first floor extension above the garage was considered to be inappropriate by reason of its design and position relative to the adjacent property and would give rise to a terracing effect. The proposal was not in accordance with policies B(BE).13 and B(BE).14 of the Borough of Redditch Local Plan No 3 and also in conflict with the spacing standards contained in Appendix C of the Council's adopted Supplementary Guidance on Encouraging Good Design and was refused for the following reason:

The proposed extension, by reason of its design and position relative to the adjacent property would give rise to a terracing effect and unacceptably detract from the appearance of this part of the street scene contrary to Policies B(BE).13 and B(BE).14 of the Borough of Redditch Local Plan No 3 and the spacing standards contained in Appendix C of the Supplementary Planning Guidance on Encouraging Good Design.

The application went to appeal and was DISMISSED on 10 December 2008.

The Inspector noted that the whilst some of the properties had been extended to the side at first floor level, there still remained on the whole a perception of spaciousness enhanced by the gaps between the dwellings at first floor level. She felt that these gaps contributed significantly to the character of the street scene and the character would be eroded if these gaps were lost.

The inspector concluded that having regard to the advice in the Supplementary Planning Guidance, whilst the development proposed may be of high quality, it would have an adverse visual impact by virtue of the filling of a first floor gap in the street scene. And would therefore conflict with policies B(BE).13, B(BE).14 of the Local Plan and advice in the Council's SPG.

6 Monthly Review Of Enforcement Authorisations.

Committee date	Location	Alleged Breach	Committee authorisation	Action taken	Date closed/ Review date	Current status
12 August 2008	Greenlands Avenue	Condition of land	Issue Section 215 Untidy Land Notice	Notice issued - expired	31 December 2008	Assessing acceptability of work undertaken
	Southcrest Road	Condition of land	Issue Section 215 Untidy Land Notice	Notice complied with - land cleared	13 January 2009	Case closed
	Fernwood Close	Enclosure of land into curtilage	Issue Enforcement Notice	Permission refused - appeal received	01 February 2009	Awaiting Inspectors decision
9 September 2008	Munsley Close	Condition of land	Issue Section 215 Untidy Land Notice	Notice issued	10 February 2009	Pending expiry of compliance period
	Barford Close	Condition of land	Issue Section 215 Untidy Land Notice	Notice issued - expired	31 December 2008	Notice breached - potential prosecution
	Exhall Close	Condition of land	Issue Section 215 Untidy Land Notice	Notice complied with - land cleared	14 January 2009	Case closed
	Fenwick Close	Condition of land	Issue Section 215 Untidy Land Notice	Notice issued	28 February 2009	Pending expiry of compliance period
	Birchfield Road	Condition of land	Issue Section 215 Untidy Land Notice	Issuing of Notice on hold	01 February 2009	Occupier in care with dementia
7 October 2008	Edward Street	Condition of land	Issue Section 215 Untidy Land Notice	Notice in draft	01 February 2009	Pending service
4 November 2008	Castleditch Lane	Unauthorised extension	Issue Enforcement Notice	Application received - currently held	01 February 2009	Further information requested
2 December 2008	Weights Lane	Unauthorised advertisement	Instigate prosecution proceedings	Warning letter sent - advert removed	08 December 2009	Case closed

Planning Committee

Appendix 6

3 February 2009

Enforcement Statistics - July to December 2008

Enforcement Complaints registered	→→→	140
Closed - ceased	→→→	31
Closed - Planning Permission obtained	→→→	13
Closed - no evidence	→→→	17
Closed - permitted development	→→→	30
Closed - no planning issues	→→→	45
Total number of complaints closed	→→→	136
Enforcement notices issued	→→→	3
Stop notices issued	→→→	0
Temporary stop notices issued	→→→	0
Planning contravention notices Issued	→→→	15
Breach of condition notices issued	→→→	7
High hedge remedial notices issued	→→→	0
Sec 215 untidy land notices issued	→→→	5
Number of Notices issued	→→→	30
Number of Notices complied with	→→→	17
Prosecutions initiated	→→→	0
Convictions obtained	→→→	0
Enforcement appeals received	→→→	2
Enforcement appeals dismissed	→→→	1
Enforcement appeals allowed	→→→	0

Iain Mackay
Enforcement Officer

Date: 05/01/2009

Planning Committee

All Wards

3 February 2009

ENFORCEMENT OF PLANNING CONTROL

(Report of the Acting Head of Environment and Planning)

1. **Purpose of Report**

To determine the appropriate course of action to be taken in respect of an enforcement matter.

2. **Recommendation**

The Committee is asked to RESOLVE

whether it considers it expedient to take the enforcement action specified in the following enforcement report.

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

Financial

3.1 There are no direct financial implications in the reports.

Legal

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

Town and Country Planning Act 1990.

Planning and Compensation Act 1991.

Planning and Compulsory Purchase Act 2004.

Town and Country Planning (Control of Advertisements) Regulations 2007

Human Right Act 1998.

Crime and Disorder Act 1998.

Policy

3.3 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.

3.4 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, Enforcement Officer who can be contacted on extension 3205 (email:-iain.mackay@redditchbc.gov.uk) for more information.

Planning Committee

3 February 2009

ENFORCEMENT REPORT

Unauthorised Highway Banner Advertisements Various locations throughout the Borough

(All Wards)

1. Background / Key Issues

- 1.1 This matter comes before your Committee with regard to the display of banner advertisements at various locations throughout the Borough. Such adverts have been seen draped from flyovers and bridges on the main town highways, affixed to walls and railings on roundabouts or placed on wooden frames and affixed to the ground.
- 1.2 Under the Town & Country Planning (Control of Advertisements) Regulations 2007, such advertisements require the benefit of advertisement consent due to their size. If they are situated on land not owned by the displayer, express permission of the landowner is also required under separate legislation. Any advertisement which is displayed without consent is deemed flyposting, and is open to immediate action by way of prosecution, removal or obliteration.
- 1.3 Over the past 12 months, your enforcement officer has received a large number of complaints regarding this type of advertising. These have been dealt with on an ongoing basis, mainly by requesting their removal, which has met with only limited success.
- 1.4 However, your Enforcement Officer has determined a pattern of behaviour that has seen offending advertisements removed only to be replaced by another similar advertisement after a short period of time, or alternatively, having enforced the removal of an advertisement, find a similar one in another location which the offender has chosen not to remove. This is particularly so with serial offenders, identified as being large out of town stores, internet web companies, hotels and unfortunately, the Council as well, although negotiations with offending departments to resolve this issue are at an advanced stage. With the fact the Council itself is breaching the regulations, and the sheer volume of cases requiring action, it is having a significant impact on your enforcement officer's workload, as well as the visual amenity and highway safety of the Borough's residents and visitors.

Planning Committee

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- 1.5 At present, your Committee's authority is required to take enforcement action on individual advertisement offences, and offenders know this gives them an extended period of free advertising safe from enforcement action. Your enforcement officer considers that the extent of the problem is now such that there is a need to take more immediate action.

2. Conclusion

- 2.1 There is now a serious problem of unauthorised banner advertisements being displayed throughout the Borough, often by serial offenders who have been warned previously on more than one occasion.
- 2.2 Your Planning Officers consider that these advertisements would be unlikely to be granted express consent as their size, appearance and positioning would be unacceptable, and their prominent location on major vehicular highways could prejudice highway safety and the visual amenity of the Borough. Further, the fact no permission has been obtained from the landowner would normally invalidate any application.
- 2.3 Your Planning and Enforcement Officers considers that these offenders are deliberately abusing the law by removing the advertisements and later re-instating them or placing them in alternative or multiple locations to avoid enforcement action. They consider that the Council need to be in a position to prosecute any future breaches of the law quickly and effectively by prosecuting offenders ensuring maximum publicity for any convictions obtained.
- 2.4 They also consider that prior to taking such action, a press release should be forwarded to all local newspapers warning of the potential result of any breaches identified, and that formal letters be sent to all businesses that have previously offended warning them that any further contraventions will result be likely to result in prosecution.

3. Recommendation

The Committee is asked to RESOLVE that

authority be delegated to the Head of Legal Services, in consultation with the Acting Head of Planning and Building Control, to take enforcement action, including the instigation of legal proceedings if necessary, in relation to a breach of planning control, namely, the display of any banner 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.