

Planning Committee

Tue 3 Mar
2009
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

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

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- 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:

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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

3 March 2009

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	M Chalk (Chair)	W Hartnett
	D Smith (Vice-Chair)	N Hicks
	D Enderby	D Hunt
	J Field	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. Confirmation of Minutes (Pages 1 - 8)</p>	<p>To confirm, as correct records, the minutes of the meetings of the Planning Committee held on the 6 January and 3 February 2009. (Minutes attached)</p>
<p>4. Applications for planning permission (Pages 9 - 10) Acting Director of Environment and Planning</p>	<p>To consider various applications for planning permission. (Items below refer.) (Covering Report attached)</p>
<p>5. Planning Application 2008/342 /FUL - 5 Willow Way, Batchley (Pages 11 - 16)</p>	<p>To further consider a Planning Application for the erection of a two storey detached dwelling and garage. Applicant: Abbey and Lyndon (Batchley Ward)</p>
<p>6. Planning Application 2008/386/FUL - Abbey Hotel, Golf and Countryside Club, Dagnell End Road, Bordesley (Pages 17 - 30)</p>	<p>To consider a Planning Application for the erection of 25 lodge-style accommodation units, ancillary to the main hotel, with associated landscaping and infrastructure. Applicant: RSM Leisure Ltd (Abbey Ward)</p>

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<p>7. Planning Application 2009/002/FUL - 56 Hither Green Lane, Bordesley (Pages 31 - 36)</p>	<p>To consider a Planning Application for the variation of elevations approved under Planning Application 2008/275/FUL, to include ground floor front and rear elevations, side chimney extension and rear side canopy.</p> <p>Applicant: Mr Nevil Jinks</p> <p>(Abbey Ward)</p>
<p>8. Planning Application 2009/010/FUL - 1 Claybrook Drive, Matchborough (Pages 37 - 42)</p>	<p>To consider a Planning Application for the erection of new perimeter fencing, insertion of 5 new windows to south elevation, erection of new substation, external compressor and paper trim compactor.</p> <p>Applicant: Kalamazoo Secure Solutions</p> <p>(Matchborough Ward)</p>
<p>9. Information Report (Pages 43 - 46)</p>	<p>To receive an item of information in relation to the outcome of an appeal against the issue of an Enforcement Notice.</p> <p>(Report attached)</p> <p>(Astwood Bank and Feckenham Ward)</p>
<p>10. Enforcement of planning control (Pages 47 - 56)</p> <p>Acting Director of Environment and Planning</p>	<p>To determine the appropriate course of action to be taken in respect of two enforcement matters.</p> <p>(Items below refer.)</p> <p>(The Appendices to this report are confidential in view of the fact that they contain confidential information relating to individuals' identities and alleged breaches of planning control which could result in prosecution by the Council and have therefore only been made available to Members and relevant Officers.)</p> <p>(Covering Report attached)</p>
<p>11. Enforcement Report 2006/351/ENF - Other Road, Town Centre (Pages 57 - 58)</p>	<p>To consider a breach of Planning Control in respect of non-compliance with requirements of an Enforcement Notice.</p> <p>(Report attached)</p> <p>(Abbey Ward)</p>
<p>12. Enforcement Report 2007/215/ENF and 2008/275/ENF - Polesworth Close, Matchborough (Pages 59 - 60)</p>	<p>To consider a breach of Planning Control relating to non-compliance with requirements of an Enforcement Notice.</p> <p>(Report attached)</p> <p>(Matchborough Ward)</p>

PLANNING

Committee

3 March 2009

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



Planning Committee

6 January 2009

MINUTES

Present:

Councillor Michael Chalk (Chair), Councillor David Smith (Vice-Chair) and Councillors D Enderby, R J Farooqui, J Field, W Hartnett, N Hicks and D Hunt.

Also Present:

Mr M Collins (Vice-Chair Standards Committee).

Officers:

R Bamford, N Chana, A Hussain, R Kindon and A Rutt.

Committee Services Officer:

J Smyth.

58. APOLOGIES

Apologies for absence were received on behalf of Councillors Boyd-Carpenter and R King.

59. DECLARATIONS OF INTEREST

There were no declarations of interest.

60. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meetings of the Committee held on the 7 October, 4 November and 2 December 2008 be confirmed as correct records and signed by the Chair.

61. APPLICATIONS FOR PLANNING PERMISSION

The Committee considered and determined six Planning Applications as detailed in the subsequent minutes below.

Officers tabled an update report detailing any late responses to consultation, changed recommendations, further conditions and any

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Chair

Planning Committee

additional Officer comments in relation to each application. This report was further updated orally at the meeting as appropriate to each application.

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

62. PLANNING APPLICATION 2008/342 - 5 WILLOW WAY, BATCHLEY

Erection of a two storey detached dwelling and garage
Applicant: Abbey and Lyndon

RESOLVED that

having regard to the Development Plan and to all other material considerations, authority be delegated to the Acting Head of Planning and Building Control, to GRANT Planning Permission, subject to:

- 1) **the conditions and informatives as detailed in the report; and**
- 2) **negotiations being pursued to address issues relating to additional signage indicating a one-way road system opposite the application site and, should such negotiations be unsuccessful, the matter be brought back to Committee for further consideration.**

63. PLANNING APPLICATION 2008/360/OUT - LAND ADJACENT TO 1 FLADBURY CLOSE, WOODROW SOUTH

Outline Residential Development
Applicant: Redditch Borough Council

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

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the conditions and informatives as detailed in the report.

Planning Committee

64. PLANNING APPLICATION 2008/361/OUT - LAND AT LINGEN CLOSE / MORDIFORD CLOSE, WINYATES

Outline Planning Application for residential development
Applicant: Redditch Borough Council

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

RESOLVED that

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

“The proposed development would result in a loss of Incidental Open Space in a ward where there is already a recognised deficit of open space per 1000 population, and does not propose adequate mitigation for this loss. The loss of this amenity is considered to be detrimental to the residential amenity of the ward as a whole, and particularly residents in close proximity to the site, and as such is contrary to R2 of the Borough of Redditch Local Plan No. 3.”

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

65. PLANNING APPLICATION 2008/362/FUL - HOMEBASE, ABBEY RETAIL PARK

External alterations to building (currently Homebase),
internal works to create one additional unit
and modifications to car parking layout
Applicant: Essex County Council Pension Fund

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the conditions and informatives as detailed in the report.

66. PLANNING APPLICATION 2008/365/OUT - LAND BETWEEN SKILTS AVENUE AND LODGE POOL DRIVE, LODGE PARK

Outline Residential Development
Applicant: Redditch Borough Council

Planning Committee

Mr Hewlett and Mr Kershaw, Objectors, and Mr R Kindon, Agent for the Applicant, addressed the Committee under the Council's public speaking rules.

RESOLVED that

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

- 1) **The proposed development would result in a loss of Primarily Open space in a ward where there is already a recognised deficit of open space per 1000 population, and does not propose adequate mitigation for this loss. The loss of this amenity is considered to be detrimental to the residential amenity of the ward as a whole, and particularly residents in close proximity to the site, and as such is contrary to Policy (1 of the Borough of Redditch Local Plan No.3.**
- 2) **The loss of public amenity space that would result from the proposed development is not considered to outweigh the wider benefits to the Borough and therefore the benefit to the community of the site would be lost without acceptable alternative. As such the proposal does not comply with the criteria of Policy R1 of the Borough of Redditch Local Plan No. 3.**

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

67. PLANNING APPLICATION 2008/370/FUL - 26 CRUMPFIELDS LANE, WEBHEATH

Conversion of flat roof to pitched roof, two storey side extension, sun room at the rear and dormer window to front of property
Applicant: Mr A Warby

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the conditions as detailed in the report.

The Meeting commenced at 7.00 pm
and closed at 9.21 pm

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CHAIR



Planning Committee

3 February 2009

MINUTES

Present:

Councillor Michael Chalk (Chair), Councillor David Smith (Vice-Chair) and Councillors B Clayton (substituting for Councillor Boyd-Carpenter), D Enderby, J Field, W Hartnett, N Hicks, D Hunt and R King

Also Present:

Mr M Collins (Vice-Chair – Standards Committee)

Officers:

R Bamford, S Edden, A Hussain and A Rutt

Committee Services Officer:

J Smyth.

68. APOLOGIES

An apology for absence was received on behalf of Councillor Boyd-Carpenter.

69. DECLARATIONS OF INTEREST

There were no declarations of interest.

70. APPLICATIONS FOR PLANNING PERMISSION

The Committee considered and determined two Planning Applications as detailed in the subsequent minutes below. The applications were initially introduced and dealt with together. When, during the debate, issues emerged which triggered a divergence of views in respect of the retention of the temporary building, the two applications were dealt with separately.

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

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Chair

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

71. PLANNING APPLICATION 2008/345/FUL - FECKENHAM C OF E FIRST SCHOOL, SCHOOL LANE, FECKENHAM

Re-siting of existing temporary classrooms and formation of new car park and access points

Applicant: Governors of Feckenham C of E First School

Mrs B Hartigan (Head Teacher and supporter) addressed the Committee under the Council's public speaking rules.

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the conditions and informatives detailed in the report.

72. PLANNING APPLICATION 2008/395/FUL - FECKENHAM C OF E FIRST SCHOOL, SCHOOL LANE, FECKENHAM

Extensions to existing school and highway alterations to form new footpath

Applicant: Governors of Feckenham C of E First School

Mrs B Hartigan (Head Teacher and supporter) addressed the Committee under the Council's public speaking rules.

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the conditions detailed in the report and the following additional informatives:

- “1. No disturbance of, or change to, the surface of the path or part thereof should be carried out without similar written consent (this includes laying concrete, tarmac or similar).**
- 2. There should be no diminution in the width of the right of way available for use by the public.**
- 3. Building materials must not be stored on the right of way.**

4. **Vehicle movements and parking should be arranged so as not to unreasonably interfere with the public's use of the right of way.**
5. **No additional barriers should be placed across the right of way.**
6. **The safety of the public using the right of way should be ensured at all times.**

73. INFORMATION REPORTS

The Committee received a number of items of information in relation to the outcomes of appeals against earlier Planning decisions, together with statistics relating to enforcement activity during the previous six months.

RESOLVED that

the various items of information be noted.

74. ENFORCEMENT OF PLANNING CONTROL

The Committee considered a request for authority to be delegated to Officers to deal with an escalating problem of unauthorised advertisements being displayed throughout the Borough, as detailed in the subsequent minute below.

75. ENFORCEMENT REPORT

The Display of Unauthorised Highway Advertisements

The Committee noted the need for Officers to be able to deal quickly and effectively with the ongoing and growing number of unauthorised advertisements being put up in the Borough.

This proposal was generally supported and Members noted the various fines that could be imposed if prosecutions were successful.

The description of 'banner advertisements' was broadened, to 'advertisement paraphernalia', to take account of a wider range of potential styles of advertisement. Members also noted that the nature of this proposal required the authority of the full Council.

RECOMMENDED that

- 1) **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**

Planning Committee

3 February 2009

the instigation of legal proceedings if necessary, in respect of breaches of Planning Control, namely the display of any advertisement paraphernalia, without the express consent of the Local Planning Authority; and

- 2) such action comprise the instigation of Prosecution proceedings if deemed necessary.**

The Meeting commenced at 7.00 pm
and closed at 9.06 pm

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CHAIR

Planning Committee

Various Wards

3 March 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.

Members are asked to consider various Planning Applications, each as detailed in the following reports.

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, Risk and Sustainability/Environmental 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.
- 3.4 Risk : As detailed in each individual application.
- 3.5 Sustainability
/Environmental : 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.

8. Author of Report

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

Planning Committee

Batchley Ward

3 March 2009

**2008/342FUL ERECTION OF A TWO STOREY DETACHED DWELLING AND GARAGE
5 WILLOW WAY, BATCHLEY
APPLICANT: ABBEY AND LYNDON
EXPIRY DATE: 22 DECEMBER 2008**

Members may recall considering this application at their meeting in January 2009, and raising concerns which meant that they delegated the application to Officers. The concern of Members related to the vehicular access/egress of the property, and the safety of creating this driveway onto a one-way street. Some Members were keen to see a sign placed on the highway opposite the site in order to clarify to drivers the road network they enter as they leave the site. The resolution is summarised as follows:

RESOLVED that

having regard to the Development Plan and to all other material considerations, authority be delegated to the Acting Head of Planning and Building Control, to GRANT Planning Permission, subject to:

- 1) the conditions and informatives as detailed in the report; and**
- 2) negotiations being pursued to address issues relating to additional signage indicating a one-way road system opposite the application site and, should such negotiations be unsuccessful, the matter be brought back to Committee for further consideration.**

This matter therefore returns for your attention under the final clause of paragraph 2) above for the reasons set out below.

Following liaison with Officers from the County Highway Network Control team and others within the Highway Authority, they have confirmed that such a sign would not be required, and that it should not form a requirement of the planning permission. In terms of procedures, your own planning Officers do not consider that such a requirement would meet the test of reasonableness as set out in the legislation.

Further information is also considered pertinent to the consideration of this case, and that is that the other residential properties along this section of Willow Way all benefit from Permitted Development Rights under the planning legislation which would mean that they could create a vehicular drive in their front garden over which this Local Planning Authority would have no control, and it therefore further seems unreasonable to request it in this case when it could not be required in others.

Therefore, as the concerns raised by Members have not been wholly addressed, the report, as previously provided, along with this extra information, is now re-presented for a decision to be made.

Report as printed on 6 January 2009 agenda papers follows:

**2008/342/FUL ERECTION OF A TWO STOREY DETACHED DWELLING AND GARAGE
5 WILLOW WAY, BATCHLEY
APPLICANT: ABBEY AND LYNDON
EXPIRY DATE: 22 DECEMBER 2008
WARD: BATCHLEY**

Site Description (See additional papers for Site Plan)

The site consists of a parcel of land at the side of 5 Willow Way which formed part of the garden area for this property but has recently been fenced off following the submission of this application. The site has shrub and hedge planting and a single storey building attached to No. 5 Willow Way. The single storey building would need to be demolished in order to implement the proposed development. The site is relatively level and is very slightly elevated in relation to 6 Willow Way.

Proposal description

A 3 bedroom two storey dwelling is proposed with an attached single size garage. Part of the dwelling would be set slightly further forward of the adjacent property (No.5), and have garden area to the rear. Access to the development is via a new access off Willow Way.

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

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 and Existing Dwellings

B(BE).13 Qualities of Good Design

B(BE).19 Green Architecture

C(T).12 Parking Standards

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

Relevant Site Planning History

None

Public Consultation Responses

Responses in favour

1 letter of support from CPRE. Site is garden area of 5 Willow Way with boundary hedging on all three sides of the site. Some planting will need to be removed to implement the development. Generally CPRE support development of the site.

Two letters of comment raising the following points:-

- Proposed drive may affect the existing lamppost which will probably need to be relocated.
- Concern about noise during construction and that parking for builders is kept within the confines of the application site.

Consultee Responses

County Highway Network Control

No objections subject to conditions.

Environmental Health

No objections

Severn Trent Water Ltd

No objection subject to conditions.

Assessment of Proposal

The key issues for consideration are as follows:-

Principle

The site currently forms part of the garden area of 5 Willow Way which is residential and is situated in a primarily 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 building line of the proposed dwelling is similar to that of No. 5 Willow Way, although it would be slightly further forward, it would be in keeping with the layout and character of the surrounding housing.

The proposal complies with the Council's SPG on Encouraging Good Design and is designed to complement the adjacent housing with the use of materials to match the existing properties.

Landscape and Trees

No details have been provided as part of the application although it is indicated in the Design and Access Statement that all disturbed areas of hedges and planting will be reinstated on completion of the new dwelling.

Highways and Access

Adequate off street car parking would be provided for the proposed dwelling. The existing property had no provision of off street car parking and this would remain the same if planning permission is granted for the proposal.

County Highway Network Control has no objection to the proposal. Comments have been made by a neighbour that the location of the access could affect a lamppost. This matter can be easily remedied (if necessary the lamppost repositioned). An informative could be imposed advising the applicant of the possibility of relocating the lamppost.

Sustainability

The applicant has provided a Climate Change Statement. This specifies that the design of the overall floor area has been kept to the minimum with very little wasted circulation space to reduce the overall building material used. The house will be constructed using highly insulated walls, roof and floor and the heating system will be based on the use of a gas fired high efficiency condensing boiler. In addition, serious consideration will be given to the use of passive solar heating panels to offset the hot water requirements of the dwelling.

Conclusion

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

Recommendation

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

1. Development to commence within 3 years.
2. Details of materials to be submitted.
3. Landscape scheme to be submitted and implemented.
4. Failure of planting to be replaced.

Planning Committee

3 March 2009

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. Access, turning and parking

Informatives

1. Applicant to be advised that lamppost may need to be relocated.
2. Mud on highway.
3. Private apparatus within the highway.
4. Alteration of highway to provide new or amend vehicle crossover.
5. Drainage details to be in agreement with Severn Trent.

Planning Committee

Abbey Ward

3 March 2009

**2008/386/FUL ERECTION OF 25 LODGE-STYLE ACCOMMODATION UNITS
ANCILLARY TO THE MAIN HOTEL WITH ASSOCIATED
LANDSCAPING AND INFRASTRUCTURE
ABBAY HOTEL, GOLF & COUNTRY CLUB, DAGNELL END ROAD,
REDDITCH
APPLICANT: RSM LEISURE LTD
EXPIRY DATE: 17 MARCH 2009**

Site Description

(See additional papers for Site Plan)

The site is formed from an existing area of the golf course operated by the Abbey Hotel, and includes a large pond. The site is bounded to the north by Dagnell End Road, to the east by the western end of Hither Green Lane, and to the south by the remainder of the golf course. Adjacent to Hither Green Lane are also two car parking areas, one formally surfaced and marked out for hotel users and the other more informal and rough surfaced for golf course users. To the west of the site is an open field, beyond which is the Meadow Farm public house.

The existing Abbey hotel comprises a 100 bed hotel, conference and leisure facilities, and on site parking provision in excess of the current standards.

Proposal description

The proposal is for the creation of a small area of chalet/lodge style single storey timber buildings around the lake on the opposite side of Hither Green Lane from the existing hotel complex.

There would be 13 lodges for up to 4 people, and 12 smaller lodges for up to 2 occupants. Two lodges nearest the existing hotel would include full disabled access and facilities. The intention is that they form en-suite bedroom accommodation, with living areas, and are ancillary to the hotel in that the occupants can use the hotel facilities, including catering, sport and golf facilities. However, there would be basic facilities within each lodge for preparing drinks and snacks etc. The proposal includes the use of sustainable materials.

The lodges would be of timber construction, and made up of octagonal pods, some attached in pairs, with decking areas for sitting out. The lodges for two people are a single octagonal unit without decking. Each has a pitched roof of a similar shape to those atop the turrets of the main hotel complex, finished with cedar shingles to a maximum height at the point of the pitch of 4m. For all the lodges the external walls would be made of pine lapped boarding, and the window frames would also have a natural pine finish, with double glazed units inserted.

Copper rainwater goods are proposed, as these weather well and become an integral part of the building and do not become visually intrusive. The lodges are designed and constructed so that at the end of their useful life they can be easily removed and recycled, and the site is left to return in its former natural condition. A security and control building adjacent to the barrier entrance is proposed, comprising 3 linked octagonal pods. Angling decks around the lake shore are proposed, and those lodges around the lake shore also have their decking fronting the lake.

The proposal shows an area to the north east of the site for car and cycle parking. There would be a road around the north and west of the site to provide access to the lodges, each of which would have its own parking bay attached, and a pedestrian spine footpath/cycleway linking to the side of Hither Green Lane opposite the hotel entrance. A comprehensive landscaping scheme is also proposed to provide planting, shelter and an attractive environment. The lodges would generally look out over the lake or over the golf course, with a significant tree belt to be retained and improved between the site and the residential properties on Hither Green Lane.

The proposal also shows the introduction of a new members' practice green to the south east of the site, adjacent Hither Green Lane.

The application is supported by the following documents:
Design & Access statement, Planning statement, Transport statement, Travel Plan, TPO statement, Community consultation statement, Secure by design statement, Landscape & visual amenity assessment, Landscape masterplan, Ecological appraisal and Great Crested Newt survey.

Relevant key policies

National planning policy

PPS 1 Delivering sustainable development
PPS6 Planning for town centres
PPG13 Transport
Good practice guide on planning for tourism

Regional Spatial Strategy

PA10 Tourism and culture
T2 Reducing the need to travel

Worcestershire Country Structure Plan

RST14 Tourism development
RST17 Holiday chalets
T3 Managing car use

Borough of Redditch Local Plan No. 3

CS1 Prudent use of natural resources
CS2 Care for the environment

CS4 Minimising the need to travel
 CS7 The sustainable location of development
 CS8 Landscape character
 S1 Designing out crime
 BBE13 Qualities of good design
 BBE19 Green architecture
 BNE1a Trees, woodland and hedgerows
 CT1 Access to and within development
 CT4 Travel plans
 CT5 Walking routes
 CT6 Cycle routes
 CT10 Traffic management
 CT12 Parking standards
 R1 Primarily open space

SPD: Designing for Community Safety

The site is wholly within an area designated as Primarily Open Space and within the Arrow Valley Park on the Local Plan proposals map, and the land to the north of Dagnell End Road lies within Bromsgrove Council area and within designated Green Belt.

Relevant site planning history

<i>Application reference</i>	<i>Proposal</i>	<i>Decision</i>	<i>Decision date</i>
08/200	33 lodges ancillary to main hotel	Refused by Members Appeal pending	14/8/8
07/494 and 07/495	Additional leisure facilities at the hotel	Approved	5/2/8
07/486	Relief of condition to allow permanent use of 19 th hole	Approved	24/1/8
07/250	33 lodge style units of accommodation	Withdrawn	31/8/7
06/420	creation of additional golf hole for use when others being repaired/maintained	Approved	23/11/6
00/029	disabled access provision	Approved	18/5/00
99/296	Extension to provide leisure facilities and conference facilities	Approved	18/5/99

The original hotel use of the site was granted permission in the late 1980s following approval of various applications.

Consultation responses

Public

Objections have been received from seventy two households raising the following concerns:

- No proven need for additional accommodation
- Site should remain as protected open space
- Disproportionate increase in size of hotel
- Incorrect location for type of development proposed – should be nearer town centre
- Loss of golf facility
- Visually intrusive
- Lodge buildings out of character with surrounding area
- Lodge buildings too densely sited
- Visual harm to countryside
- Over development of site
- Proximity to existing dwellings
- Increase in traffic generation likely
- Pedestrian crossing would be required on Hither Green Lane
- Inadequate highway capacity
- Insufficient parking for lodges
- Safety and security – crime risk from additional people in area
- Drainage
- Possible harm to environment
- Likely impact on wildlife unacceptable
- 24/7 use
- Increased noise disturbance to Hither Green Lane residents
- Potential future uses if fails in current economic climate
- Previous reasons for refusal still apply
- Impact on existing golfing facilities
- Potential danger of golfers hitting guests with golf balls accidentally

Other non-material planning considerations have also been raised, but are not reported here as they cannot be given any weight when determining this application.

(There appears to be a general lack of awareness amongst residents that the application for the permanent retention of the additional golf hole has been granted planning permission – 07/486. There also appears to be a general feeling that additional hotel users would be a nuisance. There are also various comments regarding land ownership which is not a material consideration.)

It is noted that there would be an over provision of car parking within the hotel complex as a whole as a result of this proposal. However, given the concerns raised by residents of on street parking, the likelihood that most users would arrive in private cars, and the current lack of travel mode options for arriving at the site, it is recommended that rather than refusing, the provision of coach parking facilities within the existing hotel site (blue land) is required.

Therefore, no objection is raised subject to the provision of coach parking facilities within the existing hotel site (blue land), the confirmation of the existence of a taxi drop off/pick up point at the site and the provision of a link to the local footpath network if possible. These are considered necessary because whilst it is accepted that most users would travel to and from the site by a private car, in the interests of encouraging sustainability and linking the site with other tourist attractions in the vicinity these measures would assist and be appropriate and related to the proposal.

Development Teams

No objection subject to justification of loss of open space in terms of policy criteria

Crime Risk Manager

No objection subject to conditions regarding boundary treatment, car parking, CCTV and barrier details.

Drainage officer

No response received

Biodiversity officer

The following comments have been made:

- No mitigation or replacement open space proposed to off set loss on this site
- Site is adjacent to Green Belt to north
- 5m buffer strip around pond should be provided
- Lodges should not be too close to pond
- No predatory fish should be introduced into pond
- Should not allow fishing
- Pond should be protected by fencing during construction
- Encourages the proposed green corridor, retention and proposals for more planting

Environmental Health Officer

No objection subject to conditions regarding burning and hours of construction (the burning requirements would be best dealt with by the imposition of an informative).

Historic Conservation adviser

No objection

Bromsgrove District Council

Raised concerns regarding impact on their Green Belt to north of site, and the incorrect interpretation of their local planning policy framework by the applicant in their supporting statement.

Crime Risk Manager

Objects due to lack of proposed security measures for the car parking provision. However, additional information has been requested to address these concerns and if it is not forthcoming it could be required through the imposition of a condition. Further details will be provided on the Update paper if necessary.

Natural England

No response received

Environment Agency

No response received

Worcestershire Wildlife Trust

No response received

Procedural Matters

The period for responding to consultations has lapsed (on 30 January 2009), and therefore under the statutory framework, where no responses have been received, no objection can be assumed.

Any further responses received after publication of the report and prior to the meeting will be reported on the Update paper in order that they can be taken into consideration, even though received late.

Any existing concerns or difficulties are not material considerations when considering this application – this cannot be considered an opportunity to control previous consented development, nor can it be used to control matters outside the defined area of the application site. If there are perceived concerns, these should be dealt with, where expedient, through the proper enforcement channels if any breach of permission has occurred. However, in this case, there are no concerns or breaches of consent on the Abbey Hotel site that Officers are aware of.

The proposal is of a sufficient size to warrant screening under the EIA regulations. This is a process where the LPA considers the size and possible impacts of the proposal against criteria in the legislation, and then determines whether an EIA should accompany the application or not. In this case, given the criteria in the regulations, the nature of the proposed scheme and the submitted supporting information, an EIA is not required.

A formal determination to this effect has been placed on the statutory register and the planning file, in accordance with the statutory requirements.

Matters relating to land ownership and restrictive covenants are not material considerations within the planning process, and should be dealt with separately under the appropriate processes.

Members should note that the granting of this application would only result in permission for what is shown in this application, and should alternative uses be proposed in the future, a further application seeking consent for such uses would be required, and thus control over the use of the site would be retained by the Local Planning Authority.

Assessment of proposal

Principle

The site lies within designated Primarily Open Space within the Local Plan, and as such its protection would normally be sought. Proposals for development on such sites must be considered against the criteria within Policy R1. In this case, the open space has no public access as it is in private. The applicant has confirmed that the Abbey Ward, in which the site lies, would retain an above average provision of open space per 1000 population even if the proposal were allowed, and this remains well above the average provision across the Borough, with no additional requirements caused by the proposed development. The policy also states that proposals that '*contribute to the nature and purpose of the open space may be deemed acceptable by the Council*'. The impact of the proposal on the economic and tourism sectors of the Borough is argued by the applicant to outweigh the loss of the open space.

National planning guidance on town centres includes leisure and tourism uses as appropriate for locating within town centres, and suggests that it is preferable to do so. However, where the proposed development is an extension to an existing use on a site outside a town or district centre, or would not be appropriate within a town centre location then this is accepted providing that the proposal would not have a negative impact on existing town centre provision. Due to the nature of the hotel, its location, and that of others within the Borough, it is not considered that this proposal would have such an effect. Given the nature of the proposal, it would clearly be inappropriate to site such development within a highly urban area such as a town centre. It is further considered that the benefits of additional employment and economic activity are such that the principle of the proposed development is acceptable.

National planning guidance on tourism seeks to locate developments in such a way that they are of an appropriate design which is sustainable, and have a positive impact on the environment. The detailed elements of this are considered below, however the guidance also supports the extension and improvement of existing tourism facilities, and therefore the principle of

this proposal is considered acceptable in this regard. The guidance also discusses issues which may require control through the imposition of conditions. In this case, it is therefore recommended that due to the location of the site, a condition is attached to ensure that the lodges remain in use for holiday purposes and not as permanent accommodation or main residences. This is because the creation of new dwellings on this site would not normally be considered acceptable.

The loss of one hole from the golf course is not considered to result in a detrimental impact on the provision of this sports facility as there are currently 19 holes, and therefore the loss of one would still result in a playable 18 hole golf course. The applicant has provided plans demonstrating the current and proposed layout of the course, and it is considered that minimal disruption to it would occur if the development were allowed to go ahead.

Thus, it is considered on balance that the proposal is not considered to be contrary to policy in terms of the protection of existing sports and leisure facilities, and that the principle of development in this location is acceptable and in compliance with policy and planning guidance, but that the detail should also be acceptable in order to reach a favourable conclusion.

Design and Amenity

The design of the proposed lodges and associated landscaping areas is considered to be acceptable in that it relates well to the existing topography and character of the landscape and the lake, and would maintain the countryside character of the site. The lodges are not overly large, and as such would be in sympathy with their surroundings, as well as giving a natural appearance and feel to the area by reason of the proposed materials and design. Their design is considered to be acceptable in that they would be low rise and amongst taller vegetation, and their roofshape is considered to reflect and thus relate to the shape of some of the detailed roof structures on the main hotel building. It is therefore considered that the proposed development would be unlikely to have any harmful effects on the wider landscape views or character, or be visually intrusive.

The lodges nearest to existing residential dwellings on Hither Green Lane are at a minimum distance of 46m to the curtilage and 65m to the house and would have a significant tree belt between, and it is therefore considered that there would not be any significant detrimental impacts on residential amenity caused by the proposed development.

Highway safety and parking

The layout of roads, parking areas and accesses within the site is considered to be appropriate to the overall appearance of the proposed development. Hither Green Lane has no parking restrictions along it, and therefore any slight overspill could be accommodated. However, as the hotel has more spaces than would normally be required under the current adopted policies, there would also be space within the hotel site to

accommodate any occasional and unforeseen traffic peaks. Further, as this overprovision of parking spaces is contrary to Local Plan policy, it is recommended that some coach parking provision be created within the existing hotel car park, which could particularly lower car parking requirements in relation to the conference facilities.

Due to the location on the edge of the settlement, the type of development proposed, and the likely high use of private cars to access the site, there are concerns regarding the sustainability and accessibility of the site. However, it is in close proximity to the Forge Mill Museum, from which there are footpath and cycle links all through the Arrow Valley Park and into the centre of Redditch. The applicant has therefore been approached regarding the provision of a link from the golf course site to this network. Coach and taxi parking provision can be controlled through the imposition of conditions.

Therefore, with these measures to improve the accessibility and therefore sustainability of the site and thus encourage a wider range of modes of transport to be used to access and leave the site, the proposal is considered to be in compliance with the central aim of the planning system to ensure that all development is sustainable. Therefore conditions are recommended to ensure that these measures are provided, maintained and retained.

Landscape and ecology

The report and survey work provided in support of the application are considered to have been carried out using a recognised and robust methodology, and demonstrate that there are no protected species within the site or its environs. It is therefore not considered that the proposal would result in a detrimental impact on the wildlife and habitats present on the site in the longer term, as the landscape and planting proposed is similar to that currently in existence on the site, and as much as possible would be retained during construction, with new planting to occur prior to occupation to ensure the ecological benefits of the site. The expert officer welcomes the proposals to retain existing corridors and enhance them and the planting of the site, which is in compliance with the relevant planning policies.

It is noted that the biodiversity officer has commented on policy requirements, specifically in relation to the provision of alternative open space. However, the requirements of Policy R1 have been addressed above.

The applicant has submitted additional information to address the points raised by the biodiversity officer, which include a note that the fish he seeks to prevent introducing to the pond are currently resident there anyway, and thus that some of the other points raised are also irrelevant in the consideration of this proposal. Particularly, the prevention of fishing by not stocking the pond, and the positioning of the lodges so that the pond cannot be accessed by anglers seem not worthy of pursuit.

However, there are also some points raised which seek to enhance biodiversity, in compliance with local plan policy, and these are recommended for inclusion within the imposition of conditions, should permission be granted. The protection during construction of the pond and its inhabitants is also considered to be sensible and to further the aims of planning policy.

The impacts of the proposal on views from within the designated Green Belt to the north of the site are noted by residents and Bromsgrove Council. However, it is not considered that the proposed development would be visually prominent or harmful to the landscape character and wider views of the site and its surroundings, and is therefore considered to be acceptable in this regard.

Sustainability

Two issues should be considered here – the sustainability of the materials and methods of construction of the proposed built form, and the accessibility of the site and range of modes of travel possible to arrive at it or depart from it. These latter are considered above under the highway safety and parking heading.

The proposal has been designed with sustainability at its heart as much as possible, particularly in relation to the construction and maintenance of the lodge accommodation. All the information submitted in support of this is considered to be acceptable, and the proposal is considered to be compliant with planning policy aims at all levels.

Secured by design

It is considered appropriate to ensure the safety of car park users and their vehicles, and to prevent unauthorised access to the site by vehicles, and therefore it is recommended that a condition be imposed to ensure the safety and security of the site in line with policy requirements.

Conditions are recommended regarding specific elements of the proposal to ensure that these are implemented, both to ensure compliance with local plan policy and to ensure safety and security on site. Details of lighting and CCTV cameras have been provided, and are considered to be acceptable by the Crime Risk Manager on further consultation. It is therefore considered that there would be no significant risk to the safety of users of the site or the surrounding residents caused by the proposed development, and it therefore accords with the local policy framework. The imposition of conditions to ensure that the security measures and provided, retained and operated on the site is recommended to ensure ongoing compliance.

Other issues

It is likely that some signage will need to be displayed across the site to aid visitors in their navigation, however no details have been provided for consideration as part of this application. Therefore, an informative note is recommended to be attached to the decision notice to alert the applicant/agent to the requirement for gaining advertisement consent in some circumstances prior to its display. It is considered possible that such signage could be designed to be sympathetic to the site and its surroundings in terms of its size, location, style and materials such that it would be visually acceptable and unlikely to cause danger to vehicle and pedestrian safety.

Whilst the golf course remains under the control of the owners, who are the applicants in this case, it lies within the blue land and not the application site, and therefore concerns raised by members of the public regarding the management, running and safety of the course are outside the control of this application. It is not perceived to be likely that golfers on the proposed new layout would significantly increase any risks to visitors of the proposed development and therefore is not considered to be a cause for concern.

Conclusion

Whilst weight has to be given to the consideration of the technical loss of Primarily Open Space, the improved facilities and use of the application site proposed, as well as the consideration of the details of the application as set out above are considered to outweigh this potential cause for concern. Further, following the assessment of the proposal it is not considered that it would result in significant harm to amenity or safety, and therefore, subject to conditions regarding some detailed elements of the proposal to ensure their continued compliance with the planning framework and to prevent any harm to amenity or safety, the proposal is considered to be acceptable and approval is recommended.

Site planning history

It is noted that the previously proposed scheme was refused on the following grounds, however in that instance Officers felt able to recommend, on balance, that the proposal be accepted, and again this is considered to be the case.

- 1) The local planning authority has taken into account the information submitted in support of the proposed development, but considers it is not sufficient to outweigh the visual harm caused by the physical expansion of the Abbey Hotel complex into an area of designated open space, contrary to Policy R1 of the Borough of Redditch Local Plan No.3.

- 2) The proposed lodge style buildings would be out of character with the site and its surroundings and represent an inappropriate form of development which would unacceptably detract from the visual and landscape qualities of the area, contrary to Policies CS8 and B(BE)13 of the Borough of Redditch Local Plan No.3.
- 3) The proposed development would unacceptably detract from the living conditions of nearby residents, and the use and enjoyment of the designated open space, by reason of undue noise and disturbance arising from the general activity and vehicular movements associated with the chalet complex. As such the proposal would conflict with Policy B(BE)13 of the Borough of Redditch Local Plan No.3.

Whilst the previous refusal is a material consideration, it is considered, by Officers, to be outweighed by the points raised and addressed in this assessment section of the report, and thus the recommendation remains for approval.

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. Time limit for commencement of development
2. Materials samples and finishes to be agreed including surfacing
3. Lodges to be used only for holidays and not as permanent accommodation or as main residences – max 6 week stay
4. Tree protection during construction
5. Meet NJUG guidelines when installing utilities to protect trees
6. Hard and soft landscaping and timing of implementation to be agreed in writing, including a maintenance programme
7. Implement condition 6 in agreed timeframes
8. Maintain planting so as not to obscure views from CCTV cameras
9. Refuse storage/collection to be agreed
10. Implement in accordance with the recommendations of the ecological report
11. Agree an ecological enhancement scheme, including timings
12. Security details to be implemented as per details submitted
13. Limit on hours of construction
14. CCTV camera locations to be agreed and implemented
15. EA suds condition
16. S278 works to be agreed prior to commencement and implemented prior to first use/occupation of development
17. Provide and maintain coach parking within main hotel complex
18. Taxi pick up/drop off point provision or retention and maintenance
19. Fencing to protect pond during construction

20. Car park boundary treatment details to be agreed and implemented prior to occupation
21. Implementation of pedestrian link from golf course to surrounding footpath network

Informatives

- a) Informative regarding the need for advertisement consent for any signage
- b) Informative regarding requirement for applicant to meet other statutory provisions
- c) Informative regarding lighting standards to prevent light pollution

Planning Committee

Abbey Ward

3 March 2009

**2009/002/FUL VARIATION OF ELEVATIONS APPROVED UNDER APPLICATION 2008/275/FUL TO INCLUDE GROUND FLOOR FRONT AND REAR ELEVATIONS, SIDE CHIMNEY EXTENSION AND REAR SIDE CANOPY. 56 HITHER GREEN LANE
APPLICANT: MR NEVIL JINKS
EXPIRY DATE: 5 MARCH 2009**

Site Description

(See additional papers for Site Plan)

The application site lies within the urban area of Redditch as defined within the Borough of Redditch Local Plan No 3. It covers an area of approximately 0.087 ha, and is located at Hither Green Lane, which is situated in the Abbey Park area of Redditch.

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

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

Proposal description

The application seeks full planning permission for the variation of elevations approved under application 2008/275/FUL which would affect ground floor front and rear elevations, a side chimney extension and a rear side canopy. The previous application gained consent for a replacement dwelling.

To the front elevation, the proposed ground floor bedroom window would be replaced by a bay window and the proposed two kitchen windows would be replaced by a single bow window.

To the rear elevation, the proposed ground floor lounge patio door would consist of a combination frame consisting of fully integral fixed glazed panel frames and the proposed two dining room windows would be replaced by two patio doors.

To the south side elevation a canopy is proposed above the utility entrance.

The resultant dwelling would still comprise of five bedrooms with five en-suite bathrooms. There would be no change from the existing T-shape footprint of the dwelling as it would be constructed in the same location with the same floor area and layout. The chimney extension would be constructed in traditional red facing brick walls, wood panel windows and doors.

The application is accompanied by a Design and Access Statement and plans showing the proposed variations and elevations.

Relevant key policies

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

www.communities.gov.uk
www.wmra.gov.uk
www.worcestershire.gov.uk
www.reddich.gov.uk

National Planning Policy

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

Regional Spatial Strategy

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

Worcestershire County Structure Plan

SD3 Use of previously developed land

Borough of Redditch Local Plan No. 3

B(BE).13 Qualities of Good Design
 B(BE).14 Alterations and Extensions

SPDs

Encouraging good design
 Designing for community safety

Relevant site planning history

2007/472	Detached side garage.	Approved	14/01/2008
2008/132	Replacing a bungalow with a 2 storey 5 bedroom house	Refused	17/07/2008
2008/275	Replacing A Bungalow With A Dormer Bungalow	Approved	05/11/2008

The garage proposal has been built in accordance with the approved plans. Work has begun on site on the construction of the approved dormer bungalow, which would not affect the ability of the applicant to implement the development proposed here.

Consultation Responses

Public

Responses in favour

None.

Responses against

4 comments received raising the following concerns:

- Over intensification and overdevelopment of the site - the chimney extension would increase the overall height of the dwelling and the application would increase the footprint of the dwelling. Foundations are in place for a rear conservatory and therefore the application should be refused. Therefore the proposal contravenes policy B(BE).13, Qualities of Good Design.
- Appearance - the variations would add to the bulk and massing of the dwelling and would result in the appearance of the dwelling not being in keeping with the concept of a dormer bungalow. In particular, the chimney extension would exceed the maximum height of the previously approved extension 2008/275/FUL and would extend beyond the existing building lines. The proposed front elevation bay and bow windows would also extend beyond the existing building line.
- Amenity and privacy – further development would encroach on the neighbouring amenities, reduce the existing limited free space and would make the existing plot more overbearing.

It should be noted that the alleged presence of further foundations are not a material consideration in the determination of this application.

Highways Network Control Unit

No response received.

Environmental Health Officer

No response received.

Procedural Matters

The case officer has carried out a site visit in response to this application and no evidence of additional foundations such as for a conservatory were found.

Assessment of proposal

The key issues for consideration in this case are the impact of the alterations and chimney extension on both the character and appearance of the dwelling and on the neighbouring residential amenities.

Impact on the character and appearance of the dwelling

The proposal is considered acceptable and would not have a detrimental impact on the character and appearance of the dwelling with regards to Policy B(BE).13 Qualities of Good Design.

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

It is not considered that the appearance or bulk of the proposed dwelling would be overly altered by these minor proposals.

Impact on the neighbouring residential amenities

The proposal is considered acceptable and would not have any additional impact on the neighbouring residential amenities over the approved dwelling.

Other issues

Had the previous application been implemented and occupied, the amendments proposed here would be PD and thus not fall within the control of the LPA. However, by seeking consent now, further alterations later can be avoided.

Conclusion

It is considered that the proposal is fully compliant with the relevant planning policies and guidance, and would be unlikely to cause any significant detrimental impacts to the character and appearance of the dwelling or to the amenities of surrounding residents and as such the proposal is considered to be acceptable. The proposals would be considered to fall outside the control of the Council had the dwelling been built and occupied, and this is also considered to add to the weight in favour of this proposed development.

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) Development to commence within 3 years.
- 2) Materials to match existing.
- 3) Limited working hours during construction.

Planning Committee

Matchborough Ward

3 March 2009

2009/010/FUL ERECTION OF NEW PERIMETER FENCING, INSERTION OF 5 NEW WINDOWS TO SOUTH ELEVATION, ERECTION OF NEW SUBSTATION, EXTERNAL COMPRESSOR AND PAPER TRIM COMPACTOR.
1 CLAYBROOK DRIVE, MATCHBOROUGH, REDDITCH
APPLICANT:- KALAMAZOO SECURE SOLUTIONS
EXPIRY DATE: 20 APRIL 2009

Site Description

(See additional papers for Site Plan)

The application site contains a large metal clad portal framed production warehouse erected under planning application 2004/323. Access is direct from Claybrook Drive. This site lies within a Primarily Employment Area as defined on the Borough of Redditch Local Plan proposals map. To the Eastern side of Claybrook Drive lies an area designated as ADR (Area of Development Restraint) in the Local Plan.

Proposal description

This full application is for the erection of new perimeter fencing, the insertion of 5 new windows to South elevation of the building erected under 2004/323, the erection of a new substation, external compressor and paper trim compactor.

The application is supported by a Design & Access Statement.

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 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).2	Design of employment development.
E(EMP).3	Primarily Employment Areas.
E(EMP).3a	Development Affecting Primarily Employment Areas.
C(T).1	Access to and within development.
S1	Designing out crime.
B(BE).13	Qualities of good design.

SPDs

Encouraging Good Design.
Designing for community safety.

Relevant site planning history

The following application is relevant in the consideration of the current planning application:

2004/323 Erection of production / warehouse building with ancillary service yard. Approved 23.02.2005

Public Consultation Responses

The application has been advertised by writing to neighbouring premises within the vicinity of the application site, by display of public notice on site, and by press notice.

One representation has been received from CPRE who support the re-location of Kalamazoo secure solutions from Birmingham to Redditch. Considers that originally received plans showing 'prison like' palisade fencing are not in keeping with Industrial buildings in this location.

Consultee Responses

County Highway Network Control

The County Council as Highway Authority is satisfied that the proposals have no highway implications and therefore has no objection to planning permission being granted.

Environmental Health

Would wish to ensure that noise emanating from the unit does not cause a statutory nuisance to residential amenity.

Police Crime Risk Manager

No objections, but would recommend that the proposed windows to the south elevation be fitted with laminated glass in order to minimise their vulnerability to crime.

Procedural matters

This application is put before the Planning Committee due to the fact that it is a 'major' application (as defined in the BV109 returns), with the site measuring more than 1ha in area. Under the agreed scheme of delegation to Planning Officers, Part 7 states that 'major' applications should be reported to Committee, where the Officers recommendation is one of approval.

Background

Members may recall that planning permission was granted on this site for a production / warehouse building with ancillary service yard in 2005 under application 2004/323. This consent allows the use of this steel portal framed building for B1, B2 or B8 purposes.

The building is currently vacant, but was previously used as a light industry automotive assembly storage and distribution warehouse. The proposed user is Kalamazoo Secure Solutions, who would be relocating from their Birmingham premises. 138 employees will relocate, but at present, no new jobs are to be created. Planning permission is NOT required in order for Kalamazoo to occupy this building, given that their business (high security prepress, printing and finishing operations, digital printing technology to paper substrate) would be permitted under the terms of the B1 / B2 / B8 consent. They do however need consent for the physical works listed in the proposal description.

Assessment of Proposal

The key issues for consideration are as follows:-

Design of equipment / fencing

Your Officers raise no objections to the design of the utilitarian nature of the waste paper trim compactor; the substation, which is required to cater for the additional electrical loadings created by the printing equipment, nor the compressor housing structure, which would be clad in a colour to match the existing building (light grey / silver).

Your Officers fully sympathise with the applicant's wishes to secure the site by means of perimeter fencing. Indeed part of the fencing to be removed has become dilapidated and is in need of replacement. However, Officers objected to the original proposal to use 2.4 metre high galvanised steel palisade fencing. Such fencing is not advised due to its poor visual quality and its limited security benefits. Your Officers have engaged in conversation with the applicant's agent in conjunction with the Police Crime Risk Manager, and are pleased to report that amended plans which satisfy the wishes of your Officers and the Police Crime Risk Manager have now been submitted. The amendments propose 2.4 metre high steel weld mesh fencing with a dark green powder coated finish. This would match fencing approved at adjacent Industrial Units in the vicinity approved in 2005 and 2006.

Security

As stated above, the fencing proposals are now considered to be acceptable. The Police Crime Risk Manager has advised that the proposed 5 no. new windows to the South elevation of the building should be constructed using laminated glass. The applicant has confirmed to your officers in writing that laminated glass will be used in their construction. A condition to this effect is recommended.

Noise

The nearest dwelling lies some 200 metres to the South-East of the site, between a significant landscaped buffer and Claybrook Drive. An acoustic fence was erected in a position between the Industrial Unit and Claybrook Drive in order to control noise spill from the site, shortly after the approval of application 2004/323.

Noise level readings have been submitted by the applicant for each of the proposed equipment parts. Noise generated from the use would be very similar to noise level's arising from vehicles currently using Claybrook Drive (approximately 72 Dba), which itself is nearer to the nearest dwelling than the proposed location of the paper trim compactor. Your Officers are satisfied that amenities enjoyed by nearby properties would not be harmed.

Conclusion

The proposals are considered to comply with the planning policy framework and would not cause harm to visual nor residential amenity. As such, the application is fully supported.

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. Development to commence within three years.
2. Development to be in accord with amended plans submitted on 6 Feb 2009.
3. New windows to be constructed using laminated glass.

Informatives

1. The applicant should ensure that noise from the unit does not cause a statutory nuisance to residential premises under the terms of the Environmental Protection Act.

Planning Committee

Astwood Bank and Feckenham Ward

3 March 2009

INFORMATION ITEM

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

1. Purpose of Report

To receive an item of information in relation to an appeal against the issuing of an enforcement notice.

Members are asked to note the outcomes of the appeal, determined by the Planning Inspectorate, as detailed in the Appendix attached to this report.

2. Recommendation

The Committee is asked to RESOLVE that

the item of information be noted.

3. Financial, Legal, Policy, Risk and Sustainability / Environmental Implications

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

Report

4. Background

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 or Social Exclusion.

7. **Author of Report**

The author of this report is Iain Mackay (Planning Enforcement Officer) who can be contacted on extension 3205 (e-mail:-iain.mackay@redditchbc.gov.uk) for more information

8. **Appendices**

Appendix 1 - Outcome of an Appeal against an Enforcement Notice – 2007/147/ENF

OUTCOME OF AN APPEAL AGAINST AN ENFORCEMENT NOTICE**Reference:** **2007/147/ENF****Details:** **Unauthorised use of an agricultural building for Class B8 storage use and distribution of commercial goods not connected with agriculture.****Priestbridge Barn, Church Road, Bradley Green****(Astwood Bank & Feckenham Ward)**

This appeal with a deemed planning application resulted from the decision of the Council to issue an enforcement notice and breach of condition notice with regard to the unauthorised use of an agricultural building in open countryside within the Borough. The building, which was approved as a barn, had not been built in accordance with the details notified to the Council. The notices required the cessation of the unauthorised use and the demolition of the building.

The building, which had been erected under agricultural permitted developments rights, was being used for storage and distribution of goods not connected with agriculture. Officers considered that as built, the building was inappropriate and intrusive in the open countryside, and that the use resulted in inappropriate vehicle movements on the surrounding rural road network.

In their deliberations, the appeal inspector found no over-riding need for such a development in the countryside, and that the vehicular access was unsuitable for the potential number of trips to and from the site, and found that the rural nature of the surrounding road network would also be unsuitable.

The inspector concluded that the use of the site resulted in an unsustainable form of development in a rural countryside location, which in turn could unacceptably prejudice highway safety. The inspector therefore refused to grant planning permission on the deemed planning application, and upheld the enforcement notice. As such, the appeal was **DISMISSED**.

The compliance period to comply with the enforcement notice now expires on 3 May 2009 when a further check will be made to ensure compliance.

Planning Committee

Abbey and Matchborough Wards

3 March 2009

ENFORCEMENT OF PLANNING CONTROL

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

1. **Purpose of Report**

To determine appropriate courses of action in respect of planning enforcement issues

Members are asked to consider various Enforcement matters, as detailed in the following reports.

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, Risk and Sustainability / Environmental 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 Rights 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.

Risk

- 3.4 As detailed within each specific report as appropriate.
- Town and Country Planning Act 1990.
 Planning and Compensation Act 1991.
 Planning and Compulsory Purchase Act 2004.
- 3.5 In terms of the exempt elements of the report, and the “public interest” test for exempt consideration, Officers consider that it is rarely likely to be in the public’s best interest to reveal information which is the subject of possible subsequent legal action (S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order, 2006) refers.
- 3.6 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.
- 3.7 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.

Sustainability / Environmental

- 3.8 As detailed in each individual Enforcement report.

4. Other Implications

Any Asset Management, Community Safety and Human Resources 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 (e-mail: iain.mackay@redditchbc.gov.uk) for more information

7. **Attachments**

(In view of the fact that they contain 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

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

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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

3 March 2009

ENFORCEMENT REPORT 1 – 2006/351/ENF

Non-compliance with requirements of an Enforcement Notice Other Road, Redditch

(Abbey Ward)

1. Background / Key Issues

- 1.1 This matter comes before Committee with regard to non-compliance with an enforcement notice authorised by the Committee in April 2008 and issued on 24th July 2008.
- 1.2 The enforcement notice related to the change of use of a retail shop to a mixed use as a hairdressers shop, office and storage of accident damaged motor vehicles and a recovery truck, and required the cessation of the office use, the cessation of all storage of accident damaged motor vehicles, and the removal of all vehicles including any recovery trucks.
- 1.3 The notice took effect on 7th September 2008 and allowed a period of 2 months for compliance. No appeal to the Secretary of State was made with regard to the notice.
- 1.4 On 29th January 2009, an Enforcement Officer visited the premises and noted that there were three accident damaged vehicles on the frontage and that the office use was continuing in breach of the notice.
- 1.5 On 12th February 2009, an Enforcement Officer again visited the property and found that the recovery truck was still on site, the office use continuing and three accident damaged vehicles on the frontage, two of which were different from the previous visit.

2. Conclusion

- 2.1 Officers consider that the Enforcement Notice has not been complied with in that the occupiers of the premises continue to operate without regard. Failure to comply with an enforcement notice is a criminal offence.
- 2.2 The activities at this site are causing traffic problems, nuisance to neighbours and their activities are of interest to both Taxi Licensing and the Police. Officers consider it expedient that legal action needs to be undertaken to secure a cessation of this breach of planning control.

Planning Committee

3 March 2009

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 by way of instigating proceedings in the Magistrates Court to secure a cessation of the breach of planning control.

Planning

Committee

3 March 2009

ENFORCEMENT REPORT - 2 – 2007/215/ENF and 2008/275/ENF

Non-compliance with requirements of an Enforcement Notice Polesworth Close, Matchborough West, Redditch

(Matchborough Ward)

1. Background / Key Issues

- 1.1 This matter comes before Committee with regard to non-compliance with an enforcement notice authorised by your Committee in December 2007 and issued on 25th February 2008.
- 1.2 The Enforcement Notice related to the use of the property for the storage and repair of motor vehicles linked to the occupier's business as a mobile motor mechanic, and required the cessation of all vehicle repairs from the residential property and the removal of vehicles and vehicle parts from the land.
- 1.3 The notice took effect on 7th April 2008 and allowed a period of 1 month for compliance. No appeal to the Secretary of State was made with regard to the notice.
- 1.4 On 19th September 2008, following a series of visits, the Enforcement Officer concluded that the activity had ceased as the frontage had been tidied and all vehicles removed. He ascertained that the offender had found and occupied alternative commercial premises.
- 1.5 On 28th December 2008, following a sudden recurrence of complaints, a warning letter was sent to the offender regarding the need to comply with the enforcement notice, and seeking written confirmation that no further activity would take place in breach of the notice. No response has been received.
- 1.6 On 9th January 2009, after a number of complaints, an Enforcement Officer carried out a night visit and noted a recovery truck with a vehicle on the rear parked outside the house, the offender's mobile mechanics van and a number of other vehicles parked on and around the property.
- 1.7 On 9th February 2009, a further visit was carried out and it was noted that the vehicle recovery lorry was parked on the frontage of the property whilst the van was parked outside. Other vehicles were seen parked opposite and the offender could be seen in conversation with a person. The frontage was once again very untidy.

Planning Committee

3 March 2009

2. Conclusion

- 2.1 Officers consider that the Enforcement Notice is now not being complied with in that the occupier of the premises is operating without regard. Failure to comply with an enforcement notice is a criminal offence.
- 2.2 The activities at this site are causing noise nuisance and traffic problems which are unacceptable in a residential area. Enquiries tend to indicate that the offender no longer has access to the commercial premises mentioned earlier. Officers now consider it expedient that legal action needs to be undertaken to secure a swift cessation of this breach of planning control.

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 by way of instigating proceedings in the Magistrates Court to secure a cessation of the breach of planning control.