

# Planning Committee

Tue 19 May  
2009  
7.00 pm

Council Chamber  
Town Hall  
Redditch



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

# Access to Information - Your Rights

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

Your main rights are set out below:-

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

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

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

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

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

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

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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:**

**Janice Smyth**

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

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

**e.mail: [janice.smyth@redditchbc.gov.uk](mailto:janice.smyth@redditchbc.gov.uk)**

**Minicom: 595528**

# **REDDITCH BOROUGH COUNCIL** **PLANNING COMMITTEE**



## **GUIDANCE ON PUBLIC** **SPEAKING**

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

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

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

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

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**Notes:**

- 1) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Borough of Redditch Local Plan No.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

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### ***Agenda Papers***

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

### ***Chair***

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

### ***Running Order***

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

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

### ***Decisions***

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

### ***Members of the Public***

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

### ***Special Arrangements***

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

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

### ***Further Information***

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

### ***Fire/ Emergency instructions***

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

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

**Do Not stop to collect personal belongings.**

**Do Not use lifts.**

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

**The emergency Assembly Area is on the Ringway Car Park.**

# Declaration of Interests: Guidance for Councillors

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DO I HAVE A "PERSONAL INTEREST" ?

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

**OR**

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

you have a personal interest.

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

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

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

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

**and**

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

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

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



# PLANNING COMMITTEE

19 May 2009

7.00 pm

Council Chamber Town Hall

## Agenda

### Membership:

Membership to be agreed at the Annual Meeting of Council on Monday 18 May 2009.

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| <p><b>1. Apologies</b></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><b>2. Declarations of Interest</b></p>  | <p>To invite Councillors to declare any interest they may have in the items on the Agenda.</p>   |
| <p><b>3. Applications for planning permission</b><br/>(Pages 1 - 2)<br/>Acting Head of Planning and Building Control</p>   | <p>To consider various applications for planning permission.<br/><br/>(Items below refer)<br/><br/>(Covering Report attached)<br/><b>(Various Wards)</b></p>   |
| <p><b>4. Planning Application 2009/037/FUL - Land at Compair, Claybrook Drive, Matchborough</b><br/><br/>(Pages 3 - 8)</p> | <p>To consider a Planning Application for a single storey Class B2 manufacturing facility and ancillary offices, together with associated additional car parking area.<br/><br/>Applicant: Gardner Denver Limited<br/><br/>(Report attached / Site Plan under separate cover)<br/><b>(Matchborough Ward)</b></p>   |
| <p><b>5. Planning Application 2009/038/FUL - Unit 49D Pipers Road, Park Farm</b><br/><br/>(Pages 9 - 16)</p>               | <p>To consider a Planning Application for the demolition of existing single storey offices, extension to and re-cladding of existing building for B2 and B8 Use, new B1 office extension and erection of new perimeter fencing together with associated additional car parking area.<br/><br/>Applicant: A E Oscroft and Sons Limited<br/><br/>(Report attached / Site Plan under separate cover)<br/><b>(Greenlands Ward)</b></p> |

# PLANNING

Committee

19 May 2009

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| <p><b>6. Planning Application</b><br/><b>2009/054/FUL - 2</b><br/><b>Brotherton Avenue,</b><br/><b>Webheath</b></p> <p>(Pages 17 - 20)</p>   | <p>To consider a Planning Application for a proposed extension to side of bungalow to form garage and utility room.</p> <p>Applicant: Mr C R Forrester</p> <p>(Report attached / Site Plan under separate cover)</p> <p><b>(West Ward)</b></p>  |
| <p><b>7. Planning Application</b><br/><b>2009/059/FUL - 82 Hither</b><br/><b>Green Lane, Bordesley</b></p> <p>(Pages 21 - 24)</p>  | <p>To consider a Planning Application for a first floor side extension to form bathroom.</p> <p>Applicant: Mr R Evans</p> <p>(Report attached / Site Plan under separate cover)</p> <p><b>(Abbey Ward)</b></p>  |
| <p><b>8. Planning Application</b><br/><b>2009/064/COU - Unit 15</b><br/><b>Winyates Centre,</b><br/><b>Winyates</b></p> <p>(Pages 25 - 28)</p>                                     | <p>To consider a Planning Application for a Change of Use from Dental Surgery (D1) to Hairdressing Salon (A1)</p> <p>Applicant: Mr G Arundel (Scissors)</p> <p>(Report attached / Site Plan under separate cover)</p> <p><b>(Winyates Ward)</b></p>   |
| <p><b>9. Planning Application</b><br/><b>2009/066/OU - The Kings</b><br/><b>Arms Public House, 2</b><br/><b>Beoley Road West, St</b><br/><b>Georges</b></p> <p>(Pages 29 - 34)</p> | <p>To consider a Planning Application for the resubmission of Planning Application Reference 2008/295/COU in relation to a change of use of part of a car park and a new enclosed grassed beer garden, including decking and fencing with extensions and alterations.</p> <p>Applicant: Punch Taverns</p> <p>(Report attached / Site Plan under separate cover)</p> <p><b>(Lodge Park Ward)</b></p> |
| <p><b>10. Information Report</b></p> <p>(Pages 35 - 38)</p> <p>Acting Head of Planning<br/>and Building Control</p>  | <p>To receive an item of information relating to the outcome of an appeal against a Planning decision.</p> <p>(Report attached)</p> <p><b>(Greenlands Ward)</b></p>   |



# PLANNING

Committee

19 May 2009

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| <p><b>11. Enforcement of Planning Control</b></p> <p>(Pages 39 - 44)</p> <p>Acting Head of Planning and Building Control</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>(Covering report attached)</p> <p>(The Appendix to this report is confidential in view of the fact that it contains confidential information relating to individuals' identities and alleged breaches of planning control which could result in prosecution by the Council and has therefore only been made available to Members and relevant Officers.)</p>   |
| <p><b>12. Enforcement Report:2008/183/ENF to 2008/188/ENF and 2009/088/ENF to 2009/090/ENF - Ettingley Close / Fernwood Close, Wire Hill</b></p> <p>(Pages 45 - 48)</p> | <p>To consider a number of breaches of Planning Control in respect of the enclosure of various plots of land and incorporation into garden curtilages.</p> <p>(Report attached / Site Plan under separate cover)</p> <p><b>(Greenlands Ward)</b></p>   |
| <p><b>13. Exclusion of the Public</b></p>   | <p>In the opinion of the Chief Executive, the meeting will not be or is unlikely to be open to the public at the time the following item of business is considered for the reasons stated. The Committee will be asked to pass the following motion:</p> <p><b>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in paragraphs 1, 2, 5 and 7 of Part 1 of Schedule 12 (A) of the said Act, as amended.</b></p> |
| <p><b>14. Enforcement Report 2009/038/ENF - Astwood Lane, Astwood Bank</b></p> <p>(Pages 49 - 52)</p>   | <p>To consider a breach of Planning Control in respect of non-compliance with conditions attached to an approved Planning Permission.</p> <p>(This report is confidential in view of the fact that it contains confidential information relating to individuals' identities and legal professional privilege and information relating to alleged breaches of Planning Control and has, therefore, only be made available to Members and relevant Officers.)</p> <p><b>(Astwood Bank and Feckenham Ward)</b></p>  |



# Planning Committee

Various Wards

19 May 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, Risk and Sustainability 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 within each specific report.

### 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.

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



# Planning Committee

Matchborough Ward

19 May 2009

**2009/037/FUL SINGLE STOREY CLASS B2 MANUFACTURING FACILITY AND ANCILLARY OFFICES TOGETHER WITH ASSOCIATED ADDITIONAL CAR PARKING AREA.  
LAND AT COMPAIR, CLAYBROOK DRIVE, REDDITCH  
APPLICANT: GARDNER DENVER LIMITED  
EXPIRY DATE: 28 MAY 2009**

## Site Description

(See additional papers for Site Plan)

The application site is a predominantly vacant grassed landscaped area measuring 0.82 ha and forms part of an existing larger site complex measuring 3.6 ha which is situated between Claybrook Drive and Heming Road on the established Washford Industrial Estate. The site is designated as a Primarily Employment Area as defined on the Borough of Redditch Local Plan proposals map.

The site is bounded to the north by a public footway/cycleway with large industrial units beyond, to the south by private car parking, to the east by the existing manufacturing facility occupied by CompAir UK Ltd with Claybrook Drive and woodland beyond and to the west by Heming Road, where access to the site is gained.

## Proposal Description

The proposal would create 1,932m<sup>2</sup> gross factory floor area (B2) and 232m<sup>2</sup> gross ancillary office floor space (B1).

The proposed building would be constructed as a simple portal frame and would be rectangular in footprint approximately 80m in length and 26m in width. Its height to ridge would be 11.25m. The building would be clad in profiled steel of light grey colour with dark grey banding at high level and associated contrasting profiled feature flashings. Dispatch/delivery doors and office windows/principal entrance would be in contrasting colours.

The building would be orientated north-east/south-west, allowing the grouped trees either side of the vehicular access from Heming Road to be retained.

The main additional proposed car parking area would contain space for a further 33 vehicles and would form a natural extension to the existing car park to the northern side of the site. A further car parking area to the immediate east of the proposal would contain an additional 16 spaces. Goods would be unloaded from an area to the south-east corner of the building, and for dispatch via the northern gable end of the portal framed building nearer to the vehicular access at Heming Road.

The applicant states that the manufacturing facility would be in use 24 hrs a day Monday-Friday, and between 0600-1200 hrs on Saturday, with the offices being in operation between 0730-1800 hrs Monday-Friday and between 0600-1200 hrs on Saturday. Neither B2 nor B1 elements would be in operation on Sundays and public holidays.

The applicant states that the UK high pressure business of CompAir and Gardner Denver are being merged into Gardner Denver Ltd whose headquarters will be transferred from Gloucester to Redditch. Gardner Denver currently manufacture Belliss & Morcom compressors at Gloucester and this planning application is for premises which allow the transfer of this activity to the Redditch site, in a building to be known as the Belliss & Morcom (B&M) building. The building would be operated in conjunction with the existing CompAir UK operations, who presently occupy and also manufacture compressed air systems on the site. The applicant states that approval of the proposal would lead to the creation of 30 additional full time jobs.

The application is supported by a Design & Access Statement and an acoustic report.

### **Relevant Key Policies**

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

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

### ***National Planning Policy***

|        |  |
|--------|--|
| PPS1   | Delivering sustainable development.                    |
| PPG 4  | Industrial and commercial development and small firms. |
| PPG 13 | Transport.   |

### ***Regional Spatial Strategy***

|     |  |
|-----|--|
| QE3 | Creating a high quality built environment for all. |
| T7  | Car Parking Standards and Management.              |

### ***Worcestershire County Structure Plan***

|     |  |
|-----|--|
| D19 | Employment Land Requirements.                            |
| D25 | Use of employment land for specific uses within Class B. |

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

|           |  |
|-----------|--|
| CS4       | Minimising the need to travel.   |
| B(BE).13  | Qualities of Good Design.  |
| E(EMP).2  | Design of employment development.                                      |
| E(EMP).3  | Primarily Employment Areas.  |
| E(EMP).3a | Development Affecting Primarily Employment Areas.                      |
| E(EMP).4  | Locational criteria for development within primarily employment areas. |
| C(T).1    | Access to and within development.                                      |
| C(T).12   | Parking Standards.   |
| S1        | Designing out crime.   |

### ***SPDs***

Encouraging Good Design.  
Designing for community safety.

### **Relevant Site Planning History**

The existing CompAir building has been extended twice in the 1980s and again in 1990. No applications specifically relate to this application site.

### **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.

#### Responses in favour

One letter received. Comments summarised as follows:

All existing boundary trees should be retained, and adequately protected during construction period to avoid damage. Generally support proposal.

#### Responses against

None.

### **Consultee Responses**

#### ***County Highway Network Control***

No objections subject to condition concerning access, turning and parking facilities to be provided on the site and standard highway informatives.

#### ***Environmental Health***

No objections providing that the development is implemented in accordance with the acoustic report in order to protect residential amenity. Present or historic uses of the site would indicate the potential for contamination and therefore would seek to impose standard conditions in respect of land contamination.

***Police Crime Risk Manager***

No response received.

***Economic Development Unit***

No response received.

***Severn Trent Water***

No objections. Drainage details to be subject to agreement with Severn Trent.

***RBC Arboricultural Officer***

No objections in principle.

**Procedural matters**

This application is put before the Planning Committee due to the fact that it is a 'major' application (as defined in the BVPI109 returns), with the floor space to be created exceeding 1000 m<sup>2</sup> in area. Under the agreed scheme of delegation to Planning Officers, Part 7 states that 'major' applications should be reported to Committee, where the recommendation is for approval.

**Assessment of Proposal****Principle**

The principle of new industrial development in this area is acceptable in policy terms, subject to criteria pertaining to design; residential amenity; landscape and highway safety.

**Design of development**

The proposed development, whilst having a significant footprint is considered to be of a scale and massing which respects existing built form near the site and being located behind an established line of trees to the western boundary (to be retained), the building would not harm the character and appearance of its surroundings. The ridge height of the building at 11.25 metres is considered to be entirely appropriate. Your Officers have noted that building heights in the vicinity of the site are often higher than 12 metres – a large commercial building immediately to the north being approximately 17 metres in height. The building's metal clad profiled steel exterior of light grey colour with dark grey banding at high level with associated contrasting profiled feature flashings would give a modern and aesthetically pleasing appearance. As such, the design and



siting of the building are considered to be in accordance with planning policy.

#### Impact on surrounding amenities

There are no dwellings within the vicinity and Members will note that no representations objecting to the development have been received.

The issue of noise disturbance has been considered by Environmental Health who are satisfied that the building can operate on a 24 hr/day basis as would be expected for such a manufacturing facility within a Primarily Employment Area without prejudicing residential amenities or policy objectives.

#### Landscaping

Several trees considered to be of little amenity value do need to be felled in order to accommodate the new building. The Council's Arboricultural Officer raises no objections to the removal works provided that trees of greater amenity value - those located to the west of the proposed development and near to the access point with Heming Road - are retained. Tree protection measures to be carried out whilst construction works are in operation have been submitted. A condition is recommended to ensure that trees to be retained do indeed remain undamaged during the construction phase in accordance with these details. Whilst the erection of a new manufacturing unit in this location, together with an extension to the existing car park will reduce the quantity of green space around the existing CompAir complex, sufficient soft landscaping about the new development would remain, so that the proposal would comply with the aims and objectives of Policy E(EMP).2 (Design of employment development) of the Local Plan.

#### Access, parking, loading and highway safety

The proposed development accords with current maximum parking standards based on the floorspace to be created set against the provision of 49 additional car parking spaces. The proposal would utilise the existing access point and would provide acceptable loading/unloading facilities. County Highway Network Control raise no objections to the proposals and therefore these elements are considered to be acceptable.

#### Conclusion

The proposals are considered to comply with the planning policy framework and would not cause harm to visual or 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. Materials and finishes to be submitted and agreed.
3. Desktop contamination study to be carried out. Remediation reports (if necessary) to be submitted.
4. Development to be carried out in accordance with amended landscaping plan.
5. Landscaping scheme to be implemented in accordance with details submitted.
6. Any subsequent perimeter fencing proposal on the site shall be submitted to the LPA for prior written approval.
7. Trees to be retained to be protected in accordance with protective measures submitted with application.
8. Access, turning and parking area to be implemented prior to first occupation.

**Informatives**

1. Drainage details to be in agreement with Severn Trent Water.
2. Private apparatus within the highway.
3. This permission does not authorise the applicant to carry out works within the publicly maintained highway.
4. Recommendations outlined in points 8.2 to 8.7 of the Sharps Redmore Partnership Acoustic report to be carried out to ensure that noise from the building does not cause a statutory nuisance under the terms of the Environmental Protection Act.

## Planning Committee

Greenlands Ward

19 May 2009

**2009/038/FUL DEMOLITION OF EXISTING SINGLE STOREY OFFICES; EXTENSION TO AND RE-CLADDING OF EXISTING BUILDING FOR B2 & B8 USE; NEW B1 OFFICE EXTENSION; ERECTION OF NEW PERIMETER FENCING TOGETHER WITH ASSOCIATED ADDITIONAL CAR PARKING AREA.  
UNIT 49D PIPERS ROAD, PARK FARM, REDDITCH  
APPLICANT: A E OSCROFT & SONS LIMITED  
EXPIRY DATE: 2 JUNE 2009**

### Site Description

(See additional papers for Site Plan)

The site, which measures 5637m<sup>2</sup> lies within an established industrial area inside the Park Farm Industrial Estate. The existing building is a single span metal clad portal framed structure, used for general industrial and warehousing purposes. Single storey buff brickwork offices form extensions to the western side of the portal framed building. The combined area of the buildings is 1624m<sup>2</sup>. Further to the west are grassed landscaped areas. Access and existing forecourt parking is provided to the southern side of the building from Pipers Road. To the south-west of the site, and at a higher level on top of a bank are two residential properties which front onto Studley Road. The site is designated as a Primarily Employment Area as defined on the Borough of Redditch Local Plan proposals map.

### Proposal Description

The application proposal is for the creation of a B2 (general industrial) and B8 (storage and distribution) extension of circa 1322m<sup>2</sup> (661m<sup>2</sup> B2 and 661m<sup>2</sup> B8) with an additional 330m<sup>2</sup> of purpose built two storey office accommodation. The proposed portal framed extension would be to the western elevation of the existing portal frame (where the existing offices are to be demolished), and would be rectangular in footprint, 44m in length and 30m in width. Its height to eaves would measure 5m and height to ridge would be 8m (mirroring the height of the existing portal framed building). This extension would have a brick plinth to match the existing building with metal cladding (light grey in colour) above. The proposed brickwork and glazed office extension which would be attached to the front of the existing and extended portal frame would again be rectangular in footprint 20m in length and 9m in width.

Attached to the front, gable ends to both the existing and proposed portal frame would be prefabricated insulated cladding panels, applied as a dressing to enhance the visual appearance of the building when seen from Pipers Road. This is proposed to be mid blue in colour, with powder coated roller shutter doors in a darker blue colour to add contrast.

One half of the proposed portal frame extension would be used for B2 (manufacturing) purposes with the remaining half being used for B8 (storage and distribution) of the manufactured components. The applicant states that by structuring the development in such a way that the existing entrance to the building would be used solely for "Goods In" with a new "Goods Out" to the new extension, it prevents the relocation of the existing press machines and structures from the Eastern side of the site to the western side of the site to minimise intrusive noise disturbance to neighbouring residents.

31 new car parking spaces are to be created which would be located to the front of the building and would extend (to the west) the existing run of 15 no. spaces.

A new substation to be located towards the front of the new portal framed building is proposed, which would be required to cater for the additional electrical loadings created by the development.

The applicant states that the portal framed extension would be in use between 0700-1800 hrs Monday-Friday, and 0700-1230 hrs on Saturday, with the office extension being in operation between 0830-1800 hrs Monday-Friday and not on Saturdays. Neither the large portal framed extension or the office extension would be in operation on Sundays and public holidays.

The application also includes the proposed erection of new perimeter (green powder coated steel weld mesh) fencing to a height of 2.4 metres to the sites western boundary, covering a length of approximately 80 metres.

The existing building is operated by an established manufacturer of pressed metal products who has been occupying the premises for over 25 years. Although the present economic conditions have impacted on production, the applicant has been awarded new contracts to supply components to the motor industry in the UK and abroad, and as such the extension to the premises is required to allow the natural expansion of the premises and to meet this demand. The applicant states that approval of the proposal would lead to the creation of 15 additional full time jobs (30 at present – 45 in total).

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](http://www.communities.gov.uk)

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

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

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

### ***National Planning Policy***

|        |  |
|--------|--|
| PPS1   | Delivering sustainable development.                    |
| PPG 4  | Industrial and commercial development and small firms. |
| PPG 13 | Transport.   |

### ***Regional Spatial Strategy***

|     |  |
|-----|--|
| QE3 | Creating a high quality built environment for all. |
| T7  | Car Parking Standards and Management.              |

### ***Worcestershire County Structure Plan***

|     |  |
|-----|--|
| D19 | Employment Land Requirements.                            |
| D24 | Location of employment uses in Class B8.                 |
| D25 | Use of employment land for specific uses within Class B. |

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

|           |  |
|-----------|--|
| CS4       | Minimising the need to travel.   |
| B(BE).13  | Qualities of Good Design.  |
| B(BE).14  | Alterations and extension.   |
| E(EMP).2  | Design of employment development.                                      |
| E(EMP).3  | Primarily Employment Areas.  |
| E(EMP).3a | Development Affecting Primarily Employment Areas.                      |
| E(EMP).4  | Locational criteria for development within primarily employment areas. |
| C(T).1    | Access to and within development.                                      |
| C(T).12   | Parking Standards.   |
| S1        | Designing out crime.   |

### ***SPDs***

Encouraging Good Design.  
Designing for community safety.

### **Relevant Site Planning History**

None.

### **Public Consultation Responses**

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

# Planning Committee

19 May 2009

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## Responses in favour

One letter received stating that the proposal improves the existing building and at the same time increases parking space on site. Is supportive of the renovation of the unit to improve the working environment.

## Responses against

One letter received raising concerns summarised below:

- Noise emanating from heavy press equipment within the building results in disturbance to and loss of amenity to occupiers of nearby properties.
- Noise late at night from a variety of sources within the site gives rise to a loss of amenity to nearby properties.
- Concerns that proposed development will increase the noise disturbance already experienced by nearby neighbours.

## Consultee Responses

### ***County Highway Network Control***

No objection.

### ***Environmental Health***

No objections raised to proposals, subject to the imposition of conditions restricting noise making activities in association with demolition and construction and hours of operation to particular times of the day. Requests the non-use of external tannoy equipment on the site and would seek to impose standard conditions in respect of land contamination due to the current use of the site as a metal press works.

### ***Police Crime Risk Manager***

No response received.

### ***Economic Development Unit***

No response received.

### ***Severn Trent Water***

No objections. Drainage details to be subject to agreement with Severn Trent.

## **Procedural matters**

This application is put before the Planning Committee due to the fact that it is a 'major' application (as defined in the BVPI 109 returns), with the floor space to be created exceeding 1000 m<sup>2</sup> in area. Under the agreed scheme of delegation to Planning Officers, Part 7 states that 'major' applications

should be reported to Committee, where the recommendation is for approval.

### **Assessment of Proposal**

#### Principle

The principle of industrial development similar to that existing in this area is acceptable in policy terms, subject to criteria pertaining to design; landscaping; residential amenity and highway safety.

#### Design of building / fencing

The proposed extensions, which are significant in scale, can easily be accommodated within the site without undue harm to the visual amenities of the area. The footprint of the proposed portal frame would mirror that of the existing with metal cladding to match the existing. The removal of the flat roofed buff brick office area to be replaced by a new office building more contemporary in appearance, together with the proposed metal clad 'wrap-around' facade to the front of the building would be considered to improve significantly the appearance of the building, and the colour (blue) would complement the adjacent, recently extended 'Tamlite' industrial building at 49C Pipers Road which is also blue in colour. The proposed extension would be approximately 8 metres in height to the ridge (2.8m metres lower than that of the extension to 49C Pipers Road, which was granted by the Planning Committee in April 2008 – application 2008/081/FUL refers) and is similarly considered to be acceptable.

The proposed use of 2.4 metre high, steel weld mesh fencing with a dark green powder coated finish is considered to be a wholly acceptable means of securing the site and would expect to receive support from the Police Architectural Liaison Officer, although no comments have been received at this stage. The design and security elements of this proposal are therefore considered to comply with policy.

#### Impact on surrounding amenities

Your Officers are satisfied that the extensions would have no impact upon nearby residential amenity by virtue of an overbearing or overshadowing impact. As was the case under application 2008/081/FUL, a separation distance in excess of 22m would exist between this extension and the dwellings nearest to the site. The difference in levels is also key, in that the proposed extension's finished floor level would be significantly lower than that of the dwellings facing on to Studley Road, to the west of the site.

The issue of noise disturbance has been carefully considered by your Officers in Environmental Health, who consider that the existing building can operate 24 hrs a day without restriction by condition. Operations within the proposed portal framed building would be restricted to 0700-1800 hrs Monday-Friday, and 0700-1230 hrs on Saturday only. The imposition of

such a condition satisfies the Environmental Health Department that any perceived loss of amenity due to noise disturbance would not be exacerbated by the proposal. The applicant has confirmed that the heavy metal pressing equipment (the source of the noise disturbance) would not be moved into the new extension as the applicant considers this impractical due to their heavy weight. Further, the configuration of the proposal with the "Goods In" and "Goods Out" arrangement, would mean that at least 50% of the extension would be used for storage (B8) purposes. It is therefore considered that, subject to the imposition of conditions, the proposal would comply with policy and be very unlikely to cause any additional harm to residential amenity relative to the current situation.

#### Landscaping

The proposal would result in the loss of part of a landscaping strip to the side of the site, adjacent to the footpath. However, this is under the applicants control and has little amenity value. The footpath is well lit and thus its use would be encouraged, and therefore its quality would not be reduced. This accords with landscaping and security policy criteria.

#### Access, parking, loading and highway safety

The proposal extensions would accord with current maximum parking standards based on the floorspace of B1, B2 and B8 Uses to be created. The proposal would utilise the existing access point and provide improved loading/unloading facilities. These elements of the proposal are therefore considered to be acceptable.

#### Conclusion

The proposals are considered to comply with the planning policy framework and would not cause harm to visual or 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. Hours of use limitation to protect residential amenity.
3. Construction / demolition work on site to be time limited to protect amenity.
4. Any tannoy equipment to be restricted to internal use only.
5. Materials and finishes to be submitted and agreed.
6. Extensions not to house any existing or new pressing equipment.
7. Floorspace not to exceed 661m<sup>2</sup> B2; 661m<sup>2</sup> B8 and 330m<sup>2</sup> B1.
8. Desktop contamination study to be carried out. Remediation reports (if necessary) to be submitted.



# Planning Committee

19 May 2009

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9. Perimeter fence to be of steel weld mesh construction with green powder coated finish.

## Informatives

1. Drainage details to be in agreement with Severn Trent Water.



# Planning

## Committee

19 May 2009

2009/054/FUL **PROPOSED EXTENSION TO SIDE OF BUNGALOW TO FORM GARAGE AND UTILITY ROOM**  
**2 BROTHERTON AVENUE, WEBHEATH**  
**APPLICANT: MR C R FORRESTER**  
**EXPIRY DATE: 20 MAY 2009**

### Site Description

(See additional papers for Site Plan)

The detached bungalow lies within the area of Redditch which is designated as urban in the adopted Local Plan No 3. The surrounding area is predominantly residential and comprises of a mixture of both detached and semi-detached properties, bungalows and dormer bungalows.

### Proposal Description

Full planning permission is being sought for the addition of a single storey side extension which is proposed to comprise of a garage and a utility room. The existing garage is proposed to be converted into a living room. The existing drive and parking arrangements would remain the same.

### Relevant Key Policies

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

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

### ***National Planning Policy***

PPS1 (& accompanying documents) Delivering sustainable development

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

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

### Relevant site planning history

None.

**Public Consultation responses**

Responses in favour

None.

Responses against

None.

**Procedural matters**

This application would normally be assessed under the delegated powers granted to the Head of Planning and Building Control, but is being reported to committee as the wife of the applicant is an employee of Redditch Borough Council.

Members are reminded that the conversion of a garage to a habitable room benefits from Permitted Development Rights in most cases, and that is the case here. The loss of the existing garage is therefore not for consideration.

**Assessment of proposal**

The key issues for consideration in this case are the principle of the development and the siting, design, layout and amenity.

Principle

The proposal involves the addition of a single storey extension to the side of a bungalow which complies in terms of the relevant policies of the Borough of Redditch Local Plan No 3.

Design and layout

The proposed extension has been designed in sympathy with the existing bungalow. The adjacent property is also a bungalow which sits at approximately 600 mm lower than the proposal site.

The proposal will extend slightly beyond the 60 degree line from the neighbours [No 4] bedroom window. Whilst the boundary hedge between these two properties is proposed to be removed, the roof of the extension has been designed with a hipped end to ensure minimum impact on the neighbouring property, and also, there are no windows proposed in this elevation.

Conclusion

It is considered that the proposal is compliant with the relevant planning policies and guidance. And would be unlikely to cause any detrimental

# Planning Committee

19 May 2009

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impacts to the neighbouring properties and as such the proposal is considered to be acceptable.

## **Recommendation**

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

- 1) Development to commence within 3 years
- 2) Materials to match existing



## Planning Committee

Abbey Ward

19 May 2009

2009/059/FUL **FIRST FLOOR SIDE EXTENSION TO FORM BATHROOM**  
**82 HITHER GREEN LANE, BORDESLEY**  
**APPLICANT: MR R EVANS**  
**EXPIRY DATE: 1 JUNE 2009**

### Site Description

(See additional papers for Site Plan)

The detached two storey dwelling lies adjacent to a golf course, within an area of Redditch which is designated as urban in the adopted Local Plan No 3. The surrounding area is predominantly residential and comprises of a mixture of large detached properties, bungalows and dormer bungalows.

### Proposal Description

Full planning permission is being sought for the addition of a first floor extension to accommodate a bathroom above an implemented previously permitted single storey side extension. This would be set down and back from the main dwelling.

### Relevant Key Policies

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

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

### ***National planning policy***

PPS1 (& accompanying documents) Delivering sustainable development

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

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

### Relevant site planning history

| Application Number | Proposal   | Decision | Date       |
|--------------------|--|----------|------------|
| 2007/365           | First floor extension and single storey extension to form utility room | Approved | 22/10/2007 |

### Public Consultation responses

#### Responses in favour

None

#### Responses against

One objection received raising concerns of overlooking and loss of privacy as a result of the window in the front elevation

### Procedural matters

This application would normally be assessed under the delegated powers granted to the Head of Planning and Building Control, but is being reported to committee as the agent is an employee of Redditch Borough Council.

### Assessment of proposal

The key issues for consideration in this case are the principle of the development and the impact of the design on surrounding amenity. Hither Green Lane development comprises of a mixture of types of large dwellings and a variation of designs.

In 2007 a single storey extension to form a utility room and a first floor extension to form a bedroom was permitted, which is now in the process of being built. The applicant has now applied for planning consent to add a first floor extension the utility room. The proposal could not be treated as an amendment to the 2007 application, as it is of a substantial size and proposed at first floor level.

The design and siting of the proposed extension is such that it would not cause harm to residential amenity as it would not result in overlooking or overshadowing and as such it is considered to comply with the adopted policy requirements.



Conclusion

It is considered that the proposal is compliant with the relevant planning policies and would be unlikely to cause any detrimental impacts to the neighbouring properties and as such the proposal is considered to be acceptable.

Recommendation

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

- 1) Development to commence within 3 years
- 2) Materials to match existing
- 3) Proposed windows to be obscure glazed



## Planning Committee

Winyates Ward

19 May 2009

2009/064/COU CHANGE OF USE FROM DENTAL SURGERY (D1) TO HAIRDRESSING SALON (A1)  
UNIT 15 WINYATES CENTRE, WINYATES  
APPLICANT: MR G ARUNDEL – ‘SCISSORS’  
EXPIRY DATE: 4 JUNE 2009

### Site Description

(See additional papers for Site Plan)

Unit 15 is an existing Dental Surgery unit measuring 103 square metres in area and is located within the Winyates District Centre. It was formally occupied by Dentists who vacated the Unit in October 2007. The Unit is located by the western entrance to the Winyates Centre.

### Proposal description

This is a full application to Change the Use from D2 (Dental Surgery) to A1 (Hairdressing Salon). No external alterations are proposed.

### Relevant key policies:

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

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

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

E(TCR).9 District Centres  
S.1 Designing out Crime

### ***SPDs***

Designing for Community Safety

### Relevant site planning history

None

# Planning Committee

19 May 2009

## Consultee responses

### *Property Services Manager*

No response received

## Procedural matters

This application is reported to Planning Committee because Redditch Borough Council is the landowner. The scheme of delegation to planning officers requires applications to be reported to the planning committee where Redditch Borough Council is the landowner and the recommendation is one of approval.

Members will also be aware that unless they choose to grant this application with a condition restricting the use of the unit, permission would be granted for any A1 use of the unit, not simply that which seeks the approval.

## Assessment of proposal

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

### Principle of Change of Use:

The District Centres are the secondary level of shopping, meeting daily needs for basic items. District centres mainly accommodate newsagents, grocery stores, sub-post offices and occasionally a pharmacy, hairdresser and other shops. It is important to protect and where appropriate enhance District Centres.

The applicant currently occupies Unit No 16 in the Winyates Centre and wishes to re-locate to Unit No 15.

The occupations of the units within the Winyates District Centre are currently as follows:

|                           |                      |             |
|---------------------------|----------------------|-------------|
| Unit 1 (postal no. 5)     | Chinese Take-Away    | A5 Takeaway |
| Unit 2 (postal no. 4)     | Fish & Chip Takeaway | A5 Takeaway |
| Unit 3 (postal no. 3)     | RBC One Stop Shop    |             |
| Unit 4 (postal no. 2)     | Vacant               |             |
| Unit 5 (postal no. 1)     | Convenience Store    | A1 Retail   |
| Unit 6 (postal no.15)     | Vacant               |             |
| Unit 7 (postal no.16)     | Hairdressers         | A1 Retail   |
| Unit 8 (postal no.17)     | Optician             | A1 Retail   |
| Unit 9 (postal no.18)     | Pharmacy             | A1 Retail   |
| Unit 10 (postal no.19)    | Newsagents           | A1 Retail   |
| Unit 11 (postal no.21)    | Nursery School       | D1 Use      |
| Unit 12 (postal no.22)    | Vacant               |             |
| 1st and 2nd floor offices | West Mercia Police   |             |

# Planning Committee

19 May 2009

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The Dental Practice in Unit No 15 ceased to operate around October 2007 and the lease they had with Redditch Borough Council expired in March 2008. The unit has been unoccupied for the last 12 months.

The applicant wishes to expand his hairdressing business to include some beauty treatments, hence moving to Unit 15, which is larger in size than Unit 16. This would not only be beneficial to the business but would also offer more services to the public within the District centre, thus enhancing its vitality and viability in compliance with planning policy objectives.

### Conclusion

In conclusion, the Change of Use of this unit would not only be beneficial to the business, but would also enhance the vitality and viability of the Winyates Centre. Your Officers would therefore recommend that planning permission be granted.

### 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



# Planning

## Committee

19 May 2009

2009/066/OU

**RESUBMISSION OF PLANNING APPLICATION REF 2008/295/COU–  
CHANGE OF USE OF PART CAR PARK TO A NEW ENCLOSED  
GRASSED BEER GARDEN INCLUDING DECKING AND FENCING WITH  
EXTENSIONS AND ALTERATIONS.  
2 BEOLEY ROAD WEST, THE KINGS ARMS PUBLIC HOUSE  
APPLICANT: PUNCH TAVERNS  
EXPIRY DATE: 21 MAY 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 0.10 ha, and is located at Beoley Road West, which is situated on the border of the Central and Lodge Park ward area of Redditch. The application site includes a pub car park and a public car park.

The area is commercial and residential and is characterised by commercial uses and two storey terraced houses. The site is of an irregular shape and its curtilage includes a rear car parking area.

To the north of the site lie commercial premises situated on Beoley Road West. To the north west of the site lie terraced residential dwellings situated on Other Road. To the east, the site backs onto two storey residential dwellings and a church from which it is separated by a 2m fence and a hedgerow. To the south of the site lies a car park and to the south west of the site lies Trafford Retail Park.

There is a slight fall in ground levels to the commercial premises located to the north of the site and there is a significant change in ground levels to the south of the site onto Holloway Lane including the retaining wall adjacent to the pavement.

### Proposal Description

The application seeks full planning permission for a change of use of part of the car park to a new enclosed grassed beer garden including decking and fencing with extensions and alterations to the east elevation.

The proposed beer garden would result in the loss of five parking spaces and measure a maximum of 15m (L) and 11.5m (W). It would comprise of new timber decking along the existing boundary wall which would be flush with the paved area closest to the rear of the building, a grassed area which would finish flush with the proposed timber decking area and would involve the existing rear car park area being excavated and back filled to create a level continuous floor finish with compacted earth as a base for the new grassed area to be laid, a children's play area which would measure a maximum of 3m (L) and 3m (W) and a new entrance and fencing which would measure 1.5m (H). New low maintenance planting is proposed

along the new fence. The existing tree to the east (rear) elevation would be retained and lit using two flood lights housed within protective cages.

The existing lighting of the rear courtyard area would be removed and replaced with new external 'bulkhead' lighting, which would be fitted to the existing walls to the south side elevation.

The extensions and alterations to the east rear elevation would involve the demolition of the existing outbuilding, currently used as a men's toilet and bottle store, the removal of an existing tree in close proximity to the outbuilding and the blocking up of the existing low level access door with bricks. The existing high level wall would be lowered by removing the brick on the edge coping and removing four courses with all defective areas made good.

Internal alterations and extensions are proposed which would involve the existing rear yard area (currently used as a smoking shelter) to be converted to a single storey lobby extension, which would resemble a pergola in design and would approximately measure a maximum of 2.9m (L), 8.8m (W) and 3m (H). The materials would comprise of a glazed roof covering, fully glazed entrance doors and timber post with cladding using treated boarding. The yard area's existing retractable canopy would be moved along the same wall to allow for the new overhang to the roof.

There would be a small reduction in size from the existing footprint of the Public House by the demolition of the existing rear outbuilding.

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

### ***National Planning Policy***

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

### ***Regional Spatial Strategy***

UR4 Social infrastructure



### ***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

C(T).1 Access to and within development

### ***SPDs***

Encouraging good design

Designing for community safety

### **Relevant Site Planning History**

|          |  |                                   |            |
|----------|--|-----------------------------------|------------|
| 2008/295 | COU of part of car park to a new enclosed beer garden including decking and fencing. | Withdrawn as procedurally invalid | 08/01/2009 |
|----------|--|-----------------------------------|------------|

### **Public Consultation Responses**

#### Responses in favour

None

#### Responses against

None

### **Consultee Responses**

#### ***County Highway Network Control***

No objection

#### ***Environmental Health***

No objection subject to conditions requiring restricted construction times, external lighting to be compliant with current guidance of the Institute of Lighting Engineers, the incorporation of dust mitigation measures and no burning of materials on site during construction.

#### ***Property Services Manager***

No comments received

#### ***Crime Risk Manager***

No comments received

**Procedural matters**

This application has been reported to Committee as part of the land shown within the red line belongs to Redditch Borough Council. The proposal is not affected by this issue as the proposal would be on land which is within the applicant's ownership.

Lighting is not development, and therefore cannot be considered and controlled. However, the supporting structures all fall within the usual planning framework. As the lights in this case are to be mounted on the existing building, they cannot be considered further here.

**Assessment of Proposal**

The key issues for consideration in this case are the principle of the proposed development, the impact on the character and appearance of the public house, the impact on the neighbouring residential amenities, highway and access safety and sustainability.

**Principle**

The principle of the proposed development which is situated within the urban area of Redditch on previously developed brownfield land such as this is considered to be acceptable and in compliance with local and national planning guidance.

**Impact on the character and appearance of the Public House**

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, 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 of the proposal would be overly altered by these proposals, as the design would be in keeping with the scale of the existing building.

There would be a small reduction in size from the existing footprint of the Public House by the demolition of the existing rear outbuilding. The reduction in bulk and scale would be fully compliant with the relevant planning policies and guidance.

It is therefore considered that the proposal would enhance the character and appearance of the Public House.

Impact on the neighbouring residential amenities

The proposal is considered acceptable and would not have any additional impact on the neighbouring amenities. The proposal would offer a service and additional amenities to the local community which would include providing an attractive visual feature to what is currently underused land and making efficient use of underused land. The proposal would provide an attractive and functional addition to the existing Public House for the public to visit and use. It is not considered that the use of the site would intensify significantly as a result of this proposal, and therefore no additional harm to the surrounding residential amenity is anticipated.

Highways and Access

The proposal would utilise the existing access point, shown on the plan elevations as being the hatched area which is owned by Punch Taverns but subject to a Right of Way for access to Council land. Highways raise no objections to the proposal regarding parking and access arrangements. Additional parking facilities are available with on street parking and in a public car park for Trafford Retail Park, which lies to the south west of the application site. The loss of spaces on site is therefore not considered to be detrimental in this case.

Sustainability

The proposal would be sited within a sustainable location on the town centre periphery which is well served by public transport and would not have a detrimental environmental impact and is therefore compliant with policy.

Other Issues

Advice given by Environmental Health seeks to control burning on site, dust mitigation and lighting. However these issues would be more effectively controlled through other legislation and therefore would be more appropriate as informatives. Restrictions on the hours of work could be appropriately controlled by condition.

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 Public House, the amenities of surrounding residents, highways and access issues and the sustainability of the surrounding area and as such the proposal is considered to be acceptable.

# Planning Committee

19 May 2009

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## 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) Sample materials to be submitted
- 3) Limited working hours during construction

## Informatives

1. Lighting
2. Burning on site during construction
3. Dust mitigation

# Planning Committee

Greenlands Ward

19 May 2009

## INFORMATION ITEM

(Report of Acting Director of Environment & Planning)

### 1. Summary of Report

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

### 2. Recommendation

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

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

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

### 4. Background

4.1 Planning Application file.

### 5. Consultation

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

### 6. Other Implications

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

### 7. Author of Report

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

### 11. Appendices

Appendix 1 - Outcome of Appeal against a Planning Decision

# Planning

Committee

19 May 2009

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**OUTCOME OF APPEAL AGAINST A PLANNING DECISION**

**Reference:** 2008/188/COU

**Proposal:** Change of Use of Open Space to garden area and the retention of decking within the Open Space

Retrospective planning permission was being sought for Change of Use of Open Space to garden area and the retention of decking within the open space.

The applicant has had their garden landscaped, the majority of which has been decked and a fairly substantial pergola has been constructed. However, 4.8 metres of the decking area encroached into the area of Primarily Open Space which had been purchased by the applicant to the rear of the garden.

Hence, the application sought retrospective consent for the Change of Use of the Open Space area to garden area and retention of the decking and the pergola.

Members may recall that planning permission was refused for the above application on 4 November 2008. The reason for refusal was, the reduction of the buffer zone of Primarily Open Space (which would result from the proposed change of use), located to protect the SSSI of Rough Hill Woods from the adjacent residential development, would be likely to result in encroachment that would lead to harm being caused to the SSSI, ecology and habitats and as such was contrary to Policies R.1 and R.3 of the Borough of Redditch Local Plan No 3 and PPG17.

The applicant appealed against this decision. In his decision, the Inspector respected the fact that the extended area was important Public Open Space and that the buffer strip acted as appropriate habitat for a woodland edge. He also stated that the bulky area of the decking so close to the woods reduced the rural character to a marked degree.

He therefore dismissed the appeal.





# Planning Committee

Abbey and  
Astwood Bank and Feckenham Wards

19 May 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 two Enforcement matters, one of which is confidential, 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

Anti-Social Behaviour Act 2003.

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.

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## Planning Committee

Greenlands Ward

19 May 2009

### ENFORCEMENT REPORTS: 2008/183/ENF TO 2008/188/ENF AND 2009/088/ENF TO 2009/090/ENF

#### Enclosure of various plots of land and their incorporation into curtilage of garden area Ettingley Close/Fernwood Close, Wire Hill, Redditch

(Greenlands Ward)

#### 1. Background / Key Issues

- 1.1 This matter comes before the Committee with regard to open land which separates properties in both Ettingley Close and Fernwood Close from Rough Hill Wood which falls within Stratford-upon-Avon district. Rough Hill Wood is a site of special scientific interest (SSSI) managed by the Warwickshire Nature Conservation Trust Ltd, and that part falling within the Borough boundary forms part of a larger area designated as primarily open space.
- 1.2 When permission was granted for the development of these properties in September 1993, there was a requirement that there must be a 10 metre buffer strip between the houses and the wood. That buffer strip remains in the ownership of the Trust. On completion of the houses, the strip of land created between the houses and the wood actually extended out a further 10 metres at its widest point beyond the 10 metre buffer strip owned by the Trust. This occurred as the construction company had gone into administration and the original planned garden size for the dwellings had been significantly reduced. As a result, the strip of undeveloped land was integrated into the buffer strip and there was no distinguishable barrier between the two.
- 1.3 Some time in the past, the undeveloped strip of land adjacent to the buffer strip was sold off to residents by a building company which had acquired ownership of the land. A number of residents gained ownership of the additional land and began extending their gardens outwards to incorporate the land in to the curtilage of their garden areas without the knowledge of the Council. Following a complaint about another matter, which also included the extending of the garden area, the Enforcement Officer discovered these further breaches of planning control.
- 1.4 This other matter resulted in a planning application, which was refused, and then taken to an appeal to the Secretary of State. Given that the opinion of the appeal inspector had a bearing on any view the Council might take on the matter, action was delayed pending the result of the appeal.

- 1.5 In March 2009, the appeal inspector upheld the Council decision to refuse planning permission. The Enforcement Officer subsequently carried out a full survey of the land and established that there were in total ten separate properties where this land had been incorporated within the curtilage of the dwelling. The extent ranged from just grassing over and maintaining the land or very lightweight planting to define the boundary, right up to close boarded fencing and brick walls and pillars. (For the appeal decision, see the separate item on this agenda.)

## 2. Conclusion

- 2.1 Officers consider that the passage of time with no subdivision of the buffer strip and adjacent open space has resulted in the whole area becoming buffer strip, as well as it being designated as primarily open space in Local Plan No.3. The land purchased by occupiers to the rear of their properties in the buffer strip therefore falls within the area of designated open space. In such circumstances, irrespective of ownership, the subsequent incorporation of the land into a garden area constitutes development which requires planning permission. This view was upheld by the planning inspector in the appeal decision referred to in paragraphs 1.4 and 1.5.
- 2.2 Officers consider that the cumulative effect of extending these gardens out would, by way of the eroding of the buffer strip and the resultant negative impact on visual amenity, have an unacceptable impact on the adjacent site of special scientific interest (SSSI). This is contrary to Policies R.1 and R.3 of the Borough of Redditch Local Plan No. 3
- 2.3 Officers consider that enforcement action may be necessary to return this land to its original condition. However, dependent on when the development was carried out, the possibility exists that the Council may be out of time to take action. If residents can prove that this change of use occurred more than ten years ago, it will be immune from enforcement action. Officers consider this unlikely, however, as it appears initially that these developments are more recent than that.

## 3. Recommendation

**The Committee is asked to RESOLVE that**

**in relation to breaches of Planning Control, namely, the making of a material change of use of land from public open space to curtilage of garden, authority be delegated to the Head of Legal, Democratic & Property Services, in consultation with the Acting Head of Planning and Building Control, to take enforcement action by way of:**



# Planning

## Committee

19 May 2009

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- a) **the issuing of Planning Contravention Notices to establish ownership of various plots of land, names of interested persons and dates works were carried out;**
- b) **the service of Enforcement Notices alleging material changes of use of that land, if required; and**
- c) **the institution of legal proceedings in the event of non-compliance with such Notices.**



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