



Planning Committee

Thu 20 Jun
2024
7.00 pm

Oakenshaw Community
Centre,
Lane, Redditch

Castleditch

REDDITCH BOROUGH COUNCIL

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a
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If you have any queries on this Agenda please contact

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Democratic Services Officer**

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GUIDANCE ON FACE TO FACE MEETINGS

If you have any questions regarding the agenda or attached papers, please do not hesitate to contact Gavin Day (gavin.day@bromsgroveandredditch.gov.uk)

PUBLIC SPEAKING

For this meeting the options to participate will be in person, by joining the meeting using a video link, or by submitting a statement to be read out by officers.

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 summarised below:

in accordance with the running order detailed in this agenda and updated by the separate Update report:

- 1) Introduction of application by Chair
- 2) Officer presentation of the report.
- 3) Public Speaking - in the following order:-
 - a. Objectors to speak on the application;
 - b. Ward Councillors (in objection)
 - c. Supporters to speak on the application;
 - d. Ward Councillors (in support)
 - e. Applicant (or representative) to speak on the application.

Speakers will be called in the order they have notified their interest in speaking to the Democratic Services Team (by 12 noon on Tuesday 18th June 2024) and invited to the table or lectern.

- 4) Members' questions to the Officers and formal debate / determination.

Speakers will be called in the order they have notified their interest in speaking to the Democratic Services Team and invited to address the committee.

Each individual speaker will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair.

Each group of supporters or objectors with a common interest will have up to a maximum of 10 minutes to speak, subject to the discretion of the Chair.

Notes:

- 1) Anyone wishing to address the Planning Committee on applications on this agenda must notify Gavin Day from the Democratic Services Team on 01527 64252 (Ex 3304) or by email at gavin.day@bromsgroveandredditch.gov.uk before **12 noon on Tuesday 18th June 2024.**
- 2) Advice and assistance will be provided to public speakers as to how to access the meeting and those using the video link will be provided with joining details for Microsoft Teams. Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting by Teams, and those speakers will be given the opportunity to submit their speech in writing to be read out by an officer at the meeting. Please take care when preparing written comments to ensure that the reading time will not exceed three minutes. Any speakers wishing to submit written comments must do so by **12 noon on Tuesday 18th June 2024.**
- 3) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, re available to view in full via the Public Access facility on the Council's website www.redditchbc.gov.uk
- 4) 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. 4 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.
- 5) Although this is a public meeting, there are circumstances when the committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded.
- 6) 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 4.00 p.m. on the day of the meeting.

Further assistance:

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

At the meeting, these Officers will normally be seated either side of the Chair, who will be seated at the front left-hand corner of the Committee table as viewed from the Public Gallery.



Planning

Thursday, 20th June, 2024

7.00 pm

**Oakenshaw Community
Centre - Oakenshaw
Community Centre**

Agenda

Membership:

Cllrs:	Andrew Fry (Chair)	Sid Khan
	William Boyd (Vice-Chair)	David Munro
	Juma Begum	Jen Snape
	Brandon Clayton	Gemma Monaco
	Bill Hartnett	

1. Apologies

2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests and / or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. Confirmation of Minutes (Pages 7 - 16)

4. Update Reports

To note Update Reports (if any) for the Planning Applications to be considered at the meeting (circulated prior to the commencement of the meeting)

5. 23/00701/HHPRIO - 6 Moors Lane, Feckenham, Worcestershire, B96 6JH. (Pages 17 - 28)

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Planning Committee

Wednesday, 20th March,
2024

MINUTES

Present:

Councillor Peter Fleming (Chair), Councillor Imran Altaf (Vice-Chair) and Councillors Juma Begum, Andrew Fry, Bill Hartnett, Chris Holz, Sid Khan, Anthony Lovell and Timothy Pearman

Also Present:

Councilors Joe Baker, Monica Stringfellow, Emma Marshall and Karen Ashley.

Officers:

Ruth Bamford, Helena Plant, Paul Lester, Karen Hanchett (of Worcestershire County Council, Highways) and Max Howarth (of Anthony Collins Solicitors)

Democratic Services Officers:

Gavin Day and Pauline Ross

69. APOLOGIES

There were no apologies for absence, all Members were in attendance.

70. DECLARATIONS OF INTEREST

There were no declarations of interest.

71. CONFIRMATION OF MINUTES

The minutes of the Planning Committee meeting held on 21st February 2024 were presented to Members.

RESOLVED that

the minutes of the Planning Committee meeting held on 21st February 2024 were approved as a true and accurate record and signed by the Chair.

Chair

72. UPDATE REPORTS

The Chair drew Members' attention to the update report, which had been circulated to Members prior to the meeting commencing.

Members indicated that they had had sufficient time to read the update report and that they were happy to proceed with the meeting.

73. 21/01830/FUL - LAND WEST OF, HITHER GREEN LANE, REDDITCH, WORCESTERSHIRE, B98 9AZ

The application was reported to the Planning Committee because the application required a Section 106 Agreement. As such the application fell outside the scheme of delegation to Officers.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 5 to 43 of the Site Plans and Presentations pack.

The application was for the Land West of Hither Green Lane, Redditch and sought residential development for 214 dwellings, including 2 custom build plots and 66 affordable dwellings. It included vehicular access, play areas, public open space and all other ancillary and enabling infrastructure.

The location of the site was detailed on pages 6 to 9 of the Site Plans and Presentations pack. Officers further informed Members that although the majority of the land (9.47 ha) was designated as primary open space under policy 13 of the Local Plan and part of the site (0.38 ha) is shown as white land. There was no public access to the site and the only access was via the private golfclub.

Officers detailed the proposed layout of the site, shown on pages 17 to 22 of the public reports pack. This included information on housing, including the number and the location of the 66 affordable units which accounted for 30% of the development. Officers further detailed that the proposed development aims to create a well-designed and efficient urban environment with 2 and 2.5-storey dwellings. The development would be laid out in a series of connected parcels, with a clear distinction between the public and private realm. The development had an approximate density of 36 dwellings per hectare.

Members commented that the Borough had a 10.3-year housing supply which was greater than the required 5-year housing supply outlined in the National Planning Policy Framework (NPPF). However, the 5-year figure was a minimum and that there was not a maximum figure in the NPPF. Therefore, regard was given to the

Planning Committee

Wednesday, 20th March, 2024

National picture as a whole where there was a shortage of houses being built.

The development required the removal of some trees which had TPOs attached, mitigation/replanting measures were proposed and the Arboricultural Officer had raised no objection subject to this mitigation.

North Worcestershire Water Management (NWWM) had assessed the application and the impact it would have in regard to flooding from the nearby river Arrow. NWWM had found the risk to be minimal and had not raised an objection or requested a drainage solution Condition. However, Officers included a drainage Condition (13) following advice from the Council's ecologist.

The application had been supported by extensive ecology surveys, the Council's appointed Ecologist (Thompson Ecology) and Natural England were satisfied that the survey effort was sufficient to inform the application for development. A biodiversity metric had been submitted as a part of the proposals. A net gain in biodiversity (+1.84% habitat units, +4.85% hedgerow units) would be provided through biodiversity enhancements on offsite land immediately to the east of the proposed development (the retained golf course).

Members' attention was drawn to the highway access to the site via Hither Green Lane, as detailed on pages 31 to 34 of the Site Plans and Presentations pack. Officers noted that no objection had been raised by Worcester County Council (WCC), Highways, as the development did not contradict any policies and their opinion was that the impact could not be determined as severe enough to warrant an objection to the application, subject to conditions and contributions/improvements to infrastructure identified in the report.

Officers commented that the development complies with Policy 12 Open Space Provision. The development will provide approximately 3.2 hectares of publicly available open space, and this will be retained in perpetuity.

It is considered that the amenity value of the site is limited as it is in private ownership and has limited public accessibility.

Following clarification, it has been shown that the golf course will remain open and playable to members and visitors with the reconfiguration and retention of an 18-hole golf course on the remaining site. The previous objection from England Golf has been withdrawn.

Planning Committee

Wednesday, 20th March, 2024

Taking the specific circumstances of the case into account, the proposal would provide equivalent open space to offset the loss of designated open space, which itself has limited public accessibility.

In conclusion and having had regard to:-

- The development would provide greater public access across the application site, with 3.4ha (around 35% of the application site) becoming publicly accessible.
- The golf course was proposed to be reconfigured to retain an 18-hole golf course to suit members as well as those visiting the hotel.
- The proposal would make a meaningful contribution to both market and affordable housing. It was recognised that the government's aim was to significantly boost the supply of housing, both market and affordable.
- The proposal would have economic benefits during construction and ongoing support for local services.
- Against these matters, there were several harms and material considerations arising from the proposed development that weigh against the proposal. Both individually and cumulatively, they did not amount to material considerations that outweigh the compliance of the proposals with the development plan as a whole and the benefits of the proposal outlined above.

On balance, Officers recommended the application for approval subject to conditions and a Section 106 agreement.

At the invitation of the Chair, the following speakers addressed the Committee under the Council's Public Speaking Rules

Residents and interested parties in objection to the application (2 minutes each)

- Charles Robinson – Representative of North Redditch Community Alliance (NoRCA)
- Councillor Karen Ashley – RBC Councillor
- Councillor Alan Bailes – BDC Ward Member for Alvechurch South
- Councillor Joe Baker - RBC Councillor
- Julian Grubb – Interested Party
- Councillor Adam Rock - Interested Party, Beoley Parish Council (BDC)
- Mike Chalk – Interested Party (Statement read out by Democratic Services)
- Councillor Emma Marshall – in her capacity as a County Councillor at WCC
- Councillor Gemma Monaco – RBC Councillor (Statement read out by Democratic Services)

Ward Member (3 minutes)

- Councillor Monica Stringfellow

In support of the application (18 minutes shared)

- Cathryn Ventham – Agent for the Planning Application (of Stantec)
- Reiss Sadler – Applicant’s Economic Consultant (of Marons)
- Josh Norris – Applicant’s Highways Consultant (of Mode Transport)

There was a planned adjournment after the public speaking between 20:25 and 20:35 hours.

Having recommended, Officers clarified the following points after questions from Members.

- That the proposed development had a housing density of 35 dwellings per hectare(dph), whereas the current local development on Hither Green Lane was approximately 20dph.
- A noise assessment had been carried out by the relevant consultee (Worcestershire Regulatory Services) and Conditions 24 and 25 were included to address noise concerns, including during the construction phase.
- Although comments were raised during the public speaking in regard to flooding, NWWM who were the expert consultee on matters of flooding had raised no objection to the application.
- In some instances, areas designated as Primarily Open Space have been rolled forward from previous versions of the local plan, so the reason for their designated at that time may not be clear. However, Policy 13 described what was important about open space and sets out a list of factors for Members to consider, these included regard to conservation and wildlife. The report identified that the site was not significant in wildlife terms in relation to some other areas of the Borough.
- It was a point for the Committee to ascertain as to what extent weight should be given to the 5-year provision of housing supply nationally, compared to locally which already had a 10-year supply.
- There would be no impact as to the size of the golf course currently on site in terms of holes, the legal mechanisms detailed on page 72 of the Public Reports pack, required that the reconfiguring of the course would be completed prior to the commencement of any residential development.

Planning Committee

Wednesday, 20th March, 2024

- There would initially be a loss of 9.85 hectares of open space. Once the development was completed there would be 3.4 hectares of publicly accessible open space provided.
- Condition 9 detailed that archaeological surveys needed to be submitted prior to the commencement of building works, if discoveries were made once development had commenced the build plan would be affected accordingly.

Following comments from the public speakers, WCC Highways addressed the concerns raised regarding the highways impact of the development. Officers informed Members that appropriate modelling had been undertaken on a number of highways which could be impacted, including Hither Green Lane, Dagnel End and the A441. Officers had concluded that, although it was accepted that there would be an impact, it could not be described as severe. Therefore, Highways could not raise an objection to the development.

WCC, Highways could not confirm if Diamond Busses, who serviced Redditch had been consulted with in regard to the financial viability of a long-term service for the area. However, Section 106 contributions had been discussed with the County's Transport team who were the relevant consultee, and the contributions would provide an hourly service for 5 years. After the 5-year period, an assessment would need to be undertaken by the provider as to the financial viability of maintaining the service.

The emergency access route was explained in that it was not a reflection of the suitability of the road network, and there was no intent to use the access. However, WCC, Highways sought an alternative entrance/exit route in the event of an accident preventing the use of the regular access, this was a requirement for any larger developments of over 200 houses. The emergency access would be controlled by bollards which could be retracted.

During consideration of this item a vote was taken to continue the meeting after 22:00 hours, this was proposed by Councillor Bill Hartnett and Seconded by Councillor Sid Khan, on being put to a vote it was Carried.

Following the vote and prior to the debate by Members, there was a further adjournment between 21:52 and 21:58 hours.

Having recommenced, Members proceeded to consider the application which Officers had recommended be approved.

Members expressed the opinion that the national state of housing supply should not be a strong consideration for the Borough who already had a healthy supply.

Planning Committee

Wednesday, 20th March, 2024

It was further noted that the application was out of character with the local development, in that the housing was of a much higher density and differed in design to the local dwellings. Concern was also expressed as to the apparent visual differences between the market and affordable units.

Councillor Bill Hartnett proposed an Alternative Recommendation to refuse the application, the Alternative Recommendation was seconded by Councillor Juma Begum. The reasons stated for the refusal were:

1. Redditch council had an adequate supply of housing land, so on balance the Council should prioritise the protection of open space as identified in the Local Plan over the NPPF.
2. The proposed new development was out of character with the existing Hither Green Lane development.

Members expressed a concern regarding the Highways and flooding considerations; however, they accepted that without objections from the relevant consultees these should not form part of any refusal.

The Bio-diversity impact was discussed with the loss of a large amount of open space with its associated habitat, additionally the impact to the green corridor was detailed, Members expressed the opinion that both of these would have a negative impact on the local wildlife. With the agreement of the Proposer and Secunder of the Alternative Recommendation, “**3. The loss of the Primary open space**” was added as a refusal reason for the Alternative Recommendation.

On being put to a vote it was

RESOLVED that

having had regard to the development plan and to all other material considerations, that planning permission be REFUSED, for the reasons as detailed in the preamble above, the detailed wording of which to be determined by the Head of Planning, Regeneration and Leisure services.

The Meeting commenced at 7.00 pm
and closed at 10.22 pm

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Planning Committee

Wednesday, 17th April,
2024

MINUTES

Present:

Councillor Peter Fleming (Chair), Councillor Imran Altaf (Vice-Chair) and Councillors Juma Begum, Chris Holz, Sid Khan (for minute No77) and Timothy Pearman

Officers:

Helena Plant and Amar Hussain

Democratic Services Officers:

Gavin Day

74. APOLOGIES

Apologies for absence were received from Councillors Andy Fry and Anthony Lovell.

75. DECLARATIONS OF INTEREST

There were no declarations of interest.

76. UPDATE REPORTS

There were no update reports.

77. 23/01372/FUL - CLUBHOUSE, FECKENHAM FOOTBALL CLUB, MILL LANE, FECKENHAM, WORCESTERSHIRE, B96 6HY

This application was being reported to the Planning Committee because the applicant was Redditch Borough Council. As such the application fell outside the scheme of delegation to Officers.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 5 to 14 of the Site Plans and Presentations pack.

The application was for the Clubhouse at Feckenham Football club, Mill Lane, Redditch and sought the erection of canopy to the south side of the existing Clubhouse to provide shelter for spectators.

Chair

Planning Committee

Wednesday, 17th April, 2024

Officers drew Members attention to the scale and design of the canopy as detailed on pages 8 to 10 of the Site Plans and Presentations pack. It was further detailed that the canopy would extend 2.5 meters from the building and would run the entire length of the building at 12.5m in length.

There would be no ground works as part of the development as the canopy would be attached to the side of the building and the supporting beams would rest on the slabs which were already part of the existing site.

No objections had been received and it was the Officers view that the application proposed a sustainable form of development and was therefore recommended for approval.

There were no questions from Members for Officers and on being put to a vote it was:

RESOLVED that

having had regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the conditions detailed on pages 10 to 11 of the Public Reports pack.

The Meeting commenced at 7.00 pm
and closed at 7.06 pm

**PLANNING
COMMITTEE**20th June 2024**Planning Application 23/00701/HHPRIO****6m deep single storey rear extension. Existing outbuildings demolished prior to construction.****6 Moors Lane, Feckenham, Worcestershire, B96 6JH.****Applicant: Ms A Johnson
Ward: Astwood Bank and Feckenham Ward****(see additional papers for site plan)**

The case officer of this application is Gail Aucott, Planning Officer (DM), who can be contacted on Tel: 01527 548253 Ext 3178 Email: gail.aucott@bromsgroveandredditch.gov.uk for more information.

Site Description

The application site is a dwelling within a row of terraced cottages. The site is located south of Alcester Road, Feckenham.

Proposal Description

The proposal is to extend the property to the rear by adding a single storey extension utilising the property's Permitted Development Rights. The maximum depth will be 6 metres and the maximum height will be 3 metres. The eaves height will be 3 metres. The extension is proposed in matching materials.

Relevant Policies :

Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Relevant Planning History

23/01237/CPE	Lawful development application for the residential curtilage as outlined on the accompanying drawings for residential use, C3 - dwelling houses.	Granted	01.05.2024
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REDDITCH BOROUGH COUNCIL**PLANNING
COMMITTEE**

Consultations**Feckenham Parish Council**

Feckenham Parish Council have raised objection to this application on the following grounds;

- Garden land not in applicants ownership
- Existing outbuilding onsite
- Over development of plot
- Detrimental to the setting of the open countryside
- Not in keeping with the distinctive nature of the host property

Public Consultation Response

Three adjoining properties were consulted. A total of 13 representations have been received. Of these 13 representations, 9 are in support or offer no objection and include the following comments:

- Similar extension has been built at No.4 Moors Lane without the need for prior approval and has not caused a negative impact.
- Development at No.6 Moors Lane is in keeping with the distinctive nature of the host dwelling and has no detriment to the setting of the open countryside.
- The proposed extension would not be visible from the Lane.
- It would not affect neighbouring properties and is in line with neighbouring developments.
- The application will improve the property and therefore the Lane.

A summary from the 4 comments offering objections are:

- Existing outbuilding, fencing and wall has been constructed without planning permission.
- Plans not showing the outbuilding under construction (a plan has since been submitted showing the outbuilding).

Procedural Matters

Members should note that this application is not a planning application, it is an application for Prior Approval.

In 2015 Central Government introduced a range of permitted development rights to allow larger extensions to residential dwellings. These types of proposals are, however, subject to a 'lighter touch' prior approval process. In this case, the proposal has been submitted as a Prior Approval application under Schedule 2, Part 1, Class A of The Town and

PLANNING COMMITTEE

Country Planning (General Permitted Development) (England) Order 2015 (as amended). A copy of the relevant part of the Order has been attached as an appendix to this report.

Class A.1(g) allows for a terraced dwelling to extend beyond the rear wall of the original dwellinghouse by up to 6 metres and up to 4 metres in height. To establish whether the development can be considered under this process an application must be considered against the fixed criteria as outlined in detail within your officer's report.

Where development can be considered under Class A.1(g) before beginning the development, the developer must provide the following information to the local planning authority.

- A written description of the proposed development including
 - How far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
 - The maximum height of the enlarged part of the dwellinghouse;
 - The height of the eaves of the enlarged part of the dwellinghouse;
- A plan indicating the site and showing the proposed development
- The addresses of any adjoining premises
- The developer's contact address
- The developers email address

The Local Planning Authority (LPA) may only refuse an application where, in the opinion of the authority

- The proposed development does not comply with, or
- The developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, the conditions, the limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraphs A.1 (f) but is allowed by paragraph A.1 (g).

The LPA must notify each adjoining owner or occupier about the proposed development by serving on them a notice which:

- Describes the development;
- Provides the address of the development;
- Specifies the date the LPA received the information and the date of expiry;
- Specifies the date by which representations are to be received.

Where the owner or occupier of any adjoining premises objects, the LPA is required to assess the impact of the proposed development on the amenity of any adjoining premises. Should no comments be received from the adjoining occupiers, subject to compliance with the size parameters, the Council can issue a decision confirming prior approval is not required.

The LPA may require further information to be submitted by the developer as is reasonable to determine the application.

PLANNING COMMITTEE

Assessment of Proposal

The information submitted has been assessed against Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and it meets all criteria, notably:

- Buildings do not cover more than 50% of the residential curtilage;
- The proposed extension is not in excess of dimensions permitted;
- The extension will not extend beyond a wall which forms the principal elevation;
- The addition does not exceed a single storey;
- The eaves do not exceed 3 metres where they are within 2 metres of boundary;
- Exterior materials will match the existing materials of the dwelling.

Objections were received from adjoining neighbours; one to the side (No. 4 Moors Lane) and one to the rear (Priory Barn). Given an objection has been received, an assessment is required on the amenity impact of the proposed extension. A site visit was made in order to consider the impact of the proposed extension on the amenity of adjoining properties.

The proposed single-storey rear extension at 6 Moors Lane will match the depth of the previously approved extension at No. 4 Moors Lane, maintaining a consistent rear boundary. The demolition of a small outbuilding currently occupying the extension's footprint at No. 6, minimizes disruption to the relationship with neighbouring properties. The extension's proximity to the boundary with No. 8 Moors Lane will not negatively affect their outlook or spaciousness due to No. 8's southerly orientation and lack of existing southern structures. Similarly, the significant distance between the extension and Priory Barn ensures its amenities are not adversely impacted. Overall, the design of the extension considers the surrounding context and minimizes potential impact on neighbouring properties.

The application has received additional comments from Feckenham Parish Council and neighbouring properties regarding a separate development on the site, specifically the construction of an outbuilding, wall, and fencing. The Parish Council also requested that the outbuilding be included in the drawings to assess compliance with the 50% building coverage criterion within the property's curtilage.

It is important to clarify that, as outlined in this report, this application solely considers the proposed rear extension's compliance with permitted development rights and its impact on neighbouring amenities. The existing development, including the outbuilding, wall, and fencing, is not part of this application and is being addressed separately. The applicant has submitted an amended plan demonstrating that the existing outbuilding, along with the proposed extension, does not exceed the 50% building coverage threshold for the property's curtilage.

PLANNING COMMITTEE

To conclude, the application meets all requirements within The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the proposed extension would not cause any adverse neighbour amenity issues.

RECOMMENDATION:

That having regard to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and to all other material considerations, Prior Approval is required and GRANTED subject to the following conditions:

Conditions:

1. The materials used in any external work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Procedural matters

This application is being reported to the Planning Committee because an objection has been received from Feckenham Parish Council.

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Appendix A

The Town and Country Planning (General Permitted Development) (England) Order 2015

Class A – enlargement, improvement or other alteration of a dwellinghouse

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

A.1 Development is not permitted by Class A if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

(g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

- (ii) exceed 4 metres in height;
- (h) the enlarged part of the dwellinghouse would have more than a single storey and—
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;
- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
- (i) exceed 4 metres in height,
- (ii) have more than a single storey, or
- (iii) have a width greater than half the width of the original dwellinghouse; or
- (k) it would consist of or include—
- (i) the construction or provision of a verandah, balcony or raised platform,
- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i)obscure-glazed, and

(ii)non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

(c)where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

A.4—(1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

(2) Before beginning the development the developer must provide the following information to the local planning authority—

(a)a written description of the proposed development including—

(i)how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;

(ii)the maximum height of the enlarged part of the dwellinghouse; and

(iii)the height of the eaves of the enlarged part of the dwellinghouse;

(b)a plan indicating the site and showing the proposed development;

(c)the addresses of any adjoining premises;

(d)the developer's contact address; and

(e)the developer's email address if the developer is content to receive communications electronically.

(3) The local planning authority may refuse an application where, in the opinion of the authority—

(a)the proposed development does not comply with, or

(b)the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

(4) Sub-paragraphs (5) to (7) and (9) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which—

(a)describes the proposed development, including—

(i)how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;

- (ii) the maximum height of the enlarged part of the dwellinghouse; and
- (iii) the height of the eaves of the enlarged part of the dwellinghouse;
- (b) provides the address of the proposed development;
- (c) specifies the date when the information referred to in sub-paragraph (2) was received by the local planning authority and the date when the period referred to in sub-paragraph (10)(c) would expire; and
- (d) specifies the date (being not less than 21 days from the date of the notice) by which representations are to be received by the local planning authority.

(6) The local planning authority must send a copy of the notice referred to in sub-paragraph (5) to the developer.

(7) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.

(8) The local planning authority may require the developer to submit such further information regarding the proposed development as the authority may reasonably require in order to determine the application.

(9) The local planning authority must, when considering the impact referred to in sub-paragraph (7)—

- (a) take into account any representations made as a result of the notice given under sub-paragraph (5); and
- (b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.

(10) The development must not begin before the occurrence of one of the following—

- (a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;
- (b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or
- (c) the expiry of 42 days following the date on which the information referred to in sub-paragraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

(11) The development must be carried out—

- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
- (b) where prior approval is not required, or where sub-paragraph (10)(c) applies, in accordance with the information provided under sub-paragraph (2),

unless the local planning authority and the developer agree otherwise in writing.

(12) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the impact of the proposed development on the amenity of any adjoining premises.

(13) The development must be completed on or before 30th May 2019.

(14) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(15) The notification referred to in sub-paragraph (14) must be in writing and must include—

(a) the name of the developer;

(b) the address or location of the development, and

(c) the date of completion.

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