

Planning Committee

Tue 16 Jun
2009
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

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

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

Minicom: 595528

REDDITCH BOROUGH COUNCIL **PLANNING COMMITTEE**



GUIDANCE ON PUBLIC **SPEAKING**

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

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

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

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

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

Notes:

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

Further assistance:

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

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

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

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

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

Chair

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

Running Order

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

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

Decisions

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

Members of the Public

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

Special Arrangements

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

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

Further Information

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

Fire/ Emergency instructions

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

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

Do Not stop to collect personal belongings.

Do Not use lifts.

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

The emergency Assembly Area is on the Ringway Car Park.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

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

OR

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

you have a personal interest.

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

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

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

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

and

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

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

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



PLANNING COMMITTEE

16 June 2009

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

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

<p>1. Apologies</p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any interest they may have in the items on the Agenda.</p>
<p>3. Confirmation of Minutes (Pages 1 - 12)</p>	<p>To confirm, as correct records, the minutes of the meetings of the Planning Committee held on the 21 April and 19 May 2009. (Minutes attached)</p>
<p>4. Applications for planning permission (Pages 13 - 14) Acting Head of Planning and Building Control</p>	<p>To consider various applications for planning permission. (Items below refer.) (Covering report attached) (Various Wards)</p>
<p>5. Planning Application 2009/043/FUL - Land between 249 and 253 and to the rear of 253 to 257 Evesham Road (Pages 15 - 20)</p>	<p>To consider a Planning Application for the erection of two detached dwellings with garages. Applicant: Miss J Smith and Mr P Ryan (Report attached) (Headless Cross and Oakenshaw Ward)</p>
<p>6. Planning Application 2009/052/FUL - Former Claybrook First School site, Dilwyn Close, Matchborough (Pages 21 - 32)</p>	<p>To consider a Planning Application for the construction of 36 affordable homes, 2, 3 and 4 bedrooms, with access off Millhill Road. Applicant: Westbury Partnerships (Report attached) (Matchborough Ward)</p>

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<p>7. Planning Application 2009/063/OUT - Land adjacent to 17 Chapel Street, Astwood Bank</p> <p>(Pages 33 - 38)</p>	<p>To consider an Outline Planning Application for a detached three bedroomed dwelling with garage.</p> <p>Applicant: Mrs H Palmer</p> <p>(Report attached) (Astwood Bank and Feckenham Ward)</p>
<p>8. Planning Application 2009/071/LBC - Astwood Farm House, Astwood Lane, Astwood Bank</p> <p>(Pages 39 - 42)</p>	<p>To consider a Listed Building Consent for the demolition of an outbuilding and replacement with a double garage.</p> <p>Applicant: Mr J Lavery</p> <p>(Report attached) (Astwood Bank and Feckenham Ward)</p>
<p>9. Planning Application 2009/075/FUL - 1247 Evesham Road, Astwood Bank</p> <p>(Pages 43 - 48)</p>	<p>To consider a Planning Application for the erection of a four bedroom detached dwelling on land adjacent to 1249 Evesham Road.</p> <p>Applicant: Mr T Walton</p> <p>(Report attached) (Astwood Bank and Feckenham Ward)</p>
<p>10. Planning Application 2009/078/COU - 2 Orchard Street, Smallwood</p> <p>(Pages 49 - 54)</p>	<p>To consider a Planning Application for a change of use from single dwelling to hot food takeaway (ground floor) and two bedroomed flat (first floor).</p> <p>Applicant: Mr S M Hussein</p> <p>(Report attached) (Central Ward)</p>
<p>11. Planning Application 2009/079/FUL - Yew Tree House, Weavers Hill, Hunt End</p> <p>(Pages 55 - 60)</p>	<p>To consider a Planning Application for a detached two-storey dwelling following the demolition of existing dwelling and outbuildings.</p> <p>Applicant: Mr D Ellis</p> <p>(Report attached) (Astwood Bank and Feckenham Ward)</p>
<p>12. Planning Application 2009/081/ADV - Town Hall, Walter Stranz Square, Redditch</p> <p>(Pages 61 - 64)</p>	<p>To consider a Planning Application for the display of flags other than permitted National etc. flags.</p> <p>Applicant: Redditch Borough Council</p> <p>(Report attached) (Abbey Ward)</p>

PLANNING

Committee

Tuesday, 16 June 2009

<p>13. Affordable Housing Tenure Clauses - Variation to a Section 106 Agreement - former Megabowl Site</p> <p>(Pages 65 - 70)</p> <p>Acting Head of Planning and Building Control</p>	<p>To consider a variation to a Section 106 Agreement to amend affordable housing tenure clauses in line with current practice for nominating tenants and tenure types in relation to details approved under Planning Application 2005/552/FUL (Erection of 89 residential units with associated parking and amenity space on the former Megabowl site, Greenlands Drive, Greenlands).</p> <p>(Report attached) (Greenlands Ward)</p>
<p>14. Information Reports</p> <p>(Pages 71 - 76)</p> <p>Acting Head of Planning and Building Control</p>	<p>To consider two items of information relating to outcomes of appeals against Planning decisions.</p> <p>(Report attached) (Central Ward)</p>
<p>15. Local Plan No.3 Policies relating to Planning Control decisions - Update</p> <p>(Pages 77 - 88)</p> <p>Acting Head of Planning and Building Control</p>	<p>To note various Borough of Redditch Local Plan No.3 Policies still relevant in relation to Planning Control decisions and those Policies that have become obsolete.</p> <p>(Report attached) (All Wards)</p>
<p>16. Exclusion of the Public</p>	<p>During the course of the meeting it may be necessary, in the opinion of the Acting Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended.</p>
<p>17. Confidential Matters (if any)</p>	<p>To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)</p>



Planning Committee

21 April 2009

MINUTES

Present:

Councillor Michael Chalk (Chair), Councillor David Smith (Vice-Chair) and Councillors J Field, W Hartnett, D Hunt and R King

Also Present:

M Collins (Vice-Chair – Standards Committee)

Officers:

A Hussain, A Rutt and S Skinner.

Committee Services Officer:

T Buckley.

100. APOLOGIES

An apology for absence was received on behalf of Councillor Hicks.

101. DECLARATIONS OF INTEREST

There were no declarations of interest.

102. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 31 March 2009 be confirmed as a correct record and signed by the Chair.

103. APPLICATIONS FOR PLANNING PERMISSION

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

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

.....
Chair

There were no Public speakers in respect of either of the applications.

104. PLANNING APPLICATION 2009/049/ADV - SLIP ROAD ONTO THE COVENTRY HIGHWAY (WEST BOUND) OFF BATTENS DRIVE, WINYATES

Advertising banner for events at Arrow Valley Countryside Centre, Battens Drive, Winyates

Applicant: Redditch Borough Council

(This application, which would normally have been dealt with under Officer Delegated Powers, was exceptionally considered by the Committee in view of the fact that it was a Redditch Borough Council application.)

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the amendment of Condition 1 as detailed below and the following additional conditions and informative:

- “1. The advert hereby permitted shall cease to be displayed and the land cleared of the supporting structure within a year of the date of this consent unless otherwise agreed in writing with the Local Planning Authority.**

Reason: A trial period was considered necessary to test for durability and impact on safety in accordance with Policies S1 and BBE13 of the Borough of Redditch Local Plan No.3.

- 7. Prior to the display of the advert hereby permitted, details of the colour and finish of the materials to be used for the supporting structure shall be submitted to and approved in writing by the Local Planning Authority. These materials to be used when implementing this permission unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In the interests of visual amenity and in accordance with Policies BBE13 and BBE18 of the Borough of Redditch Local Plan No.3.”

Planning Committee

21 April 2009

105. PLANNING APPLICATION 2009/050/ADV - SLIP ROAD ONTO THE SAINSBURY ISLAND FROM MILLRACE ROAD, RIVERSIDE

Advertising Banner for events at Forge Mill Museum,
Needle Mill Lane, Redditch
Applicant: Redditch Borough Council

(This application, which would normally have been dealt with under Officer Delegated Powers, was exceptionally considered by the Committee in view of the fact that it was a Redditch Borough Council application.)

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED subject to the amendment of Condition 1 as detailed below and the following additional conditions and informative:

- “1. The advert hereby permitted shall cease to be displayed and the land cleared of the supporting structure within a year of the date of this consent unless otherwise agreed in writing with the Local Planning Authority.**

Reason: A trial period to test for durability and impact on safety in accordance with Policies S1 and BBE13 of the Borough of Redditch Local Plan No.3.

- 7, Prior to the display of the advert hereby permitted, details of the colour and finish of the materials to be used for the supporting structure be submitted to and approved in writing by the Local Planning Authority. These materials to be used when implementing this permission unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In the interests of visual amenity and in accordance with Policies BBE13 and BBE18 of the Borough of Redditch Local Plan No.3.

Informative:

Members of the Planning Committee are keen to ensure that events are not advertised too far in advance, or left up too long following the date of the event, in the interests of good publicity.”

106. ADOPTION OF OPEN SPACE - VARIATION OF SECTION 106 AGREEMENT

The Committee received information relating to a variation to the Section 106 Agreement associated with the adoption of open space at Avenue Road, Astwood Bank which was required in order to define the areas of land to be transferred to the Council.

The report cross referenced to details approved under Planning Application 98/472 and was therefore appropriate business for the Planning Committee.

RESOLVED that

- 1) the variation to the Section 106 Agreement, dated 20 October 1999 and made between 1) The Council of the Borough of Redditch and 2) JS Bloor Tamworth Limited regarding the areas of land to be adopted, as detailed in the plan displayed at the meeting, be agreed; and**
- 2) authority be delegated to the Head of Legal, Democratic and Property Services to agree any other minor variations that may be deemed necessary prior to formal adoption of the land in question.**

107. ENFORCEMENT OF PLANNING CONTROL

The Committee considered one contravention of planning law, as detailed in minute 109 below.

(This item was considered after the Exclusion of the Press and Public in view of the fact that the report contained confidential information relating to individuals and their identities and information relating to alleged breaches of Planning Control, disclosure of which was not considered to be in the public's best interest.)

108. EXCLUSION OF THE PUBLIC

RESOLVED 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, with the exception of the Vice-Chair of the Standards Committee, be excluded from the meeting for the following matter on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2 and 7 of Part 1 of Schedule 12 (A) of the said Act, as amended.

Minute 109 – Enforcement Report 2009/031/ENF

109. ENFORCEMENT REPORT 2009/031/ENF - HITHER GREEN LANE, ABBEY PARK

Development not in accordance with the approved plan and erection of a side fence
Hither Green Lane, Abbey Park, Redditch

RESOLVED that

- 1) **with regard to the conservatory, porch and shed, as detailed in the report, no formal action be taken at the present time; and**
- 2) **in relation to a breach of planning control, namely the erection of a fence over one metre in height adjacent to a highway, authority be delegated to the Head of Legal, Democratic & Property Services, in consultation with the Acting Head of Planning & Building Control, to take enforcement action by way of:**
 - a) **the service of an enforcement notice; and**
 - b) **the institution of legal proceedings in the event of non-compliance with such notice.**

(In view of the fact that the report contained confidential information relating to individuals and their identities and information relating to alleged breaches of Planning Control, disclosure of which was not considered to be in the public's best interest, this matter was considered after the exclusion of the press and public. There is nothing exempt, however, in this record of the proceedings.)

The Meeting commenced at 7.00 pm
and closed at 7.49 pm

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CHAIR



Planning Committee

19 May 2009

MINUTES

Present:

Councillor Michael Chalk (Chair), Councillor Kath Banks (Vice-Chair) and Councillors J Field, W Hartnett, N Hicks and R King

Also Present:

M Collins (Vice-Chair – Standards Committee)

Officers:

R Bamford, S Edden, A Hussain, A Rutt and S Skinner

Committee Services Officer:

J Smyth

1. APOLOGIES

Apologies for absence were received on behalf of Councillors Enderby, Hunt and Smith.

2. DECLARATIONS OF INTEREST

Councillor Hartnett declared a personal but not prejudicial interest in Planning Application 2009/064/COU (Change of Use from Dental Surgery (D1) to Hairdressing Salon (A1), Unit 15 Winyates Centre, Winyates), as detailed at Minute 8 below.

3. APPLICATIONS FOR PLANNING PERMISSION

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

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

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

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Chair

4. **PLANNING APPLICATION 2009/037/FUL - LAND AT COMPAIR, CLAYBROOK DRIVE, MATCHBOROUGH**

Single storey Class B2 manufacturing facility and ancillary offices together with associated additional car parking area.

Applicant: Gardner Denver Limited

RESOLVED that

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

“9. Prior to the commencement of development, details of cycle parking provision shall be submitted to and agreed in writing by the Local Planning Authority. The details agreed shall be implemented on site prior to the occupation and use of the building hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainability and in accordance with Policy C(T).6. of the Borough of Redditch Local Plan No.3.“

(Not wishing to impose a specific condition, Members requested that Officers encourage the Applicant to provide outdoor furniture (seating / tables) as part of their soft landscape proposals for their open space feature to promote outdoor activities, as recommended in Policy E(EMP).2 (Design of Employment Development) of the Borough of Redditch Local Plan No.3.))

5. **PLANNING APPLICATION 2009/038/FUL - UNIT 49D PIPERS ROAD, PARK FARM**

Demolition of existing single storey offices, extension to and re-cladding of existing building for B2 and B8 use, new B1 office extension, erection of new perimeter fencing together with associated additional car parking area

Applicant: A E Oscroft and Sons Limited

Mrs Pemberton, an objector, addressed the Committee under the Council's public speaking rules.

RESOLVED that

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

6. PLANNING APPLICATION 2009/054/FUL - 2 BROTHERTON AVENUE, WEBHEATH

Proposed extension to side of bungalow to form garage and utility room
Applicant: Mr C R Forrester

(This application, which would normally have been dealt with under Officer Delegated Powers, was exceptionally considered by the Committee in view of the fact that the Applicant was closely related to a member of Council staff.)

RESOLVED that

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

7. PLANNING APPLICATION 2009/059/FUL - 82 HITHER GREEN LANE, BORDESLEY

First floor side extension to form bathroom
Applicant: Mr R Evans

Mr Evans, the Applicant, addressed the Committee under the Council's public speaking rules.

RESOLVED that

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

8. PLANNING APPLICATION 2009/064/COU - UNIT 15 WINYATES CENTRE, WINYATES

Change of use from Dental Surgery (D1) to Hairdressing Salon (A1)
Applicant: Mr G Arundel – "Scissors"

(This application, which would normally have been dealt with under Officer Delegated Powers, was exceptionally considered by the

Committee in view of the fact that it was a Redditch Borough Council application.)

RESOLVED that

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

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillor Hartnett declared a minor personal but not prejudicial interest in view of the fact that he had occasionally visited the Applicant's current Hairdressing premises as a client.)

9. PLANNING APPLICATION 2009/066/OU - THE KINGS ARMS PUBLIC HOUSE, 2 BEOLEY ROAD WEST, ST GEORGES

Resubmission of Planning Application Reference 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
Applicant: Punch Taverns

RESOLVED that

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

10. INFORMATION REPORT

Planning Application 2008/188/COU – 5 Fernwood Close, Winyates
Change of use of open space to garden area and
retention of decking within the open space

The Committee received a report relating to the outcome of an appeal against a retrospective Planning Application in respect of a change of use of open space to garden area and retention of decking within the open space.

Members noted that the appeal against the Planning Committee's decision to refuse the Application, had been DISMISSED by the Planning Inspectorate.

RESOLVED that

the item of information be noted.

11. ENFORCEMENT OF PLANNING CONTROL

The Committee considered two contraventions of planning law, as detailed in the subsequent minutes below.

(The second of these reports was considered after the exclusion of the press and public in view of the fact that the report contained confidential information relating to individuals and their identities, legal professional privilege and information relating to alleged breaches of Planning Control, disclosure of which was not considered to be in the public's best interest.)

12. ENFORCEMENT REPORT:2008/183/ENF TO 2008/188/ENF AND 2009/088/ENF TO 2009/090/ENF - ETTINGLEY CLOSE / FERNWOOD CLOSE, WIRE HILL

Enclosure of various plots of land and their incorporation into curtilage of garden areas.

The Committee considered a report which detailed an enforcement matter relating to a number of properties, whose owners had included a buffer strip of land, designated as primarily open space, into the curtilages of their gardens without the knowledge or approval of the Council's Planning Committee.

Members noted that, although the report specifically referred to a number of cases where the need for Enforcement action had already been recognised, the action proposed below was not site specific and would be relevant in all cases where any such breach occurred.

RESOLVED 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:

- 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.**

13. EXCLUSION OF THE PUBLIC

RESOLVED 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, with the exception of the Vice-Chair of the Standards Committee, be excluded from the meeting for the following matter on the grounds that it involves 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.

Minute 14 – Enforcement Report 2009/031/ENF

14. ENFORCEMENT REPORT 2009/038/ENF - ASTWOOD LANE, ASTWOOD BANK

Non-compliance with conditions attached to a grant of Planning Approval permitting a change of use to light industrial and storage

RESOLVED that

in relation to a breach of planning control, namely, the non-compliance with conditions attached to a grant of planning permission, 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:

- a) the service of an Enforcement Notice alleging a breach of conditions; and**
- b) the institution of legal proceedings in the event of non-compliance with such Notice.**

(In view of the fact that the report contained confidential information relating to individuals and their identities, legal professional privilege and information relating to alleged breaches of Planning Control, disclosure of which was not considered to be in the public's best interest, this matter was considered after the exclusion of the press and public. There is nothing exempt, however, in this record of the proceedings.)

The Meeting commenced at 7.00 pm
and closed at 8.25 pm

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CHAIR

Planning Committee

Various Wards

16 June 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) for more information.

Planning Committee

Headless Cross & Oakenshaw Ward

16 June 2009

2009/043/FUL **ERECTION OF TWO DETACHED DWELLINGS WITH GARAGES
LAND BETWEEN 249 & 253 & TO THE REAR OF 253 TO 257 EVESHAM
ROAD
APPLICANT: MISS J SMITH AND MR P RYAN
EXPIRY DATE: 26 JUNE 2009**

Site Description

(See additional papers for Site Plan)

The site comprises land between the properties 249 and 253 Evesham Road and garden land to the rear of numbers 253 to 257 Evesham Road.

The area is predominantly residential in character with a relatively tightly built-up frontage of mainly 1930's semi-detached or detached dwellings and more recent flat development to the east of the site off High Trees Close. A line of trees which are not protected by a Tree Preservation Order form the Eastern boundary to the site, beyond which, the land slopes away towards High Trees Close. Close board timber fencing forms the remaining form of boundary treatment to the site.

Proposal Description

This is a full application for the erection of two detached dwellings, each with garages, on land situated to the rear of numbers 253 to 257 Evesham Road.

Proposed dwelling 1 would be 4 bedroomed, constructed of brickwork walls under a half-hipped tiled roof. The property would have an integral garage with a maximum height to ridge of 6.75 metres.

Proposed dwelling 2 would be of very similar design to that of dwelling 1, again being 4 bedroomed, but would have an attached single garage. Its height to ridge would also be 6.75 metres.

Access to both plots 1 and 2 would be via a driveway which would be created in the existing gap between 249 and 253 Evesham Road.

Relevant Key Policies

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

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

www.redditchbc.gov.uk

National Planning Policy

PPS1	Delivering sustainable development
PPS3	Housing
PPG13	Transport

Regional Spatial Strategy

CF2	Housing beyond Major Urban Areas
CF3	Level and Distribution of New Housing Development
CF5	The reuse of land and buildings for housing
CF6	Making efficient use of land
T7	Car parking standards and management

Worcestershire County Structure Plan

SD.3	Use of previously developed land
T.4	Car parking

Borough of Redditch Local Plan No. 3

CS.7	The sustainable location of development
B(HSG).6	Development within or adjacent to the curtilage of an existing dwelling
B(BE).13	Qualities of good design
C(T).12	Parking Standards

SPGs

Encouraging Good Design.

Relevant Site Planning History

2008/241/FUL	Erection of three detached dwellings	Withdrawn 15.8.2008
2005/536/OUT	Outline application for residential development	Refused 16.1.2006
	Appeal dismissed	4.7.2007

Public Consultation Responses

Responses in favour

One letter received. Comments summarised as follows:-

- The area of land in question is substantial and has been difficult to maintain due to its size. Given that it has fallen into disuse, it would be ideal for the type of development being proposed.

Responses against

None received.

Consultee Responses***County Highway Network Control***

No objection subject to conditions regarding access turning and parking and imposition of standard highway informatives.

Environmental Health

No objection raised to proposals, subject to the imposition of conditions restricting noise making activities in association with the construction of the new dwellings

Severn Trent Water

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

RBC Arboricultural Officer

No objection subject to the imposition of appropriate landscaping conditions

Assessment of Proposal

The key issues for consideration are as follows:-

Principle

The site has historically formed part of the garden curtilage associated with dwellings 253 to 257 Evesham Road. The principle of residential development in such a location is considered to be acceptable given that the land would be classified as previously developed or "brownfield" land within the urban area of Redditch.

Design and Layout

The current scheme has followed the submission of applications 2005/536 and 2008/241, both of which were considered to harm the character and appearance of the area. 2005/536 (an outline application with design, external appearance and landscaping reserved for subsequent consideration) was appealed following the refusal of planning permission and whilst the appeal was dismissed, the Inspector considered that residential development could be accommodated within the site, so long as it was not conspicuous from Evesham Road, in order that the characteristic pattern of ribbon development with the visible line of trees to

the eastern boundary was maintained. A 'back of land' residential development proposal in this location has therefore already been seen as acceptable in principle. Your officers have noted that the scheme considered by the Inspector showed a pair of semi-detached dwellings in a position clearly visible from the existing gap in the road frontage between number 249 and 253 with a gable end to one of these properties being particularly prominent.

The scheme submitted under application 2008/241 (which was a fully detailed application) and showed a line of 3 no. detached dwellings located immediately behind number 253 Evesham Road, represented an improvement as far as officers were concerned, but this development, including a proposed detached double garage would have remained highly visible from Evesham Road, and was considered to be harmful to the character and appearance of the area. This application was withdrawn by the applicant prior to the formal issue of the decision notice. Since the principle of residential development on the site has already been established by the Planning Inspector under application 2005/536, your Officers have been working with the applicant's agent on the current proposal in order to achieve a form of development which could be considered acceptable in terms of its character and appearance on the surroundings, under the terms of Policy B(HSG).6.

The current amendments show 2 no. detached dwellings positioned further towards the rear garden line of 255 Evesham Road so that they are not readily visible from Evesham Road. Garages to serve the properties are now integral or attached, rather than detached and cannot be seen from Evesham Road, unlike on previous proposals. Each dwelling's footprint has been reduced in size to that originally proposed under this application, with elevational treatment considered to be acceptable. The overall height of each dwelling has been lowered so that the development would only exceed the height of an existing timber fence (acting as the rear garden boundary to number 253) by approximately 4.5 metres. The total height of dwellings has been lowered from 9 metres to ridge (under application 2008/241) to 6.75 metres.

Private garden areas which would serve the dwellings (Plot 1 being the smallest at 115 m²) comfortably comply with spacing standards contained within the Council's SPG on Encouraging Good Design which are 11 metres garden length or 70m² in garden area (minimum). Separation distances between the proposed dwellings and existing development have also been achieved.

Landscape and Trees

A line of trees and a hedge lie to the eastern boundary of the site, which, whilst not being protected by means of a Tree Preservation Order, nevertheless contribute to the visual amenities of the area and are clearly visible from Evesham Road. The dwellings have been moved away from this boundary line such that the health of the existing landscaping would

not be prejudiced by the development. No objections have been raised by the Council's Arboricultural Officer, subject to conditions. These are summarised as conditions 3 and 4 in the recommendation.

Highways and Access

Parking space for at least 3 no. vehicles for each dwelling can be achieved, complying with the Local Plan's Appendix H which lists maximum car parking standards. No objections have been raised by County Highways in respect to safety.

Sustainability

The site lies within the urban area of Redditch, and is therefore considered to be in a sustainable location. Should members be minded to approve the application it is recommended that a condition be attached to any approval requiring that the dwellings be built to minimum Level 3 requirement set out under Code for Sustainable Homes.

Impact upon residential amenity

The application has been assessed against criteria listed within Policy B(BE).13 of the Borough of Redditch Local Plan, and the Council's SPG on Good Design. Your officers have concluded that residential amenities enjoyed by nearby properties would be safeguarded.

Conclusion

The proposal is considered to safeguard the character and appearance of the surrounding area, and would not cause harm to residential amenity or safety. The application is considered to comply with the planning policy framework and as such, your Officers can support this application.

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. Details of materials (walls and roofs) to be submitted
3. Landscape scheme including details of boundary treatment and including a scheme of existing landscape protection to be submitted
4. Landscape scheme including details of boundary treatment to be implemented in accordance with approved details
5. Limited working hours during construction period
6. Dwelling to be built to a minimum Level 3 requirement set out under Code for Sustainable Homes
7. Access, turning and parking

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8. Driveway and parking area to be of a permeable surface and retained as such.
9. Development in accordance with amended plans submitted.

Informatives

1. Drainage details to be in agreement with Severn Trent Water
2. No building to be erected within 2.5 metres either side of sewer which crosses site
3. Highway Note 4 – does not authorise laying of private apparatus within confines of the public highway
4. Highway Note 5 – no authorisation laying of private apparatus within the public highway.



Planning Committee

Matchborough Ward

16 June 2009

**2009/052/FUL CONSTRUCTION OF 36 AFFORDABLE HOMES, 2, 3 & 4 BEDROOMS, WITH ACCESS OFF ROAD
FORMER CLAYBROOK FIRST SCHOOL, DILWYN CLOSE, REDDITCH
APPLICANT: WESTBURY PARTNERSHIPS
EXPIRY DATE: 18 JUNE 2009**

Site Description

(See additional papers for Site Plan)

Vacant site following closure and demolition of Claybrook First School. The site is roughly level, with only 0.5m of variation in height across its entirety. The site is secured by construction site style fencing and appears not to be used or accessed at all currently. It is therefore overgrown, with grass and scrub, with substantial hedging and shrubbery to the perimeters of the site. The site is bounded by Millhill Road to the south, housing to the west, north and northeast, and existing open space to the south east. Millhill Road is a distributor road for Matchborough. The site is categorised as previously developed land (PDL) or a 'brownfield' site. The site is bounded to the south east and north east boundaries by footpaths which link the different surrounding residential areas with the community facilities to the north of the site.

Proposal Description

This is a full application for 36 dwellings of 2 and 2½ storeys, an area of public open space, vehicular access and parking on the former school site which measures 1.3ha. It is proposed that the dwellings be affordable housing to meet the local Borough need in the vicinity of the site, and thus the mix of housing has been proposed accordingly:

	2 beds	3 beds	4 beds	Totals
Intermediate housing	5	5	0	10
Social rented housing	13	9	4	26
Totals	18	14	4	36

The housing would be of brick and render with a mix of roof tiles and PV roof tiles. The housing has been designed to meet level 3 of the Code for Sustainable Homes, and thus each dwelling would have water butt and compost bin provision, as well as some energy generated via the roof. Each dwelling is designed with a rear garden area. The dwellings would be constructed from timber frames with insulated panels between for energy efficiency and insulation properties.

The existing boundary treatment to the site would largely be retained. A new access from Millhill Road would be created, and the existing access from Dilwyn Close would be closed. Vehicles would enter the site travelling north, and the on-site roads would form an F shape. The open space area would be at the south east corner of site, and measure 4423m². Thus the residential element of the site would be approximately 0.84ha.

Plots 1-16 would back onto the western boundary of the site and face east or north east, with plots 17-25 backing onto the northern boundary of the site and facing south east. These would face plots 26-30, which would in turn back onto plots 31-36 which would lie at the northern boundary of the on-site open space and face south east onto it. Some existing trees on the site would also be retained, where they fall within rear gardens. The dwellings would be generally in pairs of semis and terraces of three, with two detached dwellings proposed, one at the entrance to the site and one at the north west corner. The six dwellings that include dormer windows are those that are 2½ storey, with the remaining thirty being two storey dwellings. This variation in height adds a stepped effect to the ridge heights when the runs of dwellings are viewed from the streetscene. All the dwellings are proposed to be of pitched roofs with side gables.

Plans were amended slightly at the request of Officers in relation to details such as porch design and boundary treatments. It is the amended proposals that are described and considered in this report, and the layout and general details remain unchanged. Some additional details such as shed designs and bin storage arrangements were also provided.

The application is supported by a Design & Access Statement, an affordable housing statement, a statement of community involvement (which states that all pre-application consultation was carried out with Officers), a climate change statement, an Open Space assessment, a Secured by Design statement, a sustainable travel statement, a residential travel plan, a tree survey and the West Midlands Sustainability Checklist which showed a 'good' rating for the proposal.

Relevant key policies:

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

www.communities.gov.uk

www.wmra.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National planning policy

PPS1 (& accompanying documents) Delivering sustainable development
 PPS3 Housing
 PPG13 Transport
 PPG17 Planning for open space, sport & recreation
 PPS25 Development & flood risk

Regional Spatial Strategy

SR2 Creating sustainable communities
 SR3 Sustainable design and construction
 UR4 Social infrastructure
 CF4 The reuse of land and buildings for housing
 CF5 Delivering affordable housing and mixed communities
 CF7 Delivering affordable housing
 QE3 Creating a high quality built environment for all
 QE4 Greenery, urban greenspace and public spaces
 T7 Car parking standards and management

Worcestershire Country Structure Plan

SD3 Use of previously developed land
 CTC5 Trees, woodlands and hedgerows
 D5 Contribution of previously developed land to meeting the housing provision
 T4 Car parking
 RST12 Recreational provision in settlements
 IMP1 Implementation of development

Borough of Redditch Local Plan No.3

CS1 Prudent use of natural resources
 CS2 Care for the environment
 CS6 Implementation of development
 CS7 Sustainable location of development
 CS8 Landscape character
 S1 Designing out crime
 B(HSG).5 Affordable housing
 B(HSG).6 Development within or adjacent to the curtilage of an existing dwelling
 B(BE).13 Qualities of good design
 B(BE).19 Green architecture
 B(NE).1a Trees woodland and hedgerows
 L.2 Education provision
 E(TCR).2 Town centre enhancement
 CT12 Parking standards
 R.3 Provision of informal unrestricted open space
 R.4 Provision and location of children's play areas
 R.5 Playing pitch provision

SPDs

Encouraging good design
 Designing for community safety
 Planning obligations for education contributions
 Open space provision.

The site is shown on the proposals map partly as white land adjacent to primarily open space and partly as allocated for housing development.

Relevant site planning history

None relevant – all relates to previous school buildings on site

Public Consultation responses

Responses in favour

One comment received raising the following points:

- Supporting the proposal, including the retention of some on-site open space and the existing boundary treatment

Responses against

Two comments received raising the following points:

- Overdevelopment of site – 36 units significantly more than 20 originally proposed
- Retirement bungalows are needed more than affordable housing
- Should be building eco friendly homes
- Pollution from traffic, noise and light
- Possible loss of light to adjacent neighbours' properties at SW of site
- Overlooking across western boundary of site
- Future impact of boundary landscape buffer on western side of site if it grows too big.

Consultee responses

Development Plans Team

Clarification of a few minor points relating to sustainability were requested to ensure the full compliance with the relevant policy requirements. The proposal is considered to be in accordance with the current adopted Development Plan as it is in a sustainable location and provides for the needs of the Borough in the form of affordable housing, and on this basis this application is in conformity with planning policy. The application also delivers aspects of the emerging Core Strategy Vision for Redditch Borough which is also considered to be favourable. It is pointed out that there is a slight surplus of open space provision within this ward.

Environmental Health

No objection subject to condition restricting construction working hours.

Drainage Officer

No comments received.

Waste Team

No objection in principle – further comments awaited regarding details of scheme.

Tree Officer

Additional information requested, and conditions regarding planting scheme details sought.

County Highway Network Control

No objection subject to conditions regarding access and parking provision, the timing of off-site highway works and the implementation of the travel plan.

County Environment Team

No comments received.

County Education

No comments to make – affordable housing is exempt from contribution requirement of SPD.

Crime Risk Manager

No objection subject to conditions or the submission of additional details regarding perimeter fencing and pedestrian gates, and the prevention of vehicular access onto the on-site open space. Additional details have been received as noted above.

Severn Trent Water

No objection subject to a condition regarding drainage details and informative note regarding building near sewers.

Sustrans

No comments received.

Natural England

No objections, support building to minimum of level 3 of code for sustainable homes, and employing sustainability principles in design of proposal.

Assessment of proposal

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

Principle

Part of the application site is designated within the Local Plan for housing development, and as such housing on that portion of the site is considered to be acceptable in principle, subject to the details also being considered to be acceptable. The remainder of the site is undesignated, or 'white land' in the local plan, lying between a residential area and an area of designated open space. As such, the principle of additional housing within an established residential area is also considered to be acceptable, subject to the details also being considered to be acceptable.

Density

The land designated within the local plan for housing recommended that a development of 20 dwellings would be appropriate, however that was a site measuring only 0.63ha in area, a density of almost 32dph, whereas this application includes a much larger site. Therefore, when excluding the on-site open space, this proposal would represent development at 43dph, which lies within the range proposed as acceptable on a site such as in national planning policy, and this is therefore considered to be acceptable. As noted above, the development of a larger site than that specifically designated within the local plan is considered to be acceptable in this case, and therefore the density and number of dwellings proposed is also considered to be compliant with the policy requirements. From this perspective, this proposal cannot therefore be considered to be overdevelopment of the site. Further, it is considered to reflect the character and pattern of the surrounding residential development in terms of layout and density.

Public open space

The policies of the local plan require that for proposals of this size, open space provision should be made; either by providing areas to meet the size standards specified in the SPD and then transferring them to the Borough Council for ongoing maintenance, with a commuted sum for said; or by providing financial contributions towards off site provision/enhancement and maintenance where appropriate. In this case, it is proposed that the open space be provided within the site, and subsequently transferred to the Council for its ongoing care. This is considered to be acceptable in principle, in that it accords with policy, and is considered to be in an

appropriate location adjacent to additional designated primarily open space, as it would be to the south east of the site, bordering existing open space fronting Road. The details of this would need to be concluded in a planning obligation (S106 legal agreement) in order that this arrangement can be ensured to last in perpetuity and to ensure that the land is in a satisfactory condition prior to its transfer, in order to be and remain compliant with policy.

Design and layout

The proposed dwellings are considered to be of an appropriate design relative to the surrounding area, such that they would be visually acceptable on this site. They are arranged in such a way that each dwelling would have sufficient amenity space, and be at a sufficient distance from existing and proposed to avoid any detrimental impacts on residential amenity. There are therefore no concerns regarding loss of light or privacy, or of overlooking, as these details are all in compliance with adopted policy.

The layout proposed is such that the streetscene would address the open space, and be complementary to the surrounding area.

Secured by design

The proposed development has been designed in accordance with the principles of Secured by Design, as required by local plan policy and the adopted SPD, and as such the proposal is considered to be acceptable, and likely to discourage crime as much as possible. Therefore in order to implement the development in accordance with the application plans, these features would result and so no specific condition relating to this is required. Features of particular importance raised by the Crime Risk Manager have been addressed through the submission of additional information and so the development is now considered to be compliant with policy and SPG and thus acceptable in this regard.

Landscaping and trees

It is proposed that the existing landscaping and trees to the periphery of the site be retained and maintained as part of the proposal, and this is considered to be acceptable, in that the existing planting is semi-mature and appropriate to the site and its surroundings. Although residents raise concerns that it might grow to be overly large, as it has not already done so since the site became vacant in 2001, it seems unlikely that such further growth would occur as a result of residential development, particularly as future residents on the site would be more likely to prune and maintain such boundary treatments more than currently takes place.

Parking and access

The parking provision for the proposed development complies with the parking standards contained within the local plan, and is therefore considered to be acceptable in this case, as there appear no reasons to deviate from such.

The access and road layout proposals within the site are also considered to be acceptable, subject to the imposition of conditions relating to the surfacing and materials of the road (as requested by the Highways Officer) and their provision prior to the occupation of the development. The works to the highway outside the site, to provide an entrance to it, should also be progressed to an agreed stage prior to construction work commencing on site, in order to ensure that there is a suitable access for construction vehicles to utilise.

The means of access to the site from Road, be it junction or roundabout, is outside the remit of this application as it is outside the boundary of the site. However, it will be a matter for agreement between the developer and the highway authority. This matter therefore deserves no further consideration here, as the Highway Officer has confirmed that a safe access to current standards can be achieved in the location shown on the plans.

Sustainability

Whilst the site lies at a distance from Redditch town centre, it is well served by public transport within close proximity, in line with government guidelines on walking distances to bus stops and public transport interchanges. As such, it is possible to travel using public transport, from the site to a variety of useful locations such as to a variety of shopping, leisure and employment destinations within the wider town of Redditch.

In terms of the built form of the proposed development, the applicant has committed to building to a minimum of level 3 of the Code for Sustainable Homes, as is required for affordable housing, and has also demonstrated other innovative features would be included in the design in order to work towards the objectives of sustainable construction. These include PV roof tiles, water butts, compost bins and methods of construction. Further measures could also be included, and to ensure that these policy objectives are met, the imposition of conditions is recommended below. Whilst a representation has been received claiming that the proposed development does not include 'eco homes', your officers are satisfied that the proposal would be built to recognised standards of sustainability and as such consider this element of the proposal to be compliant with policy and to be welcomed.

Planning obligations

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation.

Normally, the following would be required under the adopted policy framework:

- A contribution towards County education facilities, however affordable housing schemes are exempted from this requirement in the SPD, and therefore this would only be required if the scheme were for market housing, as noted by the County Council. However, if the application were to be for a mix of market and social housing, then contributions would be required in relation to the market housing proposed;
- A contribution towards playing pitches, play areas and open space in the area due to the increased demand/requirement from future residents is required in compliance with the SPG;
- That 40% of the dwellings be provided as affordable units for affordable housing in line with SPD policy, however in this case the applicant has confirmed that all 36 units will be for this. Therefore, this must also be included in the agreement to ensure the retention of the units for this purpose in perpetuity.

However, in this case there are variations to this. The open space provision on-site has already been discussed earlier, and is in compliance with the SPG, but must be controlled through a planning obligation. Leisure services have confirmed that there is almost sufficient provision in the ward for equipped play, and that there are sufficient playing pitches, and therefore have requested that a toddler equipped play area be included within the on-site open space.

On balance, it is considered that the reduction in planning gain is acceptable on this site, given the gain in affordable units that would result from the proposed development.

Therefore, the heads of terms now proposed to be included in the planning obligation are as follows:

- The transfer of the open space on-site to the Council, along with a contribution towards its ongoing maintenance as calculated using the adopted policy, and the inclusion within it of an equipped toddler play area (details to be agreed with the Council)
- The provision of 100% of the dwellings on the site for affordable housing in accordance with the current practices of the Council as appropriate.

This is now considered to be sufficient to make the development acceptable, and to be in compliance with local and national policy objectives.

Other issues

One of the conditions requested to be imposed by Severn Trent Water (STW) would not meet the tests in the conditions circular, and requires works that can be controlled by STW through other legislation, and is therefore not recommended to be imposed. An informative note to this effect is recommended.

Space is shown on the amended plans for the location of waste bins to await emptying on collection day, and secure storage is provided within the rear of the properties, with easy access to the front collection stand points, such that this is considered to be appropriate and acceptable.

Conclusion

It is considered, for the reasons given above, that the scheme complies with all the relevant policy requirements, and would be unlikely to cause harm or danger to amenity or safety.

Recommendation

Officers are seeking an either/or resolution from Members in this case as follows, in that officers would carry out whichever of the two recommendations below applied:

Either:

- 1. That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Building Control to GRANT planning permission subject to:
 - a) a planning obligation ensuring that the 36 units are for the provision of affordable housing in perpetuity; for the transfer of the on-site open space to Redditch Borough Council for its retention; that the Council are paid appropriate contributions for the maintenance of the transferred open space and that provision for an equipped toddler play area be included within the on-site open space; and**
 - b) conditions and informatives as summarised below:****

Conditions

1. Commencement within three years
2. Materials to be submitted and agreed
3. No occupation until water butts, compost bins and PV tiles in place and operational (locations as shown on plans)
4. All built to minimum standard level 3 of code for sustainable homes

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5. Travel plan to be implemented (details to be agreed as necessary)
6. Boundary treatment – details of retention/protection to be agreed
7. Hard and soft landscaping details to be agreed
8. Permeable surfaces wherever hard
9. Construction work hours restriction
10. Drainage as per STW request
11. Planting scheme details as per tree officer request
12. Tree protection details
13. Access, turning and parking to be provided prior to occupation
14. No development on site until off-site highway works completed to an agreed stage, in order to allow vehicular access for construction traffic from Road
15. Details of on site roads to be agreed and implemented
16. Parking for site operatives/compound details for during and post-construction to be agreed and implemented
17. Details of means of preventing vehicular access to open space to be submitted, agreed, implemented and retained (location as shown on plan unless agreed otherwise)

Informatives

1. Reason for approval
2. External materials should be of local/recycled materials wherever possible, whilst remaining appropriate to the site and surroundings
3. Note Severn Trent letter re not building too close to sewers
4. No burning on site during construction
5. Avoid mud on highway
6. No apparatus on highway
7. S38 details

Or:

- 2) a) **In the event that the planning obligation cannot be completed by 18 June 2009, Members are asked to delegate authority to Officers to REFUSE the application on the basis that, without the planning obligation the proposed development would be contrary to policy and therefore unacceptable due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements, and that none of the dwellings could be restricted to use for affordable housing in line with current policy requirements; and**
- b) **In the event of a refusal on this ground and the applicant resubmitting the same or a very similar planning application with a completed legal agreement attached, authority be delegated to the Head of Planning and Building**

Control to GRANT planning permission subject to the conditions summarised above as amended in any relevant subsequent update paper or by Members at this meeting.

Glossary of terms

Social rented housing is housing owned and managed by local authorities and registered social landlords for which guideline target rents are determined through the national rent regime.

Intermediate affordable housing is housing at prices and rents above those of social rent, but below market price or rents, and which meet these criteria:

- Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices
- Include provision for the home to remain at an affordable price of future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.

Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should:

- Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices
- Include provision for the home to remain at an affordable price of future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.

(It should be noted that where the local authority or registered social landlord is not the owner/manager of the dwelling, this does not preclude it from being considered to be affordable housing, if it meets the relevant criteria.)

(Definitions taken from PPS3 Housing)

Planning Committee

Astwood Bank & Feckenham Ward

16 June 2009

2009/063/OUT **OUTLINE APPLICATION FOR A DETACHED THREE BEDROOMED DWELLING WITH GARAGE LAND ADJACENT TO 17 CHAPEL STREET, ASTWOOD BANK, REDDITCH**
APPLICANT: MRS H PALMER
EXPIRY DATE: 4 JUNE 2009

Site Description

(See additional papers for Site Plan)

The site comprises land which historically formed garden curtilage associated with number 17 Chapel Street, Astwood Bank. The plot is situated between number 79 Western Hill Close (to the West) and 17 Chapel Street (to the East) with its Northern boundary being Chapel Street, and its Southern boundary Western Hill Close. The land slopes away in a South to North direction towards Chapel Street.

The area, which is residential, is mixed in character with modern detached properties in Western Hill Close to the South, with older housing forming frontage development off Chapel Street to the North and East. In the case of Western Hill Close, parking is generally within the curtilage of each property, and in the case of Chapel Street, generally on-street.

Proposal Description

This is an outline application for the erection of a single, three bedroomed detached dwelling. All matters, including access have been reserved for subsequent consideration.

Relevant Key Policies:

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

www.communities.gov.uk
www.wmra.gov.uk
www.worcestershire.gov.uk
www.redditchbc.gov.uk

National Planning Policy

PPS1 Delivering sustainable development.
PPS3 Housing.

Regional Spatial Strategy

CF2	Housing beyond Major Urban Areas.
CF3	Level and Distribution of New Housing Development.
CF5	The reuse of land and buildings for housing.
CF6	Making efficient use of land.

Worcestershire County Structure Plan

SD.3	Use of previously developed land.
SD.4	Minimising the need to travel.

Borough of Redditch Local Plan No.3

CS.7	The sustainable location of development.
B(HSG).6	Development within or adjacent to the curtilage of an existing dwelling.
B(BE).13	Qualities of good design.

Relevant Site Planning History

2006/081	Outline application for a detached dwelling	approved 28.3.2006
2002/558	One detached dwelling	approved 26.3.2003
1999/419	Outline application for a detached dwelling	approved 20.1.2000
1996/440	Outline application for a detached dwelling	approved 10.1.1997
1993/445	Outline application for a detached dwelling	approved 14.12.1993
1990/593	One detached dwelling	approved 6.12.1990
1987/611	One detached dwelling	approved 11.12.1987

Public Consultation Responses

Responses in favour

None received.

Responses against

Seven letters received raising concerns summarised below:

- Approval of proposal would result in a reduction in the availability of on-street car parking spaces along Chapel Street

- Additional traffic using Chapel Street will prejudice vehicular and pedestrian safety.
- Loss of light and overshadowing to property.
- Over-development of the area.
- Access to the site should be via Western Hill Close not Chapel Street.
- Objection to the loss of this open space which contributes to the street-scene.

Consultee Responses***County Highway Network Control***

No objection.

Environmental Health

No objection raised to proposals, subject to the imposition of conditions restricting noise making activities in association with the construction of the new dwelling.

Severn Trent Water

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

Assessment of Proposal

The key issue for consideration is the matter of principle, since this application is submitted in outline with ALL matters reserved.

Principle

Members will note that permission has been granted historically for a single dwelling on the site on a number of occasions. The last application to be lodged before this application was ref 2006/081. Under the requirements of Section 92 (2) of the Town and Country Planning Act 1990 an application for the approval of matters reserved in that permission must be made not later than the expiration of three years beginning with the date of the grant of that outline permission. This consent was granted on 23.3.2006, meaning that the time limit for the submission of a reserved matters application has now lapsed, prompting this application.

Provided that there have been no material changes in circumstance since the approval of application 2006/081 that would make the application unacceptable, permission should be granted for this application.

Policy B(HSG).6 of the adopted Local Plan is supportive of new residential development within the curtilage of a dwellinghouse so long as it respects the character and appearance of its surroundings and does not impinge on

the residential amenities enjoyed by occupiers of existing nearby development. As has been found on past approvals, this 'brownfield' site is clearly capable of accommodating a detached dwellinghouse given that the plot measures 10 metres across at the Western Hill Close (Southern) boundary, and 14 metres across at the Chapel Street (Northern) boundary, with a depth in excess of 20 metres.

Representations received centre mainly around highway safety, and on the resultant impact upon Chapel Street residents. Access is NOT for consideration at this stage, and is reserved for subsequent approval. However, following receipt of representations your Officers have asked the applicant whether there are any reasons why access to the dwelling could not be via Western Hill Close should a reserved matters application be submitted in the future. It would appear at this stage that there are no legal or engineering problems posed in the principle of creating a vehicular access via Western Hill Close to the south. A condition to this effect would be inappropriate since access is not for consideration at this stage, unreasonable in the light of no objections being raised by County Highways, and could be appealed against. However, your Officers have recommended an informative asking that any applicant give due consideration to a proposal showing access to the site via Western Hill Close under any future reserved matters / detailed application as an attachment to a notice of approval.

Conclusion

The proposal is considered to comply with the planning policy framework and would not cause harm to amenity or safety.

Recommendation

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

1. Time limits for submission of matters reserved / commencement of development / ALL matters reserved for subsequent approval.
2. This permission does not authorise the siting or form of the dwelling shown on the plans accompanying this application.
3. Limited working hours during construction period.
4. Dwelling to be built to a minimum Level 3 requirement set out under Code for Sustainable Homes.

Informatives

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

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2. No building to be erected within 2.5 metres either side of sewer which crosses site.
3. Due consideration should be given to a proposal showing access to the site via Western Hill Close as part of any future reserved matters/detailed application.

Planning Committee

Astwood Bank & Feckenham Ward

16 June 2009

2009/071/LBC **PROPOSED DEMOLITION OF OUTBUILDING AND REPLACE WITH
DOUBLE GARAGE
ASTWOOD FARM HOUSE, ASTWOOD LANE, ASTWOOD BANK
APPLICANT: MR J LAVERY
EXPIRY DATE: 16 JUNE 2009**

Site Description

(See additional papers for Site Plan)

The site is a derelict outbuilding which is located within the curtilage of a Grade 2 Listed Farmhouse, which is known to have been constructed in the 17th Century. The outbuilding, the subject of this application is constructed of brick with a clay tiled roof and was built around 1850. In the 20th century, it was doubled in length, hence the two different types of bricks, but the majority of this section has now collapsed.

Proposal description

Listed Building consent is sought to demolish the existing outbuilding and replace it with a double garage. The replacement double garage is to be constructed in the same location as the existing outbuilding which is to be demolished. The size is proposed to be 8.5 metres in width, 6 metres in depth and 5.5 metres in height, to be built with a lightly rusticated multi-red brick with a natural lime mortar, hand made plain clay roof tiles, cast iron rainwater goods and all external joinery to be painted soft wood.

Relevant key policies:

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

www.communities.gov.uk
www.wmra.gov.uk
www.worcestershire.gov.uk
www.redditchbc.gov.uk

National planning policy

PPS1(& accompanying documents) Delivering sustainable development
PPG2 Green Belts
PPG15 Planning and the historic environment

Worcestershire Country Structure Plan

CTC.19 Areas and Features of Historic and Architectural significance
D.16 Reuse and conversion of Buildings

Borough of Redditch Local Plan No.3

B(BE).13 Qualities of Good Design
B(BE).14 Alterations and Extensions
B(RA).1 Green Belt

Relevant site planning history

Appn. no	Proposal	Decision	Date
2008/340/LBC	Demolish outbuilding and replace with Double Garage	Refused	19/12/2008
2009/105/FUL	Demolish outbuilding and replace with double garage	Pending (expires 24 July 2009)	

Consultee responses:

Conservation Officer:

No objection to proposal

Neighbour Consultation:

One objection received from neighbour raising issues which are civil matters and not planning considerations

Procedural matters:

This application would normally be dealt with under delegated powers but it comes before Members as the wife of the applicant is an employee of Redditch Borough Council.

This application should have been accompanied by a planning application, however this was delayed. It has now been received and is likely to be reported to the next Planning Committee. It is possible to consider the two separately, as the material considerations are different, although clearly linked.

Assessment of proposal

The key issues for consideration in this case are, the outbuilding is located within the curtilage of a Grade 2 Listed Building, therefore the character of the listed building needs to be maintained and protected.

Principle

The existing outbuilding does not hold any particular merit in terms of its character. The nature of its construction reflects how the building was originally used as part of the working farm. The loss of such a building in this location would not affect the appearance, or the character of the listed farmhouse. Due to the current condition of the outbuilding, it would be appropriate to demolish it and replace it with a garage, which would be of benefit to the occupiers of the farmhouse.

Design and layout

The design and layout of the double garage is acceptable in its proposed location and further advice has been obtained from the Conservation Officer on these matters.

The replacement garage is considered to be of a suitable size, location, appearance and materials such that it would be sympathetic to the setting of the Listed Building and not damaging to its appearance, historic interest or setting. It is therefore considered to be visually acceptable and compliant with policy objectives.

Conclusion

The proposal is considered to comply with the policy framework and unlikely to cause any harm to amenity or the listed building and its setting and is therefore considered to be acceptable.

Recommendation

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

1. Commence within 3 years
2. All materials to be agreed in writing by the Local Planning Authority

Informative

1. No works to start on site until planning permission also granted

Planning Committee

Astwood Bank & Feckenham Ward

16 June 2009

2009/075/FUL ERECTION OF 4 BED DETACHED DWELLING ON LAND ADJACENT
TO 1249 EVESHAM ROAD
1247 EVESHAM ROAD
APPLICANT: MR T WALTON
EXPIRY DATE: 23 JUNE 2009

Site Description

(See additional papers for Site Plan)

Grassed vacant plot between two detached residential properties fronting Evesham Road on the eastern side of it. To the front is a low front boundary wall, with a gap for vehicular access, and the pavement includes a dropped kerb. To the north of the site, between it and the adjacent dwelling, a footpath leads along the side boundary and out beyond, with a stile access from the verge adjacent the pavement. The site appears to be kept neatly mown.

This stretch of the road is characterised by large detached two storey dwellings set back from the road, with long rear gardens backing onto countryside (in Warwickshire). The character on the opposite side of the road is more diverse, containing a mix of sizes and styles of dwellings, as well as other uses. There is an avenue of mature trees between the pavement and front dwelling boundaries along this stretch of the road.

Proposal description

The application proposes a detached, two and a half storey dwelling with a parking area to the front. The dwelling would have living accommodation at ground floor level, with bedrooms at first floor level and within the roof space. The dwelling would be set back from the front of the site. The dwelling is proposed to be of brick and tile construction, and there would be a rear balcony opening out from the rear room in the roofspace, however this is contained within the eaves of the building and would not protrude any further to the rear than the rooms below.

The application is supported by a Design & Access Statement and a Climate Change Statement.

The scheme has been amended since it was first submitted, and it is the amended version that is considered here. (Originally, a front detached garage was also 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
www.wmra.gov.uk
www.worcestershire.gov.uk
www.redditchbc.gov.uk

National planning policy

PPS1 (& accompanying documents) Delivering sustainable development
PPS3 Housing

Regional Spatial Strategy

CF4 The reuse of land and buildings for housing
QE3 Creating a high quality built environment for all
T7 Car parking standards and management

Worcestershire Country Structure Plan

SD3 Use of previously developed land
D5 Contribution of previously developed land to meeting the housing provision
IMP1 Implementation of development

Borough of Redditch Local Plan No.3

CS7 Sustainable location of development
S1 Designing out crime
B(HSG).6 Development within or adjacent to the curtilage of an existing dwelling
B(BE).13 Qualities of good design
C(T)12 Parking standards

SPDs

Encouraging good design
Designing for community safety

Relevant site planning history

Appn. no	Proposal	Decision	Date
08/266	Outline one dwelling	Approved	23/9/08
95/096	One dwelling	Approved	27/4/95
89/759	Dwelling	Approved	8/1/90
89/82	New dwelling	Approved	27/6/89
88/740	New dwelling (outline)	Approved	14/11/88

Public Consultation responses

Responses in favour

One in favour of this windfall development of an infill plot, providing that the street trees and the ROW are protected.

Responses against

Four comments received raising the following points:

- Loss of light to side windows of adjacent property
- Size and height of proposed dwelling is excessive
- Loss of privacy/light
- Additional traffic on main road would add to congestion
- Concern that proposal would lead to loss of traffic calming
- Loss of habitat
- Impact on adjacent public footpath and proximity to it
- Disruption during construction
- Precedent for adding other dwellings

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

Consultee responses

County Highway Network Control

No objection subject to conditions regarding provision of parking area prior to occupation

County Rights of Way Officer

No objection as no alteration to ROW proposed – retention controlled through other legislation

Stratford District Council

No response received

Environmental Health

No objection

Severn Trent Water

No objection subject to a condition regarding drainage details

Ramblers Association

Concern raised regarding proximity of dwelling to footpath and retention of open character of path for users

Assessment of proposal

The key issues for consideration in this case are the principle of the development and its density, the design and access proposals and the sustainability of the location, as discussed below.

Principle and density

The site lies within the settlement boundary of Astwood Bank, which is considered to be a sustainable settlement within the Local Plan. The site is undesignated, and lies within a residential area, such that it is therefore considered appropriate in principle that residential development be allowed on this site. The site is similar in size to other plots in the vicinity and is therefore considered as being of an appropriate size for this type of development.

It is not considered appropriate in this case to consider the likely density of the proposed development, which would be low, because the proposal conforms to the surrounding pattern and character of development, even though this may be lower than would now be required.

Whilst the recent outline application was approved, no details were included for consideration, and thus whilst the principle of this development can therefore be considered acceptable, the details remain here for consideration.

Design and layout

The design of the proposed dwelling is considered to be appropriate to the character of the area, and particularly this run of properties along this side of Evesham Road in Astwood Bank. It would be of a similar size, height and bulk, of similar materials, and built set back from the road a similar amount. It is considered to be of an appropriate style and appearance for the site and its surroundings such that it complies with the relevant policy criteria.

The proposed dwelling is located within the plot such that it has a 1m spacing to the south side in compliance with the guidelines in the SPG. Due to the angled nature of the northern boundary, there is one point where the chimney to the north side elevation would touch the boundary, however as there is a footpath between the two properties, it is not considered likely that this proximity would result in a terracing effect, which is the reason for the policy. This design feature is therefore considered to be acceptable in this instance, despite not being strictly in accordance with policy.

The siting of the dwelling within the plot is considered to reflect the character of the area, and ample amenity space is proposed to front and rear, in compliance with the adopted policies and guidance. The siting is such that the proposed dwelling complies with the policies relating to overlooking, overshadowing and loss of privacy, and as such these are considered unlikely to have a negative effect on neighbouring residents.

Landscaping and trees

Whilst the site is currently laid to lawn, it is not considered that there are significant landscape features that are worthy of retention and protection, and as the proposal is to provide garden area, it is not considered necessary to be overly restrictive in terms of planting, design etc through the imposition of a condition. Similarly, it is not considered likely to be of special value in biodiversity terms.

Highways and access

The consultees have raised no objections in terms of highway safety, and therefore the proposal is considered to be acceptable and compliant with policy in this regard.

Whilst local residents have raised concerns regarding the volume of traffic in the area, the additional traffic to be created by a single dwelling and its resultant impact on the road network is considered likely to be minimal. There is no perceived link between the current proposal and any resultant loss of existing traffic calming measures. The proposal would not prevent them from continuing as they are and so it is not considered necessary to contemplate this matter further here.

Other issues

The erection of a single dwelling on this site would be likely to prevent applications for the future insertion of additional dwellings to the rear of these properties fronting Evesham Road because it would prevent any vehicular access to the rear being possible, and so it is considered unlikely to be a cause for concern at this stage.

Any concerns raised regarding the impact of the development on the footpath cannot be considered here. The footpath lies adjacent to but outside the site, and jurisdiction for it lies with others using other legislation.

Planning Committee

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There is no perceived likelihood that it would be obstructed either during or post construction, and therefore it is not considered necessary to pursue the matter further.

Conclusion

It is considered that the proposal complies with policy and would not cause harm to amenity or safety.

Recommendation

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

1. Time limit for commencement of development on site
2. Parking provision
3. Drainage details
4. Materials to be agreed
5. Hard surfacing details and permeability

Informatives

1. Highways informatives
2. Footpath covered by other legislation



Planning

Committee

Central Ward

16 June 2009

**2009/078/COU CHANGE OF USE FROM SINGLE DWELLING TO HOT FOOD TAKE-AWAY (GROUND FLOOR) AND TWO BEDROOMED FLAT (FIRST FLOOR)
2 ORCHARD STREET, REDDITCH
APPLICANT: MR S M HUSSEIN
EXPIRY DATE: 22 JUNE 2009**

Site Description

The existing building is a large two storey red brick dwelling dating from the Victorian period which is located at the corner of Orchard and Oswald Street.

To the East of the site lie a number of small business uses including D.M. Tyres, Premier Taxi's and Huntley's Funeral Services. To the West is a car park serving the Salvation Army building further to the north. To the North of the site lie the China Gardens restaurant and the Palermo Pizza hot food take-away. Further to the North lies Ipsley Street.

Access to the application site is via Oswald Street.

Proposal Description

Permission is sought for the change of use of the ground floor of the existing dwelling to that of a hot food take-away (an A5 Use) as defined by the Town and Country Planning (Use Classes) Order. The upper floor of the premises would be used as a two bedroomed flat.

External changes proposed are the insertion of a customer door in place of the existing window facing Oswald Street; the demolition of part of an existing single storey lean-to to allow the insertion of an external stair to the first floor flat and the widening of the existing vehicular access to Oswald Street to accommodate two parking spaces on an extended hardstanding.

Relevant Key Policies

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

www.communities.gov.uk
www.redditchbc.gov.uk

National Planning Policy

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

Borough of Redditch Local Plan No.3

- B(BE).13 - Qualities of Good Design
- E(TCR).3 - Peripheral Zone
- E(TCR).12 - Class A.3, A.4 and A.5 (restaurants, snack bars, cafes, Pubs and bars and take-aways).
- C(T).12 - Parking Standards

Relevant site planning history

None

Public Consultation Responses

Responses in favour

None

Responses against

One letter received. Comments summarised as follows:

- Concerns are raised with regards to increased congestion and vehicles being 'blocked in'.
- Littering is already a problem in the area. Adequate provision should be made for an increased number of litter bins at the site.
- Vandalism and unsocial behaviour are likely to increase by granting this consent.

Consultee Responses

County Highway Network Control

No objection

Environmental Health Officer

No objection in principle.

Recommend conditions regarding lighting; no burning on site; a scheme for the minimisation of emissions arising from cooking odour from the premises; refuse storage and state that the premises should be closed by 12 o'clock midnight in order to protect residential amenity.

Ask that the applicant's attention is drawn to the fact that the proposed use will require a premises licence under the Licensing Act 2003 via an application to the Local Authority and that the proposed use will require registration as a food premises.

Severn Trent Water

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

Police Crime Risk Manager

No objection.

Waste Management Officer

No objection subject to a condition regarding provision of a litter bin.

Assessment of proposal

The key issues for consideration in this case are the principle of the proposed development, highway safety, design and any other material considerations.

Principle

The site is situated within the peripheral zone as defined on the proposals map where Policy E(TCR).3 applies. Within the peripheral zone it is possible to accommodate a range of uses. The Orchard Street / Oswald Street area is typical in this respect and supports a mix of residential, Industrial and hot food uses. Any new proposals within the peripheral zone are expected to complement the role and function of the Town Centre.

Policy E(TCR).12 of the Local Plan deals specifically with proposals for Class A3, A4 and A5 uses which includes hot food takeaways, restaurants, cafés, wine bars and public houses. Officers have assessed the impact of the proposed hot food takeaway use upon neighbouring amenity, and in the absence of any adverse comments in principle from the Council's Environmental Health Officer, together with regard which has been had to the peripheral zone location of the site, Officers have concluded that the A5 Use proposed would complement the role and function of the town centre and would be acceptable in principle.

Highway safety

The existing vehicular access to Oswald Street would be widened to allow for the provision of two car parking spaces on site. The site is considered to be in a sustainable location, near to the Town Centre, very close to a major bus route along Ipsley Street, which is also a popular walking route for people travelling to and from the Town Centre. Unrestricted on-street

parking space on Oswald and Orchard Street for customers arriving by car would provide space for some 26 cars clear of the double yellow lines and the white painted vehicular access points.

Observation of this particular area has revealed that although this on-street parking space is well used during the working day, it empties rapidly from 5.00pm onwards during the week. There is some daytime parking on Saturday and Sundays but again, in the evenings the on-street parking space is usually clear. Use of the existing on-street parking spaces during the requested opening times of 1600 hrs to 12 midnight daily would not be considered detrimental to highway safety. County Highway Network Control raise no objections to the proposals.

Design

The external alterations are minor in nature and would not adversely affect the character and appearance of the existing building. Your Officers would however recommend that the staircase leading to the first floor flat should not have an un-treated finish, and should be painted, details of which could be agreed with the Local Planning Authority by condition.

Other issues

A condition is recommended in order to control the methods of cooking and resultant fume extraction etc prior to any development taking place on the site in the interests of visual and residential amenity, although the applicant has indicated that a separate external flue would not be necessary in this case as provision would be made for a flue within the existing building, by reopening the existing chimney on the north gable elevation.

A condition is also recommended in order to restrict the opening hours of the unit to a reasonable level in order to protect nearby residential amenity.

Details of litter bin and general refuse storage provision can be adequately dealt with by means of condition. Any condition restricting burning on site is not considered to meet the tests set out in Circular 11/95 and can be more effectively dealt with under relevant Environmental Health legislation.

Informatives are recommended for inclusion in respect to comments received from Environmental Health regarding lighting; premises licensing and registration as a food premises.

Conclusion

The proposal accords with current planning policy and it is not considered that the proposal would cause harm to amenity or highway safety.

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. The hot food take-away hereby permitted shall be closed and cleared of customers outside the hours of 1600 hrs to midnight daily.
3. Full details of the means of extraction, ventilation and control of odour and other emissions to be submitted, agreed and implemented prior to use commencing.
4. External staircase to have a painted finish – details of which to be submitted for the prior written approval of the LPA.
5. Hardsurfacing area's to be permeable.
6. Details of litter bin / refuse storage provision to be submitted for the prior written approval of the LPA. Development to be carried out in accordance with approved details.

Informatives

- 1) A separate application for Advertisement Consent may be required under the Control of Advertisements Regulations 2007 for any signage to advertise the business. The applicant is advised to contact the Local Planning Authority for further advice in this respect.
- 2) Drainage details to be in agreement with Severn Trent Water
- 3) Any external artificial security lighting provided to serve the proposed development should be compliant with current guidance produced by the Institute of Lighting Engineers, 'Guidance Notes for the Reduction of Light Pollution, revised 2005' – www.ile.org.ueg
- 4) The proposed use will require a Premises Licence under the Licensing Act 2003 via an application to the Local Authority.
- 5) The proposed use will require registration as a food premises via an application to the Local Planning Authority.

Planning Committee

Astwood Bank & Feckenham Ward

16 June 2009

2009/079/FUL **DETACHED TWO STOREY DWELLING FOLLOWING DEMOLITION OF AN EXISTING DWELLING AND OUTBUILDINGS
YEW TREE HOUSE, WEAVERS HILL, REDDITCH
APPLICANT: MR D ELLIS
EXPIRY DATE: 24 JUNE 2009**

Site Description

(See additional papers for Site Plan)

The existing two storey detached dwelling is of brick and tile construction and located to the Western side of Weavers Hill within the Green Belt. The property is situated within a site measuring 0.24 hectares and is in an elevated position in comparison to nearby dwellings 'Willow Cottage' and 'Ivy Cottage' to the south which sit within a dip. Immediately to the North, South and West of the existing dwelling (to the Western side of Weavers Hill) is open countryside, all of which is designated as Green Belt. To the Eastern side of Weavers Hill, beyond a mature hedgerow and outside of the Green Belt lies a modern residential cul-de-sac, properties nearest to the application site being numbers 6 and 7 Ditchford Close.

The site is also occupied by a number of single storey outbuildings which are generally scattered randomly around the plot.

Proposal Description

This is a full application for the erection of a two storey dwelling with integral double garage, arranged as a 'T' shape, following the demolition of the existing dwelling and outbuildings.

Relevant Key Policies

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

www.communities.gov.uk
www.wmra.gov.uk
www.worcestershire.gov.uk
www.redditchbc.gov.uk

National Planning Policy

PPG2	Green Belts.
PPS1	Delivering sustainable development.
PPS3	Housing.
PPG13	Transport.

Regional Spatial Strategy

CF2	Housing beyond Major Urban Areas.
CF5	The reuse of land and buildings for housing.
CF6	Making efficient use of land.
T2	Reducing the need to travel.
T7	Car parking standards and management.

Worcestershire County Structure Plan

D.39	Control of Development in the Green Belt.
SD.3	Use of previously developed land.
SD.4	Minimising the need to travel.
T.4	Car parking.

Borough of Redditch Local Plan No.3

B(RA.)1	Detailed extent and control of development in the Green Belt.
CS.7	The sustainable location of development.
B(HSG).6	Development within or adjacent to the curtilage of an existing dwelling.
B(BE).13	Qualities of good design.
C(T).12	Parking Standards.

Relevant Site Planning History

2009/031/FUL	Detached two storey dwelling following demolition of an existing dwelling and outbuildings	Withdrawn by applicant 3.4.2009
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Public Consultation Responses

Responses in favour

One letter received stating that provided trees are planted to replace the proposed removal of the 'defective boundary trees' referred to under Para 5.3 of the Design and Access statement, the application is supported.

A second letter where comments are summarised as follows:

- No objection as plans would represent an improvement to that which exists at present.
- Conditions should be attached in order to protect residential amenity in the case of approval however.

Responses against

None received.

Consultee Responses

County Highway Network Control

No objection subject to conditions regarding access, turning and parking.

Environmental Health

No objection. Recommend that any external lighting provided to serve the development be compliant with current guidance produced by the Institute of Lighting Engineers, and that further acceptable details be submitted regarding foul drainage. In addition would seek to impose conditions in respect of land contamination, no burning of waste materials on the site, and a condition to restrict noise making activities in association with demolition and construction activity to particular times of the day.

Severn Trent Water

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

RBC Drainage Engineer

Comments awaited.

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 at the request of Cllr. B. Clayton.

Assessment of Proposal

The key issues for consideration are as follows:-

Principle of replacement dwelling

Of particular importance in the consideration of this application is PPG2 – Green Belts and Policy B(RA).1 of the adopted Borough of Redditch Local Plan. Within the Green Belt, development is limited to that which is not inappropriate and which would preserve its openness. Inappropriate development is, by definition, harmful to the Green Belt.

Para 3.6 of PPG2 clearly states that:

‘the replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces.’

There can therefore be no objection to the principle of a replacement dwelling on this site, provided that it is not *materially larger than the dwelling it replaces*.

Design and Layout

In considering whether the proposal is materially larger than the dwelling to be replaced, your Officers have carefully examined the size and appearance of the existing dwelling. Whilst no floor plans of the existing dwelling have been submitted by the applicant, your Officers have noted from the site survey drawing, and from the site inspection that the existing two storey dwelling is one of square proportions with a footprint measuring approximately 7 x 8.5 metres. The dwelling does have small single storey elements, and your Officers have noted the presence of large workshop / shed structures within the curtilage which are of brick and timber construction, dilapidated in appearance and are proposed to be demolished as part of the scheme. The applicant feels that the size of these structures and their unkempt appearance is a material consideration in the determination of the application bearing in mind that these are to be demolished. Your Officers consider that whilst the workshop / shed buildings could not be viewed as aesthetically pleasing to the eye, their low pitched roofs and single storey construction mean that they are not particularly conspicuous in appearance, unlike any two storey building which is likely to be far more prominent and potentially visually intrusive.

The submission of this application has followed a similar scheme, lodged under application 2009/031. The replacement dwelling proposed under that application was considered to be significantly larger than the existing at odds with Para 3.6 of PPG2 above. The application would have been refused under delegated powers were it not for the applicant wishing to formally withdraw the application prior to the refusal notice being issued. Minor amendments to the elevational treatment of the dwelling have been made in the current application, but very little has been done in order to reduce the bulk and massing of the dwelling.

The proposed two storey dwelling, including proposed integral double garage would measure approximately 16.5 metres across with a maximum depth of over 21 metres. Although the maximum height of the dwelling would be 8 metres, and similar to that of the dwelling which would be demolished, the proposal would comfortably double the footprint of the existing dwelling and would therefore conflict with the advice contained within PPG2.

Whilst the footprint of the replacement dwelling would cover both part of the footprint of the existing dwelling and part of the footprint of the workshops (to similarly be demolished), and your Officers have no reasons to doubt the intentions of the applicant to remove the remaining structures within the site, your Officers consider that it would be difficult to resist, under the terms of PPG2, future planning applications for new structures such as 'small' garden sheds, greenhouses etc within the

significant garden curtilage of this prominent plot, which could cumulatively harm the openness of the Green Belt.

Aside from the fact that the proposal, in your Officers' opinion, constitutes inappropriate development which would by definition harm the openness of the Green Belt, your Officers have serious concerns regarding the design of the proposal. Little attempt has been made to break up the dwelling's visual 'bulk' which could have been done by introducing a greater number of single storey elements and by stepping ridge heights down, and walls in, to produce design breaks. By not doing so, the proposal would be detrimental to the visual amenities of the area, particularly when viewing the site from Ivy and Willow Cottage to the South.

Other matters

The proposed new dwelling would not be considered to impact detrimentally upon the nearest occupied dwellings by virtue of any loss of light, privacy or loss of outlook. Similarly the proposal would not prejudice highway safety.

Conclusion

Whilst the development would not cause harm to residential amenity or highway safety, the scale, massing and appearance of the proposed dwelling is considered to be unacceptable and would represent inappropriate development within the Green Belt at odds with the Planning Policy Framework. As such, your officers cannot support this application.

Recommendation

That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the reason below:

1. The site is identified in the Development Plan for the area as falling within the Green Belt where there is a presumption against inappropriate development. In such an area, development is limited to that which is not inappropriate to a Green Belt and which would preserve its openness. The proposal would amount to inappropriate development which is harmful to the Green Belt. It would result in an obtrusive form of development which would reduce the openness of the Green Belt and as such, the proposal is considered to be contrary to Policy B(RA)1 of the Borough of Redditch Local Plan No.3 and national guidance set out in Planning Policy Guidance Note 2 'Green Belts'.

Planning Committee

Abbey Ward

16 June 2009

2009/081/ADV **DISPLAY OF FLAGS OTHER THAN PERMITTED NATIONAL ETC
FLAGS
TOWN HALL, WALTER STRANZ SQUARE, REDDITCH, B98 8AH
APPLICANT: COMMITTEE SERVICES, REDDITCH BOROUGH COUNCIL
EXPIRY DATE: 25 JUNE 2009**

Site Description

(See additional papers for Site Plan)

The Town Hall is a red brick building in a typical 1980s style, of irregular floor shape and 2-4 storeys in height. It is prominently viewed when approaching the town centre along the ring road, and approaching as a pedestrian from the market area of the town centre. It is a landmark building within the civic centre of Redditch, in close proximity to the Palace Theatre, library and other community focused buildings. It has a small car park to the front, and lies adjacent to a multi-storey car park serving the town centre.

Atop the Town Hall are flagpoles which generally display national flags, one over the Council Chamber facing into the square, and two to the front of the building facing the ring road above the porch canopy facing the car park.

Proposal description

The application seeks consent to display advertisements of a flag style, on the existing flag poles which are mounted atop the Town Hall roof. These would be likely to be flags advertising specific events or organisations, or representing the civic function of the Council.

The applicant has confirmed that the non-national flags proposed would vary in appearance, but not be displayed for more than 28 days in any calendar year, thus the existing situation of displaying national and other permitted flags would remain for the rest of the year, as currently. The flags would measure 2m wide and 1m high, and be made of fabric.

The application includes a supporting statement.

Relevant key policies:

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

www.communities.gov.uk
www.wmra.gov.uk
www.worcestershire.gov.uk
www.redditchbc.gov.uk

National planning policy

PPS1 (& accompanying documents) Delivering sustainable development
PPG19 Outdoor advertisement control.

Regional Spatial Strategy

QE1 Conserving and enhancing the environment.

Worcestershire Country Structure Plan

SD2 Care for the environment.

Borough of Redditch Local Plan No.3

CS2 Care for the environment.
BBE13 Qualities of good design.
BBE18 Advertisements.

Relevant site planning history

(Advertisements only listed)

Appn. no	Proposal	Decision	Date
81/67	General letting board	Approved	29 Jan 1980
06/283	Retrospective banner advert display	Withdrawn	22 June 2007

Public Consultation responses

None received.

Consultee responses

None.

Procedural matters

Under the framework of regulations and guidance, applications for consent to display advertisements should be considered in terms of their impact on public safety and amenity only.

Under the Town and Country Planning (Control of Advertisements) Regulations 2007, certain types of advertisements benefit from deemed consent, which on some occasions also includes the structure on which they are mounted. Flags such as national flags, those representing the EC and various others benefit from such consent, however other flags, including national flags with text added, are specifically excluded and thus

need consent in order to be displayed lawfully. Hence the application currently before Members.

The application gives no period of time during which such flags could be displayed.

Assessment of proposal

The key issues for consideration in this case are therefore public safety and amenity.

Public safety

The flagpoles are located well away from areas where they can be accessed by the public, and as such there is no perceived risk to public safety from their siting. Further, the existing display of national flags is not perceived to have resulted in any concerns over public safety, and thus the display of flags of alternative designs in the same location is considered unlikely to cause any harm to public safety.

Amenity

Similarly, there is no perceived risk to the amenity of citizens in and around the Town Hall as they go about their daily lives. It is not considered that the proposed flags would cause any additional harm to the visual amenity of the area over and above that currently experienced by the display of flags in this location.

The flags proposed to be displayed on the existing flagpoles are considered to be of an appropriate scale and character for the building and surrounding area, such that they would not result in an overly dominant feature in the streetscene, and as such they are considered to comply with the relevant local planning policy criteria.

Conclusion

It is not considered likely that this proposal would cause any harm, and it is therefore considered compliant with policy.

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:

1-5 Standard advertisement consent conditions.

Informatives

Standard informative relating to adverts.

Planning Committee

Greenlands Ward

16 June 2009

AFFORDABLE HOUSING TENURE CLAUSES – VARIATION TO A SECTION 106 AGREEMENT – FORMER MEGABOWL SITE

(Report of the Head of Planning & Building Control)

1. Summary of Proposals

To consider a variation to the Section 106 Agreement (planning obligation) to amend the affordable housing tenure clauses in line with current practice for nominating tenants and tenure types. This would bring the document in line with current Council policy and procedures and provide a better outcome in terms of the additional housing stock on this site.

This report cross-references to details approved under Planning Application 2005/552/FUL and is therefore business for the Planning Committee. (2005/552/FUL was an application for the erection of Erection Of 89 Residential Units With Associated Parking And Amenity Space on the former Megabowl site, Greenlands Drive, Redditch).

2. Recommendations

The Committee is asked to RESOLVE that

the variation to the Section 106 Agreement, dated 6 March 2006 and made between (1)The Council of the Borough of Redditch (2) Worcestershire County Council (3) Claypond Ltd (4) Dodd Homes (Greenlands) Ltd and (5) Britannia Building Society regarding the tenure and nomination rights of the affordable housing provision be agreed.

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

Financial

- 3.1 The cost to the Council of entering into the Deed of Variation to the S106 Agreement will be sought from the other party.
- 3.2 The financial contributions required as parts of the planning obligation have all been paid and either spent or committed.

Legal

- 3.3 The legislative framework is provided by Section 106 of the Town and Country Planning Act 1990 (as amended).

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- 3.4 Planning obligations, also known as Section 106 Agreements, are typically negotiated between local authorities and developers in the context of granting planning consent. (Sometimes they can take the form of unilateral undertakings made by developers.) They provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of necessary infrastructure and facilities required by local and national planning policies. This can also include securing the provision in perpetuity of affordable housing and its occupation in line with Council policy and practice.

Policy

- 3.5 Developers are required to provide infrastructure required as part of new developments having regard to standards set out in the Local Plan in force at that time.

Risk

- 3.6 If agreement cannot be reached regarding the affordable housing provision, housing may not be provided in line with the needs of the residents of the Borough, and thus in compliance with the policies and practices of the Council, leading to a deficit of appropriate housing stock in the Borough. Officers will normally negotiate an acceptable solution in such situations, with reference to the relevant planning and legal framework.

- 3.7 Sustainability

No Sustainability / Environmental / Climate Change implications have been identified. All new affordable housing is now required to meet a minimum of level 3 of the Code for Sustainable Homes.

Report

4. Background

- 4.1 Changes to the Council's affordable housing procedures, and especially the mechanism for allocating tenants and tenure types has changed recently in response to a housing need assessment, in order to ensure that the most appropriate accommodation is sought and provided to meet the needs of the Borough.
- 4.2 The dwellings on this site have been completed and some occupied, and the open space laid out ready to be transferred to the Council for ongoing maintenance, along with a commuted sum for the purpose.

Planning Committee

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-
- 4.3 There remains a sales presence on site, although most units appear to have been sold and occupied.

5. Key Issues

- 5.1 The planning permission for development at the former Megabowl site involved a planning obligation which specified the types of tenure that the affordable housing units (28 dwellings in total) would take, and the method of nomination of tenants. Further to that, five of the one bed flats that were identified as affordable housing for shared ownership have not been sold despite efforts by the RSL, and so it is now proposed that the tenure of these five units become social rented housing instead.
- 5.2 This minor change would comply with the current policy and practices of the housing team at the Council, and provide additional housing stock for those in need.
- 5.3 The original planning obligation required that the 28 affordable housing units be a mix of shared ownership and social rented units (for definitions see glossary at end of report). It is also important to ensure that the units remain as affordable housing in perpetuity by including a clause that if shared ownership units become 100% owned by the tenants, that there is a buy back clause that at the point of sale the unit has to be offered to a Registered Social Landlord ("RSL") at an appropriate value below market value.
- 5.4 It is therefore considered that as the change would not reduce the quantity or size of the affordable housing stock, and would provide homes for those in need, the proposed amendments are acceptable, and a deed of variation should be written accordingly.

6. Other Implications

No Asset Management, Community Safety, Human Resources, or Social Inclusion implications have been identified.

7. Lessons Learnt

Planning obligations drafted now no longer include specific plans and details, but refer to items that are to be agreed between the parties, or to the policy and practice of the Council current at the point of implementation in order to minimise the likelihood of this issue arising again.

8. **Background Papers**

Original Section 106 Agreement associated with the development of land at Greenlands Drive and the associated planning and legal files.

9. **Consultation**

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

10. **Author of Report**

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

11. **Appendices**

None.

12. **Glossary of Terms**

RSL means a Registered Social Landlord

12.1 **Affordable Housing Units** means those units forming the Development comprising the Social Rented Units and the Shared Ownership Units available for rent or shared ownership to specified eligible households whose needs are not met by the market as defined in Government Directive by Planning Policy Statement 3 entitled "Housing"

12.2 **Intermediate Housing Units** means the Affordable Housing Units to be provided via an approved Registered Provider (RP) at prices and rents above those of Social Rent, but below market prices or rents. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent

12.3 **Shared Ownership Units** means the Affordable Housing Units to be constructed on the Site to provide social housing by way of Shared Ownership available for leasehold purchase on a shared equity scheme enabling the purchase of an agreed proportion of equity in a lease (of not less than 25% and not greater than 90% thereof) by the occupier who continues to pay rent on the proportion of the lease which has not been so purchased.

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- 12.4 **Social Rented Units** means the Affordable Housing Units to be provided via an approved Registered Provider (RP) for rent at or below Tenant Services Authority Benchmark Rent levels to persons registered as being in housing need on the Borough Council's Choice Based Lettings Register and to be occupied in accordance with the Nomination Rights

Planning Committee

Central Ward

16 June 2009

INFORMATION ITEMS

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

1. Purpose of Report

To receive two items of information in relation to outcomes of appeals against planning decisions.

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

2. Recommendation

The Committee is asked to RESOLVE that

the items of information be noted.

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

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

Report

4. Background

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

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

5. Consultation

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

6. **Other Implications**

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

7. **Author of Report**

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

8. **Appendices**

Appendix 1 - Outcome of Appeals against Redditch Borough Council – 2008/270/FUL and 2008/271/FUL

Appendix 2 - Outcome of Appeal against Redditch Borough Council – 2008/164/FUL

OUTCOME OF AN APPEAL AGAINST A PLANNING DECISION

Reference: 2008/270/FUL and 2008/271/FUL

Details: Single storey rear extension to existing unit and the installation of five condenser units on roof of proposed extension

Iceland Foods, Unit 4b Trescott Road, Trafford Park, Redditch

(Central Ward)

The Inspector allowed both Appeal A and B (2008/270/FUL and 2008/271/FUL) and granted planning permission for a single storey rear extension to the existing unit and the installation of five condenser units on the roof of the proposed extension at Iceland Foods Unit 4, Ipsley Street, Redditch, West Midlands B98 7AR.

The main issue in both cases was the effect of the proposal on the living conditions of occupiers of dwellings in Honeychurch Close in terms of privacy, outlook and noise with regard to Appeal A and in terms of noise with regard to Appeal B. Both applications were refused by Officers using delegated powers, in October 2008.

Appeals against these decisions were lodged, however discussions also took place between Officers and the applicant/agent, and a further application was submitted for an amended scheme with additional information. This was reference 2009/039/FUL and was approved in April 2009 subject to conditions. However, the appellants submitted additional information with their appeals over that which the Council had considered when determining the original applications, making the appeal proposal almost identical to that approved under application reference 2009/039/FUL. (This later application was for both the extension and the roof plant, rather than splitting them into two applications.)

Appeal A (2008/270/FUL) was allowed for the following reasons:

The proposed extension in Appeal A would not have a detrimental effect on the living conditions of occupiers of dwellings in Honeychurch Close by reason of unacceptable noise and disturbance or through loss of privacy or outlook, and would not be in conflict with Policies B(BE).13 or B(BE).14.

The rear extension would result in no loss of outlook as there would be a separation distance of 30m from the rear elevations from the nearest dwellings at 22-24 Honeychurch Close. The height of the extension would not be excessive and there would be no overlooking or loss of privacy as the proposed rear extension would have no windows.

Vehicles entering, reversing into loading areas and exiting the rear of the site would cause no additional disturbance to the neighbouring dwellings than the disturbance caused by current vehicles as vehicles would be set above the neighbouring dwellings by 5m.

The Inspector stated sufficient space would be available for the turning of articulated vehicles and that parking on the access road was possible in order to service the appeal site without causing obstruction to other units.

Appeal B (2008/271/FUL) was allowed for the following reasons:

Subject to a condition regarding noise attenuation, the proposed condenser units in Appeal B would not have a detrimental effect on the living conditions of occupiers of dwellings in Honeychurch Close by reason of unacceptable noise and disturbance, and would not be in conflict with Policies B(NE).4, B(BE).13 or B(BE).14 in that regard.

It would not be possible to install the condenser units as proposed without the construction of the extension, so this appeal development would not be separable from that of Appeal A.

This proposal would replace the condenser units lost as a result of the extension development. The 1m upstand around the roof of the extension would help mitigate noise from them. The proposal would not result in unacceptable noise as there is already noise caused by the existing chiller units in a compound to the rear of the existing building and from a temporary chilled storage container to the rear of the site and also with the plant at the rear of adjoining units.

The inspector considered the submitted Noise Impact Report indicates that there would be a significant increase in noise levels at the façade of neighbouring dwellings that would be noticeable and adversely affect occupiers of that building.

The suggested attenuation scheme would be reasonable as it would reduce the noise to slightly less than the calculated existing levels and therefore should be installed as part of the development. This was imposed by means of a condition.

The Inspector allowed both Appeal A and B (2008/270/FUL and 2008/271/FUL) and granted planning permission for a single storey rear extension to the existing unit and the installation of five condenser units on the roof of the proposed extension at Iceland Foods Unit 4, Ipsley Street, Redditch, West Midlands B98 7AR.

OUTCOME OF APPEAL AGAINST A PLANNING DECISION**Reference:** 2008/164/FUL**Proposal:** Demolition of 'Lodge' building and erection of eight apartments in two blocks
Land adjacent to 1 Pool Bank, Southcrest**(Central Ward)**

This appeal was against the Council's decision to refuse full planning permission (under delegated powers afforded to officers) for the above development. The reasons for refusal related firstly to the perceived incongruous appearance of the proposed development on a prominent corner plot which would have failed to harmonise with the pattern and form of development in the surrounding area; and secondly, the proposed development was considered to represent an over-intensive form of development having regard to the shape and gradient of the site, with the development providing an inadequate level of communal amenity space for occupiers of the scheme to the detriment of residential amenity.

The Inspector noted that Pool Bank falls away steeply to the east and has a more open and undeveloped character than that of Mount Pleasant (to the West). The presence of trees, substantial shrubs and bushes was considered by the Inspector to represent a distinctive element in the townscape of this part of Redditch and is a character area which ought to be respected under the terms of Policy B(BE).13 and Policy B(HSG).6. The Inspector considered that the appeal scheme was of high density development which would extend the more intensive urbanised qualities of Mount Pleasant into the attractive wooded area of Pool Bank and beyond. This was considered by the Inspector to significantly harm the character and appearance of the area.

With regard to the quality and general level of amenity space to be provided as part of the scheme, the Inspector considered that the distribution and size of the proposed amenity space would not represent a level of amenity of an adequate quality that would meet the requirements of the Borough Council's Policy and SPG guidance on *Encouraging Good Design* and agreed with the Council's opinion that the quality of space to be provided would be poor in terms of it being sloping, fragmented and overshadowed.

The Inspector concluded that the proposed scheme was not acceptable on grounds of its effect on the character and appearance of the area and the quality of the amenity space to be provided. The appeal was therefore DISMISSED.

Planning Committee

All Wards

16 June 2009

LOCAL PLAN NO.3 POLICIES RELATING TO PLANNING DEVELOPMENT CONTROL DECISIONS - UPDATE

(Report of the Head of Planning & Building Control)

1. Summary of Proposals

To receive a report which details Local Plan No.3 Policies still relevant to Planning Development Control decisions and those Policies that are now obsolete.

2. Recommendations

The Committee is asked to RESOLVE that

the list of Policies attached at Appendix 1 (saved Policies still relevant to Planning Development Control decisions) and those attached at Appendix 2 (Policies obsolete and no longer relevant to Planning Development Control decisions), be noted.

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

Financial

- 3.1 There are no known financial implications to the changes in policy.

Legal

- 3.2 These changes to the development plan are made as a result of the statutory framework and therefore are in compliance with the relevant legislation:

Planning & Compulsory Purchase Act 2004

Policy

- 3.3 Because not all policies in Local Plan No. 3 are "saved" the council's planning policy framework has been altered, but this is not considered to be significant.

Risk

- 3.4 Where local plan policies no longer exist to cover particular circumstances, national planning guidance will still apply, and so any risk to decision making and outcomes is considered to be minimal.

Sustainability / Environmental

- 3.5 These remain as material planning considerations and so need no further consideration here.

Report**4. Background**

- 4.1 Members will be aware that when determining planning applications, regard should be had to the Development Plan and all other material considerations. In the case of Redditch, the Development Plan includes the adopted Borough of Redditch Local Plan No.3, the saved policies of the Worcestershire County Structure Plan and the Regional Spatial Strategy.
- 4.2 Under the new statutory framework for producing planning policy specific to the Borough, the Development Plans team is currently compiling a Core Strategy, which will be one of many documents that eventually make up the Local Development Framework (LDF) for Redditch Borough. Within the LDF, the core strategy sets out the broad brush policies for Redditch Borough (in response to the evidence base collected). Other documents such as DPDs (Development Plan Documents) and SPDs (Supplementary Planning Documents) will also be adopted to address all the necessary detailed aspects of planning within and around the Borough.
- 4.3 Because the new documents are not yet completed and adopted (which would supersede the current Local Plan No.3.), transitional arrangements have been put in place by government to allow plans such as Local Plan No. 3 to continue to be used and thereby ensure that there is always a local policy framework for use in making Development Control decisions. However Local Plans that continue to be used need to be altered. Therefore the relevant policies within the Local Plan need to be 'saved' in agreement with the Government Office for the West Midlands (GOWM) and other policies will be removed.
- 4.4 Planning Advisory Panel (PAP) and then Executive Committee on 19 November 2009 considered which policies needed to be saved and which could be lost. GOWM have accepted this Council's suggestions.

5. Key Issues

Policies to be saved

- 5.1 Planning Policy Statement 12: Local Spatial Planning sets out the requirements for saved policies. PPS12 states that Local Authorities will need to demonstrate that the policies they wish to save reflect the principles of Local Development Frameworks and are consistent with current national policy. As such, policies to be extended should comply with the following criteria:
- a) where appropriate, there is a clear central strategy;
 - b) policies have regard to any Sustainable Community Strategy for the area;
 - c) policies are in general conformity with the Regional Spatial Strategy or spatial development strategy;
 - d) policies are in conformity with the Core Strategy Development Plan Document (where the Core Strategy has been adopted);
 - e) there are effective policies for any parts of the authority's area where significant change in the use of (sic) development of land or conservation of the area is envisaged; and
 - f) policies are necessary and do not repeat national or regional policy.
- 5.2 Policies in the Local Plan that only repeat the content of national planning policy statements and guidance and do not put it within a local context cannot be saved under criterion f) above, as Development Control decisions can be made using the national policy framework. Therefore, several policies within the Local Plan have been lost, including some of those relating to the historic environment. For these matters, reference will now need to be made to PPG15 Planning and the Historic Environment. The policies not saved cannot be used for planning decisions made after 31 May 2009, and thus Officers have already refrained from using them when determining applications under delegated powers. Those policies no longer saved mostly fell under criteria e) and f).

Impact on Member decision making at Planning Committee

- 5.3 Members will need to be aware of which policies remain available for use when determining planning applications. Officers will only include in their reports those policies that have been saved and therefore remain available for use. However, when relying on the

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national planning framework, this will also be made clear in reports, in order that Members can refer to these if necessary (they are all available on the planning area of the Communities and Local Government website).

- 5.4 It is therefore recommended that Members keep a note of the policies listed in Appendix 1 & 2 for their future reference, to avoid any error or confusion in future. It is also recommended that Members take up the offer from the Development Plans Team of temporarily returning their Local Plans to have them brought up to date and returned.

Future decision making

- 5.5 Once the core strategy is adopted, further advice and guidance will be provided on planning decision making and the available policy framework.

6. Other Implications

- | | | |
|------------------|---|--|
| Asset Management | - | None known. |
| Community Safety | - | This remains a material planning consideration and should be considered as such on a case by case basis. |
| Human Resources | - | None known. |
| Social Exclusion | - | This remains a material planning consideration and should be considered as such on a case by case basis. |

7. Lessons Learnt

The lesson to learn from this change is to ensure that all decisions made from now on only relate to the saved local plan policies in order that decisions remain free from challenge.

8. Background Papers

Saved policies document from GOWM
Legislation and national policy frameworks
Report to Executive Committee 19 November 2008

9. Consultation

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

10. Author of Report

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

11. Appendices

Appendix 1 – List of saved policies within Local Plan No.3.

Appendix 2 – List of policies that can no longer be used for planning decision making.

LIST OF SAVED POLICIES WITHIN LOCAL PLAN NO.3

CS.1	Prudent use of natural resources
CS.2	Care for the environment
CS.5	Achieving balanced communities
CS.6	Implementation of development
CS.7	The sustainable location of development
CS.8	Landscape character
H.1	Alexandra hospital
H.2	Homes for the elderly
S.1	Designing out crime
B(HSG).5	Affordable housing
B(HSG).6	Development within or adjacent to the curtilage of an existing dwelling
B(HSG).10	Gypsy sites
B(BE).9	Streetscapes in Conservation Areas
B(BE).11	Buildings of local interest
B(BE).13	Qualities of good design
B(BE).14	Alterations and extensions
B(BE).16	Shopfronts
B(BE).17	Shop front security
B(BE).18	Advertisements
B(BE).19	Green architecture
B(BE).20	Public art
B(BE).22	Temporary buildings and uses
B(BE).25	Undergrounding of telephone and electricity lines

B(BE).28	Waste management
B(BE).29	Construction waste
B(NE).1a	Trees, woodland and hedgerows
B(NE).3	Wildlife corridors
B(NE).10a	Sites of national wildlife importance
B(NE).10b	Sites of regional or local wildlife importance
B(RA).1	Detailed extent of and control of development in the Green Belt
B(RA).2	Housing in the open countryside outside the Green Belt
B(RA).3	Areas of development restraint
B(RA).4	Change of use of buildings in rural areas for employment purposes
B(RA).5	Reuse and conversion of buildings
B(RA).6	Farm diversification
B(RA).8	Development at Astwood Bank
B(RA).9	Development at Feckenham
B(RA).10	Exceptions housing at Astwood Bank and Feckenham
L.1	Children's day nurseries
L.2	Education provision
E(EMP).1	Employment provision
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

E(EMP).5	Edward Street site
E(EMP).6	North West Redditch master plan employment
E(TCR).1	Vitality and viability of the town centre
E(TCR).2	Town centre enhancement
E(TCR).3	Peripheral zone
E(TCR).4	Need and the sequential approach
E(TCR).5	Protection of the retail core
E(TCR).6	North West quadrant
E(TCR).8	Coach parking within the town centre
E(TCR).9	District centres
E(TCR).10	District centre redevelopment
E(TCR).11a	Retail sales at petrol filling stations
E(TCR).12	Class A3 uses
C(CF).1	Community facilities
C(CF).2	Cemeteries
C(T).2	Road hierarchy
C(T).7	Public transport infrastructure
C(T).8	Transport interchange
C(T).11	Road schemes
C(T).12	Parking standards
R.1	Primarily open space
R.2	Protection of incidental open space
R.3	Provision of informal unrestricted open spaces
R.4	Provision and location of children's play areas
R.5	Playing pitch provision

R.6	Protection and provision of allotments
R.7	North West Redditch master plan – abbey stadium

**LIST OF POLICIES THAT CAN NO LONGER BE USED FOR
PLANNING DECISION MAKING**

CS.3	Use of previously developed land
CS.4	Minimising the need to travel
B(HSG).1	Housing provision
B(HSG).4	Density of housing development
B(HSG).9	Residential mobile homes
B(BE).1	The protection of historic assets
B(BE).1a	Historic sites of national importance
B(BE).2	Archaeological and historic sites and structures
B(BE).3	Education and enhancement of archaeological and historic sites and structures
B(BE).4	Listed buildings
B(BE).5	Enabling development
B(BE).6	Development within Conservation Areas
B(BE).8	Demolition within Conservation Areas
B(BE).10	Trees in Conservation Areas
B(BE).12	Criteria for requiring design statements
B(BE).23	Telecommunications
B(BE).24	Minor telecommunications development
B(BE).26	Major gas pipelines and electricity lines
B(BE).27	Surface water run-off and foul sewage
B(NE).4	Noise
B(NE).5	Pollution implications of development
B(NE).6	Contaminated land

B(NE).7	Hazardous installations, waste disposal sites and sewage treatment works
B(NE).8	Impact on watercourses and aquifers
B(NE).9	Flood risk and surface water drainage
B(NE).11	Protection of species
B(NE).12	Features in the landscape of nature conservation importance
B(RA).7	Extension of gardens in the rural area
E(TCR).7	Railway goods yard
E(TCR).11	Local shops/parades
E(TCR).13	Uses of upper floors
C(T).1	Access to and within development – ensures development incorporates safe and convenient access arrangements in their design
C(T).3	Transport assessments
C(T).4	Travel plans
C(T).5	Walking routes
C(T).6	Cycle routes
C(T).9	Freight
C(T).10	Traffic management
R.3a	Green open spaces and corridors
R.8	Public rights of way
R.9	Recreational walking routes
R.10	Recreational cycling routes
R.11	Outdoor sports in the countryside

