

Planning Committee

Tuesday 14 July
2009
7.00 pm

Council Chamber
Town Hall
Redditch



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- Automatic right to inspect minutes of the Council and its Committees

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

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

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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

14 July 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 - 8)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on the 16 June 2009. (Minutes attached)</p>
<p>4. Applications for planning permission (Pages 9 - 10) 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 2009/082/FUL - Abbey Retail Park, Redditch (Pages 11 - 18)</p>	<p>To consider a Planning Application for the installation of a 1777 M² of floor space at mezzanine level. Applicant: Essex County Council Pension Fund. (Report attached) (Abbey Ward)</p>
<p>6. Planning Application 2009/093/FUL - Kids Community Nursery, Batchley First School, Cherry Tree Walk, Batchley (Pages 19 - 22)</p>	<p>To consider a Planning Application for a proposed new powder coated covered steel ramp and canopy to the front of the building incorporating an enclosed buggy store and the erection of an outside canopy with fabric roofing to the rear of the building. Applicant: Mrs Nicola Whittington (Report attached) (Batchley Ward)</p>

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<p>7. Planning Application 2009/096/FUL - Tookey's Farm, Tookey's Drive, Astwood Bank</p> <p>(Pages 23 - 28)</p>	<p>To consider a Planning Application for an outdoor ménage (horse riding arena) on commercial equine land.</p> <p>Applicant: Mr I Burford</p> <p>(Report attached) (Astwood Bank and Feckenham Ward)</p>
<p>8. Planning Application 2009/110/FUL - 15 Hollowfields Close, Southcrest</p> <p>(Pages 29 - 32)</p>	<p>To consider a Planning Application for a detached double garage.</p> <p>Applicant: Mr Darren Hoult</p> <p>(Report attached) (Central Ward)</p>
<p>9. Planning Application 2009/119/LBC - Flat 4, Yew Trees, 1190 Evesham Road, Astwood Bank</p> <p>(Pages 33 - 36)</p>	<p>To consider a List Building Consent Applicant for internal alterations to a Listed Building.</p> <p>Applicant: Miss E Greenfield</p> <p>(Report attached) (Astwood Bank and Feckenham Ward)</p>
<p>10. Planning Application 2009/123/FUL - Former Claybrook First School, Dilwyn Close, Matchborough</p> <p>(Pages 37 - 48)</p>	<p>To consider a Planning Application for the construction of 36 affordable homes, 1, 2, 3 and 4 bedrooms, with access off Milhil Road.</p> <p>Applicant: Westbury Partnerships</p> <p>(Report attached) (Matchborough Ward)</p>
<p>11. Redditch Bus Station - Taxi Rank Arrangements - Variation of Planning Obligation (Section 106 Agreement)</p> <p>(Pages 49 - 52)</p> <p>Acting Head of Planning and Building Control</p>	<p>To consider a variation to the Section 106 Agreement (planning obligation) associated with the Redditch Bus Station redevelopment in order to release the other parties from a requirement that is no longer appropriate and thus should not be perpetuated, relating to the details of the taxi strategy.</p> <p>(Report attached) (Central Ward)</p>
<p>12. Information Reports</p> <p>(Pages 53 - 54)</p> <p>Acting Head of Planning and Building Control</p>	<p>To consider an item of information relating to an outcome of an Appeal against a Planning decision.</p> <p>(Report attached) (Astwood Bank and Feckenham Ward)</p>

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<p>13. Enforcement of planning control</p> <p>(Pages 55 - 58)</p> <p>Acting Head of Planning and Building Control</p>	<p>To determine the appropriate course of action to be taken in respect of an enforcement matter.</p> <p>(Item below refers) (Covering Report attached)</p>
<p>14. Enforcement Report 2009/134/ENF - Blakemere Close, Winyates East</p> <p>(Pages 59 - 60)</p>	<p>To consider a breach of Planning Control in respect of the conversion of a dwelling unit without the benefit of Planning Permission.</p> <p>(The Location Plan for this item (issued under separate cover in the Plan Pack for this meeting), is confidential in view of the fact that it contains confidential information relating to individuals' identities and alleged breaches of planning control which could result in prosecution by the Council and has therefore only been made available to Members and relevant Officers.)</p> <p>(Report attached) (Winyates Ward)</p>
<p>15. Exclusion of the Public</p>	<p>During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended.</p>
<p>16. 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

16 June 2009

MINUTES

Present:

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

15. APOLOGIES

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

16. DECLARATIONS OF INTEREST

Councillors Banks and Hartnett declared personal and prejudicial interests in Agenda Item 13 (Affordable Housing Tenure Clauses – Variation to a Section 106 Agreement – Former Megabowl Site), as detailed at Minute 28 below.

Mr Skinner, Officer and Procedural Advisor to the Planning Committee, declared an interest in Planning Application 2009/081/ADV (Display of Flags other than permitted National etc. flags), as detailed at Minute 27 below.

17. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meetings of the Committee held on the 21 April and 19 May 2009 be confirmed as correct records and signed by the Chair.

.....
Chair

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

The Committee received a report which detailed the reasons for the retention of various Local Plan No. 3 Policies still relevant to Planning Control decisions and those Policies that were no longer relevant.

Members noted that the Policies deemed to be no longer relevant were so considered, because they duplicated other broader policy or statutory requirements.

The Chair brought forward this item in the agenda running order so that Members could consider all the listed applications in full knowledge of the reported policy changes.

RESOLVED 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.

19. APPLICATIONS FOR PLANNING PERMISSION

The Committee considered and determined seven 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 five of the applications being considered.

20. PLANNING APPLICATION 2009/043/FUL - LAND BETWEEN 249 AND 253 AND TO THE REAR OF 253 TO 257 EVESHAM ROAD

Erection of two detached dwellings with garages
Applicant: Miss J Smith and Mr P Ryan

Ms C Whitby and Mr Harris, Objectors and Mr H Gore, the Applicant's Agent, 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.

21. PLANNING APPLICATION 2009/052/FUL - FORMER CLAYBROOK FIRST SCHOOL SITE, DILWYN CLOSE, MATCHBOROUGH

Construction of 36 affordable homes, 2, 3 & 4 bedrooms,
With access of road
Applicant: Westbury Partnerships

The Committee noted that, further to Officers' advice, this Application had been WITHDRAWN from the Agenda by the Applicant, and it was therefore not discussed.

22. PLANNING APPLICATION 2009/063/OUT - LAND ADJACENT TO 17 CHAPEL STREET, ASTWOOD BANK

Outline application for a detached three bedroom dwelling with garage
Applicant: Mrs H Palmer

Mr Jones, 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.

23. PLANNING APPLICATION 2009/071/LBC - ASTWOOD FARM HOUSE, ASTWOOD LANE, ASTWOOD BANK

Proposed demolition of outbuilding and replace
With double garage
Applicant: Mr J Lavery

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 an employee of Redditch Borough Council.)

RESOLVED that

- 1) **having regard to the Development Plan and to all other material considerations, Listed Building Consent be GRANTED, subject to the conditions and informative summarised below,**
 1. **Commence within 3 years,**
 - 2, **All materials to be agreed in writing by the Local Planning Authority.**

Informative

No works to start on site until Planning Permission is also granted; and

- 2) **authority be delegated to the Acting Head of Planning and Building Control to determine Planning Application 2009/105/FUL in line with the decision made above.**

24. PLANNING APPLICATION 2009/075/FUL - 1247 EVESHAM ROAD, ASTWOOD BANK

Erection of 4 bedroom detached dwelling on land adjacent to 1249 Evesham Road
Applicant: Mr T Walton

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

RESOLVED that

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

25. PLANNING APPLICATION 2009/078/COU - 2 ORCHARD STREET, SMALLWOOD

Change of use from single dwelling to hot food takeaway (Ground Floor) and two bedroomed flat (first floor)
Applicant: Mr S M Hussein

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:

“7. One of the car parking spaces hereby approved and shown to be within the curtilage of the building within the area edged red as shown on the approved plan, be demarcated on the ground and kept available for the personal use of the occupier or future occupiers of the first floor flat granted under this consent.

Reason: In the interests of providing dedicated parking facilities for the occupier of the flat and in accordance with Policy C(T).12 of the Borough of Redditch Local Plan No.3.”

26. **PLANNING APPLICATION 2009/079/FUL - YEW TREE HOUSE, WEAVERS HILL, HUNT END**

Detached two-storey dwelling following demolition of existing dwelling and outbuilding
Applicant: Mr D Ellis

Mr J Shopland, Supporter and Mr B King, Agent for the Applicant, addressed the Committee under the Council’s public speaking rules.

(This application, which would normally have been dealt with under Officer Delegated Powers, was exceptionally considered by the Committee at the request of Ward Member, Councillor B Clayton. Councillor Clayton’s remarks in support of the proposal, contrary to Officer recommendation, were reported to the Committee.)

RESOLVED that

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

“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 by definition, is harmful to the Green Belt. It would result in an obtrusive form of development which would reduce the openness of the Green Belt. The Council consider that no very special circumstances have been put forward to overcome the harm to the Green Belt. 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”.

**27. PLANNING APPLICATION 2009/081/ADV - TOWN HALL,
WALTER STRANZ SQUARE, REDDITCH**

Display of Flags other than permitted National etc. Flags
Applicant: Redditch Borough Council

Mr S Skinner, on behalf of 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, Advertisement Consent be GRANTED, subject to the conditions and informatives summarised in the report, together with the following additional informative:

“The applicant is advised that the Planning Committee was concerned with the types and condition of flags to be displayed as a result of this consent, and requested that the appropriate Council body be tasked with reviewing and implementing an appropriate Council flag flying policy. The potential display of commercial advertisements was a particular cause for the Committee’s concern.”

(Prior to consideration of this item, Mr Steve Skinner, Council Officer and Procedural Advisor to the Planning Committee, declared an interest in the Application, in view of the fact that he had made the subject application on behalf of the Borough Council, and that he would be representing and speaking on behalf of the Applicant. He therefore withdrew to the public gallery for the duration of its consideration.)

**28. AFFORDABLE HOUSING TENURE CLAUSES - VARIATION TO
A SECTION 106 AGREEMENT - FORMER MEGABOWL SITE**

The Committee considered a variation to a Section 106 Agreement (Planning Obligation) to amend affordable housing tenure clauses 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) in respect of five one bedroomed flats previously identified as affordable housing for shared ownership.

RESOLVED that

the reported a 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 tenure and nomination rights, be agreed, namely that the tenure and nomination rights of five one bedroomed units, previously identified as affordable housing for shared ownership, become social rented housing.

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillors Banks and Hartnett declared personal and prejudicial interests in view of the fact that they were Board Members on Redditch Co-operative Homes, the Registered Social Landlord for the development, and withdrew from the meeting.)

29. INFORMATION REPORTS

The Committee received and considered two items of information relating to outcomes of appeals against Planning decisions, namely:

- a) Planning Application 2008/270/FUL and 2008/271/FUL Iceland Foods, Unit 4b Trescott Road, Trafford Park Single Storey rear extension to existing unit and the installation of five condenser units on roof of proposed extension

Members noted that both appeals against the Committee's decision to refuse the applications on grounds of the effect on the living conditions of occupiers of dwellings in Honeychurch Close in terms of privacy, outlook and noise, had been ALLOWED by the Inspector.

- b) Planning Application 2008/164/FUL Land adjacent to 1 Pool Bank, Southcrest Demolition of 'Lodge' building and erection of of eight apartments in two blocks

Members noted that, the appeal against the Council's decision to refuse planning permission (under delegated powers afforded to Officers), on grounds relating to the proposed development's appearance, over-intensive form of development and inadequate levels of communal space, had been DISMISSED by the Inspector.

RESOLVED that

both items of information be noted.

Planning
Committee

16 June 2009

The Meeting commenced at 7.01 pm
and closed at 9.44 pm

.....
CHAIR

Planning Committee

Various Wards

14 July 2009

APPLICATIONS FOR PLANNING PERMISSION

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

1. Summary 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.

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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

Abbey Ward

14 July 2009

2009/082/FUL INSTALLATION OF 1777 M² OF FLOOR SPACE AT MEZZANINE LEVEL
HOMEBASE LTD, ABBEY RETAIL PARK, REDDITCH
APPLICANT: ESSEX COUNTY COUNCIL PENSION FUND
EXPIRY DATE: 28 JULY 2009

Site Description

(See additional papers for Site Plan)

This building forms part of the Abbey Retail Park within an overall site area of 1.22 hectares. It lies adjacent to the Alvechurch Highway, and is accessed from a roundabout where the highway meets Middlehouse Lane. This large rectangular building currently contains the Homebase store – (approximately 2908 m² with an additional 743 m² garden centre) and Allied Carpets (933 m²). Beyond this building, further to the south, lies the Sainsbury's Store. The Homebase store, subject to this planning application is of brick and tile construction with a large, sparsely landscaped surface parking area to the Eastern side of the site.

To the west of the building is the service yard. Beyond this are residential properties which front onto Birmingham Road. Their rear gardens back onto the rear of the existing store.

It is a typical retail outlet, with large parking area to frontage, including trolley storage areas.

Proposal Description

This is a full application for the installation of 1,777 m² of new floor space at mezzanine level. The mezzanine floor space would be distributed as follows:

1. Homebase 848 m²
2. New Unit 929 m²
3. The Allied Carpets building would remain unchanged

It should be noted that the 'New Unit' above is that approved under 2008/352 – an application for a certificate of lawfulness (proposed use) which confirms that the occupation of the premises by a catalogue retailer is lawful. This approval has not yet been implemented.

Minor changes to the surface parking area are proposed which will be referred to later in the report.

No external alterations to the building are proposed.

The application is accompanied by a Design and Access Statement, Transport Assessment and a Planning and Retail 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	Delivering sustainable development
PPS6	Planning for town centres
PPG13	Transport

Regional Spatial Strategy

PA13	Out of centre retail development
QE3	Creating a high quality built environment for all
T1	Developing accessibility and mobility within the region to support the spatial strategy
T4	Promoting travel awareness
T7	Car parking standards and management

Worcestershire County Structure Plan

T.1	Location of development
T.3	Managing car use
T.4	Car parking
D.31	Retail hierarchy
D.33	Retailing in out of centre locations
SD.1	Prudent use of natural resources
SD.4	Minimising the need to travel

Borough of Redditch Local Plan No.3

CS.1	Prudent use of natural resources
CS.7	The sustainable location of development
S.1	Designing out crime
B(BE).13	Qualities of good design
B(BE).19	Green architecture
E(EMP).3	Primarily employment areas
E(EMP).3a	Development affecting primarily employment areas
E(TCR).1	Vitality and viability of the town centre
E(TCR).4	Need and the sequential approach
C(T).12	Parking Standards

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The site is designated as part of a Primarily Employment Area within the Local Plan, which includes the whole retail park and some industrial and commercial units to the south of the site.

Relevant Site Planning History

1988/242	Erection of D.I.Y unit, garden centre and non-food retail warehouse	Approved	02.06.1988
2008/352	Certificate of Lawfulness (proposed use) to confirm that the proposed occupation of a retail premises by a catalogue retailer is lawful	Approved	05.12.2008
2008/362	External alterations to building	Approved	07.01.2009

Public Consultation Responses

Responses in favour

None received

Responses against

One letter received in objection commenting that the submitted plans do not show how disabled access to the proposed upper level would be achieved

Consultee Responses

County Highway Network Control

No objection

Environmental Health

No comments received

Procedural matters

This application is put before the Planning Committee due to the fact that it is a 'major' application (as defined in the BV109 returns), with the site measuring more than 1ha in area (the site is approximately 1.22 hectares). Under the agreed scheme of delegation to Planning Officers, Part 7 states that 'major' applications should be reported to Committee.

Assessment of Proposal

The key issues for consideration are as follows:-

Principle of development

The site is designated for employment generating uses, most of which fall within Class B of the Use Classes Order. Therefore, other proposed uses such as this for A1 retail use need to address the relevant criteria of Policy E(EMP)3. The site is already in use for retail purposes, and has been for approximately 21 years, and therefore the retail use of the site is accepted. The sustainability of the use is considered below but it is not considered appropriate to insist on new employment (B class) uses on this site.

The proposed development needs to be considered in terms of the policy tests set out in the national planning framework and then in more detail in the Borough Local Plan. Whilst new retail proposals not located within the town centre are required to demonstrate (using the sequential test) that there are no more suitable sites nearer the town centre, the tests relating to the extension of an existing store are less rigorous and dependant on the floor area of the proposal. The applicants have demonstrated to your Officers that the new floor space created, (particularly in respect to Homebase, where the mezzanine level would be used for the DISPLAY for purchase of fitted kitchens, bathrooms etc) is of a level which would be ancillary to the existing retail provision on the site.

Given the information provided, the existing use of the site and the policy considerations it is considered in this case that it is acceptable to extend and improve the existing premises internally by means of a mezzanine level and that it would not have any detrimental impacts on any other retail facilities within Redditch. Your Officers have however recommended two conditions (numbers 2 & 3) in order to ensure that the future vitality and viability of the Town Centre is not prejudiced.

Having considered the principle of the development, the remaining elements must now be considered:

Parking, access and highway safety

The parking provision (type, quantity and quality), the safety of the access and the internal circulation within the site should all be considered in relation to the relevant policy documents.

The existing car park contains 155 parking spaces, six of which are for disabled parking. It is proposed to increase the number of disabled parking bays to eight, and also to introduce 16 cycle parking spaces where none are provided at present.

In order to accommodate these changes the overall car parking provision would reduce by four spaces to 151 spaces.

A detailed transport assessment produced by the applicant's agent, has concluded through surveys taken at the site that the maximum occupancy of the car park during a weekday would (if permission were granted for the proposals) increase from 44 to 78 spaces. The 151 space car park would therefore operate at just over 50% of its capacity during Monday to Friday.

The parking analysis summarised from the transport assessment indicates that for the weekend period, the busiest times are from 1100 hrs to 1200 hrs where parking accumulation would increase from 102 occupied spaces to a maximum of 145 occupied spaces as a result of the proposed development. This still falls inside the proposed 151 space capacity of the car park. It is noticeable from the surveys carried out, that parking accumulation would drop to 130 occupied spaces between 1200 hrs to 1300 hrs and to 100 occupied spaces between 1000 hrs to 1100 hrs on weekends.

In order to promote sustainable travel habits, your officers are recommending a condition (as recommended under the transport assessment report) that a travel plan be submitted. Members may recall that such a condition was included when approval was granted for the Sainsbury's store (located immediately to the south of the site) to extend under application 2008/254 (9th September 2008 Planning Committee).

The pedestrian and vehicular circulation routes through and within the site are considered to be safe and direct and thus are beneficial to all users. The delivery arrangements remain as existing and County Highways raise no objections to the proposals in terms of their impact on highway safety.

In response to the representation received regarding disabled access to the mezzanine, this aspect would be fully covered under a subsequent application under the building regulations. Officers within the building control service of the Council have been alerted to the representations received, and have commented to your officers that Building Regulation M1 requires that *'reasonable provision shall be made for people to (a) gain access to and (b) use the building and its facilities'*. The applicant's agent has responded to the representation by stating that part M of the Building Regulations will be complied with; that lifts will be installed to provide access to the mezzanine floors, and that the exact location of the lifts will be determined by the individual tenants depending on their preferred internal layouts.

Sustainability

The site lies within the urban area of Redditch and is therefore considered to be in a sustainable location. The site is accessible to a

variety of modes of transport including walking, cycling and public transport. The proposals are therefore considered to comply with the sustainable objectives of the planning system. As referred to earlier in the report, the submission of a travel plan is recommended by condition.

Other matters

Hours of opening at the site are not stipulated on the application form. However, hours of opening were not conditioned when the original approval for the building (1988/242) was given. The works in question would be almost entirely internal other than for the minor re-configuration of the car park. In the absence of any comments received from environmental health officers, your Officers would consider it unreasonable and unnecessary to restrict construction work activity at the site, or hours of opening for this business.

Conclusion

The proposed development is considered to be compliant with current policy and unlikely to cause significant harm to amenities, safety or other retail interests within Redditch, and is therefore recommended favourably.

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 from date of consent
2. Uses restricted to non-food retail as covered by condition 3 (1988/242) in order to ensure that the vitality and viability of the town centre is not prejudiced
3. Minimum size of any retail unit shall be 10,000 sq ft (929m²) as covered by condition 3 (1988/242) in order to ensure that the vitality and viability of the town centre is not prejudiced
4. Cycle spaces – plan and details to be agreed
5. Travel plan to be submitted prior to the commencement of development and agreed and implemented in accordance with included programme

Planning Committee

14 July 2009

Informatives:

1. A separate application for Advertisement Consent may be required for signage to advertise the business. The applicant should contact the Local Planning Authority for further advice on this matter.

Planning Committee

Batchley Ward

14 July 2009

**2009/093/FUL PROPOSED NEW POWDER COATED COVERED STEEL RAMP AND CANOPY TO THE FRONT OF THE BUILDING INCORPORATING AN ENCLOSED BUGGY STORE AND THE ERECTION OF AN OUTSIDE CANOPY WITH FABRIC ROOFING TO THE REAR OF THE BUILDING. KIDS COMMUNITY NURSERY, BATCHLEY FIRST SCHOOL, CHERRY TREE WALK, BATCHLEY
APPLICANT: MRS NICOLA WHITTINGTON
EXPIRY DATE: 14 JULY 2009**

Site Description

(See additional papers for Site Plan)

The area is designated as Primarily Open Space within the Borough of Redditch Local Plan No 3 and lies within the grounds of Batchley First School which is owned by Worcestershire County Council. The surrounding area is predominantly residential.

Proposal Description

This application seeks consent for a new powder coated covered steel ramp and canopy to the front of the building incorporating an enclosed buggy store and the erection of an outside canopy with fabric roofing to the rear of the building to be used as a play area for the children attending the nursery school. The proposed new ramp is to replace an old wooden ramp.

The application site is an existing Nursery School which has a ramp to the front. The new proposal will be replacing the old wooden ramp which is suffering from timber rot and is becoming unsafe.

The end section of the replacement ramp will be used as a secure buggy storage area for the sole use of the community nursery users. The existing area where the buggies are currently stored has been vandalised on a regular basis.

The proposed stretched fabric canopy area to the rear of the nursery will provide protected play area for the children.

The ramp has been designed to comply with health and safety regulations and to protect the users from the weather conditions.

The ramp is proposed to be constructed to the front of the unit, is proposed to have a powder coated steel frame with vertical posts which will be 3 metres in height, extending to provide supports to the thermoplastic twin wall curved roof cladding. The surface of the ramp is shown to be 1.4 metres in width, to be constructed of anti slip type material and have contrasting junior and adult handrails on either side.

Planning Committee

14 July 2009

The open canopy proposed to the rear of the unit is to consist of an aluminium frame and support, to which a fabric will be attached to provide a strong and light structure.

The application is supported by a Design & Access Statement which attempts to justify the benefits of the replacement covered ramp and protected buggy area. The new proposal will be replacing an old wooden ramp which is suffering from timber rot, and will aid in protecting the users from the elements of nature. The protected play area to the rear will have a positive effect on the nursery.

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

Regional Spatial Strategy

QE3 Creating a high quality built area for all

Worcestershire Country Structure Plan

CTC.1 Landscape Character
 SD.2 Care for the Environment

Borough of Redditch Local Plan No.3

R.1 Primarily Open Space
 B(BE).13 Qualities of Good Design
 C(CF).1 Community Facilities

Relevant site planning history

Appn. no	Proposal	Decision	Date
2002/428	Modular Building to be used as Neighbourhood Nursery	Approval	24/09/2003

Public Consultation responses

None received

Consultee responses

Worcestershire County Council

No Comments Received

Assessment of proposal

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

Principle

The proposals are of a nature to improve access to the community nursery and also create outside space for the children to use, ancillary to the existing use on the site.

Design

The design of the proposal is considered to be appropriate to the existing built form on the site, and in compliance with the policy criteria and objectives.

Landscaping and trees

A small, young tree which is to the front of the property is to be pruned to allow the ramp to be constructed. This is considered to be an acceptable impact on the tree, as it is in a healthy condition and would not suffer from such works, and is therefore in compliance with policy protection requirements.

Highways and access

The proposal will have no impact on the external access requirements and is already situated on existing pedestrian and vehicle access routes. As such the proposal complies with the relevant policy criteria which seek to ensure that situations are not worsened.

Conclusion

It is considered that the current wooden ramp is in a state of disrepair and is in need of being replaced by a structure which would be in compliance with Health and Safety Regulations as the users of the community nursery are mainly young toddlers. They would also have the benefit of having protection from adverse weather conditions and the proposal would enable the parents to store the buggies and pushchairs in a safe, protected area.

Planning Committee

14 July 2009

The covered area proposed to the rear of the unit would allow the toddlers to be protected when playing outside.

This proposal before the members of Planning Committee is therefore considered to be in compliance with policy and unlikely to cause harm to amenity.

Recommendation

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

- 1) Development to commence within 3 years



Planning Committee

Astwood Bank & Feckenham Ward

14 July 2009

**2009/096/FUL OUTDOOR MENAGE (HORSE RIDING ARENA) ON COMMERCIAL EQUINE LAND
TOOKEYS FARM, TOOKEYS DRIVE, ASTWOOD BANK
APPLICANT: MR I BURFORD
EXPIRY DATE: 20 AUGUST 2009**

Site Description

(See additional papers for Site Plan)

The site is accessed along Tookeys Drive, a lane leading from the A441 through Astwood Bank. The lane leads past various residential properties of no uniform character, setting and appearance to a group of historic and modern farm buildings, including a listed farmhouse. This complex is clearly in several ownerships now, but would originally have formed one farm.

Tookeys Farm lies to the south west of the group, with a large detached modern farm house and garden and various farm and equestrian buildings. The site is at a high level and the surrounding fields slope down away from the farm to the west and the north/south. The village of Astwood Bank lies to the east.

Proposal Description

This is an application for an outdoor ménage (horse riding arena) within a field adjacent to the indoor riding arena which is one of the buildings within the farm group. This would be at the northwest end of the farm complex. The ménage would measure 20m x 60m and be enclosed with post and rail timber fencing. The surfacing would be a sand mix, a sample of which has been provided with the application. The application also details the proposed bunding to the north and western boundaries of the ménage and cut and fill cross sections, demonstrating that no soil or other material will need to be imported or exported to facilitate the proposed development, simply redistributed within the site. This is due to the undulating nature of the land surrounding the farm complex. Hawthorn hedging is proposed around the perimeter of the site.

The equine livery use of the site has been continuous since the 1970s, however it has been gradually in decline recently and so the owners intend to refurbish and update the facilities and thus improve their business, providing additional jobs for the local economy. As such this proposal complements these proposed works and does not represent an intensification of the permitted use of the site.

The application is supported by a Design & Access Statement, a baseline ecological survey, climate change statement and a landscape assessment.

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 belt.

Regional Spatial Strategy

RR1 Rural renaissance.

PA14 Economic development and the rural economy.

PA15 Agriculture and farm diversification.

QE1 Conserving and enhancing the environment.

Worcestershire County Structure Plan

SD2 Care for the environment

CTC1 Landscape character

D38 General extent and purposes of the Green Belt

D39 Control of development in the Green Belt

Borough of Redditch Local Plan No. 3

CS2 Care for the environment.

CS8 Landscape character.

BBE13 Qualities of good design.

BRA1 Detailed extent of and control of development in the Green Belt.

Relevant Site Planning History

Appn. no	Proposal	Decision	Date
08/162	Agricultural notification of barn extension	Accepted	16/6/8
08/250	LDC for existing commercial equine activities	Granted	17/10/8

Public Consultation Responses

One comment received raising no objection

Responses in favour

None

Responses against

Four comments received raising the following points:

- Intensification of traffic use of Tookeys Drive and resultant safety concerns;
- Inadequate visibility at junction of Tookeys Drive with A441;
- Intensification of equestrian use at farm;
- Suggests restrictions relating to users of the ménage, hours of use and special events.

Consultee Responses

County Highway Network Control

No objection.

Environmental Health

Comments awaited.

Procedural matters

This application is reported to the Planning Committee for determination as it is a 'major' application, in accordance with the adopted scheme of delegation. It falls within the 'other small scale major' category of the performance indicators.

Assessment of Proposal

Principle

The proposed use of this part of the site for a ménage is considered to be acceptable in principle, as it would be ancillary to the existing equine use of the site and not result in an intensification of use that could give cause for concern, or at least additional consideration.

Development within the Green Belt should protect and enhance the openness of the landscape character in order to preserve it fit for purpose. It is considered in this case that due to the design, siting and appearance of the proposed ménage and bunding, the visual impact on the landscape would be minimal. However, it is considered necessary to ensure that the ménage is not artificially lit without the control of the Local Planning Authority.

It is therefore considered that the principle of development is compliant with policy requirements, subject to detailed policy criteria being met.

Design and layout

The proposed development would be of appropriate and acceptable materials, design and siting relative to the site and its surroundings and as such would result in minimal visual intrusion into the Green Belt landscape. It is not of a sufficient size or enclosure that it is considered to affect detrimentally views from the Green Belt, given that it would be viewed with a backdrop of the existing farm building complex. The views out from the site of the Green Belt would remain largely uninhibited, given the height of the proposed fencing and bunding and therefore it is considered that the openness of the Green Belt would continue to be protected.

The proposed ménage would be at a significant distance from any residential properties and not in a direct line of sight from any, as well as there being natural screening between the site and residential properties. It is therefore considered that the proposal would have minimal impact on surrounding residential amenities. The site is currently within a field where horses are kept and thus the horses would not be any nearer than currently to other residential properties. It is therefore considered that the proposal complies with policy in terms of protecting residential amenity.

Landscaping and trees

No significant landscaping or planting is proposed and the bunding and hedges have been designed to be effective without being intrusive and as such are considered to be appropriate. The hedging proposed is of an indigenous species and common in the area and therefore also considered to be acceptable. There are no trees or shrubs proposed to be lost as a result of the proposal.

Highways and access

As the proposal does not result in an intensification of the use of the site, it is not considered reasonable to require any additional information or works on the drive that leads to the site. Further, the Highways Officer considers that there is no cause for concern and the proposal is therefore considered to be compliant with policy and unlikely to cause significant additional harm to highway safety.

Sustainability

The site is accessed via the sustainable settlement of Astwood Bank and whilst it is sited within the Green Belt, it is considered that access to the site is reasonable for this type of use. Further, as it is an existing use, it is preferable that ancillary facilities are provided in this location than in a more remote rural location. Therefore, it is considered that the proposal complies as much as possible with the sustainable objectives of planning policy.

Other issues

It has been suggested that the hours of use of the ménage be restricted, however as it is external, it is not considered likely that it would be used for sufficiently anti-social hours that it should be controlled. Further, it is not clear what harm such hours of use could cause.

This application proposes only the ménage, as the remainder of the equestrian facilities and uses on site already benefit from consent. Therefore, any restrictions proposed must relate to concerns or policy issues arising solely from the *addition* of the ménage to the existing livery yard. Similarly, it is not possible to restrict the operation as a whole through the granting of this consent, but only the proposed ménage.

The suggestions of the objector that the use of the ménage be restricted, and that site wide events be restricted are therefore not considered to be reasonable restrictions, as it would be difficult to demonstrate in planning terms a reason for such restrictions that arises due to the addition of the outdoor ménage.

Conclusion

The proposal is considered to comply with policy objectives and criteria, and unlikely to cause any additional harm to visual or residential amenity or to highway safety and as such is considered to be acceptable. It is considered that there should be no lighting of the ménage without the formal consideration of the Local Planning Authority.

Recommendation

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

1. Time limit for commencement of development;
2. Materials and surfacing as per application submission unless otherwise agreed;
3. All works including bunding to be completed before use commences;
4. Hedging to be planted within first available planting season after construction commences;
5. All works to be in accordance with plans and details submitted;
6. That the development is not artificially lit.

Informatives

None considered necessary in this case.

Planning Committee

Central Ward

14 July 2009

2009/110/FUL **DETACHED DOUBLE GARAGE**
15 HOLLOWFIELDS CLOSE, SOUTHCREST
APPLICANT: MR DARREN HOULT
EXPIRY DATE: 31 JULY 2009

Site Description

(See additional papers for Site Plan)

The site contains a large detached house which stands within a large plot of land. The property stands within a modern housing estate which was developed in 1987. The area lies within the urban area of the town.

Proposal Description

The application seeks consent to build a double detached garage to the front of the property.

The proposal would be 5.5 metres in width, 5.5 metres in length, 5 metres in height and with a pitched roof and would be constructed of bricks and tiles to match the existing properties.

The application is supported by a Design & Access Statement which attempts to justify that such an addition is needed by the owners of the property, as the original garage was converted into living accommodation by the previous owners.

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

Planning Committee

14 July 2009

Borough of Redditch Local Plan No.3

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

Relevant site planning history

Appn. no	Proposal	Decision	Date
2006/390	Side Extensions	Approved	29/08/2006
2004/502	New Porch	Approved	05/11/2004
1988/921	Self contained parent flat	Approved	02/02/1989

Public Consultation responses

Responses in favour

None

Responses against

None

Procedural matters

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

Assessment of proposal

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

Principle

The proposal involves the addition of a detached double garage to the front of a large detached dwelling which complies in principle with the terms of the relevant policies of the Borough of Redditch Local Plan No 3.

Planning Committee

14 July 2009

Design and layout

The proposed garage has been designed in sympathy with the existing dwelling and the surrounding area.

The adjacent property is a two storey dwelling and the nearest window serves a single storey extension which was added to the property recently. The sixty degree policy guidance has been complied with in relation to this window.

Conclusion

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

Recommendation

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

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

**Planning
Committee**

Astwood Bank & Feckenham Ward

14 July 2009

2009/119/LBC **INTERNAL ALTERATIONS TO LISTED BUILDING
FLAT 4 – YEW TREES, 1190 EVESHAM ROAD, ASTWOOD BANK
APPLICANT: MISS E GREENFIELD
EXPIRY DATE: 11 AUGUST 2009**

Site Description (See additional papers for Site Plan)

The existing property is a Grade II Listed Building of brick and tile construction. It is visible from Evesham Road, Astwood Bank (to the East) and lies approximately 20 metres due North-West of the Evesham Road / Feckenham Road / Sambourne Lane road junction.

Proposal Description

Listed Building Consent is sought for internal alterations to the building which would involve the removal of 2 internal walls. No external alterations are proposed. This would remove an L shape corridor and increase the area of the kitchen.

Relevant Key Policies

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

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

National Planning Policy

PPG 15 Planning and the Historic Environment

Relevant Site Planning History

Application number	Proposal	Decision	Date
RU.50/71	Conversion of dwelling into four flats	Approved	21/4/1971

Public Consultation Responses

Responses in favour

None received

Responses against

None received

Consultee Responses

Historic Buildings & Conservation Advisor

No objection

Procedural matters

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

Assessment of Proposal

The applicant has stated that approval of the proposals to remove 2 no. internal walls to this ground floor, one bedroomed flat, will allow for increased useable floor space to habitable rooms, particularly to the kitchen area. At present, the walls form a long corridor, and due to its narrowness, the use of this space within the flat is limited.

Both walls in question are not original to the Listed Building, and the Council's Historic Buildings Advisor has raised no objections to their removal.

Conclusion

It is considered that this proposal for Listed Building Consent is compliant with relevant historic building guidance (PPG15) and that the proposals would not cause any harm to the historic and architectural integrity of the Listed Building and therefore the proposal is considered to be acceptable.

Recommendation

Subject to expiry of the consultation period on 17 July 2009 with no new material considerations raised, it is recommended 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 Listed Building Consent subject to conditions as summarised below:

Planning

Committee

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1. Development to commence within three years (LBC).

Planning Committee

Matchborough Ward

14 July 2009

2009/123/FUL CONSTRUCTION OF 36 AFFORDABLE HOMES, 2, 3, & 4 BEDROOMS, WITH ACCESS OFF MILHILL ROAD
 FORMER CLAYBROOK FIRST SCHOOL, DILWYN CLOSE, REDDITCH
 APPLICANT: WESTBURY PARTNERSHIPS
 EXPIRY DATE: 21 SEPTEMBER 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 Milhill Road to the south, housing to the west, north and northeast, and existing open space to the south east. Milhill 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 Milhill 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.

Each property would have a paved area for bin storage and a secure shed for the storage of cycles and other residential paraphernalia, as well as secure access to the rear garden area.

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 County 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 (not restricted to any specific ownership/tenure type).

Relevant Site Planning History

Most relates to previous school buildings on site, and is therefore not relevant as site has been cleared.

Appn. no	Proposal	Decision	Date
2009/052/FUL	36 affordable homes	Withdrawn	16 June 2009

(This was due to be determined at Planning Committee on 16 June 2009)

Public Consultation Responses

None received so far, any received after the writing of this report will be reported to the meeting on the Update paper.

Consultee Responses

This is similar to a recent previous application, and therefore the previous responses are reproduced here – any changes to these will be notified on the Update paper.

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 Milhill 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 SPD 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 Milhill 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 as an alternative to on site provision (and maintenance) by the developer. 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 SPD. The open space provision on-site has already been discussed earlier, and is in compliance with the SPD, but must be controlled through a planning obligation;
- 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. It should be recognised that the proposed development will have additional benefits for the community and the Borough, in that it will meet a greater affordable housing need than the minimum policy requirement, and it is therefore considered reasonable to review the policy contribution requirements,

particularly as Leisure Services have advised that an alternative to a play area contribution is sought.

Rather than the whole equipped play contribution, alternative local needs have been identified by Leisure Services relating to the need to enhance the underpass under Milhill Road that provides safe pedestrian access to the district centre and the need to enhance the two bus stops on this part of Milhill Road to improve the attractiveness and function of the sustainable public transport network in the area.

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 and the benefits to the local community of the alternative provision.

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.
- The provision of funds as a contribution towards sports pitch provision.
- The provision of funds to allow the Council to provide an on-site toddler equipped play facility.
- The provision of funds for enhancement works to the underpass and 2 bus stops that adjoin the site on Milhill Road.
- 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, as well as addressing local need and recognising the benefit of the additional affordable housing provision (100% rather than 40%). A legal agreement has been drafted by Officers and signed in readiness, such that it would only come into force if this application is granted consent.

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

Subject to expiry of the consultation period on 17 July 2009 with no new material considerations raised, it is recommended 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) the agreed 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 and payment towards its maintenance; the provision of funds towards an equipped toddler play facility on the site; the provision of funds for the enhancement of the underpass and two bus stops on Milhill Road; the provision of the commuted sum for playing pitch provision in the vicinity of the site; and

b) conditions and informatives as summarised below:

1. Commencement within three years
2. Materials to be as per schedule unless otherwise 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
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 as shown on plans
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 to be implemented as submitted unless otherwise agreed
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 Milhill Road
15. Details of on site roads to be agreed and implemented
16. Parking for site operatives/compound details for during construction to be agreed and implemented

17. Details of means of preventing vehicular access to open space to be provided as agreed prior to occupation of 9th dwelling
18. All development to be implemented in accordance with the approved plans and information submitted in support of the application unless otherwise agreed in writing

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;
8. NB Note that a planning obligation relates to this development.

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.)

Planning
Committee

14 July 2009

(Definitions taken from PPS3 Housing)

Planning Committee

Central Ward

14 July 2009

REDDITCH BUS STATION – TAXI RANK ARRANGEMENTS - VARIATION OF PLANNING OBLIGATION (SECTION 106 AGREEMENT)

(Report of the Head of Planning & Building Control)

1. Summary of Proposals

To consider a variation to the Section 106 Agreement (planning obligation) associated with the Redditch Bus Station redevelopment in order to release the other parties from a requirement that is no longer appropriate and thus should not be perpetuated, relating to the details of the taxi strategy.

This report cross-references to details approved under Planning Application 2000/168 and is therefore business for the Planning Committee. (2000/168 was an application for Demolition of Existing Buildings and Erection of Four Storey Building Comprising Bus Station at Kingfisher House, Station Way, Redditch)

2. Recommendations

The Committee is asked to RESOLVE that:

the variation to the Section 106 Agreement, dated 3 November 2000 and made between 1) Thornfield Properties (Redditch) No.1 Ltd, 2) Bank of Scotland, 3) Mable Commercial Funding Ltd, 4) The Council of the Borough of Redditch and 5) Worcestershire County Council, regarding the taxi strategy obligations therein, be agreed; namely that the requirement for the use of the feeder rank and signage be now waived and deleted from the Section 106 Agreement, as it has in practice proven to be ineffective and unhelpful to taxi customers.

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

Financial

- 3.1 The cost to the Council of varying the agreement will need to be borne, but the other party has agreed to bear their own costs. The Council's costs will be met from within existing budgets.
- 3.2 The financial contributions required as part of the planning obligation have 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).
- 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.

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 on the proposed variation, difficulties could occur for the Council's Taxi Licensing Team in their enforcement and liaison roles as the agreed details cannot be complied with for practical reasons.

Sustainability / Environmental

- 3.7 No Sustainability / Environmental / Climate Change implications have been identified.

Report**4. Background**

- 4.1 As well as financial contributions, the planning obligation required the submission, agreement and implementation of a taxi strategy prior to the commencement of the use of the bus station. Details were submitted, agreed and implemented.
- 4.2 The agreed taxi strategy required the provision of taxi ranks in three locations – for 8 spaces on the Chicago Rock side of Unicorn Hill, for 5 spaces within the bus station and for 2 spaces at the railway station, as well as a feeder rank with 8 spaces on Station Way.

Associated with this was the provision of infrastructure including a sign at the feeder rank giving information on where there are spaces available, and the necessary sensors and equipment to make the system work.

5. Key Issues

- 5.1 Two areas of the agreed taxi strategy have proved to be unworkable, and therefore it is suggested they should be waived from the remaining requirements of the taxi strategy.

Feeder rank

- 5.2 The feeder rank is such that taxis queuing within it cannot leave to answer calls that they receive, and as such its use is not encouraged as it increases response times and causes frustration.

Signage

- 5.3 The signage technology and links between the taxi waiting area and the feeder rank, which should inform taxis when they should depart the waiting area for the feeder rank because there is space for them, does not work, as other taxis can queue jump if they return from other calls directly to the feeder rank.
- 5.4 For these two combined reasons, the use of the waiting area and feeder rank has become ineffective and unhelpful to taxi customers, and as such it is therefore recommended that their implementation, as required in the Planning Obligation, be waived. Officers have considered alternative arrangements in lieu of these, and consider that without these two items, the current arrangements are more than adequate, and therefore do not require any alternatives to be inserted in their place.

6. Other Implications

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

7. Lessons Learnt

This is considered to be a relatively unique situation and thus would have been difficult to foresee when the obligation was written. However, general lessons relating to the content and drafting of planning obligations are always being learned and put into practice.

8. Consultation

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

9. Background Papers

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

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

A **Planning Obligation** is a mechanism for requiring financial and other conditions to be attached to proposed development, and must be in compliance with the statutory planning framework.

They most commonly take the form of a legal agreement, often known as a S106 agreement relating to the relevant legislation, although they can also be Unilateral Undertakings, where a land owner undertakes to do specified actions or make specific payments, without the Council being party to an agreement. These are more commonly used in appeal situations.

Planning Committee

Astwood Bank and Feckenham Ward

14 July 2009

INFORMATION ITEM

(Report of Acting Head of Planning and Building Control)

1. **Purpose of Report**

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

2. **Recommendation**

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

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

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

Report

4. **Background**

4.1 Planning Application file.

5. **Consultation**

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

6. **Other Implications**

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

7. **Author of Report**

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

11. **Appendices**

Appendix 1 - Outcome of Appeal against a Planning Decision

OUTCOME OF APPEAL AGAINST A PLANNING DECISION

Reference: 2008/265/FUL

Proposal: Demolition of existing dwelling and erection of four new dwellings
Land at Uphill, Sambourne Lane, Astwood Bank, Redditch

(Astwood Bank & Feckenham 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 proposal was to erect two detached dwellings, near to the site of the detached bungalow 'Uphill' Sambourne Lane, which was to be demolished as part of the scheme. In addition, a proposed access road would have served two new detached dwellings to be sited immediately behind the two new dwellings fronting Sambourne Lane.

The reason for refusal related to the perceived incongruous appearance of the proposed development which was considered to be out of keeping with the prevailing character and appearance of the locality and pattern of the existing ribbon and frontage development along this part of Sambourne Lane.

The Inspector noted that the proposed dwellings to the rear of the site would appear visually prominent, representing an intrusion into open land and being uncharacteristic in form and out of context with its surroundings and detrimental to the character and appearance of the open nature of the area. He considered the appeal proposals to be at odds with Policy B(HSG).6 of the Local Plan which seeks to avoid such development. No objections were raised to the architectural form of the four dwellings and the Inspector considered that they would all have adequate garden space and separation from adjacent dwellings. Nevertheless the Inspector found that this was insufficient to outweigh the harm that the two dwellings to the rear would cause to the character and appearance of the area.

The appeal was therefore DISMISSED

Planning Committee

Various Wards

14 July 2009

ENFORCEMENT OF PLANNING CONTROL

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

1. Purpose of Report

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

Members are asked to consider an Enforcement matter, as detailed in the following report..

2. Recommendation

The Committee is asked to RESOLVE

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

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

Financial

3.1 There are no direct financial implications in the report.

Legal

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

Town and Country Planning Act 1990.

Planning and Compensation Act 1991.

Planning and Compulsory Purchase Act 2004.

Town and Country Planning (Control of Advertisements) Regulations 2007

Anti-Social Behaviour Act 2003.

Human Rights Act 1998.

Crime and Disorder Act 1998.

Policy

3.3 Policy implications are as detailed in the individual report(s), the Planning Enforcement Policy and as set out in the Borough of Redditch Local Plan No. 3.

Risk

- 3.4 As detailed within the specific report as appropriate.
- Town and Country Planning Act 1990.
Planning and Compensation Act 1991.
Planning and Compulsory Purchase Act 2004.
- 3.5 In terms of the exempt elements of the report (Confidential Location Plan provided under separate cover), and the “public interest” test for exempt consideration, Officers consider that it is rarely likely to be in the public’s best interest to reveal information which is the subject of possible subsequent legal action (S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order, 2006) refers.
- 3.6 Under Article 8 of the European Convention on Human Rights, everyone has the right to respect for his/her private and family life, home and correspondence.
- 3.7 Interference with this right is only allowed in limited circumstances where it is in accordance with the law and is necessary in a democratic society for, among other things, the protection of the rights and freedom of others. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 of adjacent occupiers.

Sustainability / Environmental

- 3.8 As detailed in the individual Enforcement report.

4. Other Implications

Any Asset Management, Community Safety and Human Resources implications will be detailed in the attached separate report(s).

Social Exclusion: Enforcement action is taken equally and fairly, regardless of the status of the person or organisation, or the subject of enforcement action.

5. Consultation

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

6. Author of Report

The author of this report is Iain Mackay (Planning Enforcement Officer) who can be contacted on extension 3205

Planning Committee

14 July 2009

(e-mail:-iain.mackay@redditchbc.gov.uk) for more information

7. **Attachments**

(In view of the fact that it contains confidential information relating to the identify of individuals relating to alleged breaches of Planning Control which could result in prosecution by the Council, the confidential Location Plan (issued under separate cover to this report, has been made available to Members and relevant Officers only.)

Planning Committee

Winyates Ward

14 July 2009

ENFORCEMENT REPORT - 1 – 2009/134/ENF

Conversion of single family dwelling house in to two separate residential units

Blakemere Close, Winyates East

(Winyates Ward)

1. Background / Key Issues

- 1.1 In 1984 permission was granted to extend this semi-detached property. Over time, the extension appears to have become a “granny” annexe to the existing dwelling without any further consent being sought or given.
- 1.2 On 21 July 2005, following an extensive investigation by an Enforcement Officer into the unauthorised conversion of the granny flat into a self contained flat, planning permission was refused for the change of use of the granny flat to a self-contained flat on the grounds of inadequate parking provision and due to the lack of any amenity area for the self-contained flat. Officers also considered the development to be too intensive and cramped.
- 1.3 On 17 July 2006, following an appeal to the Secretary of State, that decision to refuse planning permission was upheld.
- 1.4 On 25 July 2006, a letter was sent by the then Enforcement Officer to the offender seeking re-instatement of the property to a single dwelling. The owner responded by agreeing to carry out the works.
- 1.5 On 1 September 2006, following a call from the offender, the then Enforcement Officer visited the site and confirmed that the property had been returned to a single family dwelling, and that a door had been inserted on the first floor to allow occupiers to access the extended part, although the external door had also been retained.
- 1.6 On 9 June 2009, following a further complaint, the property was visited by the current Enforcement Officer who established that the property was back in use as two separate and distinct residential units, each using its own front entrance, in breach of the refusal of planning permission.

Planning Committee

14 July 2009

2. Conclusion

- 2.1 Officers consider this to be a particularly serious breach of planning control given that planning permission has previously been refused and an appeal dismissed. The ownership of the property has not changed therefore the owner would have been well aware that his actions were in breach of the refusal of planning permission and appeal decision.
- 2.2 They also consider that an enforcement notice requiring the re-instatement of the property into a single family dwelling, including the removal of the front door to the extended part of the dwelling would constitute the most appropriate action, and consider that the reasons for issuing the notice would be best based on the reasons for refusal stated in the 2005 decisions. Although under normal circumstances the insertion of a door would not require formal planning permission, the requirements of the notice would effectively remove that right and avoid a repetition of this breach occurring in the future.
- 2.3 Due to the time that has elapsed between the carrying out of the development and its discovery, consideration has to be given to the possibility that the Council may be out of time to take action. There is a time limit on the taking of enforcement action relating to the conversion of a single dwelling into separate houses or flats of 4 years from the commencement of the breach of planning control. Officers consider that given there is evidence that the use had actually ceased in 2006, the Council will be within that time limit. There is a distinct likelihood however that this may well be challenged on appeal.

3. Recommendation

The Committee is asked to RESOLVE that:

in relation to a breach of planning control, namely, without planning permission, the carrying out of a conversion of a dwelling into two separate dwellings, 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 the carrying out of such works; and**
- b) **the institution of legal proceedings in the event of non-compliance with such Notice.**