

Planning Committee

Tue 8th Sept
2009
7pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

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

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- 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.
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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 Walter Stranz Square.

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

8th September 2009

7pm

Council Chamber Town Hall

Agenda

Membership:

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

<p>1. Apologies</p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any interest they may have in the items on the Agenda.</p>
<p>3. Confirmation of Minutes (Pages 1 - 12)</p>	<p>To confirm, as correct records, the minutes of the meetings of the Planning Committee held on the 14 July and 11 August 2009. (Minutes attached)</p>
<p>4. Applications for planning permission (Pages 13 - 14) Acting Head of Planning and Building Control</p>	<p>To consider two applications for planning permission. (Items below refer) (Covering Report attached)</p>
<p>5. Planning Application 2009/144/FUL - Land to the rear of 11-13 New Road, Astwood Bank (Pages 15 - 22)</p>	<p>To consider a Planning Application for the erection of one new dwelling. Applicant: Ms D Trim (Astwood Bank and Feckenham Ward)</p>
<p>6. Planning Application 2009/155/FUL - 1076 Evesham Road, Astwood Bank (Pages 23 - 26)</p>	<p>To consider a Planning Application for a detached double garage to front of property and a conservatory to the rear. Applicant: Mr C Buggins (Astwood Bank and Feckenham Ward)</p>

PLANNING

Committee

8th September 2009

7. Exclusion of the Public	<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>
8. Confidential Matters (if any)	<p>To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)</p>



Planning Committee

14 July 2009

MINUTES

Present:

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

Also Present:

D Andrews (Chair, Standards Committee) and M Collins (Vice-Chair, Standards Committee)

Officers:

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

Committee Services Officer:

I Westmore

30. APOLOGIES

There were no apologies for absence.

31. DECLARATIONS OF INTEREST

There were no declarations of interest.

32. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 16 June 2009 be confirmed as a correct record and signed by the Chair.

33. APPLICATIONS FOR PLANNING PERMISSION

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

Officers tabled an update report detailing any late responses to consultation, changed recommendations, further conditions and any additional Officer comments in relation to each application. This

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Chair

report was further updated orally at the meeting as appropriate to each application.

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

34. PLANNING APPLICATION 2009/082/FUL - ABBEY RETAIL PARK, REDDITCH

Installation of 1777m² of floor space at mezzanine level
Homebase Ltd, Abbey Retail Park, Redditch
Applicant: Essex County Council Pension Fund

The following people addressed the Committee under the Council's public speaking rules:

Mr Mace - Objector

Mr J McAllister Jones - Agent for the Applicant.

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 amendment of Conditions 2-5 as detailed below and the following additional Condition 6:

- 2. Development to be carried out in accordance with drawing no. 4376-29 (proposed site layout plan showing cycle parking)**
- 3. Travel plan to be submitted prior to the commencement of development and agreed and implemented in accordance with included programme**
- 4. Development to be carried out in accordance with plans submitted with application:**
 - Drawing no: 4376-28 - Site Location Plan**
 - Drawing no: 4376-34 - Existing Plans**
 - Drawing no: 4376-36 - Existing and Proposed Indicative sections**
 - Drawing no: 4376-37 - Proposed Plans**
- 5. The mezzanine area to the 'New Unit' as shown as highlighted in brown on drawing number 4376-37 (proposed first floor plan) shall be used for storage use only and shall not be used for retailing to the general public.**

6. The mezzanine area to the current Homebase store highlighted in a light yellow colour on drawing number 4376-37 (proposed first floor plan) shall be used for storage and display use ancillary to the main retail use of the store, and shall not be used for retailing to the general public.

35. **PLANNING APPLICATION 2009/093/FUL - KIDS COMMUNITY NURSERY, BATCHLEY FIRST SCHOOL, CHERRY TREE WALK, BATCHLEY**

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

RESOLVED that

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

36. **PLANNING APPLICATION 2009/096/FUL - TOOKEY'S FARM, TOOKEY'S DRIVE, ASTWOOD BANK**

Outdoor manège (horse riding arena) on commercial equine land Tookey's Farm, Tookey's Drive, Astwood Bank

Applicant: Mr I Burford

The following people addressed the Committee under the Council's public speaking rules:

Mrs Hussey - Objector

Ms M Marling - Agent for the Applicant.

RESOLVED that

having regard to the development plan and to all other material considerations, planning permission be **GRANTED**, subject to the conditions summarised in the report with the deletion of Condition 6 (That the development is not artificially lit).

37. PLANNING APPLICATION 2009/110/FUL - 15 HOLLOWFIELDS CLOSE, SOUTHCREST

Detached double garage
15 Hollowfields Close, Southcrest
Applicant: Mr Darren Houl

(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 the husband of a member of Council staff.)

RESOLVED that

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

- “3. The accommodation authorised here shall be used incidentally to the dwelling house currently known as 15 Hollowfields Close only and shall at no time be sold, let or otherwise severed therefrom to form a separate unit of accommodation.**

Reason:- In order to satisfy the need for this type of accommodation and to ensure that the whole building <and outbuilding> remain as one dwelling and in accordance with Policy of the Borough of Redditch Local Plan No.3

38. PLANNING APPLICATION 2009/119/LBC - FLAT 4, YEW TREES, 1190 EVESHAM ROAD, ASTWOOD BANK

Internal alterations to listed building
Flat 4 – Yew Trees, 1190 Evesham Road, Astwood Bank
Applicant: Miss E Greenfield

(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 an employee of the Council.)

RESOLVED that

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

39. PLANNING APPLICATION 2009/123/FUL - FORMER CLAYBROOK FIRST SCHOOL, DILWYN CLOSE, MATCHBOROUGH

Construction of 36 Affordable Homes, two, three and four bedrooms, with access of Milhill Road
Former Claybrook First School, Dilwyn Close, Redditch
Applicant: Westbury Partnerships

RESOLVED that

subject to expiry of the consultation period on 17 July 2009 with no new material considerations raised, having regard to the Development Plan and to all other material considerations, authority be delegated to the Head of Planning and 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) **the conditions and informatives summarised in the report, the amendment of Condition 1 to give 5 years to commence development, deletion of Condition 8 (Permeable surfaces wherever hard) and the following additional informative:**

“9. It is requested that noise disturbance to the surrounding residential properties be kept to a minimum by preventing the queuing of delivery vehicles on the surrounding public highway network prior to the commencement of construction each morning, and similarly at the end of each working day. (NB Condition 8 above regarding hours of work on site)”

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

The Committee received information relating to a variation to the Section 106 Agreement associated with the taxi rank arrangements at Redditch Bus Station which was deemed desirable as two areas

of the agreed taxi strategy had proved to be unworkable. It was therefore suggested that they should be waived from the remaining requirements of the taxi strategy.

RESOLVED 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.

41. INFORMATION REPORTS

Planning Application 2008/265/FUL – Land at Uphill, Sambourne Lane, Astwood Bank, Redditch
Demolition of existing dwelling and erection of four new dwellings

The Committee received a report relating to the outcome of an appeal against a refusal of full planning permission (under delegated powers afforded to Officers) for the erection of two detached dwellings.

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

RESOLVED that

the item of information be noted.

42. ENFORCEMENT OF PLANNING CONTROL

The Committee considered a contravention of planning law, as detailed in the subsequent minutes below.

43. ENFORCEMENT REPORT 2009/134/ENF - BLAKEMERE CLOSE, WINYATES EAST

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

The Committee considered a report which detailed an enforcement matter relating to the reinstatement of a property into a single family dwelling.

RESOLVED 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 and Property Services, in consultation with the Acting Head of Planning and Building Control, to take enforcement action by way of:

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

The Meeting commenced at 7.00pm
and closed at 8.33pm

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Chair



Planning Committee

11th August 2009

MINUTES

Present:

Councillor Kath Banks (Vice-Chair) and Councillors D Enderby, J Field, N Hicks, D Hunt, R King and D Smith

Also Present:

M Collins (Vice-Chair of Standards Committee)

Officers:

A Hussain, I Mackay, A Rutt, J Staniland and I Westmore

Committee Services Officer:

J Smyth

44. APOLOGIES

Apologies for absence were received on behalf of Councillors Chalk and Hartnett.

45. DECLARATIONS OF INTEREST

There were no declarations of interest.

46. APPLICATIONS FOR PLANNING PERMISSION

The Committee considered and determined a Planning Application as detailed in the subsequent minute below. An update report, tabled at the meeting, provided additional information relating to a petition that had been received in relation to the Application being considered.

Public speaking was permitted on the Application, in accordance with the Council's agreed procedures.

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Chair

**47. PLANNING APPLICATION 2009/124/FUL- LAND AT 31
WHEATCROFT CLOSE, BROCKHILL**

Erection of 1 no. 3 bedroomed end terraced dwelling
With associated parking
Applicant: Mr A Wilkins

Ms L Povah, objecting on behalf of herself and other local residents and Mr A Wilkins, the Applicant, addressed the Committee under the Council's public speaking rules.

RESOLVED that

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

- 1. the proposed development, by reason of its additional ridge height above the existing terrace, its footprint stepping back at the rear and its closer proximity to the bund and Brockhill Drive relative to others in Wheatcroft Close, is considered to be out of keeping with the character and pattern of development in the area and as such is contrary to Policies B(HSG)6 and B(BE)13 of the Borough of Redditch Local Plan No.3;**
- 2. the proposed development, by reason of its siting and the resultant loss of garden area to No.31 would result in an overdevelopment of the site that would be visually intrusive within the streetscene, and thus is contrary to Policy B(BE)13 of the Borough of Redditch Local Plan No.3; and**
- 3. the proposed ingress and egress to parking areas is considered to be inadequate and as such would be likely to result in a danger to highway safety and conflict between vehicle users in the communal parking area to the front of the existing and proposed properties. As such the proposal is considered to be contrary to PPG13 which seeks to ensure safe and adequate manoeuvring spaces for vehicles.**

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

Planning Committee

11th August 2009

48. INFORMATION REPORT

The Committee received information on statistics relating to enforcement activity in the previous six months.

RESOLVED that

the information report be noted.

The Meeting commenced at 7.00 pm
and closed at 7.55 pm

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CHAIR

Planning Committee

Astwood Bank and Feckenham Ward

8 September 2009

APPLICATIONS FOR PLANNING PERMISSION

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

1. Summary of Report

To determine two 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 the reports.
- 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 the reports.
- 3.5 Sustainability/Environmental: As detailed within the reports.

4. Report

The following items on the Agenda detail planning applications for determination at this meeting of the Committee.

5. Background Papers

Planning application files (including letters of representation).
Worcestershire County Structure Plan 1996 - 2011.
Borough of Redditch Local Plan No. 3.

6. **Consultation**

Consultees are indicated in the report.

7. **Other Implications**

Asset Management Not normally applicable.

Community Safety: As detailed within the reports.

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

Astwood Bank & Feckenham Ward

8th September 2009

2009/144/FUL ERECTION OF ONE DWELLING
LAND TO THE REAR OF 11/13 NEW ROAD, ASTWOOD BANK
APPLICANT: MS D TRIM
EXPIRY DATE: 15TH SEPTEMBER 2009

Site Description

(See additional papers for Site Plan)

The site lies to the rear (south) of numbers 11 and 13 New Road, Astwood Bank, with access off Tookey's Drive, which forms the southern boundary of the site.

The site comprises rear garden which previously served numbers 11 and 13 New Road, but this land has been combined to serve only number 11. There is an existing vehicular access to the site from Tookey's Drive. The site measures approximately 27 metres in length and approximately 11.5 metres in width.

Tookey's Drive, from which access is sought, is a single track lane some 400 m long running West from the A441 Evesham Road to Tookey's Farm. Directly opposite the site is the property 'Westridge'. To the East is a terrace of three cottages, No's 1-5 New Road which have their rear elevations facing the application site.

Proposal Description

Full planning permission is sought to erect one new dwelling on land to the rear of 11 & 13 New Road, Astwood Bank. Access to the site would be via an existing vehicular access serving the rear garden to number 11 New Road, off Tookey's Drive to the South.

The dwelling proposed is two storey and would measure 7 metres in width with a depth of 6.5 metres. Its height to ridge would be 7 metres. A single garage measuring 6.5 metres in depth and 3 metres in width, with a height of 5.5 metres to ridge would be attached to the dwelling. The property would be of traditional 'cottage like' appearance. The proposed choice of materials would be bricks (walls) under a tiled roof.

Relevant Key Policies:

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

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

National Planning Policy

PPS1	Delivering sustainable development.
PPS3	Housing.
PPG13	Transport.

Regional Spatial Strategy

CF2	Housing beyond Major Urban Areas.
CF3	Level and Distribution of New Housing Development.
CF5	The reuse of land and buildings for housing.
CF6	Making efficient use of land.
T2	Reducing the need to travel.
T7	Car parking standards and management.

Worcestershire County Structure Plan

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

Borough of Redditch Local Plan No.3

CS.7	The sustainable location of development.
B(HSG).6	Development within or adjacent to the curtilage of an existing dwelling.
B(RA).8	Development at Astwood Bank.
B(BE).13	Qualities of good design.
C(T).12	Parking Standards.

SPDs

Encouraging Good Design.

Relevant Site Planning History

2005/423	Erection of one new dwelling Appeal allowed 4/9/2006	Refused 12/12/05
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Public Consultation Responses

Responses in favour

1 letter received. Comments summarised as follows:

- At this position access to the site is wide enough for passing traffic.
- This is the second application on the site, the first of which was allowed at appeal.

Responses against

9 letters received in objection to the proposals. Comments summarised as follows:

- Amenity would be harmed due to noise and comings and goings from the site
- Tookey's Drive is unsuitable for development of this type
- Proposal would be out of character with surroundings
- Nearby properties would be overlooked, overshadowed, views will be affected, and light serving existing dwellings would be lost
- Congestion / traffic using Tookey's Drive will increase
- Building work will disturb nearby neighbours with dust/ dirt /debris affecting amenity
- Parking problems on New Road would increase
- Potential for light pollution

Consultee Responses

County Highway Network Control

No comments received.

Environmental Health

No objection. Recommends standard contamination conditions (should the site be found to be contaminated) in order to safeguard human health.

Severn Trent Water

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

Background

This application is identical to that submitted in 2005 under application 2005/423. Members may recall that they, in agreement with Officers advice at that time refused planning permission for that application, at the meeting of 6th December 2005. The refusal reasons were as follows:

- 1 *The proposed dwelling would be an incongruous form of development which would detract from the character and appearance of the surrounding area. Approval of this development is likely to lead to an undesirable precedent for further development to the west of the application site, which would further detract from the character and appearance of the vicinity and upon the visual amenities of the area.*

- 2 *The proposed development would result in existing vehicle parking facilities in the application site being displaced to the on-street facilities in New Road, Astwood Bank, a narrow road, where the availability of parking is already limited, to the detriment of highway safety. In addition, vehicular movements to and from the application site are likely to increase compared to that of the present situation, to the detriment of local amenity.*

The applicant then appealed against the Council's decision to refuse planning permission, where the Planning Inspector allowed the appeal on 4th September 2006. Condition 1 attached to the consent states that the development shall begin before the expiration of three years from the date of this permission (4.9.2006). Given that no start has been made on the development, the appeal consent has lapsed.

Assessment of Proposal

The key issues for consideration are as follows:-

Principle

The principle of residential development in this location is considered to be acceptable. The land in question would be classified as previously developed or 'brownfield' land. Principle has also been established under application 2005/423 (erection of a single dwelling) where the Inspector correctly stated that Policy CS.7 of the Local Plan identifies Astwood Bank as a sustainable rural settlement. Paragraph 5 of the reasoned justification for that policy recognises that the local housing need here should be capable of being met through existing allocations and windfall allowances. This is clearly a windfall site. Policy B(RA).8 also makes provision for such windfall development in Astwood Bank.

Design and Layout

Officers and Members who sat at the Planning Committee of 6th December 2005 have previously considered that the siting of the proposed development would be at odds with the general pattern and form of development in the vicinity. Officers at that time raised no objection to the design and appearance of the dwelling, and noted that it met all of the Council's spacing standards which are contained within the adopted SPG Encouraging Good Design. Your Officers remain of the opinion (as was the opinion of the Planning Inspector) that the dwelling would not give rise to a material loss of residential amenity caused by loss of privacy, or loss of light due to the fact that the proposal meets all of those spacing standards. Your Officers would remind Members that under Planning Law there is no 'Private right to a view' and this cannot be considered in the determination of this application, although loss of outlook is a material consideration. A distance in excess of the minimum stipulated in the SPG (22 metres) would exist between proposed rear facing habitable room windows and rear windows serving habitable rooms occupied by the

nearest residents affected (11 and 13 New Road). This distance would be approximately 24 metres and as such your officers are satisfied that no loss of outlook would result.

The Inspector, in his deliberations considered that

'the proposal would mirror the existing development opposite and not harm the character and appearance of the area'

The development referred to above is the large bungalow 'Westridge'.

Highways and Access

The Inspector, considering appeal 2005/423 commented that the use of the existing access would be on a 'like for like' basis and that the displacement of parking for 11 New Road would not be an issue. The existing access to the site is via two large metal gates, with the entire width of the site being surfaced with gravel. What is effectively a sizeable gravelled 'car park' and its use as a parking area cannot be controlled under planning law, provided that the use of the site remains ancillary to the enjoyment of the dwellinghouse to which it is connected.

Nothing suggests to your officers that this area is being used for anything other than for the parking of the applicant's own vehicles.

Your Officers consider, like the Inspector, that there would be no material increase in vehicle use between the existing situation and the activity associated with the occupation of a single dwellinghouse. Therefore, no loss of amenity would be likely to occur.

Three car parking spaces together with the attached garage would provide car parking to serve the proposed new dwelling, which exceeds maximum car parking standards as stated within Appendix H to the Local Plan. As such, it is unlikely that future occupiers of the new dwelling would require additional car parking spaces which could not be provided within the site's curtilage.

In the absence of any concerns raised by County highways, your Officers, like the Inspector do not consider that any displacement of parking for occupiers of number 11 New Road, would prejudice highway safety.

Sustainability

The site lies within the settlement boundary of Astwood Bank, on previously developed land. Under the terms of Policy CS.7, the site is considered to be in a sustainable location. Should members be minded to approve the application it is recommended that a condition be attached to any approval requiring that the dwelling be built to minimum Level 3 requirement set out under Code for Sustainable Homes.

Other matters

Member's attention is drawn to an application which has recently been refused planning permission, under delegated powers afforded to officers (31.7.09). This concerns a site, (land to the rear of 23 New Road), some 20 metres due west of the application site. This proposed the erection of 2 no. dwellings with access to be created from Tookey's Drive. Considering this application on its merits, Officers considered the application to be unacceptable because:

1. No development happened to exist on land immediately opposite, and to the immediate south of this site, unlike in the current proposal, where the site is located opposite the property 'Westridge'. This, in addition to the form of development proposed under that application was considered to adversely impact upon the established character and appearance of the area.
2. Considering the little used nature of this rear grassed garden area, two additional dwellings, having access from that point on Tookey's Drive were considered to increase intensification to such an extent that public amenity and highway safety would have been prejudiced.

Officers consider the application above (ref 2009/112/FUL) to be very different from the current application, having regard to that particular application's scale, appearance, location, and means of access.

Conclusion

The application to be determined here is identical in every way to that refused by the Planning Committee, but allowed on appeal by the Planning Inspector on 4th September 2006. This consent could have been implemented at any time up until 4th September 2009 under the terms of that consent. This consent has not been implemented hence the submission of the current application.

Provided that there have been no material changes in circumstance since the approval of application 2005/423 that would make the application unacceptable, permission should be granted for this application.

Your Officers consider that no developments have been permitted in the vicinity of the application site that would lead to that change in circumstance making the application unacceptable. Whilst an application has recently been submitted (and refused) for the erection of two new dwellings at land to the rear of 23 New Road, and this may be considered to be a material consideration in the determination of this application, your Officers consider that the Inspector's decision to allow an identical proposal on this site is key, and given that applications should be determined on their individual merits, Officers consider that no harm to amenity nor to highway safety would result from granting permission for this development.

Recommendation

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

1. Development to commence within three years
2. Details of materials (walls and roofs) to be submitted
3. Landscape scheme including details of boundary treatment to be submitted
4. Landscape scheme including details of boundary treatment to be implemented in accordance with approved details
5. Limited working hours during construction period
6. Dwelling to be built to a minimum Level 3 requirement set out under Code for Sustainable Homes
7. No windows to be constructed in the west or east elevations of the dwelling
8. Materials to be used in construction of parking area to be porous.
9. Land contamination (standard condition)
10. Development to be carried out in accordance with plans submitted with application

Informatives

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

Planning Committee

Astwood Bank & Feckenham Ward

8th September 2009

2009/155/FUL **DETACHED DOUBLE GARAGE TO FRONT OF PROPERTY AND
CONSERVATORY TO REAR
1076 EVESHAM ROAD, ASTWOOD BANK
APPLICANT: MR C BUGGINS
EXPIRY DATE: 28TH SEPTEMBER 2009**

Site Description

(See additional papers for Site Plan)

The area is predominantly residential, characterised (to the Western side of Evesham Road) by large detached dwellings set back by approximately 20 metres from Evesham Road. Rear gardens to number 1064 to 1078 Evesham Road extend a significant distance to the West (approximately 70 metres). Beyond this rear boundary is designated Green Belt.

The existing property is a large detached dwelling of brick and tile construction with the dwellings' floor level set some 5 metres below levels which exist at Evesham Road. The front of the property's curtilage is mainly laid to tarmac, providing parking for a number of vehicles.

Proposal Description

This is a full application for the erection of the following:

1. A detached double garage of brick and tile construction to be located between the existing dwelling and Evesham Road.

The garage would measure 5.5m in length by 5.5m in width. It would have a 'Pyramid' style roof with 30 degree pitch, giving a total height of just under 4m. A distance of 7.2 m would exist between the garage and Evesham Road.

2. A timber framed conservatory to the rear of the property.

The conservatory would measure 5.3m in length by 4.3m in width. It would have a pitched roof with 45 degree pitch, giving a total height of 4m.

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 website:

www.redditchbc.gov.uk

Borough of Redditch Local Plan No.3

B(BE).13 Qualities of good design

B(BE).14 Alterations and extensions to buildings

Supplementary Planning Guidance (SPG) Encouraging Good Design

Relevant Site Planning History

2001/143 Two storey extension and porch. Approved 1.6.2001

Public Consultation Responses**Responses in favour**

None received

Responses against

None received

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's wife is an employee of Redditch Borough Council.

Assessment of Proposal**Conservatory to rear**

Your Officers raise no objections to the external appearance and materials to be used in the construction of the conservatory having regard to the character and appearance of the existing dwelling. The structure is however, significant in size, having a length of 5.5 metres and as such it is important to assess any impact that structure might have upon nearby residential amenity. The conservatory's side wall would be constructed at the shared boundary with number 1074 Evesham Road, and is located to the southern side of this boundary. Had it been of brick and tile construction, your officers would have considered that a material loss of amenity due to 'overshadowing' would have resulted. Due to the glazed nature of the structure, this impact is not likely to be material. Notwithstanding this, the size and location of the conservatory relative to number 1074 is likely in your officers opinion, to give rise to an 'overbearing' or visually intimidating impact upon the current and future occupiers of that property, and for these reasons, the conservatory is considered likely to adversely impact upon amenity and should be refused.

Garage to frontage

Members should be aware that a similar proposal for a detached garage with 'pyramid' shaped roof measuring 5.25 by 6.4 metres (width and length respectively) with a ridge height of 4 metres was submitted by the occupiers of the neighbouring property 1078 Evesham Road in 2006. This application (2006/218) was refused planning permission under delegated powers due to its considered overly prominent nature which would have adversely affected the visual amenities of the area and the established street scene along this part of Evesham Road. The applicant appealed against the Council's decision to refuse, but the Inspector agreed with the Council that the proposal was unacceptable.

The Inspector, in arriving at his decision commented that the residential nature of this part of Evesham Road is spacious, which makes an important contribution to the prevailing characteristics of the surrounding area. He commented that the land rises quite steeply from the house to Evesham Road, which would result in the proposed garage being in a high position in relation to the house. He considered that the garage would be visually intrusive in the street scene due to its forward and elevated position which would be incompatible with its spacious setting. The Inspector went on to state that a smaller double garage would not be significantly less intrusive. At that time, Officers considered that approval of such a proposal could lead to a dangerous precedent being set. The Inspector agreed by stating that if the appeal were to succeed, broadly similar proposals on nearby properties would be difficult to resist, and that the cumulative effect would further erode the character and appearance of this part of Evesham Road.

Whilst each application should be assessed on its merits, application 2006/218, and the appeal decision are considered to be material considerations in the determination of this application. Whilst the current application proposes to site a garage 7.3m metres away from Evesham Road, and under application 2006/218, the distance was approximately 5 metres, this proposal is considered to remain visually intrusive, and would seriously harm the character and appearance of this part of Evesham Road.

Conclusion

For the reasons outlined above, both the conservatory and garage elements of the application are considered to be unacceptable and therefore members are urged to refuse this application.

Recommendation

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

Planning Committee

8th September 2009

1. By reason of siting and size, the proposed double garage would represent an overly prominent structure failing to respect the spacious setting of its surroundings, and the established street-scene. As such, the proposal would have an unacceptable deleterious impact upon the visual amenities of the area. In addition, approval of such a proposal would set an undesirable precedent for similar forms of development which would further erode the character and appearance of this part of Evesham Road. The proposal is considered to be contrary to Policy B(BE).13 of the Borough of Redditch Local Plan No.3 and the Council's adopted Supplementary Planning Guidance on Encouraging Good Design.

2. The proposed conservatory, by reason of its size and siting would have an adverse impact upon the residential amenities of current and future occupiers of number 1074 Evesham Road, by virtue of the conservatory's overbearing and visually intimidating nature. The development would therefore be contrary to Policy B(BE).14 of the Borough of Redditch Local Plan No.3 and the Council's adopted Supplementary Planning Guidance on Encouraging Good Design.