

Planning Committee

Tue 6th Oct
2009
7pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

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

Your main rights are set out below:-

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

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

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

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

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

www.redditchbc.gov.uk

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

Janice Smyth

Member and Committee Support Services Assistant

Town Hall, Walter Stranz Square, Redditch, B98 8AH

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

e.mail: janice.smyth@redditchbc.gov.uk

Minicom: 595528

REDDITCH BOROUGH COUNCIL **PLANNING COMMITTEE**



GUIDANCE ON PUBLIC **SPEAKING**

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

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

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

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

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

Notes:

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

Further assistance:

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

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

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

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

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

Chair

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

Running Order

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

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

Decisions

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

Members of the Public

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

Special Arrangements

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

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

Further Information

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

Fire/ Emergency instructions

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

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

Do Not stop to collect personal belongings.

Do Not use lifts.

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

The emergency Assembly Area is on 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

6th October 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 - 4)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on the 8th September 2009. (Minutes attached)</p>
<p>4. Applications for planning permission (Pages 5 - 6) Acting Head of Planning and Building Control</p>	<p>To consider three applications for planning permission. (Items below refer) (Covering Report attached) (Various Wards)</p>
<p>5. Planning Application 2009/148/FUL - The Hills, Tanhouse Lane, Church Hill North (Pages 7 - 18)</p>	<p>To consider a Planning Application for the erection of fourteen dwellings. Applicant: Mr John Varney (Church Hill Ward)</p>
<p>6. Planning Application 2009/157/FUL - 56 Hither Green Lane, Bordesley (Pages 19 - 24)</p>	<p>To consider a Planning Application for the erection of a front porch. Applicant: Mr N Jinks. (Abbey Ward)</p>

PLANNING

Committee

6th October 2009

<p>7. Planning Application 2009/160/FUL - The Corn Stores, 360 Evesham Road, Crabbs Cross (Pages 25 - 32)</p>	<p>To consider a Planning Application for the demolition of existing retail and storage buildings, construction of new retail unit and associated parking area.</p> <p>Applicant: Mr M Siviter</p> <p>(Crabbs Cross Ward)</p>
<p>8. Information Report (Pages 33 - 36)</p> <p>Acting Head of Planning and Building Control</p>	<p>To receive an item of information in relation to the outcome of an appeal against a Planning decision.</p> <p>(Report attached)</p> <p>(Batchley and Brockhill Ward)</p>
<p>9. 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>10. 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

8th September 2009

MINUTES

Present:

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

Also Present:

M Collins (Vice-Chair of Standards Committee)

Officers:

S Edden, A Hussain and A Rutt

Committee Services Officer:

J Smyth

49. APOLOGIES

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

50. DECLARATIONS OF INTEREST

There were no declarations of interest.

51. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meetings of the Committee held on the 14th July and 11th August 2009 be confirmed as correct records and signed by the Chair.

52. APPLICATIONS FOR PLANNING PERMISSION

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

.....
Chair

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 both of the applications being considered.

53. PLANNING APPLICATION 2009/144/FUL - LAND TO THE REAR OF 11-13 NEW ROAD, ASTWOOD BANK

Erection of one dwelling
Applicant: Ms D Trim

Ms D Trim, 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.

54. PLANNING APPLICATION 2009/155/FUL - 1076 EVESHAM ROAD, ASTWOOD BANK

Detached double garage to front of property and conservatory to rear
Applicant: Mr C Buggins

(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.)

The applicant, Mr C Buggins, 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) 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 areas. 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 overshadowing, 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."

The Meeting commenced at 7.00 pm
and closed at 7.19 pm

.....
CHAIR

Planning Committee

Various Wards

6th October 2009

APPLICATIONS FOR PLANNING PERMISSION

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

1. Summary of Report

To determine three 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

Church Hill Ward

6th October 2009

**2009/148/FUL ERECTION OF FOURTEEN DWELLINGS
THE HILLS, TANHOUSE LANE, CHURCH HILL NORTH
APPLICANT: Mr JOHN VARNEY
EXPIRY DATE: 26TH OCTOBER 2009**

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

Site Description

(See additional papers for Site Plan)

The site lies to the west of Tanhouse Lane and is accessed from an access road off Tanhouse Lane just south of the junction of Tanhouse Lane with Paper Mill Drive. The access road crosses a wide, grassed highway verge.

The site is currently vacant, having previously contained a single large dwelling until recently when the site was cleared. It is now fenced off with typical construction site fencing. The site is bounded on all sides by substantial mature trees and shrubs and adjacent to the eastern boundary is the course of the Roman Road, which currently has hard surfacing and is maintained as a footpath and cycleway. The road is bounded on either side by an avenue of mature protected trees.

To the south, east and west of the site are residential areas typical of the new town of Redditch in suburban style and mainly of brick and tile construction, some with half timber style detailing, and mostly with front driveways and gardens to front and rear. To the north of the site is a highway verge and bank sloping down to Paper Mill Drive, a district distributor road.

Proposal Description

The proposal shows that the existing access to the site would be retained and used, and a cul-de-sac development of 14 dwellings – a mix of detached and semi-detached – would be formed, with dwellings facing north, south and east. These would all have back gardens towards the boundaries of the site and face inwards towards each other. 8 dwellings would have 4 bedrooms and the other 6 dwellings would have 3 bedrooms.

The dwellings would have 2 storeys and be of brick and tile with some projecting gable elements treated in half timber style detailing. Most would have bay windows to the front and canopy style porches. All plots would have two off-street parking spaces to the front; some would have two driveway spaces and some would have one driveway space and one garage space.

The application is supported by a Design & Access Statement, an energy statement, an archaeological evaluation, an arboricultural report and an agreement in principle to enter into a planning obligation.

A slightly amended layout plan has been received, moving the dwelling proposed within plot 4 further from the protected trees to the northern boundary. The following report and consideration of the proposals includes assessment on the basis of this layout plan.

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.
 PPG15 Planning and the historic environment.
 PPG16 Archaeology and planning.
 PPS23 Planning and pollution control.

Regional Spatial Strategy

UR4 Social infrastructure.
 CF4 The reuse of land and buildings for housing.
 CF5 Delivering affordable housing and mixed communities.
 QE3 Creating a high quality built environment for all.
 T7 Car parking standards and management.

Worcestershire Country Structure Plan

SD3 Use of previously developed land.
 CTC5 Trees, woodlands and hedgerows.
 CTC16 Archaeological sites of national importance.
 CTC17 Archaeological sites of regional or local importance.
 CTC18 Enhancement and management of archaeological sites.
 D5 Contribution of previously developed land to meeting the housing provision.
 IMP1 Implementation of development.

Borough of Redditch Local Plan No.3

CS6 Implementation of development.
 CS7 Sustainable location of development.
 S1 Designing out crime.
 B(HSG).6 Development within or adjacent to the curtilage of an existing dwelling.
 B(BE).13 Qualities of good design.
 B(NE).1a Trees, woodland and hedgerows.
 CT12 Parking standards.

SPDs

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

The site is covered by a blanket New Town TPO although all of the protected trees remain around the perimeter of the site rather than within it where they could become greater constraints to development.

The site is undesignated within the Local Plan, however the adjacent Roman Road and large grassed highway verge are designated as Primarily Open Space.

Relevant site Planning History

Application number	Proposal	Decision	Date of decision
2008/225/FUL	14 dwellings	Withdrawn	8/9/2008

Public Consultation Responses

Responses in favour

One response in support of the proposal has been received, subject to the protection of the trees during and post construction

Consultee responses

County Highway Network Control

No objection subject to conditions regarding the provision of the parking spaces prior to occupation, the arrangements for parking during construction and the specification of the road being appropriate.

Environmental Health

No objection subject to conditions regarding potential contaminated land, hours of construction and lighting.

Arboricultural Officer

Raised concerns regarding original scheme and suggested how the proposals could be amended to accommodate his concerns. Commented that if amendments were done, then conditions would be requested in relation to tree protection during construction. Further details will, if required, be reported on the Update paper, as amendments have been received at time of writing and further consultation is ongoing.

Drainage Officer

None received.

Crime Risk Manager

No objection subject to conditions regarding boundary treatments and lighting.

Severn Trent Water

No objection subject to a condition regarding drainage details.

Bromsgrove District Council

None received.

County Archaeologist

No objection subject to conditions requiring anything of note found during construction to be recorded (advice on this is provided).

County Footpath Officer

No objection, reminder of obligations under separate legislation.

County Education

Confirmation of need in this location for contributions to be sought as per SPD.

Ramblers Association

None received.

Procedural matters

Technically, a demolition determination application should have been submitted prior to the demolition of the previous dwelling on the site, however there is no mechanism for a retrospective application and

therefore no action can be taken to rectify this situation. (This is not a material consideration when determining this application)

Assessment of proposal

The key issues for consideration in this case are the principle of the proposed development, its density, design and layout, landscaping, highway and access safety, impacts on the historic environment and archaeology, its sustainability, any contaminated land issues, the requirement or otherwise for a planning obligation and any other material considerations.

Principle

The principle of locating residential development within the urban area of Redditch on previously developed land such as this is considered to be acceptable and in compliance with local and national planning guidance. However, this is not sufficient of itself to result in a favourable outcome, as this remains subject to the details being considered acceptable.

Density

Whilst the whole site area is 0.55ha, the developable area is only 0.45ha, due to the substantial tree cover to the boundaries of the site which precludes development. Therefore, the proposal would result in development at a density of 31dph, which falls just within the guide range of 30-50dph contained in PPS3. Further, the policy framework suggests that developments should both make efficient use of land and be sympathetic with the character of the surrounding development. Areas of development adjacent to the site to the west, south and east are in the region of 36-45dph, and as such present a more efficient use of land. Despite the higher density of development around the site, this particular site sits in isolation and is not viewed as part of a larger area generally, due to its nature and boundary treatments and as such, in this case the low density proposed, whilst not a very efficient use of land, is efficient enough to meet the policy threshold.

Design, layout and trees

Policy requires that the appearance of the proposal, its layout and separation distances be considered, in terms of within the site and in context with surrounding built form. The design of the proposed dwellings is not dissimilar to those of surrounding dwellings, particularly in Redstone Close in terms of detailing, and therefore these are considered to be sympathetic to the character of the area and compliant with Local Plan Policy. Whilst some of the surrounding housing developments are quite plain in their elevational treatment, unlike those proposed here which have timber detailing and bay windows, these are considered to be acceptable because the development would generally be viewed in isolation and not in

the context of these surrounding developments, and that most likely to be viewed with it is Redstone Close, which is also the most similar.

The layout of the proposed development is such that the area around the perimeter of the site containing protected trees has been discounted, in order that the garden sizes can be calculated as adequate without including areas shaded by tree canopy, and to ensure that built form is at sufficient distance from protected trees that harm would not later be caused to them, and nor is their likelihood of future loss increased. This is therefore considered to be compliant with policies relating both to layout and design and also to tree protection.

In order to be fully compliant with policy, it is important to ensure that the protected trees are afforded sufficient protection from construction works, and that any necessary mitigation works be agreed and carried out, and this can be controlled through the imposition of conditions, which are therefore recommended below.

Highway sand access

Policy requires that safety, parking spaces (their quantity and size), and the use by non-car travellers be considered.

The parking space provision proposed accords with the maximum standards as set out in the local plan, and as such are considered to be acceptable.

Where the access road crosses the Roman Road footpath, the details need to be carefully designed and clearly marked to ensure pedestrian and cyclist safety at all times, especially when crossing the path of vehicles. A condition to this effect is therefore recommended.

No travel plan has been submitted with this application, or other indication of how the sustainability potential of the site would be maximised. However, the applicant has agreed that this could be provided as a result of a condition imposed on the planning consent and this is included below.

Sustainability

The site lies within a sustainable urban location, with bus stops almost adjacent to the site on both Tanhouse Lane and Papermill Drive. The Roman Road is also a pedestrian/cycle route. The site is therefore considered to be reasonably accessible and has potential to assist in the reduction of the use of the private car, as noted in the planning system and policy objectives.

Historic environment and archaeology

The preliminary report provided in support of the application is considered to be acceptable, and indicates that there is not likely to be a significant

quantity of archaeological remains of note on the site. However, in order to ensure that any items of note that may be found during construction are recorded properly for public benefit in the future, then it is recommended that a condition is imposed to ensure an appropriate working practice is adopted on site. This would also ensure that the development continued to comply with the relevant policy objectives of protecting and recording these features where found.

Planning obligation

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

- A contribution towards County education facilities would normally be required, and the County have confirmed that there is a need in this area to take contributions towards three schools – Abbeywood First, Church Hill Middle and Arrowvale High;
- 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;

Other issues

The previous application submitted on this site was similar to this, however it was withdrawn and not determined, and there is therefore minimal weight that should be afforded to this in the decision making process. It should be noted that it was accompanied by less information than the current application, and initially recommended for refusal.

The comments of the environmental health officer are recognised, and the conditions requested relating to hours of construction and the potential discovery of contaminated land are considered acceptable and reasonable. However, lighting is not development, and any structure supporting it is subject to the usual planning regime, and therefore no control over the efficiency of any lighting installed on structures which benefit from permission is afforded to this committee. However, an informative is recommended, to encourage the developer to install sustainable systems wherever possible.

Conclusion

On balance, and assuming that the planning obligation is completed in accordance with the policy framework, it is considered that the proposed development would accord with sufficient policy criteria and objectives to result in a favourable recommendation, and to outweigh any concerns that might arise – it is not considered likely that the proposed development would result in significant harm to amenity or safety.

Planning

Committee

6th October 2009

Recommendation

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

1. That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Building Control to GRANT planning permission subject to:
 - a) a planning obligation ensuring that the County are paid appropriate contributions in relation to the development for education provision, and that Redditch Borough Council receives contributions towards pitches, play areas and open space provision in the locality to be provided and maintained; and
 - b) conditions and informatives as summarised below:
2. In the event that the planning obligation cannot be completed by 26 October 2009:
 - a) Members are asked to delegate authority to Officers to refuse the application on the basis that without the planning obligation the proposed development would be contrary to policy and therefore unacceptable due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements; and
 - b) In the event of a refusal on the ground at 2a) above, and the applicant resubmitting the same or a very similar planning application with a completed legal agreement attached to cover the points noted, authority be delegated to the Head of Planning and Building Control to GRANT planning permission subject to the conditions stated below as amended in any relevant subsequent update paper or by Members in their decision making.

Conditions

1. Time limit for commencement of development – three years
2. Parking spaces to be provided prior to occupation
3. Parking during construction to be agreed (highway safety and tree protection)
4. Roads to be constructed to acceptable standard
5. Contaminated land – what to do if found
6. Hours of construction limit
7. Tree protection during construction
8. Boundary treatment details to be agreed
9. Drainage to be to STW requirements

Planning

Committee

6th October 2009

10. Archaeological condition
11. Access details to be agreed (archaeological and highway safety)
12. Travel plan
13. State plan numbers of approved plans

Informatives

1. Lighting
2. Separate legislation requirements – ROWs

Planning Committee

Abbey Ward

6th October 2009

**2009/157/FUL ERECTION OF FRONT PORCH
56 HITHER GREEN LANE, REDDITCH
APPLICANT: MR N JINKS
EXPIRY DATE: 29TH SEPTEMBER 2009**

The author of this report is Steven Edden, Planning Officer (DC), who can be contacted on extension 3206 (e-mail: steve.edden@redditchbc.gov.uk) for more information.

Site Description

(See additional papers for Site Plan)

The application site which lies within the urban area of Redditch is located at Hither Green Lane, which is situated in the Abbey Park area of Redditch.

The area is predominantly residential and is characterised by modern two storey detached houses and a limited number of bungalows. The site is of an irregular shape and its curtilage includes a front car parking area and an enclosed rear garden.

To the north of the site lies a golf course. To the east, the site backs onto detached residential two storey properties from which it is separated by a 2m fence and a mature hedgerow, which is approximately 3m high. To the west of the site lie detached two storey dwellings.

Proposal Description

This is a full application for the erection of a front 'corner' flat roofed porch, measuring 2.2m by 2.4m, with a maximum height of 2.5m.

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

Planning Committee

6th October 2009

Relevant Site Planning History

2007/472	Detached garage	Approved	14/01/2008
2008/132	Replacement of bungalow with house	Refused	17/07/2008
2008/275	Replacement of bungalow with a dormer bungalow	Approved	05/11/2008
2009/002	Variation of elevations approved under application 2008/275	Approved	04/03/2009

Public Consultation Responses

Responses in favour

None received.

Responses against

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

- Applicant has 'mised' the Planning Committee - further extensions to the property now represent an over-development of the site.
- Outlook for nearby residents will be affected.
- Development proposed would be overbearing and would reduce neighbours' privacy.
- A detached 'shed' structure at the property increases density at the site.
- Conservatory is too high, and too close to nearby properties.
- Concerns that property may be used as a business in the future and not as a family dwelling house.

The last three points are not relevant material considerations in this case.

Background

The current application was originally registered with the following description: Erection of front porch, lean-to extension to side and conservatory to rear. Until a dwelling is occupied, all three of the above extensions require planning permission. However, on occupation of a dwelling house, that property then benefits from 'Permitted Development Rights' (unless these have been removed) under the Town and Country Planning (General Permitted Development) Order 1995 (as amended 1st October 2008). Since the property is now occupied, due to the size and positioning of the proposed 'lean-to' extension and the conservatory, your Officers can confirm to Members that these two elements are indeed

permitted under the above order, and can be erected at any time without requiring planning permission. The porch only requires planning permission due to the fact that the ground floor area of the porch would measure 5.28m² in area (2.2 x 2.4m). Under the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the maximum 'permitted' ground floor area is 3m². The application therefore needs to be determined on this basis, with only the porch for consideration.

Assessment of Proposal

The key issues for consideration in this case are the impact of the proposed porch on both the character and appearance of the dwelling and on neighbouring residential amenities.

Impact on the character and appearance of the dwelling

The porch proposal is considered to be acceptable and would not have a detrimental impact on the character and appearance of the dwelling with regards to Policy B(BE).13 Qualities of Good Design, and Policy B(BE).14 Alterations and extensions to buildings.

The proposal would respect fully the locality, having regard to the general layout, garden size and footprint in the vicinity of the surrounding area, as well as in scale, style and appearance.

Impact on neighbouring residential amenities

The proposal is considered to be satisfactory and would not have any additional impact on neighbouring residential amenities due to its location, size and distance from neighbouring properties.

Other issues

Whilst the plans submitted, showing the lean-to extension and conservatory to the rear now indicate that these elements would be 'permitted' development, the Planning Enforcement Officer will continue to monitor development at the site to ensure that the works are carried out in accordance with the submitted plans.

The detached shed structure referred to in the representations received is similarly considered to represent 'permitted development' under the Town and Country Planning (General Permitted Development) Order. Further to a number of visits to the site, your Officers are satisfied that the property is being occupied as a dwelling house, and that no material change of use to a business or any other use requiring planning permission, has taken place, but the Council's Planning Enforcement Officer will continue to monitor operations at the site as appropriate.

Conclusion

It is considered that the porch proposal is fully compliant with the relevant planning policies and guidance and would be unlikely to cause any detrimental impacts to the character and appearance of the dwelling nor to the amenities of surrounding residents 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 the conditions as summarised below:

1. Development to commence within 3 years.
2. Materials to match existing.
3. Development to be carried out in accordance with plans submitted with application.

Informative

1. The rear conservatory and lean-to extension linking the existing house to the double garage, originally forming part of this planning application and as shown on plans submitted with the application, constitute 'Permitted Development' under the terms of the Town and Country Planning (General Permitted Development) Order 1995, as amended 1st October 2008 and therefore do not require planning permission.

Planning Committee

Crabbs Cross Ward

6th October 2009

**2009/160/FUL DEMOLITION OF EXISTING RETAIL AND STORAGE BUILDINGS,
CONSTRUCTION OF NEW RETAIL UNIT AND ASSOCIATED PARKING
AREA
THE CORN STORES, 360 EVESHAM ROAD, CRABBS CROSS,
REDDITCH
APPLICANT: MR M SIVITER
EXPIRY DATE: 5TH OCTOBER 2009**

The author of this report is Steven Edden, Planning Officer (DC), who can be contacted on extension 3206 (e-mail: steve.edden@redditchbc.gov.uk) for more information.

Site Description

(See additional papers for Site Plan)

The site lies at a point approximately 60 metres due West of Evesham Road. Access is via Evesham Road, at a point between number 360 Evesham Road (to the North), and a public car park (to the South).

The access track leading to the existing Corn Stores building/s is approximately 60 metres in length at a point immediately above the public car park and the northern boundary to the property 28 Jordan's Close.

The "Corn Stores" themselves are a collection of rather ramshackle buildings probably dating from the early 1960s. The buildings have been used as a pet and garden supply retail unit and comprise a large portal framed steel clad building with low pitched roof (in retail use) and a taller dark green coloured metal clad building with curved roof. This building takes the form of a typical agricultural "Dutch Barn" (in storage use). The total floor space of buildings present at the Corn Stores site equates to 280 sq m in area.

Parking is within the curtilage of the buildings, but on a rather ad-hoc basis, with no marked spaces.

Proposal Description

This is a full application to demolish the existing buildings on the site and to erect a modern pitched roofed retail and storage building, to continue the current business.

The structure would be portal framed, being mostly two storey, with a smaller single storey 'extension'. The building's length would be 16m with the building's width measuring 9.5m. The building's height to ridge would be 5.3m (two storey element). Walls would be metal clad with powder coated finish, likely to be either dark green (BS 12 B 29), or dark brown (BS 10 B 29), in colour.

Floor area to be created would be as follows:

Ground floor

Retail element	45.5 sq m	
Storage	92.5 sq m	
WC/Kitchen	11 sq m	(total 149 sq m)

First Floor

Office	7.50 sq m	
Mezzanine	30 sq m	(total 37.50 sq m)

Total floor area to be created: 186.50 sq m

This equates to an overall reduction of 93 sq m in floor space over the existing.

A total of 8 no. new car parking spaces are proposed to be located within the curtilage, with access to this car parking area via the existing vehicular track, which itself is reached via Evesham Road.

Relevant Key Policies:

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

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

National Planning Policy

PPS1 Delivering sustainable development
 PPG13 Transport

Regional Spatial Strategy

PA13 Out of centre retail development
 QE3 Creating a high quality built environment for all
 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.3	Use of previously developed land
CS.4	Minimising the need to travel
CS.7	The sustainable location of development
B(BE).13	Qualities of good design
B(BE).19	Green Architecture
E(TCR).1	Vitality and viability of the town centre
C(T).12	Parking Standards

SPGs

Encouraging Good Design

Relevant Site Planning History

2009/161	2 no. dwellings and 2 no. dormer bungalows	Withdrawn 18.9.09
----------	--	----------------------

Public Consultation Responses

Responses in favour

1 letter received. Comments summarised as follows:

- Proposal represents economic use of the land
- Existing hedging on site may contain birds nests – need to ensure this is adequately protected during construction period

Responses against

7 letters received. Comments summarised as follows:

- The area contains bats which fly around on a regular basis – a protected species. A thorough investigation should be carried out before any thoughts of redevelopment can be considered.
- Will there be a large enough turning area for delivery vehicles?
- Concerns raised regarding construction noise and impact on amenity

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

No objection.

Environmental Health

No objection subject to conditions / informatives regarding construction times, contamination, lighting and odour control.

Severn Trent Water

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

Worcestershire Wildlife Trust

Comments awaited.

Background

It is important to note that the existing 'Corn Stores' site is square in shape, measuring approximately 40 metres by 40 metres with the only access being via the existing track off Evesham Road. This application (09/160) proposes to develop approximately one third of the total site area. The remaining two thirds were to be developed for housing under a 'sister' application (ref 09/161) which was submitted at the same time as the current application. Application 09/161 which proposed 2 no. two storey dwellings and 2 no. dormer bungalows (with access to this proposal being via Chandlers Close to the West) has recently been formally withdrawn following Officers concerns with respect to loss of residential amenity, and detriment to the character of the area. Your Officers consider that this current application can be considered in isolation, and that any future application for residential development on the remaining two thirds of the site would not need to be determined concurrently with this retail proposal.

Assessment of Proposal

The key issues for consideration are as follows:-

Principle

The principle of a smaller retail and storage use on the site is considered to be acceptable due to the fact that a much larger retailing use at the site has existed probably since the 1960's. Whilst the site does lie outside of the nearest district centre boundary (Crabbs Cross), your Officers are conscious of the fact that the existing pet and garden supply use has been popular with and has co-existed with local residents without detriment to

amenity, for many years. The retail element proposed, at 45.5 sqm, which is considered to be relatively modest, would not be considered to impact detrimentally upon the vitality and viability of the Town and District Centres, so long as that in the case of consent being granted, a condition is imposed which would restrict the retailing activity to Pet and garden supplies only, in order to prevent a future change of use (not requiring planning permission) from taking place which might harm the vitality and viability of Town/District Centres. The site lies within the urban area of Redditch, and therefore the proposal is considered to be sustainably located.

Design and Layout

The site is well screened from all sides and as such very little of the building will be visible from nearby properties who are only likely to be able to view ½ metre of the two storey walls, and the roof of the building. The building would not be visible from Evesham Road. The building's height of 5.5 metres is considered to be entirely appropriate, would be comparable to heights of existing buildings on the site, and would be considerably lower than that of nearby dwellings. The appearance of the small, steel clad portal framed building proposed (external colours to be agreed) is considered acceptable, bearing in mind the requirements of a modern retail / storage facility. No objections from nearby residents have been received in respect of design and layout.

Highways and Access

Eight car parking spaces are proposed to be provided on site. This provision meets the Council's maximum car parking standards contained within Appendix H of the Local Plan. As stated earlier in the report, a 20 space public car park exists to the immediate south of the existing access from Evesham Road. It is understood that HGV's do not transport goods to and from the site at present, and with the proposal now becoming a smaller concern, this would remain the case, with only transit van sized vehicles delivering goods. Further, the proposed goods delivery door is shown as being 2.5 metres in width, with a height of 2.5 metres, rendering it unsuitable in size for any vehicle larger than a small van. No objections have been received from County Highways with respect to highway safety.

Presence of protected species on the site

Many residents have written to your Officers stating that bats are present on the site. It has been important to examine this issue in more detail since all species of bats are protected by law. Following these concerns, your officers asked the applicant to commission a bat survey report. This was carried out on the 25th August and 10th September 2009. The important aspect to determine in such a survey is whether or not bats are roosting at the site, whether that be on any trees or buildings present within the site. As a summary to the survey, whilst bat activity was observed, bats were considered to be commuting across the site and foraging for food. No evidence was found to suggest that bats are or have

Planning Committee

6th October 2009

been using the existing buildings. The survey concludes that *"... in the unlikely event that bats were to be found during demolition, work should cease and Natural England be informed."* Since receiving the full report, your officers have forwarded the survey to Natural England (formerly English Nature) for comment. Any response received will be reported in writing in the Update papers or verbally at Committee.

Worcestershire Wildlife trust have also been consulted. Comments will be reported in the Update papers.

Impact upon residential amenity

The application has been assessed against criteria listed within Policy B(BE).13 of the Borough of Redditch Local Plan, and your Officers have concluded that residential amenities enjoyed by nearby properties would be safeguarded.

Conclusion

The proposal is considered to comply with the planning policy framework and would not cause harm to amenity or safety. As such, the application is fully supported.

Recommendation

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

1. Development to commence within three years
2. Details of materials (walls and roofs) to be submitted
3. Limited working hours during construction period
4. Materials to be used in construction of parking area to be porous
5. Land contamination (standard conditions)
6. Development to be carried out in accordance with plans submitted with application
7. Boundary treatments – details to be submitted and approved.
8. Use approved to be limited to Pet and garden supplies only.

Informatives

1. Drainage details to be in agreement with Severn Trent Water
2. Any security lighting to serve the proposed development to be in accordance with guidance produced by the Institute of Lighting Engineers 'Guidance Notes for the Reduction of Light Pollution, revised 2005'.
3. No burning of materials on site during construction period

Planning Committee

Batchley and Brockhill Ward

6th October 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: 2008/306/S73

Proposal: Variation of Condition 2 of Planning Permission 2006/537: To reduce the size of the rear gardens of No.71 & 73 and increase the size of the rear garden of No.75.
71 to 75 Bridley Moor Road

(Batchley and Brockhill Ward)

A terrace of three, 3 bed houses were granted consent under application 2006/537, on land within the curtilage and to the North-West of the Batchley & Bridley Moor Social Club. The three dwellings (which have been erected) front onto Bridley Moor Road, with rear gardens facing towards properties on 'Cedar View' to the South.

Under the terms of that consent, all three dwellings were to have gardens of approximately 27 metres in length, extending to a footpath located to the immediate North of properties on Cedar View. Condition 2 (ref 2006/537) required that the development be carried out in accordance with a plan which showed 27 metre long gardens enclosed with 1.8m high close board timber perimeter fencing. The proposed gardens for 71-75 Bridley Moor Road (odds) were to be the same length as gardens serving existing adjacent properties.

As a result of Condition 2, application 2008/306/S73 was made to seek the relief of the condition. It was accepted that the condition could be varied, not relieved, and therefore the application was granted subject to a different condition, and it was that condition which was at issue in the appeal.

Condition 2 of planning permission 2008/306/S73 read:

The parcel of land at the rear of 71-75 Bridley Moor Road shall form part of the curtilage of No.75 Bridley Moor Road in the form of garden provision, and shall be retained as such thereafter. Personnel access to this land shall remain via a gated access off the passageway at the side of No.75 Bridley Moor Road.

Reason: To ensure that the parcel of land at the rear of 71-75 Bridley Moor Road is adequately maintained and remains part of the garden provision for No.75 Bridley Moor Road, and to prevent the land concerned from becoming a derelict site and a visual nuisance in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

The plan originally submitted and approved under 2006/537 reflected the character and appearance of the surrounding area, since many existing properties in the vicinity have long rear gardens, greatly exceeding the Councils required minimum length (11 metres). The proposed shortening of the garden area (serving numbers 71 and 73) of itself was also considered to be acceptable in as much as each property still benefited from sufficient garden length and area to meet the SPG requirements. Officers however considered that by shortening the rear garden area to number 75 Bridley Moor Road, and effectively 'sealing off' the large parcel of land to the rear, this land would become un-used and un-maintained without any direct access from a public highway, only over privately owned land. This led to a concern that the piece of land could pose security issues, and if not maintained, lead to an unsightly piece of ground in the middle of a residential area. Officers considered that it was difficult to see how else the piece of land could be used given the access difficulties. It is for these reasons that Condition 2 was varied and not relieved, in order that the parcel of land could be properly maintained as private garden for number 75 Bridley Moor Road.

Officers drew the Inspector's attention to Policy B(BE).13 and criteria (v) of this policy which seeks that crime opportunities are designed out of proposals, and expressed concerns that the land would be likely to become of detriment to the visual amenities of the area if not retained and enjoyed as domestic garden curtilage.

Regrettably, the Inspector did not agree, considering that the proposal would not conflict with Policy B(BE).13 criteria (v) concerning security and against crime if the disputed condition was deleted. The Inspector considered that insufficient evidence had been put forward to indicate that the parcel of land would become a derelict site and a visual nuisance to the occupiers of neighbouring properties and considered that there would be other procedures available to the Council to rectify matters. The Inspector considered that the disputed amended condition was unreasonable and unnecessary in the interests of visual amenity and security against crime.

The appeal was ALLOWED, effectively allowing any future owner to shorten the rear garden serving number 75 Bridley Moor Road and not to maintain the parcel of land to the rear as garden in perpetuity.

