

# Planning Committee

Tue 5th Jan  
2010  
7pm

Council Chamber  
Town Hall  
Redditch



[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

# Access to Information - Your Rights

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Your main rights are set out below:-

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- 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.
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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](http://www.redditchbc.gov.uk)

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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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**Minicom: 595528**

# **REDDITCH BOROUGH COUNCIL** **PLANNING COMMITTEE**



## **GUIDANCE ON PUBLIC** **SPEAKING**

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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.

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**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

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### **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

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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

5th January 2010

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><b>1. Apologies</b></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><b>2. Declarations of Interest</b></p>	<p>To invite Councillors to declare any interest they may have in the items on the Agenda.</p>
<p><b>3. Confirmation of Minutes</b> (Pages 1 - 4)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on the 1st December 2009.  (Copy attached)</p>
<p><b>4. Applications for planning permission</b> (Pages 5 - 6)  Acting Head of Planning and Building Control</p>	<p>To consider two applications for planning permission. (Items below refer)  (Covering Report attached)  <b>(Various Wards)</b></p>
<p><b>5. Planning Application 2009/247/FUL - 1076 Evesham Road, Astwood Bank</b> (Pages 7 - 10)</p>	<p>To consider a Planning Application for the construction of a conservatory at the rear of the property.  Applicant: Mr C Buggins  <b>(Astwood Bank and Feckenham Ward)</b></p>
<p><b>6. Planning Application 2009/249/FUL - Land at 31 Wheatcroft Close, Brockhill</b> (Pages 11 - 20)</p>	<p>To consider a Planning Application for the erection of 1 no. three bedroomed end terraced dwelling together with associated parking.  Applicant: Mr A Wilkins  <b>(Batchley and Brockhill Ward)</b></p>
<p><b>7. Calendar of Meetings - Planning Committee</b> (Pages 21 - 22)  Chief Executive</p>	<p>To consider changes to a number of proposed Planning Committee dates in 2011.  <b>(No Ward Relevance)</b></p>

# PLANNING

Committee

5th January 2010

<p><b>8. Enforcement of Planning Control</b></p> <p>(Pages 23 - 26)</p> <p>Acting Head of Planning and Building Control</p>	<p>To determine the appropriate course of action to be taken in respect of an enforcement matter.</p> <p>(Item below refers.)</p> <p>(Covering report attached)</p>
<p><b>9. Enforcement Report 2009/149/ENF - Ipsley Street, Smallwood</b></p> <p>(Pages 27 - 28)</p>	<p>To consider a breach of Planning Control in respect of non-compliance with a Condition attached to a Planning Permission.</p> <p>(Report attached)</p> <p>(The location site plan to this report is confidential in view of the fact that it contains confidential information relating to individuals' identities and alleged breaches of planning control which could result in prosecution by the Council and has therefore only been made available to Members and relevant Officers.)</p> <p><b>Central Ward)</b></p>
<p><b>10. Exclusion of the Public</b></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><b>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.</b></p>
<p><b>11. Confidential Matters (if any)</b></p>	<p>To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)</p>





## Planning Committee

1st December 2009

### MINUTES

#### Present:

Councillor Michael Chalk (Chair), 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, Standards Committee)

#### Officers:

S Edden, C Flanagan, A Rutt and I Westmore

#### Committee Services Officer:

J Smyth

#### 78. APOLOGIES

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

#### 79. DECLARATIONS OF INTEREST

There were no declarations of interest declared.

(Councillor King had indicated that he was acquainted personally with Mr Rooke, a public speaker for Application 2009/219/RC3 (Proposed new floodlit BMX Track and associated works, land at Arrow Valley Park, Icknield Street Drive), but not sufficiently to warrant a declaration of interest.

Councillors Chalk and Hunt indicated that they were acquainted personally with Mr Marshall, also a public speaker for Application 2009/219/RC3 (proposed new floodlit BMX Track and associated works, land at Arrow Valley Park, Icknield Street Drive), but again not sufficiently to warrant a declaration of interest.)

.....  
Chair

**80. CONFIRMATION OF MINUTES**

**RESOLVED that**

**the minutes of the meeting of the Committee held on the 3rd November 2009 be confirmed as a correct record and signed by the Chair.**

**81. APPLICATIONS FOR PLANNING PERMISSION**

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

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

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

**82. PLANNING APPLICATION 2009/219/RC3 –  
LAND AT ARROW VALLEY PARK,  
ICKNIELD STREET DRIVE, MATCHBOROUGH**

Proposed new floodlit BMX track, perimeter fencing to track and clubhouse facility; alterations to existing changing rooms, storage facilities, social activity / club space and minor office accommodation; and diversion of footpath 619 around BMX track enclosure

Applicant: Redditch Borough Council

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

Ms H Wood – Objector  
Mr R Mitchell – Objector  
Mr S Rooke – Supporter  
Mr S Beaumont - Supporter  
Mr D Littke – Supporter  
Mr S Marshall - Supporter  
Mr K Cook - on behalf of the Applicant  
Mr N Mason – 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 Informative summarised in the main report with the exception of Condition 2, which was amended to read as detailed below and the addition of two further Conditions also as summarised below:

- “2. a safe pedestrian footpath to be maintained at all times during the construction period.
- 8. hours of construction limit.
- 9. tannoy system operation limits.”

**83. PLANNING APPLICATION 2009/220/FUL –  
LAND AT 360 EVESHAM ROAD, CRABBS CROSS**

Partial demolition of existing retail and storage buildings  
and erection of three dormer bungalows

Applicant: Mr A Bray

**RESOLVED that**

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

**84. PLANNING APPLICATION 2009/223/ADV –  
LAND AT ARROW VALLEY PARK,  
ICKNIELD STREET DRIVE, MATCHBOROUGH**

New signage to identify the new floodlight  
BMX track facility position, name and funders

Applicant: Redditch Borough 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 main report.

**85. PLANNING APPLICATION 2009/226/COU –  
UNITS 5A4 AND 5A5, MILLSBOROUGH HOUSE,  
IPSLEY STREET, SMALLWOOD**

Change of use to hot food take-away (A5 Use)  
and new entrance to Ipsley Street and Lodge Road  
Applicant: Mr D Gough

**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 means of extraction, ventilation and control of odour to serve the proposed hot food take-away use would represent an incongruous feature in the street scene by virtue of its design, height and siting, harming the character and appearance of Millsborough House and the visual amenities of the area. As such, the proposal would be contrary to Policies B(BE).11 and B(BE).13 of the Borough of Redditch Local Plan No.3; and**
- 2) the proposed ramped wheelchair access, new door to Lodge Road and removal of fence and wall section to Ipsley Street to allow access to the wheelchair ramp would represent external alterations to the building that would harm the character and appearance of Millsborough House and the visual amenities of the area. As such, the proposal would be contrary to Policies B(BE).11 and B(BE).13 of the Borough of Redditch Local Plan No.3.**

The Meeting commenced at 7.00 pm  
and closed at 8.24 pm

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CHAIR

## **Planning Committee**

Various Wards

5th January 2010

### **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 Climate Change 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 Climate Change: 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 reports.

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.
Sustainability/Environmental:	As detailed within the reports

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](mailto:ruthbamford@redditchbc.gov.uk)) for more information.

## Planning Committee

Astwood Bank & Feckenham Ward

5th January 2010

**2009/247/FUL CONSTRUCTION OF A CONSERVATORY AT THE REAR OF THE  
PROPERTY  
1076 EVESHAM ROAD, ASTWOOD BANK  
APPLICANT: MR C BUGGINS  
EXPIRY DATE: 7TH JANUARY 2010**

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

### **Site Description** (See additional papers for Site Plan)

Large detached dwelling of brick and tile construction with the ground floor level approximately 5m lower than the highway, due to a sloping front garden. The property has a parking area to the front and garden to the rear. The site lies in a residential area characterised by large detached dwellings set back from the road frontage.

### **Proposal Description**

The application proposes a rear single storey extension measuring 4.6m in depth, 4.3m in width and 3.6m to ridge (2.1m to eaves). The proposal would have a tiled roof and glazed sides with brick plinth below to match the materials of the existing dwelling.

### **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](http://www.communities.gov.uk)  
[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

### ***National Planning Policy***

PPS1 (& accompanying documents) Delivering sustainable development.

### ***Borough of Redditch Local Plan No.3***

B(BE).13 Qualities of good design  
B(BE).14 Alterations and extensions to buildings

### ***SPG***

Encouraging Good Design.

# Planning Committee

5th January 2010

## Relevant Site Planning History

Appn. no	Proposal	Decision	Date
2009/155/FUL	Front double garage and rear conservatory	Refused	9th Sep 09

## Public Consultation Responses

None received.

## Consultee Responses

No consultation necessary.

## Procedural Matters

This application is reported to Planning Committee for determination as the applicant's wife is a council employee.

## Assessment of Proposal

The key issues for consideration in this case are the design of the proposal and its impact on neighbouring residential amenities.

The proposal is a resubmission of a previous application which also included a detached garage to the front of the property, as well as a longer, taller rear conservatory. The conservatory as proposed under application 2009/155/FUL would have measured 5.3m in depth, 4.3m in width and 4m to ridge.

It is considered that this proposed rear conservatory is acceptable in design terms, and would not have any detrimental impact on the appearance of the existing dwelling. The dwelling is similar in design to a split level property due to the sloping nature of the site, and thus the ground floor level at the rear where this extension is proposed is significantly lower than the level at which the dwelling is entered from the front.

The adjacent property to the north (1074 Evesham Road), nearest the proposed conservatory, is detached and thus there is a gap between the two dwellings. Further, 1074 has its ground floor accommodation at a similar level to that at which the dwelling is entered, which is a higher level than that of the proposed rear extension at 1076. Therefore, whilst the proposal cuts the 60 degree line as provided as guidance for consideration in the SPG, it is not considered that the proposal would cause any significant detrimental impact on the amenities of the neighbouring residential property. To add weight to this argument, it is also noted that there is a 2m high fence along the boundary, and the proposal is to be glazed.



# Planning Committee

5th January 2010

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It is also noted that a rear extension in this location of less than 4m in depth, of the height and width proposed here, would be permitted development under the legislation, and as such could be constructed outside the control of the Council. This would also breach the 60 degree rule set out in the SPG.

It is therefore considered that whilst there is a slight breach of the guidance, there are other material considerations in this case that outweigh this, and it is not considered that the proposal would cause any harm to amenity.

## **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. Materials to match existing dwelling.
3. Approved plans specified.

## **Informatives**

None required.



## **Planning Committee**

Batchley &amp; Brockhill Ward

5th January 2010

**2009/249/FUL ERECTION OF 1 NO. THREE BEDROOMED END TERRACED DWELLING TOGETHER WITH ASSOCIATED PARKING LAND AT 31 WHEATCROFT CLOSE, BROCKHILL**  
**APPLICANT: MR A WILKINS**  
**EXPIRY DATE: 11TH JANUARY 2010**

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

### **Site Description**

**(See additional papers for Site Plan)**

The site comprises garden land belonging to, and situated to the side of, number 31 Wheatcroft Close. Number 31 is one of a terrace of four dwellings formed of red brick construction under a concrete tiled roof. The land which would accommodate the new dwelling is flat, level ground. The Western boundary of the site comprises a sound attenuation embankment constructed by the original developer, on top of which is an existing 1800 mm high close board fence. Heights are such that the fence exceeds the height of the first floor eaves line to No.31.

Brockhill Drive lies beyond the sound attenuation bund to the West. A detached dwelling, no.15 Wheatcroft Close lies to the South of the site. To the North lie a row of properties in Wheatcroft Close whose rear gardens slope steeply and face towards Brockhill Drive to the West.

The area, which is wholly residential, is characterised by a mixture of detached, semi-detached and terraced dwellings, all of which were constructed in the years 2001/2002/2003. Parking, within this area is generally within the curtilage of each property.

### **Proposal Description**

This is a full application for the erection of a single, three bedroomed, terraced dwelling which would be attached to the side (Western facing) elevation to the existing terraced dwelling, number 31 Wheatcroft Close. Materials which would be used in the construction of the dwelling would be red brick (walls) under a concrete interlocking tiled roof, all of which would match those materials used in the construction of number 31. Also to match that of number 31 would be the proposed use of stone cills with arched brickwork above window heads. Access to the dwelling would be via the existing tarmac access. 2 no. car parking spaces, together with a turning area set in gravel would be created to serve the proposed new dwelling. In addition, a new single car parking space to serve the existing dwelling would be located immediately in front of number 31.

## **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](http://www.communities.gov.uk)  
[www.wmra.gov.uk](http://www.wmra.gov.uk)  
[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)  
[www.redditchbc.gov.uk](http://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(BE).13 Qualities of good design  
 C(T).12   Parking Standards.

## ***SPDs***

Encouraging Good Design.

## **Relevant Site Planning History**

2009/124	Erection of 1 no. three bedroomed end terraced dwelling	Refused 12.8.09
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**Public Consultation Responses**

Responses in favour

1 letter received. Comments summarised as follows:

- This re-submission of planning application 2009/124 now gives greater clarity regarding the parking access / egress
- Provided the embankment area is maintained, the application can be supported.

Responses against

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

- Over-development of the site.
- Proposed development is not in-keeping with its surroundings.
- Direct overlooking and loss of privacy.
- Daylight currently reaching our property will be greatly reduced.
- The retaining wall would be oppressive and unattractive in appearance.
- Too much development in a tightly constrained space.
- Inadequate parking being provided for the new dwelling taking into account likely visitors to the property.
- Bund should be adequately protected in order to ensure that wild flowers / grasses may be able to continue to grow freely.
- Owners of number 31 have parked their cars in spaces assigned for numbers 29 and 30 showing that parking in the area is already a problem. This will become worse.
- Danger of 'clipping' and general damage to cars given the parking arrangement.
- A greater number of vehicles 'spilling out' onto the public highway will mean that it will become more difficult for emergency vehicles to access this area.
- Concerns regarding increase in flooding in the area if an additional dwelling is allowed to be constructed.
- New dwelling would block the 'open view' onto the sound attenuation bund.
- The noise during the construction period will be intrusive, greatly impacting upon amenity.
- Construction vehicles will block off the shared access to our properties.
- If this was feasible, why didn't the developers erect a house in this area originally?

The final four comments above are not considered to be material planning considerations in the determination of this application.

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

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

Continues by stating that the proposal provides sufficient off-street parking provision to serve both the existing and new dwelling in accordance with the relevant parking standards.

***Environmental Health***

No objection subject to conditions regarding construction times and control of contamination.

***Severn Trent Water***

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

**Background**

Members may recall that a very similar proposed development was submitted in 2009 (application 2009/124 refers). This application proposed the erection of a single, three bedroomed end terraced dwelling and was refused planning permission (against the advice of your officers), following its presentation at the Planning Committee of 11th August 2009. The refusal reasons for application 2009/124 (three in total) are laid out in full below:

- 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 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.*
- 3. 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.*

Rather than appealing to the Planning Inspectorate against the refusal of planning permission for application 2009/124, the applicant has decided to submit a new application in an attempt to address the concerns raised by Members.

### Amendments to scheme

The changes between refused application 2009/124, and the current application are listed as follows:

#### Reduction in ridge height of proposed dwelling

The overall height of the new dwelling has been lowered such that it is now 'in-line' with, and no higher than the existing ridge height to number 31 Wheatcroft Close. The proposed height to ridge is now 7.6 metres. Under application 2009/124, this was 7.8 metres.

#### Overall reduction in massing

The lowering of the proposed height of the dwelling has resulted in a marginal reduction in the overall footprint of the dwelling. The proposed two storey gable elevation (facing the bund) would now measure 7.7 metres across. Under application 2009/124, this dimension was 8.4 metres.

#### Greater vehicle manoeuvring space within the curtilage of the proposed dwelling

Two car parking spaces were identified on the site plan for application 2009/124. Tarmac surfacing was proposed. Between the car parking spaces and the front of the property, a planted / landscaped area was also proposed. On discussing application 2009/124, Members voiced concerns that the lack of a turning space within this area would pose a danger to highway safety (refusal reason 2 above refers). PART of this proposed planted area is to be removed under the current scheme in order to provide a turning area such that vehicles would be able to enter AND exit the application site in a forward gear. The parking and turning area is proposed to be gravelled, rather than in tarmac as before.

### **Assessment of Proposal**

The key issues for consideration are as follows:-

#### Principle

The site currently forms part of the garden curtilage associated with 31 Wheatcroft Close, a residential area. The principle of residential

development in such a location is considered to be acceptable given that the land would be classified as previously developed or 'brownfield' land within the urban area of Redditch.

### Density

Developing the site for one additional dwelling would represent a density of approximately 33 dwellings per hectare (dph). Such a density is in line with Central Government Guidance contained within PPS3 which advises that a density of 30 dph should be used as a national indicative minimum, unless the characteristics of a particular area for example mean that a lower density can be justified.

### Design and Layout

The dwelling has been designed in such a way that it follows the line of this existing terraced development which starts at the largest and widest of the dwellings forming part of this existing 4no. house row (number 28). The width, height and design of the dwelling is considered to respect the character of development in its immediate surroundings, and in particular the existing terraced row. Rear garden areas serving both number 31 and the proposed new dwelling would meet the Council's minimum rear garden spacing standards, with the new dwelling's garden in fact exceeding the size of many gardens serving existing properties in the vicinity. Your Officers are satisfied that in this respect, the proposal would not represent an over-development of the site and that the proposal would comply with Policy B(HSG).6 of the Local Plan. This policy requires that schemes involving the construction of a new dwelling or dwellings within or adjacent to the curtilage of an existing dwelling shall:

- i) Not harm the character and appearance of the area ; and
- ii) Allow sufficient and conveniently located space about the new and existing dwellings to ensure that an adequate level of residential amenity is provided for both new and existing occupiers.

The reduction in the bulk of the proposed dwelling over the previous scheme means that the property would achieve a maximum rear garden length of 11.5 metres.

### Highways and Access

The tarmaced surfaced private drive which forms part of the application site, currently serves 5 properties (numbers 28, 29, 30, 31 and 32 Wheatcroft Close). Number 28, which protrudes forward of the main terrace, benefits from its own single garage, with a further car parking space in front of the garage. This provision more than meets maximum car parking standards as laid out in the Local Plans Appendix H. In addition, your officers believe that it would be possible to park a car in the area immediately in front of a wooden gate (which exists in a position in



line with the front elevation of number 28), without 'blocking in' other users of the shared driveway. Your officers are satisfied that occupiers of this property would not be inconvenienced by the nature of the proposed new dwelling proposal since the provision of 2/3 car parking spaces for a property of this size is more than adequate considering that it is a three bedroomed dwelling.

Your Officers would refer members to Appendix H of the Local Plan which sets out in table form (based on maximum standards) the number of car parking spaces which should be provided for new residential developments. This clearly states that for 1 and 2 bedroomed dwellings a maximum of 1 car parking space should be provided. 3 bedroomed properties should provide a maximum of 2 no. car parking spaces per property. Plans submitted as part of this application show that both number 30 and 31 are two bedroomed. Although not annotated, number 29 contains the same floorspace as numbers 30 and 31, and it is therefore assumed that number 29 is also two bedroomed. To accord with maximum car parking standards as laid out in Appendix H, three car parking spaces only need to be provided. The proposed development, being a three bedroomed dwelling would need to provide 2 no. car parking spaces in order to comply with maximum car parking standards. Two spaces are proposed to serve the new development, together with one new space, serving number 31. These, added to existing provision mean that 6 spaces in total would be provided, to serve numbers 29, 30, 31 and the new dwelling, where the adopted Local Plans maximum standards only require that 5 spaces would be needed to serve these properties. Outside the application site, but within the 'courtyard' area, a further two car parking spaces exist, which serve number 32 Wheatcroft Close. This provision also accords with maximum parking standards. The proposals are therefore considered to be wholly acceptable having regard those maximum car parking standards.

The applicant's proposed choice of compacted gravel as a surfacing treatment is considered to be acceptable in principle since, being a 'porous' material, it would represent a sustainable means of draining the site. Details of the proposed gravel's colour/diameter could be agreed through a landscaping condition to be attached to any consent.

The site plan submitted with the application clearly shows that vehicles serving the proposed new dwelling would be able to turn within the application site, exiting in a forward gear.

No objections have been received from County Highways and therefore the proposals would not be considered to prejudice highway safety.

#### Impact upon residential amenity

Your Officers have assessed the proposal against spacing standards contained within the adopted SPG 'Encouraging Good Design' which states that a minimum distance of 22 metres should be achieved between

proposed (rear facing) habitable room windows, and rear facing habitable room windows serving existing properties. The '45 degree' ruling which the SPG uses as a guide to assess any 'overbearing' or 'overshadowing' effect has also been examined. Your Officers are satisfied that no loss of light, privacy nor any other loss of amenity to occupiers of nearby properties would result from the proposal.

#### Sustainability

The site lies within the urban area of Redditch, and is therefore considered to be in a sustainable location. The design of the overall floor area has been kept to a minimum with very little wasted circulation space to minimise the overall building material used. 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

An existing sound attenuation bund exists at the Western boundary to the site. The height, and function of the bund would not be affected by the erection of the new dwelling, and it is noted that Environmental Health Officers have raised no 'in principle' objections to the proposals. An existing timber garden fence would be removed to accommodate the dwelling and a brickwork retaining wall would be erected at a position 1 metre distant from the outside gable wall to the proposed dwelling. A retaining wall, in this position, which would measure 1.4 metres above ground level is unlikely to have any detrimental impact upon the visual amenities of the area subject to the imposition of conditions which would require details of the facing brick to be used in its construction to be submitted for the prior written approval of the Local Planning Authority, before work on site commences.

#### 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 recommended for approval.

#### 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.

# Planning Committee

5th January 2010

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4. Landscape scheme including details of boundary treatment to be implemented in accordance with approved details.
5. Limited working hours during construction period.
6. Dwelling to be built to a minimum Level 3 requirement set out under Code for Sustainable Homes.
7. Access, turning and parking.
8. Land contamination (standard conditions).
9. Development to be carried out in accordance with plans submitted with application.

## Informatives

1. Drainage details to be in agreement with Severn Trent Water.
2. Highway Note 4 – Private apparatus within the highway.
3. Highway Note 5 – No authorisation for applicant to carry out works within the publicly maintained highway.





# Planning Committee

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## CALENDAR OF MEETINGS – PLANNING COMMITTEE

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(Report of Chief Executive)

### 1. Summary of Report

To consider changes of proposed Planning Committee dates in 2011. This change is proposed in order to avoid delays which might affect the turnaround of Planning Decisions and, therefore, performance of the Planning Services Team.

The Committee is asked to note that, further to the current management re-organisation and growing links with Bromsgrove District Council, there may need to be further changes to the Council's overall Calendar of meetings in due course, which might impact further on these dates and pattern of meetings.)

### 2. Recommendation

The Committee is asked to **RESOLVE** that

- 1) the meeting provisionally scheduled for 8th February 2011 be moved back to 1st February;
- 2) the meeting provisionally scheduled for 8th March 2011 be moved back to 1st March; and
- 3) the meeting provisionally scheduled for 5th April 2011 be moved back to 29th March.

### 7. Author of Report

The author of this report is Janice Smyth (Member and Committee Support Services Assistant), who can be contacted on extension 3266 (email: [janice.smyth@redditchbc.gov.uk](mailto:janice.smyth@redditchbc.gov.uk)) for more information.



# Planning Committee

Central Ward

5th January 2010

## ENFORCEMENT OF PLANNING CONTROL

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

### 1. Purpose of Report

To determine an appropriate course of action in respect of a planning enforcement issue.

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

### 2. Recommendation

**The Committee is asked to RESOLVE**

**whether it considers it expedient to take the enforcement action specified in the following enforcement report.**

### 3. Financial, Legal, Policy, Risk and Climate Change Implications

#### Financial

3.1 There are no direct financial implications in the report.

#### Legal

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

Town and Country Planning Act 1990.

Planning and Compensation Act 1991.

Planning and Compulsory Purchase Act 2004.

Town and Country Planning (Control of Advertisements) Regulations 2007.

Anti-Social Behaviour Act 2003.

Human Rights Act 1998.

Crime and Disorder Act 1998.

#### Policy

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

## Risk

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

## Climate Change

- 3.8 As detailed in each individual Enforcement report.

## **4. Other Implications**

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

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

## **5. Consultation**

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

## **6. Author of Report**

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



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- (e-mail: [-iain.mackay@redditchbc.gov.uk](mailto:-iain.mackay@redditchbc.gov.uk)) for more information
7. **Attachments**

(In view of the fact that they contain confidential information relating to the affairs of individuals and their identities and information relating to alleged breaches of Planning Control which could result in prosecution by the Council, the personal information attached to this report has been made available to Members and relevant Officers only.)



## Planning

### Committee

5th January 2010

#### ENFORCEMENT REPORT - 1 – 2009/149/ENF

#### NON-COMPLIANCE WITH PLANNING CONDITION RELATING TO FUME EXTRACTION SYSTEM IPSLEY STREET, REDDITCH

(Central Ward)

#### 1. Background / Key Issues

- 1.1 Planning permission to convert these premises to a hot food takeaway was granted by the Planning Committee in December 2007, subject to compliance with certain conditions (2007/409/FUL).
- 1.2 A condition was attached to the permission requiring the submission of details of brickwork to be used to clad any external extraction system approved before any development commenced, and for it to be implemented prior to the use of the unit commencing.
- 1.3 On 12th July 2009 a site visit by an Enforcement Officer revealed that the premises were open and trading, and that a large flue to the side of the property had not been clad in brick, and that no details had been received to show how and in what materials it was to be clad.
- 1.4 On 15th July 2009, using delegated powers, the Enforcement Officer issued a Breach of Condition Notice and served copies on those persons with an interest in the land. The Notice allowed a period of 56 days and required the cladding of the flue in brick, using materials to match the existing building.
- 1.5 On 29th October 2009, the Enforcement Officer again visited the site and found that no works had been carried out to the flue. He formed the opinion that the Notice was being breached.
- 1.6 On 30th October 2009, a letter was sent to the operator of the premises warning of the possible consequences of not complying.
- 1.7 On 16th November 2009, a further site visit was made by the Enforcement Officer who found that no further progress had been made.
- 1.8 On 17th November 2009, a letter was sent to the owner of the hot food takeaway warning him of the Council's intention to prosecute in this matter. No response was received to the letter.



# Planning Committee

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## 2. Conclusion

- 2.1 Officers consider this to be a particularly serious breach of planning control and the flue as it stands has become an incongruous feature in the street-scene by virtue of its design and materials, height, and siting, harming the character and appearance of the building and the visual amenities of the area.
- 2.2 Given the reluctance of the owner to carry out these works, and the resultant unsightly appearance of the extraction flue as now exists, Officers consider that there is no alternative to but to undertake prosecution proceedings in this matter.

## 3. Recommendation

The Committee is asked to **RESOLVE** that:

**in relation to a breach of planning control, namely, the failure to comply with a condition attached to a grant of planning permission, authority be delegated to the Head of Legal, Democratic & Property Services, in consultation with the Acting Head of Planning and Building Control, to take enforcement action by way of the institution of legal proceedings in the Magistrates Court.**