

# Planning Committee

Tue 2nd Mar  
2010  
7pm

Council Chamber  
Town Hall  
Redditch



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# 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:

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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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**Member and Committee Support Services Assistant**

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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

2nd March 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 - 6)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on the 2nd February 2010.  (Copy attached)</p>
<p><b>4. Applications for planning permission</b> (Pages 7 - 8)  Acting Head of Planning and Building Control</p>	<p>To consider two applications for planning permission. (Items below refer)  (Covering report attached)</p>
<p><b>5. Planning Application 2009/259/FUL - Land to the south and west of the property "High Trees", Dark Lane, Astwood Bank</b>  (Pages 9 - 20)</p>	<p>To consider a Planning Application for the erection of five detached dwellings together with associated access and parking.  Applicant: Mr B Hands, Bradley Design Homes Ltd  <b>(Astwood Bank and Feckenham Ward)</b></p>
<p><b>6. Planning Application 2009/271/FUL - Former Marfield Farm First School, Redstone Close, Church Hill North</b>  (Pages 21 - 34)</p>	<p>To consider a Planning Application for a proposed residential development consisting of 39 no. two bedroom, 16 no. three bedroom , 13 no. four bedroom homes and 21 no. 2 bedroom flats.  Applicant: Redditch Co-operative Homes  <b>(Church Hill Ward)</b></p>

# PLANNING

Committee

2nd March 2010

<p><b>7. Information Reports</b> (Pages 35 - 38) 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.  (Report attached) <b>(Astwood Bank and Feckenham Ward)</b></p>
<p><b>8. Enforcement of planning control</b> (Pages 39 - 42) Acting Head of Planning and Building Control</p>	<p>To consider a breach of planning consent. (Item below refers) (Covering Report attached)</p>
<p><b>9. Enforcement Report 2009/149/ENF - Evesham Road, Astwood Bank</b> (Pages 43 - 44)</p>	<p>To consider a breach of Planning Control in respect of non-compliance with a Planning Condition attached to a Planning permission.  (Report attached)  (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>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

2nd February 2010

### MINUTES

#### Present:

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

#### Also Present:

M Collins (Vice-Chair Standards Committee)

#### Officers:

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

#### Committee Services Officer:

J Smyth

#### 86. APOLOGIES

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

#### 87. DECLARATIONS OF INTEREST

There were no declarations of interest by Members of the Committee.

Mr Hussain, Legal Advisor to the Planning Committee, declared an Officer interest in Enforcement Report 2009/149/ENF as detailed at Minute 97 below.

#### 88. CONFIRMATION OF MINUTES

##### RESOLVED that

**the minutes of the meeting of the Committee held on 1st December 2009 be confirmed as a correct record and signed by the Chair.**

.....  
Chair

**89. 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 two of the applications being considered.

**90. PLANNING APPLICATION 2009/249/FUL –  
LAND AT 31 WHEATCROFT CLOSE, BROCKHILL**

Erection of 1 no. three bedroomed end terraced dwelling  
Together with associated parking  
Applicant: Mr A Wilkins

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

Mrs Povah – Objector  
Mr A Kidd – Objector  
Mr Buckley – Objector  
Councillor J Pearce – Ward Councillor objector, representing Ward residents  
Mr C Berry – Agent for the Applicant

**RESOLVED that**

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

- 1. the proposed development, by reason of its 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; and

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 street scene, and thus is contrary to Policy B(BE)13 of the Borough of Redditch Local Plan No.3.

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

**91. PLANNING APPLICATION 2009/262/FUL –  
137 TO 141 EVESHAM ROAD, HEADLESS CROSS**

Change of Use of ground floor  
(no's 137 – 139 Evesham Road From A1 (Retail) to A3/A5  
(Restaurant and Hot Food Takeaway Use);  
new shop front; demolition of existing single storey rear extension  
to create new two storey rear extensions and creation of  
4 no. flats over no's 137-141 Evesham Road  
Applicant: Mr L N Theodorou

Councillor C Gandy - Ward Councillor and objector, addressed the Committee under the Council's public speaking rules.

**RESOLVED that**

having regard to the Development Plan and to all other material considerations, Planning Permission be **REFUSED** for the reasons stated in the report.

**92. PLANNING APPLICATION 2009/267/FUL –  
18 CHESTNUT ROAD, ASTWOOD BANK**

Erection of a two-storey, four bedroomed detached dwelling  
Applicant: Mr I Osbourne

**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 and the following additional condition and informatives:

“11. Access, turning and parking.

**Informatives:**

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.
4. Drainage details to be in agreement with Severn Trent Water.”

**93. PLANNING APPLICATION 2009/272/ADV –  
LAND AT MORTON STANLEY PARK,  
WINDMILL DRIVE, WEBHEATH**

New flag and flagpole to fly the Green Flag Award  
Applicant: Redditch Borough Council

**RESOLVED that**

having regard to the Development Plan and to all other material considerations and subject to the expiry of the consultation period on the 3rd February 2010 with no new material considerations being raised, authority be delegated to the Acting Head of Planning and Building Control to GRANT Planning Permission, subject to the conditions summarised in the report.

**94. CALENDAR OF MEETINGS - PLANNING COMMITTEE**

The Committee was asked to consider changes to a number of proposed Planning Committee meeting dates in 2011. These were required purely for practical administrative purposes.

**RESOLVED 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.

**95. INFORMATION REPORT**

The Committee received information relating to statistics in respect of Enforcement activity in the previous six months.

**RESOLVED that**

**the item of information be noted.**

**96. ENFORCEMENT OF PLANNING CONTROL**

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

**97. ENFORCEMENT REPORT 2009/149/ENF –  
IPSLEY STREET, SMALLWOOD**

Non-compliance with a Condition attached to a Planning Permission

**RESOLVED 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 and 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.**

(Prior to consideration of this item, Mr Amar Hussain, Legal Advisor to the Planning Committee, declared an Officer interest, in view of the fact that he was acquainted with a party to this case and withdrew from the meeting for the duration of its consideration.)

**98. ENFORCEMENT REPORT 2008/097/ENF –  
PROSPECT HILL, TOWN CENTRE**

Breach of Planning Control in respect of the removal of a feature from a Grade II Listed Building

**RESOLVED that**

**in relation to a breach of Planning Control, namely the carrying out of work to a Listed Building without prior consent, authority be delegated to the Head of Legal, Democratic & Property Services, in consultation with the Acting Head of Planning and Building Control, to take the following enforcement action if necessary:**

# Planning Committee

2nd February 2010

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- a) **the serving of a Listed Building Enforcement Notice; and**
- b) **the institution of legal proceedings in the Magistrates Court in the event of any failure to comply with that Notice.**

The Meeting commenced at 7.00 pm  
and closed at 8.48 pm

.....  
CHAIR

## Planning Committee

Astwood Bank and Feckenham  
and Church Hill Wards

2nd March 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

**8. 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 and Feckenham Ward

2nd March 2010

**2009/259/FUL ERECTION OF FIVE DETACHED DWELLINGS TOGETHER WITH ASSOCIATED ACCESS AND PARKING LAND TO THE SOUTH AND WEST OF THE PROPERTY 'HIGH TREES', DARK LANE, ASTWOOD BANK**  
**APPLICANT: MR B HANDS, BRADLEY DESIGN HOMES LTD**  
**EXPIRY DATE: 26TH MARCH 2010**

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

### Site Description

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

The site, which measures approximately 0.53 ha consists of part of an existing drive, leading to the property 'High Trees' which lies adjacent to, but outside the application site. The remainder of the site comprises garden land formerly associated with that property and a larger parcel of land that is steeply sloping to the south of that dwelling. This appears to be separate from High Trees since a post and rail fence divides the two areas of land that form part of this planning application. It is understood that this land to the south of High Trees was cultivated at one time, but is now overgrown. The site contains mature tree/shrub/hedge planting.

### Proposal Description

This is a full application for the erection of 5 no. five bedroomed detached dwellings with garages. Access to the development would be via the existing access road off Dark Lane. The different house types proposed are outlined as follows:

Plot 1 (House type A) would face Dark Lane and would be two storey with a single garage attached with parking for several vehicles to the frontage. This property would be characterised by having projecting two storey gables to the front.

Plots 2 and 5 (House types B and E) would be similar but not identical in appearance. These would be two storey with a double garage attached with parking to the frontage. These two dwellings would be characterised by having a single, projecting two storey gable (being lower than that of the main two storey ridge line); small forward facing dormer windows and bay windows to the ground floor.

Plots 3 and 4 (House types C and D) would be almost identical in their 'L' shaped appearance. These would again be two storey with a double garage attached with parking to the frontage. Plot 4 (House type D) would have a slightly larger single storey attached study than Plot 3 (House type C).

All properties would be formed of facing brickwork (walls), under a tiled roof.

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

### **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***

QE3      Creating a high quality built environment for all  
 CF2      Housing beyond Major Urban Areas.  
 CF3      Level and Distribution of New Housing Development.  
 CF5      The reuse of land and buildings for housing.  
 CF6      Making efficient use of land.  
 T7        Car parking standards and management.

### ***Worcestershire County Structure Plan***

SD.3      Use of previously developed land.  
 T.4        Car parking.  
 IMP.1     Implementation of development.

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

CS.6      Implementation of development.  
 CS.7      The sustainable location of development.  
 CS.8      Landscape character.  
 S.1        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(BE).19 Green Architecture.

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2nd March 2010

C(T).12 Parking Standards.  
B(RA).8 Development at Astwood Bank.

## ***SPDs***

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

## **Relevant Site Planning History**

<b>Application No:</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
2006/178/OUT	Outline application - 4 dwellings	Withdrawn	19.5.06
2008/125/OUT	Outline application - Demolition of existing dwelling and erection of 6 dwellings	Withdrawn	29.5.08
2008/331/OUT	Outline application - retention of existing dwelling and erection of 5 dwellings	Approved	12.12.08

Members will recall that the most recently submitted application (2008/331/OUT) granted planning permission for the principle of erecting 5 no. dwellings on the site. This consent remains extant, having been granted as recently as December 2008. The matter of access to the site was approved under this permission. Matters of layout; scale; appearance and landscaping were reserved for future consideration.

## **Public Consultation Responses**

### Responses in favour

1 letter of support has been received. Comments summarised as follows:

- The site lies within the sustainable village of Astwood Bank and is a brownfield site
- Subject to the protection of trees during and post construction, support

### Responses against

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

- Concerns regarding subsidence affecting nearby properties
- Houses are too large considering size of plots
- Development insensitive to the surrounding environment

- Plot 4 would have an overbearing impact upon our property
- Fewer houses should be built on the site
- Concerns raised regarding potential loss of light to property
- Access on to Dark Lane is dangerous at the moment. Development of this scale will increase danger as visibility is poor
- Wildlife present in the area will be adversely affected
- Danger of flooding with such large areas of hard-standing being proposed

Any additional comments received will be reported within the update report.

**Consultee Responses**

***County Highway Network Control***

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

***Environmental Health***

Suggest that the following issues be considered:-

- Noise: recommends that working hours during construction be limited
- Light nuisance: external security lighting should not affect the amenities of neighbouring occupiers
- Odour nuisance: suggests no burning on site and that measures be taken to prevent migration of dust particulates beyond the site boundary
- Conditions required to identify and mitigate against any contamination which may be present on the site

***Severn Trent Water***

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

***Police Crime Risk Manager***

Confirm that West Mercia Constabulary do not object to the application in principle but recommends that the secured by design condition be imposed.

***Council's Arboricultural Officer***

Comments summarised as follows:

- Proposals generally acceptable
- BS5837 and tree protection zones shown should be adhered to at all times

- Detailed long-term landscape proposals together with a suitable defects period should be agreed by condition

***Council's Ecological Officer***

No comments submitted.

***Worcestershire Wildlife Trust***

No comments submitted.

***Council's Drainage Officer***

No comments submitted.

***Worcestershire County Education Service***

If development goes ahead, there will be a need for a contribution towards local education facilities.

**Assessment of Proposal**

The key issues for consideration are as follows:-

**Principle**

The site falls within the Astwood Bank Village Settlement in the Borough of Redditch Local Plan No.3, whilst the land to the west of the site is designated as Green Belt in the Local Plan.

Astwood Bank is considered to be a sustainable rural settlement. Policy B(RA).8 specifies that development within Astwood Bank will only be permitted where it is at an appropriate level to meet local needs for housing and should be restricted to within the settlement boundary.

The land to the immediate west of High Trees and forming part of the application site has always been considered to be brownfield or previously developed land, and therefore, the principle of residential development on this part of the site should be viewed favourably.

The status of the parcel of land to the south of the existing dwelling has previously been unclear since it appears separate from the dwelling and garden in terms of boundary treatment and consists of an overgrown area of land of tree/shrub planting. However, in consideration of application 2008/331, an aerial photograph (from about 1988) was submitted by the applicant demonstrating that the land concerned was used as a vegetable garden with a greenhouse, associated with 'High Trees'. In addition, sworn declarations were submitted clarifying the use of the land concerned. The aerial photograph was compared with those that the Council hold and are similar. In conclusion, under consideration of application 2008/331 your

Officers were of the opinion that the land could indeed be considered as previously developed land as defined under PPS.3, and that the proposed residential development of this part of the land would not conflict with Policy CS.7 of the Local Plan which requires that a sequential approach to the location of development be followed with brownfield locations such as this being the most sequentially preferable.

In addition, under the Council's Strategic Housing Land Availability Assessment (SHLAA), this particular site has been identified and positively addressed as having potential to accommodate residential development in the Borough. Developing the whole of the application site is, in short considered to be acceptable since it would be in compliance with the local and national planning policy framework.

### Density

Developing the site for 5 no. dwellings would result in a density of 10 dwellings per hectare (dph). This falls below the Governments recommended 30 dph minimum, although PPS3 does state that thresholds can be lowered if developing a site at this density would have a harmful effect on the special characteristics of a particular area. In this case, existing built development directly to the north of the site, including land directly to the east of the site is developed at a significantly lower density than 30 dph. To the immediate west of the application site lies Green Belt. As considered in some detail by Officers in the consideration of previous applications on the site, including 2008/331, developing the site at a higher density than is proposed here would in this case be entirely inappropriate given the context and topography of the site; the requirement for safeguarding the character and appearance of the area, and the need to ensure that any development on the site is not conspicuous from the adjacent Green Belt. The principle of developing the site for 5 no. dwellings was considered to be acceptable under application 2008/331.

### Design and Layout

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 layout of the development derives from sketches originally produced by the Council's Urban Design Consultant having regard to the fact that the site is elevated at the front and falls away towards the south. The site is prominent when viewed from adjoining land despite the number of trees along the western boundary.

Your Officers consider that the layout responds well to local distinctiveness and makes good use of the contours of the site such that the proposals would not appear conspicuous from the Green Belt. The use of dormer windows throughout the scheme, and in particular, the 'stepping down' of ridge lines, together with the 'setting in' of front walls adds both visual interest to the scheme and reduces its prominence.

The dwellings intended for Plots 3 and 4 which are furthest towards the south of the site have a height to ridge of less than 8 metres at the highest point, dropping down to 6.75m, again to 5.75m, and further to 5m for the single storey element. This achieves the intention of breaking up the development's massing whilst making the best use of ground levels. Your Officers are satisfied that the residential amenities enjoyed by the occupiers of the nearest existing dwellings would be safeguarded, since the proposals comply with separation distances contained within the Council's SPG on Encouraging Good Design. Amenity space provided for the new development on site is provided at a level in excess of the levels required in the SPG.

Overall, the design of the proposed dwellings is not dissimilar to those of dwellings in close proximity to the site in terms of their detailing and therefore they are considered to be sympathetic to the character of the area and compliant with Local Plan Policy, and in particular, with Policy B(BE).13.

#### Landscaping and Trees

The site comprises of several trees that are protected with a Tree Preservation Order. The layout plan submitted showing trees proposed for removal in order to implement the development raises no concerns with your Officers. It is clear from the plans submitted that important trees to the perimeter of the site would be retained as part of the scheme. Along the western boundary, there are gaps where additional planting should be provided to help screen the development. A permanent planting buffer of 5 metres in width is shown on the proposed layout plan which would be enhanced as part of a wider landscaping requirement, outlined under a recommended planning condition summarised at the end of the report.

It is important to ensure that the protected trees are afforded sufficient protection from construction works. Your Officers consider that the tree protection plan details already submitted are acceptable, and this matter should be controlled through condition. This is recommended for inclusion on any decision notice granting consent for the development, as noted below.

#### Highways and Access

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

Means of access is to be considered here, since this is a full application submission. However, the proposed access arrangements are unaltered from those approved under outline approval 2008/331 (which approved the means of access serving a residential development on the site, in December 2008).

The proposed access to Dark Lane would be of the same alignment as the existing access but widened to a maximum width of 4.5 metres at this point in order that it is of adoptable standards. Further into the site, the access road would be narrowed to 3.5 metres. Existing hedge planting along the boundary that fronts Dark Lane would not be hindered by these minor changes, ensuring that the general rural character and appearance of this part of Dark Lane would be maintained.

In respect to concerns raised of additional traffic using Dark Lane, and highway safety concerns, whilst there are inevitably peak times in the village, Dark Lane itself is generally quiet and low in traffic. Traffic counts undertaken by County Highway Engineers on Dark Lane (as a result of previous developments along this road) have confirmed that vehicle traffic in this area is low. It is considered unlikely that the provision of five additional dwellings would generate such additional traffic that it would cause harm to highway safety in this area.

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

#### Sustainability

The dwellings would be built to level 3 of the Code for Sustainable Homes. Water retention systems would be incorporated in the design of the dwellings to provide underground water tanks to reduce outfall and provide water for gardening and car washing.

The site layout has been designed to maximise solar gain in order that renewable energy can be used to aid the water heating to the properties.

The agent believes that the critical area's for consideration in terms of energy performance and carbon footprint is in the quality of its build and its insulation. Therefore, high levels of insulation would be provided with the use of high efficiency boilers. Such detailed matters would be dealt with under the building regulations.

It is important to note that the development is located within the village settlement of Astwood Bank, which is considered to be a sustainable location. The site is in close proximity to village amenities, shops, post office, public houses, public transport links and local schools, reducing reliance on the motor car.

#### Ecological Issues

A Protected Species Survey was submitted under outline application 2008/331. The Worcestershire Wildlife Trust commented at that time that there was sufficient information to determine the application, and raised no adverse comments in principle. The current survey is presently under consideration, and any comments received will be provided in the update report. At this stage, your Officers would recommend that conditions



covering the recommendations made in the ecological reports be attached to any decision notice issued, to be sure that the relevant issues are taken into account during the scheme's implementation.

### Planning Obligation

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

- A contribution towards County education facilities. The County have confirmed that there is a need in this area to take contributions towards three schools – Astwood Bank First School, Ridgeway Middle and Kingsley College
- A contribution towards playing pitches, play area and open space in the area, due to the increased demand/requirement from future residents, is required in compliance with the SPD

### Conclusion

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 harm to amenity or safety.

### Recommendation

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

- 1. That having regard to the development plan and to all other material considerations, authority be delegated to the Acting Head of Planning & Building Control to GRANT planning permission following the expiry period for statutory consultations (5th March 2010) and 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 playing pitches, play areas and open space provision in the locality to be provided and maintained; and**
  - b) conditions and informatives as summarised below:**

# Planning

## Committee

2nd March 2010

2. **In the event that the planning obligation cannot be completed by 26th March 2010:**
  - a) **Members are asked to delegate authority to the Acting Head of Planning and Building Control 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 an increase in demand for such infrastructure; 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 Acting Head of Planning & 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. Development to commence within three years.
2. Details of materials (walls and roofs) to be submitted.
3. Landscape scheme including details of boundary treatment to be submitted.
4. Landscape scheme including details of boundary treatment to be implemented in accordance with approved details.
5. Trees to be protected in accordance with tree protection plan.
6. Limited working hours during construction period.
7. Dwellings to be built to a minimum Level 3 requirement set out under Code for Sustainable Homes.
8. Access, turning and parking.
9. No gates/means of enclosure on any of the access roads.
10. Details of the tree planting belt to be provided along the western boundary of the site to be submitted approved and implemented. Failure of planting to be covered under condition number 4.
11. None of the existing hedge planting that fronts Dark Lane shall be removed.
12. All hard surfaces to be permeable and retained as such.

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13. Development to be carried out in accordance with plans submitted with application.
14. Standard secured by design condition.
15. Appropriate condition to address the recommendations of the protected species survey.
16. Contamination: standard conditions.

## 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.
4. Development to be built to Secured by Design Standards.
5. External security lighting to comply with guidance to ensure that it does not adversely affect neighbours amenities.
6. No burning on site.
7. Adequate measures to be put in place to prevent migration of dust and particulates beyond the site boundary.



## Planning Committee

Church Hill Ward

2nd March 2010

**2009/271/FUL PROPOSED RESIDENTIAL DEVELOPMENT CONSISTING OF 39 NO. TWO BED, 16 NO. THREE BED, 13 NO. FOUR BED HOMES AND 21 NO. 2 BED FLATS  
FORMER MARLFIELD FARM FIRST SCHOOL, REDSTONE CLOSE, CHURCH HILL NORTH, REDDITCH  
APPLICANT: REDDITCH CO-OPERATIVE HOMES  
EXPIRY DATE: 24TH MARCH 2010**

The author of this report is Sharron Williams, Planning Officer (DC), who can be contacted on extension 3372 (sharron.williams@redditchbc.gov.uk) for more information.

### Site Description

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

The site is located at the end of a cul de sac in Redstone Close and comprised the former Marfield Farm school building which has since been demolished. The demolished buildings were generally single and two storeys in height. The surrounding land within the application site is generally grassed with some tree/shrub planting and former tarmac play areas. The perimeter of the site is generally secured with fencing and established tree / hedge planting.

The former buildings, tarmac play areas and car parking bay are undesignated in the Borough of Redditch Local Plan No.3 (the same as the adjacent residential areas). However, the remaining area that is grassed and landscaped is designated as Primarily Open Space in Local Plan No.3. The site is generally level with a slight slope down north to south of the site.

### Proposal Description

The proposal is for 79 dwellings, comprising of 21 No. 2 bedroom flats, 39 No. 2 bedroom houses, 16 No. 3 bedroom houses and 3 No. 4 bedroom houses.

The 21 flats form a 3 storey apartment block whilst the remaining housing would be sited in assorted rows, semi detached properties, as well as a crescent within the layout.

Three particular house types are proposed. Two house types are particularly unique and apply to two plots each, whilst the third house type is slightly varied within the rows of houses to create interest to the general streetscene.

Recycled House – Intended to utilise 70% of recycled material which would be reflected in the elevation of this house type. Gabion baskets with reclaimed stone would be used for the walls whilst reclaimed timber shingle or slate tiles would be used for the roof.

Jennifer House – Is a house type generally devised from the imagination of a West Midlands school child as a result of a school competition and is intended to reflect aspirations of an eco friendly dwelling finished in timber cladding and possibly a sedum roof (subject to suitability).

General House Type – This house type would have an asymmetrical roofline with a gable on the front / rear elevation, and protruding box windows on the opposite front / rear elevation. Some of these plots would be 2½ storeys in height to create a varied roofline on the streetscene. Again, materials would be finished in timber with a suitable colour stain. A sedum roof may be used on some of these plots dependent upon suitability; otherwise alternative roof tiles would be used.

The apartment block – This is intended to be finished in vertical timber cladding for the walls and stained in a suitable colour, whilst a metal clad roof is proposed.

The layout of the access road would be a shared surface for pedestrians and vehicles. Access to the site would generally be via Redstone Close. However, 10 dwellings would be accessed via Upperfield Close. As well as the shared surface access roads, two secure pedestrian entrances are proposed to the north and south of the site and would link to existing footpaths.

To the west of the site, the development creates a courtyard that provides a green communal area for the potential occupiers as well as off street car parking.

A wildlife corridor is also proposed along the western boundary to create an important wildlife corridor link to adjacent open space areas that exist north and south of the site. Allotment areas and orchard planting as well as an edible wall (climbing edible plants trailing up the building) are also proposed as part of the overall scheme.

The application is supported by a:-  
Design & Access Statement, Landscape Design, Arboricultural Survey, Extended Phase I Habitat Survey, Reptile Survey, Great Crested Newt Mitigation Strategy, Code for Sustainable Homes Ecological Assessment, Transport Statement, Travel Plan, Flood Risk Assessment, and Geotechnical Assessment. The applicant is also agreeable to enter into a S106 Agreement.

### **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 (& accompanying documents) Delivering sustainable development  
 PPS3 Housing  
 PPG13 Transport  
 PPG17 Planning for Open Space, Sport and Recreation

***Regional Spatial Strategy***

SR1 Climate Change  
 SR2 Creating Sustainable Communities  
 SR3 Sustainable Design and Construction  
 CF2 Housing beyond the 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  
 CF7 Delivering affordable housing  
 EN2 Energy Conservation  
 T3 Walking and Cycling

***Worcestershire County Structure Plan***

SD.1 Prudent Use of Natural Resources  
 SD.2 Care for the Environment  
 SD.3 Use of Previously Developed Land  
 CTC.5 Trees, Woodlands and Hedgerows  
 CTC.6 Green Open Spaces and Corridors  
 D.5 The Contribution of Previously Developed Land to meeting the Housing Provision  
 D.6 Affordable Housing Needs  
 D.43 Crime Prevention and Community Safety  
 T.1 Location of Development  
 T.10 Cycling and Walking  
 IMP.1 Implementation of Development

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

CS.1 Prudent Use of Natural Resources  
 CS.2 Care for the Environment  
 CS.6 Implementation of Development  
 CS.7 The Sustainable Location of Development  
 B(HSG).5 Affordable Housing  
 B(BE).13 Qualities of Good Design  
 B(BE).19 Green Architecture  
 B(BE).28 Waste Management

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B(NE).1	Overarching Policy of Intent
B(NE).1a	Trees, Woodland and Hedgerows
B(NE).3	Wildlife Corridors
L.2	Education Provision
C(T).12	Parking Standards
R.1	Primarily Open Space

## ***Supplementary Planning Guidance / Documents (SPG / SPD)***

Encouraging Good Design  
Affordable Housing Provision  
Education Contributions  
Open Space Provision

## **Relevant Site Planning History**

<b>Appn. no</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
2007/265	Erection of extra care retirement village – Housing for the elderly (affordable housing)	Resolved at Planning Committee to approve the application subject to the completion of a S106 Agreement. <b>Application disposed of by RBC due to the absence of a completed S106 Agreement within the appropriate timescale.</b>	25 March 2008

## **Public Consultation Responses**

### Responses against

46 duplicate comments and 10 individual comments received raising the following points:

- Main access would be via Redstone Close which is a narrow road.
- Major disruption to the area with large, noisy HGVs causing mud on the narrow road.
- Danger to cyclists and pedestrians.
- Increase in noise levels from building work and trucks accessing and leaving the site.
- Danger/safety for children playing outside in Redstone Close due to increased traffic.
- Parking of residents vehicles, with one car space on site – what happens to extra vehicles associated with the site.
- Emergency vehicles could be severely compromised with an increase in on road parking.
- Is it possible to exit / access the site without using Redstone Close?



# Planning Committee

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- Development would have a detrimental impact on the Close which is a cul de sac.
- Proposal is overdevelopment of a small site.
- Buildings will be elevated in relation to existing property and overlook existing properties.

### Petition

A petition of 30 signatures has been received from residents of Redstone Close stating objection to the proposal, however, reasons for the objection have not been stated.

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

### Consultee Responses

#### ***County Highway Network Control***

The Adoptions Engineer has highlighted the need for an emergency link to the above development due to the total number of properties accessed via a cul-de-sac exceeding 100.

Consider that the open space area between the existing end of Redstone Close and Upperfield Close would be the most appropriate location as it could be incorporated within existing Highway Land.

#### ***Environmental Health***

Land contamination - Need information on soil screen values. This is a minor issue due to the sites former history; however there is a possibility that contamination maybe present beneath the building footprint such as from any oil fired heating or imported made ground during the school's construction. Therefore, require that post demolition a report is to be provided demonstrating that there is no additional contamination present beneath the building.

Noise - Construction times to be restricted. Times for loading, unloading or delivery of construction materials to be restricted. External artificial security lighting and light nuisance restricted. No burning of materials on site during construction.

#### ***Crime Risk Manager***

There are no objections to this application. Discussions have been taking place in order to achieve secured by design accreditation.

#### ***Severn Trent Water***

No objection subject to a condition regarding drainage details

***County Education Service***

If development goes ahead in this area, there will be a need for a contribution towards local education facilities in accordance with the SPD on planning obligations for education facilities.

***Sport England***

Does not raise any objections to the granting of planning permission for this application, but would recommend that a suitable contribution is sought for supporting the local sports facility infrastructure.

***County Countryside Service***

Proposal is adjacent to a public right of way (Redditch Bridleway 822). Applicant must be aware of their obligations in relation to the public right of way, in respect to no disturbance of / change to the surface of the path, without written consent from County Council. There should be no diminution in the width of the right of way, and there should be no building materials stored on the right of way. Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way. No additional barriers to be placed on right of way.

***British Horse Society***

Concerned that bridleway 822 is referred to in the Design Statement as a traffic free cycleway, implying that it is only used by pedestrians and cyclists. Path is a bridleway and as such horse riders' needs should be taken into account, Bridleway used by horse riders on a regular basis.

***Council's Housing Enabling Officer***

There is a housing need for 2, 3 and 4 bedroom dwellings and there is currently a shortfall of such housing. This proposal is a significant strategic housing site with 90% of provision for affordable tenures (rent/shared ownership). Request that nomination arrangements be secured via a Section 106 Agreement for the Council's tenant housing list.

Proposal meets required quality standards for a high quality housing development, namely Secured by Design, Lifetime Homes (not flats), the Homes and Communities Agency "Design and Quality Standards" and the Building for Life Standards.

***County Archaeology Service***

The proposed redevelopment may affect deposits of archaeological significance. No detailed archaeological investigation of the site has been carried out to date, hence the archaeological potential of the site is unknown, however, its proximity to the Roman Road (Ryknild Street) increases the possibility of contemporary road side settlement and farmsteads. Therefore as a condition of planning consent a staged programme of archaeological work (field evaluation) will be required prior to commencement of development.

***Council's Waste Management***

Comments awaited.

### ***Council's Arboricultural Officer***

Comments awaited.

### ***Council's Biodiversity Officer***

A general view of the whole development is that there are too many houses planned for this site and not enough green open space is being left within the site. This will have implications on wildlife and also on drainage and possible flooding issues for this site and land and buildings adjacent to this site.

Good to see that the planned development will retain almost all of the existing hedgelines, hedgerows being one of the most important habitats present around the border of the proposed development site.

Along the western hedgeline there is proposed a wildlife corridor. Whilst approve of this idea, have concerns with the narrow width of this and the fact that the proposed house gardens back right onto this strip. It is highly likely that this strip will over a period of time, be encroached upon by adjacent householders, unless an unmovable border line such as a solid brick wall or steel railings is erected along the length of it.

There are also a number of trees around this site, mainly occurring along the hedgelines. These do appear to be adequately safeguarded within the development.

Pleased to see that there is a proposal to install bat and bird boxes throughout the development.

### ***Council's Drainage Officer***

Comments awaited.

### ***Development Plans***

The site is identified on the Local Plan No. 3 Proposals Map as 50% white land and 50% open space. There are no policies relating to white land and therefore no comments on this aspect of the site. Local Plan No.3 contains Policy R.1 in relation to the open space. The site is partially brownfield land which was previously a school. Developing on previously developed land is considered as a sustainable approach and favoured ahead of greenfield land as prescribed in Planning Policy Statement 1 and Planning Policy Statement 3.

The draft Core Strategy for Redditch Borough contains a Spatial Vision, this Vision sets out how Redditch should be in 2026. The aspects of the Vision for Redditch that this application would contribute towards include:

- *By 2026, Redditch Borough will be distinctively 'green' and all development will make a positive contribution to the effects of climate change.*
- *All new residential areas in Redditch will be of a high quality and safe design and contribute towards creating places that reflect the local*

*character and are tailored to the needs of the people that live in the Borough.*

- *To have sufficient homes meeting demographic needs, including affordable housing, providing for a range, mix, and type in the best locations, including Strategic Sites.*

### **National Planning Policy:**

This application is generally in conformity with national planning guidance including Planning Policy Statement (PPS) 1 – Delivering Sustainable Development as it is located within the urban area and on a predominately brownfield site; PPG 13 – Transport – a travel plan has been provided which shows how sustainable forms of transport can be accessed from the site including cycling; and PPS 25 Development and Flood Risk, any potential flood risk on the site has been considered and SUD techniques incorporated.

PPS 3 Housing states that the Government's key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. This application broadly seeks to achieve this housing goal by providing a mix of housing that will address those in need and who cannot afford to access market housing.

#### **a) (1) Regional Policy:**

All planning applications must be in accordance with regional planning policy as it forms part of the Development Plan for Redditch.

With regard to the current Regional Spatial Strategy (RSS) this application appears to be in general conformity with this document.

#### **b) (2) Emerging Regional Policy**

The West Midlands Regional Spatial Strategy, as stated, is currently being reviewed; the emerging regional planning policy is the West Midlands Regional Spatial Strategy Phase Two Revision Preferred Option Document (2007). The Inspectors Recommendations have been published in September 2009 in the RSS Panel Report and these changes are being considered by the Government Office for the West Midlands. The comments below reflect both the Preferred Option RSS and the Panel Report recommendations.

The Preferred Option RSS contains a number of draft policies which should be taken into account when considering this application and are afforded some weight. Generally this planning application is in conformity with emerging regional planning policy.

#### **c) Local Plan No.3 Policy**

The proposal is located on 50% open space (as designated by the 2005 Open Space Needs Assessment). Therefore this application is contrary to Local Plan No.3 Policy R.1 'Primarily Open Space'. This

policy states that *“Proposals which would lead to the total or partial loss of Primarily Open Space will not normally be granted planning permission unless it can be demonstrated that the need for development outweighs the value of land as an open area.”* Therefore it must be demonstrated, by the applicant, that the value of this development would outweigh the value of the open space. It is worth noting that this portion of open space was previously the playing field for the adjacent school; in 2006 the school was closed. Subsequently, the playing field is no longer required as open space to serve the school therefore the 2009 update to the Open Space Needs Assessment de-designates this open space and classifies it as white land. This Open Space Needs Assessment Update has not been through formal Examination procedures and therefore currently does not hold significant weight.

**d) Preferred Draft Core Strategy material considerations**

As stated above this application contains measures that contribute towards achieving the long term Spatial Vision for Redditch and therefore this application is in general conformity with the Preferred Draft Core Strategy for Redditch Borough.

***Worcestershire Wildlife Trust***

Comments awaited

***The Cyclists Touring Club***

Comments awaited

**Assessment of Proposal**

The key issues for consideration in this case are:-

**Principle**

The application site is indicated as white land and Primarily Open Space. The principle of residential development is acceptable on the white land. However, as part of the site is designated as Primarily Open Space in Local Plan No.3, Policy R.1 would apply. This policy states that proposals which lead to the total or potential loss of Primarily Open Space will not normally be granted planning permission unless it can be demonstrated that the need for development outweighs the value of the land as an open space area.

The open space area is contained as a result of its former use as a school that enclosed the area with fencing and hedge / tree planting around the perimeter of the site, and reduced its visual appearance as an open space area. Whilst this area could provide a link between the two large open space areas north and south of the site, the fact that it is heavily enclosed with hedge and tree planting, restricts its visual openness as an open space area and restricts its level of accessibility for members of the public,

and as such lessens its amenity value. In addition, the Open Space Needs Assessment 2005 referred to the land as school playing field rather than general open space. This highlighted its restricted use as an open space provision. In the latest Open Space Needs Assessment 2009, the land concerned is no longer designated for open space purposes due to the fact that the school has since been closed and demolished.

To clarify, whilst generally, the proposal conflicts with the designation of part of the site (Policy R.1), from a practical point of view there is no real loss of open space provision given that it was only for the purposes of the school.

Sport England have responded by stating that they have no issues with the development on the playing field. However, they consider that the creation of new dwellings will lead to an increased demand on existing leisure and sports facilities, therefore, a contribution towards supporting sports facilities infrastructure within Redditch should be sought. Officers would clarify that a contribution towards enhancing playing pitch facilities is being negotiated to form part of a S106 Agreement (see later).

#### Design and Layout

The design of the proposal has been carefully thought out. The approach into the site from Redstone Close is sharply angled to deliberately slow traffic down whilst a shared surface is proposed for pedestrians and vehicles to enable the scheme to be more pedestrian friendly and reduce traffic speeds.

The two particular unique house types (Jennifer house and Recycled house) are proposed to be sited in a prominent location within the site (south of the apartment block). Whilst they are quite unique they do complement the scheme overall. The dwellings that enclose the courtyard with terraced housing and one in a crescent shape, have frontages that vary to create an interesting streetscene but also enable the dwellings to the north and south of the site to face outwards towards the existing open space areas. The design of the dwellings also harmonise with existing housing in the locality.

The car parking areas would be block paved to match the access road. 94 car spaces are proposed providing at least one car space per unit. However, the approach to this development is sustainable living and as such, good footpath links (north and south of the site) to neighbouring bus stops in the locality have been considered within the layout of the proposal.

The layout of the scheme shows smaller than usual gardens for some of the plots. The overall policy requirement of minimum garden / amenity space has been provided within the site for the number of dwellings proposed, some of this provision has been combined together to create a useable communal area within the courtyard. It is intended that the

communal area would be used for social occasions and be suitably landscaped.

Generally, the proposal complies within the design guidelines set out in the Council's SPG on Encouraging Good Design. However, approximately 20 metres (rather than 22 metres) would be achieved between the rear of the proposed dwellings along the western boundary and properties in Oldbury Close. Given that minimal work is proposed to the western hedge / tree boundary, this 2 metre shortfall is unlikely to hinder privacy for existing neighbouring occupiers.

The site is slightly elevated in relation to surrounding houses, particularly those adjacent to Upperfield Close. However, the difference in levels is minimal and unlikely to have a detrimental impact on neighbouring occupiers in terms of overshadowing / overbearing.

Comments have been made by neighbours regarding the number of dwellings proposed. Officers would confirm that the number of units is less than that of the previous proposal (retirement village), and although the density of housing exceeds 50 dwellings per hectare (53 proposed) as recommended in PPS3, the density is only marginally exceeding this guideline. Due to the layout of the scheme, this level of density appears to be similar to neighbouring Closes.

#### Landscaping and Trees

The aspiration for the development is very much a sustainable lifestyle. As such an allotment area is proposed within the site to be used by the potential occupiers of the scheme, as well as orchard planting of native fruit trees. An edible wall (fruit climbing plants) is also proposed on the end of the apartment block, and other native species will be provided in respect to general shrub and tree planting to encourage biodiversity in the area.

A wildlife corridor is proposed to be introduced along the western boundary of the site. A ditch currently exists along this boundary and would be further enhanced to create two artificial habitat areas as well as providing bat and bird boxes within the site.

A newt survey has been carried out on the site. At the time of the survey there was no evidence of newts, however, the applicant proposes some ecological mitigation measures due to the suitability of the surrounding area for reptiles.

It is also important to note that the site will be privately managed. Therefore, it is unlikely that the rear gardens of some of the plots would encroach into the wildlife corridor. In addition, it is intended that boundary treatment for the rear gardens of the dwellings would be relatively open and of a low height.

Groups of trees within the site are too young to be protected by the Area Tree Preservation Order that covers the site. However, some trees along the boundary are protected by the Order and it is intended that these trees will be retained. Mature hedgerows also exist around the site and are overgrown and in need of management. In particular, the hedge to the north of the site will be reduced in height in order to lay the hedge.

#### Highways and access

The access arrangements are proposed via Redstone Close (for the majority of the housing) and Upperfield Close (for 10 dwellings). Initial comments have been submitted by County Highway Network Control who have verbally stated that the number of houses proposed to be served off Redstone Close would not raise highway issues; however, an emergency access would be required. Officers from Highway Network Control believe that an emergency access can be achieved at the side of 137 Upperfield Close. The land concerned is already designated as highway land. However, having looked into this matter further, collapsible bollards already exist in this location. Therefore an emergency access may already exist for the site. Confirmation of this matter is awaited from Highway Network Control and will be reported at the meeting.

There are discussions still taking place between the applicant and Highway Network Control regarding minor amendments to the access road into the site. More information on this matter will be provided in the Update Report.

Most of the comments submitted by neighbouring occupiers relate to vehicle movements and potential volume of traffic. It is considered that the vehicle movements would be less than those of the school when it was in use. Highway Network Control does not consider the potential volume of traffic to be an issue in this particular location.

The applicant has provided information to demonstrate that the access and enclosed courtyard would be suitable for refuse vehicles to use, and it is understood that the applicant has been in discussion with Waste Management Services regarding this proposal prior to its submission. Comments are awaited from Waste Management and will be reported on the Update paper.

#### Sustainability

The aspiration for the development is very much a sustainable lifestyle. The dwellings will be built to achieve Levels 3, 4, and 6 of the Code for Sustainable Homes, and incorporates sustainable construction approaches such as use of materials, solar panels and orientation of the dwellings to maximise natural daylight into the proposed rooms.



## Planning obligations

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation. Normally, the following would be required under the adopted policy framework:

- A contribution towards County education facilities, however affordable housing schemes are exempted from this requirement in the SPD, and therefore this is only required in relation to the market housing units of the proposal; and
- A contribution towards playing pitches, play areas and open space in the area due to the increased demand/requirement from future residents is required in compliance with the SPG; and
- That 40% of the dwellings be provided as affordable units for affordable housing in line with SPD policy, however in this case the applicant has confirmed that all 69 units will be for this. Therefore, this must also be included in the agreement to ensure the retention of the units for this purpose in perpetuity.

## Conclusion

The proposal, due to its sustainable aspirations, is a very innovative scheme that generally complies with the Council's policies and SPG / SPDs, but maintains important landscaping whilst enhancing elements of the site to encourage wildlife habitats. The scheme maximises its potential to provide suitable sustainable homes, whilst the elevational design of the units complement surrounding housing. It is therefore considered that the proposal is both sufficiently compliant with policy and unlikely to cause harm to safety or amenity such that it can be considered favourably.

## Recommendation

1. **That having regard to the development plan and to all other material considerations, authority be delegated to the Acting Head of Planning & Building Control to GRANT planning permission subject to:**
  - a) **The applicant entering into a S106 planning obligation ensuring that 69 units out of the 79 are for the provision of social housing in perpetuity; that the Council are paid appropriate contributions in relation to education (for the 10 units that would be for sale), and the development for pitches, play areas and open space provision in the locality to be provided and maintained; and**
  - b) **the following conditions.**

# Planning

## Committee

2nd March 2010

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2. **In the event that the planning obligation cannot be completed by 24th March 2010, Members are asked to delegate authority to officers to:**
    - a) **Refuse the application on the basis that without the planning obligation the proposed development would be contrary to policy and therefore unacceptable due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements, and that at least 40% of the dwellings could not be restricted to use for affordable housing in line with current policy requirements; and**
    - b) **In the event of the applicant resubmitting the same or a very similar application with an acceptable and completed S106 legal agreement attached, authority be delegated to the Head of Planning and Building Control to GRANT planning permission subject to the conditions stated in this report and subsequent update report and any conditions agreed at the Planning Committee meeting held on 2nd March 2010.**
1. Development to commence within three years.
  2. Details of materials to be submitted.
  3. Landscape scheme including details of boundary treatment to be submitted and approved.
  4. Landscape scheme including details of boundary treatment to be implemented in accordance with approved details.
  5. Limited working hours during construction.
  6. Dwellings to be built to a minimum Level 3 requirement set out under Code for Sustainable Homes.
  7. Land contamination.
  8. Development to be carried out in accordance with plans submitted with application.
  9. **No loading, unloading or delivery of construction materials to be restricted.**
  10. **Archaeological programme (field evaluation) to be carried out prior to commencement of development.**

### Informatives

1. Drainage details to be in agreement with Severn Trent Water.
2. No disturbance to Bridleway 822 without prior consent from County Council Countryside Service.

## Planning Committee

Astwood Bank and Feckenham Ward

2nd March 2010

### INFORMATION ITEM

(Report of Acting Head of Environment & Planning)

#### 1. Summary 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, Risk and Climate Change Implications

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

#### Report

#### 4. Background

Planning Application file.

#### 5. Consultation

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

#### 6. Other Implications

Any Asset Management, Community Safety, Human Resources, Social Exclusion and Sustainability/Environmental will be detailed in the attached separate report.

#### 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.

8. **Appendices**

Appendix 1 - Outcome of Appeal against a Planning Decision – 2009/112/FUL

**OUTCOME OF APPEAL AGAINST A PLANNING DECISION****Reference:** 2009/112/FUL**Proposal:** ERECTION OF 2 DWELLINGS  
LAND TO THE REAR OF 23 NEW ROAD  
ASTWOOD BANK**(Astwood Bank & Feckenham Ward)**

This appeal was against the Council's decision to refuse full planning permission (under delegated powers afforded to officers) for the above development. The proposal was to erect two houses, arranged as a pair of semi-detached dwellings in a back of garden land position to the rear of number 23 New Road. Access to the dwellings was to be from Tookey's Drive, to the South.

The planning application was refused for two reasons. The first reason concerned the perceived incongruous appearance of the proposed development which was considered to be out of keeping with the prevailing character and appearance of the surrounding area. Secondly, due to the increased use of Tookey's Drive, a private track leading to and terminating at Tookey's Farmhouse to the west, Officers considered that an increased detrimental impact upon nearby amenity would result by granting consent and raised concerns on highway safety grounds due to poor visibility at the junction of Tookey's Drive with Evesham Road.

The Inspector noted that the existing long rear gardens in this area are a feature of properties on this side of New Road, and while there are a number of sheds and other buildings to the rear of existing dwellings, he considered that the open nature of the gardens makes a positive contribution to the character and appearance of the area, reinforced by the open playing field opposite (to the south). He considered that the development would relate poorly to other development in the area failing to respect the context and local distinctiveness of the streetscene. As such the Inspector agreed with Officers that the development proposed would be harmful to the existing character and appearance of the area, being contrary to Policies B(HSG).6 and B(BE).13 of the Local Plan.

Turning to the issue of highway safety, the Inspector noted that visibility to the north along Evesham Road for vehicles emerging from the access is generally poor with no realistic prospect of improvement. He considered that the appeal development would generate increased use by vehicles, and that due to the very poor visibility at the Tookey's Drive / Evesham Road junction, even a small further increase in movements would give rise to unacceptable danger for users of the access and other road users, conflicting with the emphasis placed on safety in PPG13 (Transport).

The Inspector took into consideration the amenity of neighbours, (which formed part of your officers' second reason for refusal) but considered that the number of additional vehicle movements would not cause material harm in this respect. Notwithstanding this, he did not consider that this matter would outweigh the harm to the character and appearance of the area and to highway safety.

The appeal was therefore DISMISSED.

## Planning Committee

Astwood Bank and Feckenham Ward

2 March 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 the 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 report and as set out in the following Acts:-

Town and Country Planning Act 1990.

Planning and Compensation Act 1991.

Planning and Compulsory Purchase Act 2004.

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

Anti-Social Behaviour Act 2003.

Human Rights Act 1998.

Crime and Disorder Act 1998.

##### Policy

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

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## Risk

- 3.4 As detailed within the 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 the Enforcement report.

## **4. Other Implications**

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

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

**7. Attachments**

(In view of the fact that it contains 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 the separate report (location Site Plan) has been made available to Members and relevant Officers only.)



## Planning Committee

Astwood Bank and Feckenham Ward

2 March 2010

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

### NON-COMPLIANCE WITH PLANNING CONDITION RELATING TO FUME EXTRACTION SYSTEM EVESHAM ROAD, ASTWOOD BANK, REDDITCH

(Astwood Bank and Feckenham Ward)

#### 1. Background / Key Issues

- 1.1 Planning permission to partially convert these premises to a restaurant was granted by the Planning Committee in March 2006, subject to compliance with certain conditions. That restaurant closed down, and the premises subsequently changed hands in 2009 resulting in a more intense restaurant use.
- 1.2 A condition was attached to the original permission requiring the submission of a scheme for the minimisation of emissions arising from cooking odour and grease interception, with the agreed scheme to be carried out in accordance with those details in perpetuity.
- 1.3 On 7th September 2009, following a complaint from a member of the public regarding odour and noise nuisance, a site visit was made by an Enforcement Officer which revealed that the premises had re-opened as a restaurant and that the flue, originally agreed to be sited on the side of the property, had been relocated on to the roof. No details had been received to show the new fume extraction system for approval, or any application to vary the condition to allow a revised system.
- 1.4 On 29th October 2009, a Planning Contravention Notice was served on the owners of the property requesting certain information, including information as to installation of the fume extraction system.
- 1.5 On 5th November 2009, a meeting took place between the Enforcement Officer, the restaurant owners, and their agent at which an assurance was received that a detailed submission would be handed in to the Council within 7 days.
- 1.6 On 7th December 2009, a check of the records revealed that no details had been received and a reminder letter was sent.
- 1.7 On 30th December 2009, a Breach of Condition Notice was issued using delegated powers and copies served on the restaurant owners. The Notice allowed a period of 28 days for the submission of details of the new fume extraction scheme.

# Planning

## Committee

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- 1.8 On 29th January 2010, the Enforcement Officer checked his records and established no details had been submitted as required by the Notice. He formed the opinion that the Notice was being breached.

### 2. Conclusion

- 2.1 Officers consider this to be a serious breach of planning control as the flue as it stands is adversely affecting the amenities of the adjoining properties by reason of noise nuisance and smell, and without the details of the extraction system, it cannot be assessed by Environmental Health Officers.

- 2.2 Given the reluctance of the owner to submit proper details of this new extraction system, and continuing complaints from neighbouring properties about the noise and smell, Officers consider that there is no alternative to but to undertake prosecution proceedings in this matter to try to secure compliance with the condition.

### 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**