

Planning Committee

Tue 30th March
2010
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

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

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

www.redditchbc.gov.uk

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

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REDDITCH BOROUGH COUNCIL **PLANNING COMMITTEE**



GUIDANCE ON PUBLIC **SPEAKING**

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

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

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

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

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

Notes:

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

Further assistance:

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

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

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

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

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

Chair

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

Running Order

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

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

Decisions

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

Members of the Public

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

Special Arrangements

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

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

Further Information

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

Fire/ Emergency instructions

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

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

Do Not stop to collect personal belongings.

Do Not use lifts.

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

The emergency Assembly Area is on Walter Stranz Square.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

and

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



Planning

Committee

30th March 2010

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

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

<p>1. Apologies</p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any interest they may have in the items on the Agenda.</p>
<p>3. Confirmation of Minutes (Pages 1 - 8)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 2nd March 2010.</p>
<p>4. Applications for planning permission (Pages 9 - 10) Acting Head of Planning and Building Control</p>	<p>To consider five applications for planning permission. (Items below refer) (Covering Report attached)</p>
<p>5. Planning Application 2010/008/FUL - Land at Hewell Road, Brockhill (Pages 11 - 26) Acting Head of Planning and Building Control</p>	<p>To consider a Planning Application for the erection of 14 dwellings, access road and public open space provision. Applicant: Persimmon Homes (Report attached) (Batchley & Brockhill Ward)</p>

Planning

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<p>6. Planning Application 2010/013/FUL - 'Camarat', Dark Lane, Astwood Bank</p> <p>(Pages 27 - 32)</p> <p>Acting Head of Planning and Building Control</p>	<p>To consider a Planning Application for the erection of single storey side and rear extensions, replacement pitched roof over kitchen, conversion of garage into living area, rebuilding of porch and new single storey garage.</p> <p>Applicant: Mr A Murphy</p> <p>(Report attached)</p> <p>(Astwood Bank & Feckenham Ward)</p>
<p>7. Planning Application 2010/026/FUL - The Stables Farm Shop, Astwood Lane, Astwood Bank</p> <p>(Pages 33 - 42)</p> <p>Acting Head of Planning and Building Control</p>	<p>To consider a Planning Application for the retrospective erection and installation of freezer store, 2 timber sheds, WC's porch, conservatory, canopy, patio and change of use of agricultural land for extension to existing car park.</p> <p>Applicant: Mr J Cockburn</p> <p>(Report attached)</p> <p>(Astwood Bank & Feckenham Ward)</p>
<p>8. Planning Application 2010/040/COU - Osprey House, Albert Street, Redditch</p> <p>(Pages 43 - 50)</p> <p>Acting Head of Planning and Building Control</p>	<p>To consider a Planning Application for a change of use from Class B1 to D1 to enable education and training to take place in the first and second floors.</p> <p>Applicant: NEW College</p> <p>(Report attached)</p> <p>(Abbey Ward)</p>
<p>9. Planning Application 2010/041/RM - Land adjacent to 17 Chapel Street, Astwood Bank</p> <p>(Pages 51 - 58)</p> <p>Acting Head of Planning and Building Control</p>	<p>To consider a Reserved Matters Planning Application for a detached dwelling with garage.</p> <p>Applicant: Mr R Parr</p> <p>(Report attached)</p> <p>(Astwood Bank & Feckenham Ward)</p>
<p>10. Members Planning Code of Good Practice</p> <p>(Pages 59 - 74)</p>	<p>To consider a revised Planning Code of Good Practice for adoption by the Council.</p> <p>(Report attached)</p> <p>(No Specific Ward Relevance)</p>

<p>11. Information Reports</p> <p>(Pages 75 - 78)</p> <p>Acting Head of Planning and Building Control</p>	<p>To receive items of information (if any) which may include:</p> <ul style="list-style-type: none">a) reason for grant of planning permission;b) decisions taken under delegated authority;c) outcomes of appeals against planning decisions;d) outcomes of appeals against enforcement action;e) notification of appeals received;f) notification of prosecutions relating to enforcement of planning regulations. <p>(Report attached)</p> <p>(West Ward)</p>
<p>12. Exclusion of the Public</p>	<p>During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended.</p>
<p>13. Confidential Matters (if any)</p>	<p>To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)</p>



Planning Committee

2nd March 2010

MINUTES

Present:

Councillor Michael Chalk (Chair), and Councillors P Anderson, K Banks, D Enderby, W Hartnett, N Hicks, D Hunt and R King

Also Present:

M Collins (Vice-Chair of Standards Committee)

Officers:

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

Committee Services Officer:

J Smyth

99. APOLOGIES

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

100. DECLARATIONS OF INTEREST

Councillors Banks and Hartnett declared personal and prejudicial interests in Planning Application 2009/271/FUL (application for a residential development on the former Marfield Farm First School Site, Redstone Close, Church Hill) as detailed in minute 104 below.

Additionally, Councillors Hunt and R King withdrew from the meeting during consideration of Planning Application 2009/271/FUL (application for a residential development on the former Marfield Farm First School Site, Redstone Close, Church Hill), also as detailed at minute 104 below.

101. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 2nd February 2010 be confirmed as a record and signed by the Chair.

.....
Chair

102. APPLICATIONS FOR PLANNING PERMISSION

The Committee considered and determined two 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 both of the applications being considered.

**103. PLANNING APPLICATION 2009/259/FUL –
LAND TO THE SOUTH AND WEST OF THE PROPERTY
"HIGH TREES", DARK LANE, ASTWOOD BANK**

Erection of five detached dwellings with associated
access and parking

Applicant: Mr B Hands, Bradley Design Homes Ltd

Mr J Ferrigno, on behalf of Dr Buckley, Objector and the Solicitor for Mr A Smith, Applicant/Agent, addressed the Committee under the Council's public speaking rules.

RESOLVED that

- 1) **having regard to the Development Plan and to all other material considerations, authority be delegated to the Acting Head of Planning and Building Control to GRANT planning permission, subject to the expiry of the statutory consultation period (5th March 2010) and no additional adverse material planning objections being received which cannot be resolved;**

and subject to:

- a) **a planning obligation to ensure that the County Council is paid appropriate contributions in relation to the development for education provision, and that Redditch Borough Council receives contributions towards the provision and maintenance of playing pitches, play areas and open space provision in the locality; and**
- b) **the conditions and informatives as summarised below:**

- “1) Development to commence within three years.**
- 2) Details of materials (walls and roofs) to be submitted.**
- 3) Landscape scheme including details of boundary treatment to be submitted.**
- 4) Landscape scheme including details of boundary treatment to be implemented in accordance with approved details.**
- 5) 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 to be removed.**
- 12) All hard surfaces to be permeable and retained as such.**
- 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.”**
- 2) **In the event that the planning obligation cannot be completed by 26th March 2010:**
- a) **authority be delegated 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 owing 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 and Building Control to GRANT planning permission subject to the conditions and informatives stated at 1 above.**

**104. PLANNING APPLICATION 2009/271/FUL –
FORMER MARLFIELD FARM FIRST SCHOOL,
REDSTONE CLOSE, CHURCH HILL NORTH**

Proposed residential development consisting of
39 no. two bed roomed, 16 no. three bed roomed,
and 13 no. four bed roomed homes
and 21 no. 2 bedroom flats
Applicant: Accord Housing Association

Members noted that, for the purposes of the proposed Section 106 Agreement, the applicant details had been changed from Redditch Co-operative Homes, as stated in the main report, to the Accord Housing Association.

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

Mr G Hodgetts – Objector
Mr S Betteridge – Objector
Mr S Berry – Objector
Miss Kelham – Objector
Mrs S Page – Objector
Mr G Best – Objector
Mr D Radford – Objector
Mr Tooner – Objector
Ms S Saunders – Supporter
Mr J Bedford – on behalf of Accord Design).

RESOLVED that

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

“The proposed development by reason of its position, mass and height would have an overbearing effect on the occupiers of the neighbouring properties. The design of the proposed development is such that it would be out of keeping with the surrounding housing and be of a density that would result in overdevelopment of the site. As such, the proposal would be contrary to Policy B(BE).13 of the Borough of Redditch Local Plan No.3 and Planning Policy Statement 3 Housing.”

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

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000,

Councillors Banks and Hartnett declared personal and prejudicial interests in view of the fact that they were Council appointed Board Members of Redditch Co-operative Homes, part of the Accord Group, and withdrew from the meeting for the duration of its consideration.

Additionally, Councillors Hunt and R King left the room in view of their declared “conflict of conscience, as Church Hill Ward Members, to make an unbiased decision”.)

105. INFORMATION REPORTS

The Committee received information relating to the outcome of an appeal against a Planning decision taken under powers delegated to Officers. The appeal, which had been dismissed, was in respect of the erection of two dwellings on land to the rear of 23 New Road, Astwood Bank.

RESOLVED that

the item of information be noted.

106. ENFORCEMENT OF PLANNING CONTROL

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

**107. ENFORCEMENT REPORT 2009/149/ENF –
EVESHAM ROAD, ASTWOOD BANK**

Non-compliance with a Planning Condition relating to a fume extraction system.

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.

**108. DIVERSION OF PUBLIC FOOTPATH NO 619 (PART) –
ARROW VALLEY PARK, MATCHBOROUGH WEST**

The Committee was asked to consider a diversion of Public Footpath No. 619(Part) Arrow Valley Park, Matchborough West.

Members were informed that a formally approved diversion of the footpath had been conditioned as part of the approved Planning Application for the construction of the new BMX track within Arrow Valley Park in view of the fact that the line of the existing footpath would be affected by the development.

RESOLVED that

- 1) approval be given to the making of an Order under Section 257 of the Town and Country Planning Act 1990, to divert Public Footpath No. 619(Part), Arrow Valley Park, Matchborough West, as shown on the plan attached to the report; and**
- 2) it be noted that, in the event of an objection being received during the public consultation period, which cannot be resolved, the Order will be submitted to the Secretary of State for the Environment, for confirmation under Section 259 of the Act.**

(This report had been accepted as a matter of Urgent Business – not being published on the agenda nor having met the publication deadline and was considered at the meeting as such, with the approval of the Chair, and in accordance with the Council's constitutional rules and powers vested in the Chair by virtue of Section 100 (B) (4) (b) of the Local Government Act 1972 to agree matters of urgency being discussed by reason of special circumstances.

In this case the special circumstances were that an early decision was required to progress the construction of a BMX track in Arrow Valley Park in accordance with a condition attached to approved Planning Application 2009/219/RC3.)

The Meeting commenced at 7.00 pm
and closed at 9.07 pm

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CHAIR

Planning Committee

Various Wards

30th March 2010

APPLICATIONS FOR PLANNING PERMISSION

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

1. Summary of Report

To determine five 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) for more information.

Planning Committee

Batchley & Brockhill Ward

30th March 2010

**2010/008/FUL 14 DWELLINGS, ACCESS ROAD AND PUBLIC OPEN SPACE
PROVISION
LAND AT HEWELL ROAD, BROCKHILL
APPLICANT: PERSIMMON HOMES
EXPIRY DATE: 21ST APRIL 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) for more information.

Site Description

(See additional papers for Site Plan)

Existing open land that has been left to grow wild as meadow, with informal pedestrian routes across. The site lies between housing at Brockhill (west of the site) and some housing and commercial development to the east, as well as facing housing to the south on Salters Lane and open farmed fields to the north. The land rises towards the north, with Lowans Hill Farm on the peak of the first rise. The site is in close proximity to the roundabout where Brockhill Lane, Brockhill Drive, Hewell Road and Salters Lane converge. There is no evidence of any previous development on site and therefore the land is considered to be greenfield.

Proposal Description

The application proposes to take a further arm off the roundabout to the north between Brockhill Lane and Hewell Road to access the site, and to provide an approach into the land to the north east of the site. From this spur, a development of fourteen houses is proposed. The housing would be grouped into two parts, the first, fronting the new access road and the existing housing located opposite on Wheelers Lane, and the other group at the south east end of the site adjacent to Lowans Hill Cottages. In the centre of the site some POS would remain, and the applicants propose to transfer this to the Council with a maintenance contribution.

The dwellings proposed would be market housing, nine with 2 bedrooms and five with 3 bedrooms. They are all two storey, with front and rear gardens and allocated parking.

The application is accompanied by an initial landscape and visual appraisal (2005 with 2009 update), ecological appraisal (July 2009), tree assessment report (Aug 2006 updated May 2009), West Midlands sustainability checklist (largely minimum ratings), climate change statement (Nov 2009), FRA (Nov 2009), transport statement (May 2009), design and access statement (Jan 2010) and a planning statement included within a lengthy covering letter.

Relevant Key Policies

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

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

National Planning Policy

PPS1 (& accompanying documents) Delivering sustainable development
 PPS3 Housing
 PPG13 Transport
 PPG17 Planning for open space, sport & recreation
 PPS25 Development & flood risk

Regional Spatial Strategy

SR2 Creating sustainable communities
 SR3 Sustainable design and construction
 UR4 Social infrastructure
 QE3 Creating a high quality built environment for all
 QE4 Greenery, urban greenspace and public spaces
 T7 Car parking standards and management

Worcestershire County Structure Plan

SD3 Use of previously developed land
 CTC5 Trees, woodlands and hedgerows
 T4 Car parking
 RST12 Recreational provision in settlements
 IMP1 Implementation of development

Borough of Redditch Local Plan No. 3

CS1 Prudent use of natural resources
 CS2 Care for the environment
 CS6 Implementation of development
 CS7 Sustainable location of development
 CS8 Landscape character
 S1 Designing out crime
 B(HSG).6 Development within or adjacent to the curtilage of an existing dwelling
 B(BE).13 Qualities of good design
 B(BE).19 Green architecture
 B(BE).28 Waste management

B(NE).1a	Trees, woodlands and hedgerows
E(EMP)3a	Development affecting primarily employment areas
E(EMP)6	North West Redditch Masterplan – Employment
CT12	Parking standards
R.1	Primarily open space
R.3	Provision of informal unrestricted open space
R.4	Provision and location of children’s play areas
R.5	Playing pitch provision

SPGs and SPDs

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

The site is designated on the local plan proposals map as Primarily Open Space.

Other relevant corporate plans and strategies

Worcestershire Community Strategy (WCS)
 Redditch Sustainable Community Strategy (SCS)

Relevant Site Planning History

Application ref	Proposal	Decision	Date
09/103/FUL	14 dwellings, open space and access road	Refused	11 Aug 2009
06/290/OUT	Mixed use A1 retail, B1a office and D1 nursery	Refused Part allowed (not A1 use) at appeal	14 Sep 2006 30 Nov 2007
05/411/OUT	Mixed use development	Withdrawn	11 Oct 2005

The appeal against the mixed use development was allowed in respect of the office, nursery and access uses, but the A1 retail proposal which was considered likely to harm the vitality and viability of the Batchley District Centre was dismissed. Thus the road shown on the current proposal has already been granted consent by the Inspector.

The 2009 application was refused under Officers’ delegated powers for the following reasons:

1. Unjustified loss of Primarily Open Space contrary to LP3 Policy R1 as incomprehensive development negates an enabling development argument

Planning Committee

30th March 2010

2. Layout unacceptable – not in compliance with secured by design principles and thus likely to result in an insecure environment for occupiers, contrary to Policy S1, partly due to design and number of dwellings proposed
3. Lack of planning obligation means no education money and no open space infrastructure, contrary to policy and depriving the community and especially occupiers of the future development - SPDs
4. Green architecture and sustainability details not included in proposed development, contrary to PPS1 and Policy BBE19
5. Unsustainable scheme – overprovision of parking and lack of cycle parking provision results in too much reliance on car too close to town centre – PPS1, PPG13
6. Flood risk assessment (FRA) inappropriate (out of date) – difficult to consider impact of development on flood risk – contrary to PPS25.

Public Consultation Responses

Responses against

5 comments received raising the following points:

- Loss of primarily open space not outweighed by need for housing
- Site is currently a buffer between residential development to west and industrial premises to east and this benefit would be lost
- Residential uses preferable to commercial/industrial uses allowed by the Inspector
- Increased light, noise and air pollution
- Previous reasons for refusal not overcome
- Insufficient on-site parking provision proposed
- Increased access to adjacent sites not desirable
- Potential land contamination from historic burning on site
- Open space landscaping should occur prior to commencing residential development
- Would open up access to additional land and enable further development in the area to occur
- Noise from access road would cause harm to existing adjacent residents
- Additional roundabout arm likely to cause highway safety concern
- Tree protection report should be implemented in order to ensure trees are protected on the site during and post construction
- Should restrict construction hours to protect residential amenity adjacent

Consultee Responses

County Highway Network Control

No objection subject to conditions and informatives

Development Plans team

- Notes that some of the policies referred to in the applicant's supporting information are no longer applicable
- Notes that the density of the proposed development falls broadly within the range stated in PPS3
- Note that there is a policy requirement to allow sufficient separation between proposed dwellings and adjacent designated employment site to east so that future employment development is not prejudiced by this housing proposal
- The Inspector considered that the access road, which would allow access to the employment site to the east, would be of sufficient benefit to outweigh the loss of open space in policy terms
- Keen to encourage future development of the designated employment land once the road is in place
- This and adjacent land have been put forward in the current consultation on the emerging core strategy for future residential development in response to the emerging regional policy framework which identifies a need for additional residential development within the Borough.
- As this site falls within the larger Brockhill East development area, but this particular parcel falls below the affordable housing threshold of 15 units, then under the SPD these houses should be carried forward when calculating affordable housing provision on future parcels of the development area.
- The mix of house sizes proposed addresses the housing need in the Borough and is therefore welcomed
- It is acknowledged that the Borough does not currently have a five year land supply for housing, and as such finding sites for residential development, such as this, are to be welcomed in order to assist in meeting the target/need for the Borough.

Environmental Health

No objections raised subject to conditions regarding potential contaminated land

Crime Risk Manager

No objection subject to informative recommending the application for Secured by Design accreditation

Severn Trent Water

No objection subject to a condition regarding drainage details

Drainage officer

No comments received

Landscape Manager

No comments received

Waste Management team

No comments received

County Cycle Route Co-ordinator

No comments received

County education co-ordinator

No response received

County archaeologist

No objection subject to condition regarding watching brief.

Note – this was not raised previously, and therefore this request has been withdrawn by the County team on further examination of the case.

Procedural Matters

The site history, including the relatively recent Inspector's decision relating to the site (and other land), are material considerations in the determination of this application. However, these should be weighed against all other material planning considerations in the determination of this proposal.

Given the similarity between this proposal and that refused in 2009, Members should consider whether the previous reasons for refusal, as detailed above, have been addressed to an acceptable extent, as well as considering any other relevant material considerations.

Assessment of Proposal

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

Principle

The site is designated as Primarily Open Space and as such the local plan policies seek to protect its openness and visual contribution to the amenities of the area. There would therefore be a presumption against

development on this site, unless there are reasons why the development need outweighs the value and/or benefit of the land as an open area.

It is acknowledged that there is an outline permission existing on this site for a commercial development (nursery and office accommodation) and an access road to the adjacent site which has been designated for future employment uses. However, the Inspector makes it clear that this commercial development is part of the wider development area and is required to fund the infrastructure provision of the access road in order to enable employment uses to be implemented in accordance with the identified need in the Borough. It therefore needs to be considered whether it is unacceptable to develop this site in isolation. Furthermore, adjacent industrial and residential uses should generally be resisted in order to prevent any future harm between the two potentially incompatible land uses.

The decision of the Inspector to allow some built form on the designated open space, but also to require a 'cone of vision' be maintained to make the visual impact acceptable and allow views across the site to the landscape beyond should also be taken into account. This cone of vision has been left clear of proposed development in this application proposal.

The current case differs from the previous case, in that the employment land is included within the blue line and thus shown to be land within the control of the applicant. However, as no details of how the site might be developed are included, it is not possible to ensure that the employment site is developed in a timely manner to assist in the delivery of additional employment opportunities. The previous decision took into account the identified shortfall of employment uses within the town. The enabling development argument is therefore not accepted in this case, as it relates to land beyond the red line of the application site.

It has been suggested that allowing the road sets a precedent for allowing development in the area for which it provides access. However as the land to the east is designated within the local plan for employment uses, and the Inspector previously considered the road to be acceptable in visual terms, the consideration of this proposal should have regard to these matters.

Since the previous refusal of a similar scheme on this site, the RSS Phase 2 revision has been published, and it has become apparent that the access road would lead not only to the designated employment site but also to the ADR (Area of Development Restraint) which will now need to come forward for residential development before 2016. Therefore there are additional benefits to granting consent for the current scheme, as it would provide the infrastructure necessary to bring forward further development, and alleviate difficulties in meeting the current land supply deficit.

It is considered that when balancing the factors relating to the principle of the development and whether or not this is acceptable, that the benefit of opening up the access to a large area of land for development by providing

the necessary infrastructure outweighs the potential harm caused by the loss of the open space to a small residential development such as that proposed, especially given that the cone of vision and wider visual amenity would be protected.

Density & affordable housing

The applicant has included in their submission a plan showing the different areas of development and open space on the site, and demonstrated that the proposed housing would be at a density of 38.25dph, which falls above the minimum stated in PSP3 of 30dph. Therefore, the density can now be considered to be acceptable. Further, due to the site being part of a wider development area, the affordable housing that was previously considered to be a missed opportunity as a result of the low density can also now be gained through later stages of development. Thus the proposal is now considered to be acceptable in this respect.

Open space

The proposal includes 4150m² of on-site open space, an over-provision relative to the requirement of 1582.64m², however, this is a result of the applicant providing the cone of vision between built form on the site in line with the previous Inspector's decision. Clearly the retention of open space, or its provision, would normally be welcomed, however, there would still be a net loss in this case given the proposed development on the remainder of the site. The SPD requires that this land would then be transferred to Redditch Borough Council for ongoing maintenance, along with a sum towards this. (For further information see the planning obligations section below.) However, on balance, due to the existing surplus of open space within the Batchley Ward, and the proposed retention of open space on the site, it is not considered reasonable to refuse on this basis.

Design and layout

The proposed dwellings would be simple two storey brick and tile houses in appearance, uniform in style and materials, and similar to those of the adjacent recent residential development to the west, some of which front on to this site and the proposed new road. Some would have feature panels of render.

The layout plan shows rear conservatories on all the proposed dwellings, however the house elevation plans do not include them, they are shown on a separate plan. The supporting text suggests that these would be built if required by the initial purchasers. As plans and details are provided, this is considered to be acceptable and included within the application proposal. However, for those dwellings where the conservatories are added, the garden areas would decrease in size and function, and so it is recommended that Permitted Development Rights (PDRs) for extensions and outbuildings be removed at this stage from all the dwellings to prevent any further additions in the gardens, in order that sufficient amenity space per dwelling is retained. This would not prevent the future submission of applications and their consideration for items such as garden sheds and other features.

It is not considered that the proposed development would cause any detrimental impacts on amenity or privacy either on the site itself or across the site boundaries to the existing residential properties, and it is considered that the proposal is in accordance with the SPG on good design in this respect.

The location of residential development adjacent to both existing industrial uses and land identified for such uses in the future should be carefully considered in terms of compatibility. In this case, the separation between the proposed dwellings and the designated site in the local plan, together with the similar separation distances between the local plan site and existing dwellings, which is comparable, is considered to be acceptable in this case. It is considered that future employment uses could be developed without causing any detrimental impacts on the existing and proposed residential development.

The layout of the proposed development is considered to be acceptable, given the constraints of the site such as sewer easements and the favourable retention of the cone of vision.

Secured by design

The proposed layout of the residential development has been designed with security in mind, such that it would be difficult to gain rear access to properties, and preventing opportunities for public access in circuits around the development. The 'dead ends' caused are thus more secure as they prevent escape and are therefore considered to be acceptable.

Landscaping and trees

One of the representations includes comments regarding trees. Whilst some trees which benefit from TPOs have already been granted consent to be removed (by the Inspector in the previous appeal) there are no other protected trees on the site which are to be removed.

The proposed landscaping scheme for the site has been drawn up in consideration both of landscape and visual amenity and also security on the site, and as such is considered to be acceptable, as well as appropriate to the site and its context.

Parking and access

The proposal shows two spaces provided for each of the three bed dwellings, one space for each of the two bed dwellings and two visitor spaces, making a total of 21 spaces, four of which are within garages. This is compliant with the maximum standards set out in Local Plan 3, although these standards do not incorporate visitor spaces. On this occasion, however, where there is minimal opportunity for 'on-street' parking provision, it is considered reasonable to allow these two spaces.

The adopted cycle parking standards require a minimum of 2 spaces for a 2 bed unit and 4 spaces for a 3 bed unit, and as such, secure provision for 38

cycle parking spaces, which are secure and accessible to residents, should be included in the proposal, in line with the aims of sustainability and the details of the local plan policies. The application includes proposals for equipment to be attached to the rear garden fencing, within the rear garden areas, to which cycles can be secured. Whilst this would not be a covered and weatherproof solution, those dwellings with garages could use their garages to store cycles securely. Although this is not an ideal solution, it is considered that it complies sufficiently with the spirit of the planning policy, and is therefore not a sufficient ground for refusal.

There are several technical objections relating to the proposed access road, however the highway adviser has confirmed that there are no objections, and the details submitted are the same as those allowed by the Inspector at the previous appeal. There are therefore no reasons to justify refusal on this basis in this case, as it is considered acceptable in terms of amenity and safety.

Sustainability

The applicant is proposing to provide compost bins and water butts for every property, in an attempt to make the development more sustainable. However, these appear to be the only features proposed, and the applicant argues that to do more would make the scheme financially unviable, but their claim is not supported with any evidence. However, given the nature and requirements of the current planning policy framework, it is not considered by Officers that it would be possible to refuse the application on this basis, due to a lack of evidence and criteria based policy framework.

The applicant states that the developers would not meet more than the simple minimum building control standards and therefore the development proposed would not even meet level 3 of the Code for Sustainable Homes, which fails to achieve the objectives set out in the emerging core strategy and other local policy documents. However, at this stage of the policy process, this can only be afforded very little weight when considering the overall scheme.

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 in compliance with the SPD; and
- A contribution towards playing pitches and play areas in the area due to the increased demand/requirement from future residents in compliance with the SPD; and
- That the on-site open space provision be maintained for use by the public in perpetuity. This is usually done by transferring the land to the

Council for future maintenance and making a contribution towards this in line with the calculations set out in the SPD.

The applicant claims that there is an overprovision of places in the schools within the catchment area and therefore that no education contribution is required in this case. It is known that this is the case currently, and in the absence of any comment from the education authority, it is not possible to argue to the contrary for any future circumstance.

The applicant has agreed to provide the appropriate open space maintenance, play equipment and pitch provision contributions as detailed in the SPG.

Drainage/Ecology

A new, up to date Flood Risk Assessment (FRA) has been provided with this application, and comments on its acceptability have been sought from the Environment Agency. These are awaited, and will be reported on the Update paper. However, the deadline for responses is over, and therefore under the regulations it can be assumed that no comments raised means that there are no objections. Further, Officer experience shows that where sites are of concern, contact is made and concerns raised very promptly in response to consultations.

Other issues

No details regarding the proposed method of storing and leaving for collection the waste receptacles on the proposed development have been provided. Whilst this is quite a small detail, it is important to ensure that all the proposed dwellings can be properly serviced, and thus further details would be required on this matter. However, these can be sought through the imposition of a condition.

Contact was made with the County Archaeology team to clarify the need for the condition regarding a watching brief that they had requested, given that this was a new requirement over what had previously been raised. It was conceded that nothing had changed in this regard since the previously refused scheme in 2009, and therefore that it was not reasonable to require the attachment of the condition. It is therefore not included below, as it is not considered reasonable.

Conclusion

Following the refusal of the previous scheme on one matter of principle and five matters of detail, the detailed matters have all now been addressed and, as outlined in the above considerations are now thought to be acceptable. On balance the principle of development is now also considered to be acceptable, due to changes in the policy framework since the previous decision. It is therefore considered that this proposal would be unlikely to cause harm to amenity or safety, and is largely in compliance with the objectives and details of the planning framework.

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:

Either:

1. **That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Building Control to GRANT planning permission subject to:**
 - a) **a planning obligation ensuring that the Council are paid appropriate contributions in relation to the development for pitches and play areas and that the on site open space provision be transferred to the Council with a maintenance contribution; and**
 - b) **conditions and informatives as summarised below:**
 1. Time limit for commencement of development
 2. Limited hours of work during construction
 3. Contaminated land – what to do if discovered
 4. Bin storage details to be submitted, agreed and provided before occupation
 5. Hard surfaces to be permeable
 6. Remove PDRs for rear garden structures
 7. Approved plans specified
 8. Landscape scheme to be implemented prior to occupation
 9. Boundary treatment to be implemented prior to occupation
 10. Provide parking prior to occupation
 11. Compost bins/water butts to be provided prior to occupation
 12. Highways details as requested

Informatives

1. Secured by design accreditation should be sought by applicant
2. Affordable housing quota likely to be carried forward into later phases of development
3. NB S106 planning obligation associated with this consent
4. Any highway informatives requested

Or:

2.
 - a) **In the event that the planning obligation cannot be completed by 21st April 2010, Members are asked to delegate authority to Officers to REFUSE the application on the basis that without the planning obligation the proposed development would be**

contrary to policy and therefore unacceptable due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements, and that none of the dwellings could be restricted to use for affordable housing in line with current policy requirements; and

- b) In the event of a refusal on this ground and the applicant resubmitting the same or a very similar planning application with a completed legal agreement attached, authority be delegated to the Head of Planning and Building Control to GRANT planning permission subject to the conditions summarised above as amended in any relevant subsequent update paper or by Members at this meeting.**



Planning Committee

Astwood Bank & Feckenham Ward

30th March 2010

**2010/013/FUL SINGLE STOREY SIDE AND REAR EXTENSIONS, REPLACEMENT PITCHED ROOF OVER KITCHEN, CONVERSION OF GARAGE INTO LIVING AREA. REBUILDING OF PORCH, NEW SINGLE STOREY GARAGE
'CAMARAT', DARK LANE, ASTWOOD BANK
APPLICANT: MR A MURPHY
EXPIRY DATE: 6TH APRIL 2010**

The author of this report is Nina Chana, Planning Officer (DC), who can be contacted on extension 3206 (e-mail: nina.chana@redditchbc.gov.uk) for more information.

Site Description

(See additional papers for Site Plan)

The property is a large detached dwelling which lies to the north of Dark Lane, Astwood Bank. The surrounding area is predominantly residential with properties which have been individually designed and developed; therefore there is no uniform pattern or character.

The property benefits from a 40 metre long and 12 metre wide rear garden. The front garden/drive is 12 metres in length and 15 metres wide. There is a two metre high hedge to the front of the property amongst which there is a willow tree and a fairly mature pine tree.

Proposal Description

Full planning permission is sought for a single storey extension to the side of the dwelling, an additional single storey extension to the rear and a single detached garage to the front.

The single storey extension to the side of dwelling is proposed to the west elevation, attached to what is currently the garage. The extension to be built is an odd shape with a flat roof, 2.5 metres in height and will be 4 metres in width at the rear and will taper down to one metre to the front.

The extension to the rear of the property, which is proposed to be used as a 'family' room, is single storey, will have a flat roof and is 3.3 metres in depth, 5.5 metres in width and the height is proposed to be 2.4 metres.

The detached single garage to the front of the property is proposed 2.7 metres in height, 2.8 metres in width and the length will be 5.8 metres. The garage slab will be set approximately 400mm below the first floor level, so it has less of an impact on the bungalow to the rear.

Relevant Key Policies

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

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

National Planning Policy

PPS1 (& accompanying documents) Delivering sustainable development

Borough of Redditch Local Plan No. 3

B(BE).13 Qualities of Good Design
B(BE).14 Alterations and Alterations to Buildings

SPDs

Borough of Redditch Supplementary Planning Guidance (SPG) on Encouraging Good Design.

Public Consultation Responses

Responses in favour:

None

Responses against:

Two objections received. Comments summarised as follows:

- loss of light
- noise
- loss of privacy
- extensions will cause 'overbalancing'

Procedural Matters

This application would normally be assessed under the delegated powers granted to the Head of Planning and Building Control, but is being reported to committee as we have received two letters of objection from neighbouring properties.

Assessment of Proposal

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

Principle

The property has been extended substantially in the past, but principle of adding two single storey extensions, rebuilding the porch and the addition of single garage with a pitched roof to the front of the dwelling is acceptable.

Design and layout

The single storey extension to the side of the property has been designed to have a flat roof and there is a gap of 200mm from the boundary to respect the next door property. This extension will not be visible from the front of the house.

The single storey extension to the rear of the property has again been designed to have a flat roof and will be in keeping with the character of the existing.

The detached garage is proposed to be built to front of the property. It has been designed sympathetically in relation to the bungalow to the side [43 High Street] in terms of loss of light. The slab has been set approximately 400mm below the ground level so that it does not have a detrimental impact upon this neighbouring property. There is a 2 metre high hedge between Camarat and 43 High Street; therefore they will only see 800mm of part of the pitched roof.

Highways and access

The property enjoys a large front area and has surplus space for parking cars.

Conclusion

Your Officers consider that this development will cause no harm to the residential amenity of the neighbouring properties. It appears to have met all the requirements of the policies and guidance listed previously.

Recommendation

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

1. Development to commence within 3 years
2. Materials to match existing
3. Materials to be used of parking area to be porous

Planning
Committee

30th March 2010

4. Development in accordance with approved plans

Planning Committee

Astwood Bank & Feckenham Ward

30th March 2010

**2010/026/FUL RETROSPECTIVE ERECTION AND INSTALLATION OF FREEZER, STORE, 2 TIMBER SHEDS, WCS, PORCH, CONSERVATORY, CANOPY, PATIO AND CHANGE OF USE OF AGRICULTURAL LAND FOR EXTENSION TO EXISTING CAR PARK
THE STABLES FARM SHOP, ASTWOOD LANE, ASTWOOD BANK
APPLICANT: MR J COCKBURN
EXPIRY DATE: 31ST MARCH 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) for more information.

Site Description

(See additional papers for Site Plan)

Single storey L shaped building clad in timber weatherboarding with gravelled area to side, adjacent to fields containing livestock of various kinds. The building is in operation as a farm shop and tea room.

The building is located to the northern side of Astwood Lane, west of the Astwood Bank village centre, and approximately 100m due west of the junction with Priest Meadow Close at the edge of the settlement. There is an existing hard surfaced access leading off Astwood Lane, at the brow of a hill.

Proposal Description

This application seeks retrospective consent for various small additions to the buildings etc which are additional to the limits of the previous planning consents (which are detailed below in the relevant section). These additional developments are as follows:

- Installation of freezer – a free standing cold store unit has been located to the rear of the shop (to the eastern side between the shop and the boundary of the site) to store meat sold at the meat counter which has been installed within the farm shop
- Two timber sheds have also been installed to the rear of the farm shop against the eastern site boundary, each with green sheeting roof, for ancillary storage purposes for the shop and tea room
- WCs – an extension to the rear of the tea room, towards the northern boundary of the site, has been added, containing a WC for tea room customers accessed via the tea room, and a WC for staff accessed externally from the east
- A porch of timber construction, with pillars supporting a pitched roof with a small front gable has been added to the external door that provides entry to the tea room.

- A conservatory has been added at the western end of the tea room, creating 6 additional covers
- External landscaping has been carried out to form a fenced in patio area adjacent the conservatory, containing an additional, albeit external, 20 covers
- Finally, a large car park extension has been created by reducing the size of the adjacent field and creating an L shaped car park that runs along the south of the site parallel to Astwood Lane. This has been finished with red large size aggregate similar to that of the original car parking area. The red line of the site is therefore larger than it was on the previous occasion, as it now includes land that was previously in agricultural use. This also includes the erection of a shed adjacent to the access, behind the boundary fencing. This would result in an additional 30 car parking spaces, taking the total from 10 to 40 spaces.

As a result of the additional buildings for storage, the areas within the main building that were previously used for storage would change their use to retailing. Therefore, the proposal is for an additional 37.73m² of A1 retailing floor space, 20m² of A3 tea room floor space (internal), 65.5m² of external tea room patio area and 1380m² of car parking provision (an increase from 300m² to form a total of 1680m²). The total area that has been changed as a result of this proposal is 1503.23m², on a site which has a total area of 3310m².

The application is supported by a Design & Access Statement and some photographs of the site as it is now, having been altered as outlined above.

The Design and Access Statement notes that since opening in 2007, the business has been very successful, and as such the proposals here are a result of extending the business. It states that none of the staff travel more than 8 miles to the site, and that most walk or cycle. The butcher business has relocated from a Redditch District Centre recently, and continues to be successful. The extensions allow for the number of employees to increase from two to three full time and from four to eight part time staff.

The applicant also contends that the rear extensions do not affect the openness of the Green Belt because they are between an existing building and hedge, and as such are not visible. Deliveries to the site are mostly made by cars and vans by local suppliers. The applicant claims that there were no suitable buildings available to adapt for the functions necessary to the business for which consent is sought here, hence the need for extensions. It concludes that the economic diversification of the rural area is being maximised on this site, in order to provide a positive benefit through a community facility.

Relevant Key Policies

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

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

National Planning Policy

PPS1	(& accompanying documents)	Delivering sustainable development
PPG2		Greenbelt

Regional Spatial Strategy

RR1	Rural renaissance
RR4	Rural services

Worcestershire County Structure Plan

D35	Retailing in rural settlements
D36	Farm shops

Borough of Redditch Local Plan No. 3

CS7	Sustainable location of development
B(RA)1	Detailed extent of and control of development in the Green Belt
B(RA)4	Change of use of buildings in rural areas for employment
B(BE)13	Qualities of good design
B(BE)14	Alterations and extensions
E(TCR)9	District centres
E(TCR)12	Class A3 uses

SPDs

Encouraging good design

Other relevant corporate plans and strategies

[Worcestershire Community Strategy \(WCS\)](#)
[Worcestershire Local Area Agreement \(WLAA\)](#)
[Worcestershire Local Transport Plan \(WLTP\)](#)
[Redditch Sustainable Community Strategy \(SCS\)](#)

Relevant Site Planning History

2007/053/COU proposed the change of use from B1 to A1 of the larger of the two buildings on the site for use as a farm shop. This was approved by Members of the Planning Committee in March 2007 following the receipt of additional information and the imposition of additional restrictive conditions.

2008/121/COU proposed the change of use of the smaller of the two buildings on the site for use as a tea room, and the erection of an extension to link the two buildings together by infilling the corner between the two buildings to form a food preparation area. Officers recommended refusal due to the principle of development being contrary to Green Belt policy, however members chose to approve the application, subject to conditions, at Planning Committee on 15th July 2008.

Both consents included conditions restricting matters such as hours of opening, and these are being monitored by Officers. This is a separate matter, and should not be given any weight when considering this application.

The hours of operation claimed on the application form are consistent with the conditions attached to these two previous consents.

Public Consultation Responses**Responses against**

4 comments received raising the following points:

- Unsustainable
- Detrimental impact on vibrancy and vitality of village centre
- Car park would be too big and attract too many vehicles
- Impact of surfacing the parking area on drainage may be unacceptable
- Should not be allowed because it is retrospective
- Retrospective works are contrary to conditions of previous approvals
- Special events are being held out of hours, contrary to existing consents
- Advertising proliferation on site should not be allowed
- The difficulties now experienced were predicted previously by Officers when recommending refusal

The final two points are not material planning considerations in this case, and so they cannot be considered in the determination of this application. They are reported here for completeness and information only.

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

No comments received

Environmental Health

No objection

Procedural Matters

Members are reminded that where an application is made retrospectively, it should be considered as if the development had not occurred at all, and that any subsequent necessary enforcement action as a result of any decision made is also a separate issue. Therefore, Members are advised to consider whether these elements of development would have been granted permission had the application been made prior to their implementation on site.

If Members follow the Officer recommendation below and refuse planning permission in this case, then Officers would follow this up with the appropriate formal enforcement action to ensure that the site was returned to a situation where it was in compliance with the planning consents noted above. This can be done using delegated powers under the Scheme of Delegation, and thus does not form part of the recommendation below, as has previously been the case in such matters.

Assessment of Proposal

The key issues for consideration in this case are the principle of the proposed development, its visual impact, and sustainability.

Principle

This site lies within the Green Belt, which is designated to prevent the sprawl of development beyond defined sustainable settlement boundaries (in this case, Astwood Bank village). The policy protection for Green Belts includes that their openness should be protected by preventing the spread of built form. This is a matter of principle, and not just a matter of whether the design and appearance of proposed new built form are sympathetic to their site and surroundings. PPG2 provides the planning framework for Green Belt areas, and gives a list of (exceptional) development types that are appropriate for location within Green Belt areas, subject to various detailed criteria. As such, strict control should be exercised within Green Belt areas. Very special circumstances have to be put forward to justify the development of additional built form in the Green Belt, and it is not considered that this has been done in this case. Whilst it is accepted that the proposed extensions would be ancillary to the consented use of the site, they would clearly have an impact on the openness of the Green Belt, albeit to the rear of the existing building, and thus from limited viewpoints.

Therefore, the additional built form proposed here is considered to be contrary to policy.

The existing consented development on the site is largely the result of the conversion of buildings that already existed on the site, and were to be put to re-use, and as such an exception was made in their approval. However, there is already some additional built form on site that has been granted, and it is considered that the additional built form now proposed is beyond the exceptions that the policy criteria allow.

The extension to the tea-room facilities brought about by the additional elements proposed in the application also need to be considered here in terms of the resultant expansion of A3 uses on the site. The tea room is not a shop, nor does it provide an essential day to day service for the local community, nor is it sufficiently small that it can be considered to be ancillary to the farm shop. As such this site is an inappropriate location for an A3 use, and therefore the extension of these uses should be prevented wherever possible. Such a use would potentially be in competition with the Astwood Bank district centre and is therefore considered to be both contrary to policy and harmful to the economic development of the village, and particularly the viability of the village centre.

Design and layout

Whilst it is acknowledged that the extensions proposed are largely sympathetic in character, design, materials and appearance to the consented built form, this is not considered to outweigh the concern relating to the principle of the development noted above. Further, both the surfacing of the parking area and the appearance of the cold store are not considered to be appropriate to the site and its surroundings. The car park surfacing is visually intrusive and an inappropriate colour for the site and its surroundings, such that it does not blend well with other natural features. The red aggregate stands out against the natural materials and colourings of the adjacent agricultural land and fencing/hedging, and also the natural materials of the built form on the site. The cold store has the appearance of a shiny silver/white box, industrial in style and materials and as such out of character in a rural location adjacent to timber built form and natural hedging. The application form makes no reference to these materials, however there is no indication that they would alter were permission to be granted. These two elements therefore are also considered to be inappropriate and contrary to the relevant policy framework.

Parking and sustainability

As a maximum, in accordance with the adopted standards within the local plan, the use on this site as proposed here would require no more than 16 car parking spaces, 2 disabled parking spaces and 16 cycle parking spaces.

Therefore, in proposing 40 car parking spaces and no disabled or cycle parking provision, this proposal is significantly in excess of the maximum parking standards, and thus would not assist in the Council's aims of

reducing the use of the private car or providing community facilities in sustainable locations. The lack of specialised parking provision for the disabled and cyclists further compounds this.

The site is considered to be in an unsustainable location outside a settlement area, and as such the increases in development proposed would result in increasing the size and offer available to the public on this site such that it would become a destination in its own right, resulting in additional and unsustainable trips, contrary to local, regional and national policy objectives.

Conclusion

The proposed extensions result in new built form within the Green Belt which does not meet the policy exceptions test and would result in unsustainable development in a rural area, which could create inappropriate competition to the district centre. As such, the proposal is considered likely to cause significant harm for which there are no benefits that appear to outweigh this.

Recommendation

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

1. The proposed built form would result in inappropriate development in the Green Belt which by definition is harmful. The Council considers that no very special circumstances have been put forward to justify the proposals and that therefore the application is contrary to PPG2 and Policy B(RA)1 of the Borough of Redditch Local Plan No.3.
2. The extension of the capacity of the tea room would be likely to have an adverse impact on the vitality, viability and community function of the Astwood Bank district centre contrary to Policies B(RA)6 and E(TCR)11 of the Borough of Redditch Local Plan No.3, D36 of the Worcestershire County Structure Plan and PPS4.
3. The proposals are likely to enhance the existing facilities to such an extent that they increase the attractiveness and in this unsustainable rural location, not easily accessed by public transport links, this would result in the creation of a disproportionate number of vehicular trips to the site, contrary to the principles of sustainable development and in direct competition with the district centre, and to Policies B(RA)4 and E(TCR)11 of the Borough of Redditch Local Plan No.3, PPS1 and PPG13.

Planning Committee

30th March 2010

4. The over-provision of parking and lack of proposals to accommodate or encourage non-car modes of transport would result in an unsustainable form of development, contrary to Policies CS7 and C(T)12 of the Borough of Redditch Local Plan No.3.
5. The proposed materials and finishes of the cold store and parking surfacing are considered to be inappropriate, out of character and visually intrusive for the site and surroundings, and as such are contrary to Policies B(BE)13 and B(BE)14 of the Borough of Redditch Local Plan No.3, and PPS1 and its accompanying documents.

Informatives

1. Unauthorised development should be removed from site promptly, otherwise the applicant will risk pursuit by the LPA through formal enforcement action.

Planning Committee

Abbey Ward

30th March 2010

**2010/040/COU CHANGE OF USE FROM CLASS B1 TO D1 TO ENABLE EDUCATION AND TRAINING TO TAKE PLACE ON THE FIRST AND SECOND FLOORS
OSPREY HOUSE, ALBERT STREET, REDDITCH
APPLICANT: NEW COLLEGE
EXPIRY DATE: 26TH APRIL 2010**

The author of this report is Sharron Williams, Planning Officer (DC), who can be contacted on extension 3206 (e-mail: sharron.williams@redditchbc.gov.uk) for more information.

Site Description (See additional papers for Site Plan)

Office building exists on site with off street car parking provision. Building occupied by two companies on the upper floors and NEW College on the ground floor. Access to the car park is via a barrier off Albert Street. Site is close to other established office / commercial buildings. Adequate disabled car parking facilities also exist within the site.

Proposal Description

Permission is sought to change the use of the first and second floor of this building from Class B1 use (offices) to Class D1 (non-residential education and training centre). 1800m² of floorspace would be changed to this use, and it is proposed to operate the use 6 days a week (term time) Monday – Friday 06:00 – 22:00, Saturday 06:00 – 13:00.

The application is supported by a Design & Access Statement, which states that the growth in student numbers has created a problem with general teaching space, and addressing the shortfall is identified as a priority within NEW College's strategic property requirement. The College have recently moved into the premises on the ground floor in September 2009 and now have the opportunity to purchase the whole building. This would enable the College to further develop its higher and general teaching provision, and meet local demand for education and training.

Relevant Key Policies

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

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

National Planning Policy

PPS1	(& accompanying documents) Delivering sustainable development
PPS4	Planning for Sustainable Economic Growth
PPG13	Transport

Regional Spatial Strategy

UR4	Social Infrastructure
PA1	Prosperity for All
PA4	Development related to Higher / Further Education and Research Establishments and incubator units
T3	Walking and cycling
T4	Promoting travel awareness

Worcestershire County Structure Plan

D.25	Use of Employment Land for Specific Uses within Class B
D.26	Office Development (Class A2 and Class B1)
T.4	Car Parking
T.10	Cycling and Walking

Borough of Redditch Local Plan No. 3

E(EMP).3	Primarily Employment Areas
E(EMP)3a	Development Affecting Primarily Employment Areas
C(T).12	Parking Standards
BI	Other relevant corporate plans and strategies
Redditch Economic Development Strategy	

Relevant Site Planning History

Appn. no	Proposal	Decision	Date
2009/113	Change of use from Class B1 to D1 to enable education and training to take place in the ground floor premises only	Approval	10th July 2009

Public Consultation Responses

No comments submitted at the time of drafting report.

Consultee Responses

County Highway Network Control

No objection to proposal.

Environmental Health

Comments awaited.

Crime Risk Manager

Comments awaited.

Severn Trent Water

Comments awaited.

Development Plans

Proposal does not strictly comply with the Development Plan with reference to Local Plan No.3 E(EMP).3.

Limited information has been provided as to the marketing of the site and how PPS4 criteria have been met.

The end use for the purposes of education and skills is promoted in the West Midlands Regional Spatial Strategy (January 2008) and should the justification and information be provided to the Economic Development Units satisfaction then the criteria of Policy E(EMP).3 and PPS4 can be met.

Economic Development

Redditch Economic Development Strategy identifies the need to provide higher education opportunities in Redditch. The proposal would enable the opportunity to improve the educational attainment of the residents and provide necessary skills to meet needs of local businesses.

Assessment of Proposal

The key issues for consideration in this case are as set out below.

Principle

The site is within an area designated for Primarily Employment Purposes in the Borough of Redditch Local Plan No.3. Policy E(EMP).3 would apply which states that development falling within Class B1, B2, and B8 of the Town and Country Planning (Use Classes) Order will be permitted. Non employment uses within this area would **only** be considered where:-

- i. It can be demonstrated that the site cannot be used for an employment use.
- ii. The loss of the site would not have an unacceptable impact on the supply of employment land.

- iii. The use of the site for employment purposes raises unacceptable environmental or traffic issues that could be alleviated by an alternative use.
- iv. The proposed use is compatible with the surrounding land use.

The proposed use is Class D1 use, higher education facilities for NEW College. Therefore, the proposed use would not be an employment use that would fully comply with Policy E(EMP).3. Therefore, its acceptability would need to be assessed under the criteria set out above.

The building is acceptable for employment uses but mainly Class B1 use due to the internal layout of the building. Therefore, its scope for providing employment uses within this area is limited to Class B1 use. With regards to the loss of the site for a non employment use in respect to the employment land supply, comments from Officers in Economic Development have clarified that in the last 12 months there have been four enquiries for office accommodation of this floorarea, and five properties of that size have been available. Therefore, should this site be lost to Class D.1 use there is still availability of such sites in the Borough. As the site has recently been built, and built mainly for Class B1 purposes, it is considered that the use does not raise any environmental or traffic issues that could be alleviated by a non employment use. However, it is considered that the proposed use would be compatible with the surrounding employment uses as it would enable the opportunity to improve the educational attainment of the residents and provide necessary skills to meet needs of local businesses.

In addition, the proposal would also comply with Policy PA.4 of the Regional Spatial Strategy which encourages higher / further education facilities to grow and expand in order to facilitate the development of businesses in the area to enable employment opportunities for disadvantaged groups and communities. This would also comply with the aspirations of the Council's Economic Development Strategy, and the needs identified in the emerging Core Strategy particularly Policy ES3).

Comments from Officers in Development Plans have raised concerns that the proposal does not comply with Policy E(EMP).3 of Local plan No.3, and also refer to Policies EC10 and EC11 of PPS.4 Planning for Sustainable Economic Growth.

Policy EC10 requires proposals to be assessed against impact considerations such as accessibility of the site to a choice of public transport and local traffic congestion, and impact on economic and physical regeneration in the area including the impact of deprived areas and social inclusion objectives. Officers consider that the proposal would fulfil the criteria of this policy, and the applicant has been requested to provide further information on this matter.

Policy EC11 advised that consideration should be given to weigh market and other economic information alongside environmental and social information. Economic Development have already clarified that there is availability of other properties should this site be lost to Class D1 use. The Economic Development Unit is making the point that the need for the D.1 use is in its view compelling.

The ground floor is currently being used for higher education, and the first and second floors are currently being used for employment uses. It is intended that the whole of the building would be used for higher education. Whilst the use would not be an employment use, it would provide training / qualification facilities for employees/employers and businesses in the local area. It is worth noting that other training centre facilities exist in other employment area's and that they do provide an important function for those areas.

Design and layout

The internal layout of the building which comprises of a number of rooms would remain generally unchanged for the proposal and no external alterations are proposed. Therefore, should the building revert to a Class B.1 use again at a later date this could be done with minimal alteration and impact on the locality.

Highways, access and sustainability

Given that the site would be used by one occupier of the building, the existing off street car parking facilities would be dedicated to the one occupier and would not cause conflict with any other users of the site. However, the site is within walking distance of the Redditch NEW College campus and it is envisaged that students could easily walk to this building. The College provides a campus bus service which stops at the building in order to reduce the number of vehicles parking at the site. This results in better use of shared transport as opposed to individuals using their own cars, and ultimately has a better impact on the environment. County Highway Network Control has no objection to the proposal.

Conclusion

The use is currently taking place on the ground floor of this building with minimal impact on the employment land supply in the area. Although the proposal conflicts with policy E(EMP).3 of Local Plan No.3, the proposal would reflect the aspirations of Policies in the Regional Spatial Strategy, and potentially the emerging Core Strategy. However, additional information is required by the applicant to address policy EC.10 under PPS.4. So long as the proposal can address these issues, it is considered that whilst the use may reduce the level of employment land in the area, the whole of the building being used for this proposed use would provide an important supporting facility for the employers / employees / businesses in the locality, enabling local businesses to grow and expand.

Recommendation

Subject to receiving additional information in respect to policy in PPS.4, it is recommended that having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning and Building Control to GRANT planning permission subject to conditions as summarised below:-

1. Development to commence within 3 years.
2. Use of building to be restricted to Class D1 Non residential education and training facilities only and any facilities should be ancillary in nature.

Planning Committee

Astwood Bank and Feckenham Ward

30th March 2010

2010/041/RM

**RESERVED MATTERS APPLICATION FOR A DETACHED DWELLING WITH GARAGE
LAND ADJACENT TO 17 CHAPEL STREET, ASTWOOD BANK, REDDITCH**
APPLICANT: MR R PARR
EXPIRY DATE: 27TH APRIL 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) for more information.

Site Description

(See additional papers for Site Plan)

The site comprises land which historically formed garden curtilage associated with number 17 Chapel Street, Astwood Bank. The plot is situated between number 79 Western Hill Close (to the West) and 17 Chapel Street (to the East) with its Northern boundary being Chapel Street, and its Southern boundary Western Hill Close. The land slopes away in a South to North direction towards Chapel Street.

The area, which is residential, is mixed in character with modern detached properties in Western Hill Close to the South, with older housing forming frontage development off Chapel Street to the North and East. In the case of Western Hill Close, parking is generally within the curtilage of each property, and in the case of Chapel Street, generally on-street.

Proposal Description

This is a Reserved Matters planning application for the erection of a single, four bedroomed detached dwelling, together with an attached single garage. The matters for consideration here are those of access, appearance, landscaping, layout and scale.

Relevant Key Policies

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

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

National Planning Policy

PPS1	Delivering sustainable development
PPS3	Housing
PPG13	Transport

Regional Spatial Strategy

CF2	Housing beyond Major Urban Areas
CF3	Level and Distribution of New Housing Development
CF5	The reuse of land and buildings for housing
CF6	Making efficient use of land

Worcestershire County Structure Plan

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

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
B(BE).19	Green Architecture
B(RA).8	Development at Astwood Bank
C(T).12	Parking Standards (Appendix H)
SPG	Encouraging Good Design

Relevant Site Planning History

2009/063/OUT	Detached dwelling (outline)	approved 17.6.2009
2006/081/OUT	Detached dwelling (outline)	approved 28.3.2006
2002/558/OUT	Detached dwelling (outline)	approved 26.3.2003
1999/419/OUT	Detached dwelling (outline)	approved 20.1.2000
1996/440/OUT	Detached dwelling (outline)	approved 10.1.1997
1993/445/OUT	Detached dwelling (outline)	approved 14.12.1993
1990/593/OUT	Detached dwelling (outline)	approved 6.12.1990
1987/611/OUT	Detached dwelling (outline)	approved 11.12.1987

Public Consultation Responses

Responses in favour

1 letter received. Comments summarised as follows:

- Plans submitted make the best use of the site
- Positioning of the dwelling and driveway is considered to be acceptable
- Dwelling is well designed

Responses against

None received

Consultee Responses

County Highway Network Control

No objection subject to conditions concerning access, turning and parking

Environmental Health

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

Severn Trent Water

Comments awaited

Background

Members may recall that outline planning permission was granted for the erection of a dwelling on this site, following the presentation of application 2009/063/OUT at the Planning Committee meeting of 16th June 2009.

Assessment of Proposal

Since the matter of principle has already been established following the granting of outline consent, only the 'reserved' matters of layout, scale, appearance, access and landscaping can be considered under this application.

Layout

The proposed dwelling is to be situated such that its front elevation would address Chapel Street, with a rear elevation facing due south and in the direction of Western Hill Close. In your Officers opinion, this general layout maximises passive solar gain to the dwelling through its orientation, with the front elevation of the property facing towards Chapel Street enabling the proposed development to better respect the character and appearance of the area than would be the case, were the dwelling to be orientated in

the opposite direction. The plot measures 14 metres across at the Chapel Street (Northern) boundary, and only 10 metres across at the Western Hill Close (Southern) boundary and so would face the wider frontage. This, together with the fact that the land falls away steeply from south to north in the direction of Chapel Street, would mean that if the dwelling were orientated such that the front of the property were to face towards Western Hill Close, prominent views of boundary fencing, the rear elevation, and garden paraphernalia would be visible from Chapel Street, which would be undesirable, and in your Officers view, inappropriate. The relative narrowness of the plot at Western Hill Close, together with the fall of the land, would mean that privacy, and a higher standard of amenity could be provided for future occupiers of the proposed dwelling were it to be orientated in the way proposed under the application. The South facing rear garden provides amenity space at a level in excess of the minimum 70 m² required under the Council's SPG on Encouraging Good Design.

Scale

Policy B(HSG).6 of the adopted Local Plan is supportive of new residential development within the curtilage of a dwellinghouse so long as it respects the character and appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development. The scale and massing of the proposal is considered to be acceptable since it would be 2.5 storeys at the point where the dwelling addresses Chapel Street, and slightly lower in height than the pair of semi detached houses, numbers 15 and 17 Chapel Street. The property would be two storeys to the rear, where the land begins to rise in the direction of Western Hill Close. Site sections and street-scene elevations of the proposed dwelling demonstrate that the proposed development would respect the character and appearance of the area, and the street-scene. A single garage would be attached to the western side of the proposed dwelling. Your officers are satisfied that no loss to residential amenity would result from the proposed development by virtue of loss of light or visually intimidating impact, given the separation distances that would exist between the proposed dwelling and nearby properties.

Appearance

The dwelling would be constructed of brickwork (walls) under a slate grey coloured tiled roof. Such materials would respect the appearance of properties in both Chapel Street and Western Hill Close. The design of the proposed dwelling is drawn from traditional/ older houses present in Chapel Street, with the proposed dwelling having arched brickwork above the front porch / hallway; bay window to front reception room facing Chapel Street and the use of traditional sliding sash windows.

Access

For reasons stated earlier in the report, Officers consider that the property should face towards Chapel Street, rather than Western Hill Close. Therefore, in principle it would follow that access would be via Chapel Street also, unless there would be reasons on highway safety or amenity grounds why this should not be the case.

Whilst at outline stage, officers felt that consideration could be given to vehicular access via Western Hill Close, closer inspection of the steeply sloping nature of the site means that forming an access at this point would present an engineering problem, with the likely gradient being so steep that the access would not comply with highway standards. In addition, the applicant has referred to a 'ransom' strip at a point between Western Hill Close and the edge of the application site, which again hinders access. County Highways have raised no objection to the proposed access via Chapel Street. A four bedroomed property such as this would require two 'in curtilage' car parking spaces in order to comply with the Council's car parking standards. Provision for the proposal (a total of three spaces) comprising one within the single garage, and up to two spaces within the proposed gravel drive demonstrates that approval of this application would be unlikely to exacerbate any 'on-street' parking problem. Your Officers have noted that properties 8 to 18 Chapel Street, all have vehicular access to the immediate rear (to the north), and would not therefore necessarily have to park their vehicles in Chapel Street itself.

Landscaping

A relatively small development such as this requires little in the way of landscaping. The rear of the property would be laid to lawn and would include a single, heavy standard specimen tree. The front of the property would be partly open in order to create the vehicular access. Low level shrub planting would be situated in a position between the dwelling's front elevation and Chapel Street. 1.8m high timber fencing would form the boundary treatment to the western and eastern sides of the plot. A brick wall to a maximum height of 1.8m would form the southern boundary.

Sustainability

The site lies within the sustainable settlement of Astwood Bank, within a short walking distance of local shops and other amenities, and is therefore considered to be in a sustainable location. The orientation of the dwelling is such that passive solar gain can be maximised. The applicant has expressed an interest in using alternative methods for heating the property, and would be using locally sourced materials to construct the building, as advised in the Council's Green Architecture Policy B(BE).19. 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

A sewer record plan submitted by Severn Trent Water Ltd, when comments were received in respect to application 2009/063/OUT, showed a public sewer crossing the application site. Plans submitted by the applicant's solicitor show that the sewer does not cross the application site, instead being located in the side garden area to number 17 Chapel Street. Severn Trent Water are currently investigating this matter and will be carrying out a

site inspection to clarify whether their records, in this case, are indeed, incorrect as alleged by the applicant.

Your officers expect clarification from Severn Trent before 30th March 2010. This matter is considered to be important since if the sewers are in the position alleged by the applicant, it will be a simple matter for the applicant to connect to the manhole located in Chapel Street. If however, the records originally submitted by Severn Trent Water are found to be correct, the layout of the proposed development would need to be amended which could include officers insisting that the proposed garage to the side of the property be deleted from the scheme in order to create sufficient space for the existing sewer to be diverted. The recommendation is as set out below at present, on the basis that the sewers are in the location alleged by the applicant's solicitors. If however the sewers are found to run through the site and would need to be diverted, officers may ask for permission to be delegated to officers to approve consent for an amended layout in agreement with Severn Trent which would allow appropriate diversion. Further clarification in respect to drainage matters will be provided in the update.

Recommendation

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

1. Time limits for commencement of development as per outline approval
2. Materials to be submitted – walls and roof
3. Boundary treatments to the western and eastern sides of the plot to be in timber to a maximum height of 1.8 metres
4. Further details in respect of brick wall to south facing boundary to be submitted for the prior written approval of the Local Planning Authority
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. Driveway / parking areas to be porous
8. Contamination – standard conditions
9. Access, turning and parking
10. Development in accordance with plans (listed)

Informatives

1. Drainage details to be in agreement with Severn Trent Water
2. Highway Note no.4
3. Highway Note no.5

Planning Committee

No Direct Ward Relevance

30th March 2010

MEMBERS' PLANNING CODE OF GOOD PRACTICE

(Report of the Deputy Monitoring Officer)

1. Summary of Proposals

To consider a revised draft Planning Code of Good Practice for adoption by the Council, amended after consideration by Members on 4th February 2010 and to refer it back to Standards Committee as required by the Resolution of this Committee on 3rd November 2009.

2. Recommendations

The Committee is asked to RESOLVE that

- 1) the Code of Conduct for Members in relation to Planning Matters, as set out in Appendix 1, be recommended for approval; and
- 2) referred back to the Standards Committee for its further consideration, prior to recommendation on to Council.

3. Financial, Legal, Policy, Risk and Climate Change / Carbon Management Implications

Financial

- 3.1 There are no financial implications arising from this report.

Legal & Policy

- 3.2 Part III of the Local Government Act 2000 established an ethical framework for the conduct of Members. Sections 51 and 52 of the Act placed a duty on Local Authorities to adopt a Code of Conduct for Members and a duty on Members to undertake to comply with the adopted Code of Conduct respectively. The current Code of Conduct came into effect on 3rd May 2007.
- 3.3 The Council has adopted a Planning Code of Practice and this has been in place for some time. However, the Code needs to be updated to take account of the changing role of Members in the planning process.

Risk

- 3.4 If the Members' Planning Code of Good Practice is not adopted, there is a risk that Members will not be enabled to take their full role in planning matters, thereby stifling the Council's role as a place-shaper. There is also the risk that Members may compromise the Council's planning and decision-making process due to being unclear about what is or is not appropriate.
- 3.5 There is a risk that if a Member fails to comply with the Council's Codes of Conduct, a complaint could be made against them to the Council's Standards Committee or, in the most serious cases, to the Standards Board for England. There are a range of sanctions that can be imposed, depending on the nature and severity of the breach. In the most serious cases, breach of the Code of Conduct could lead to imprisonment.

Climate Change / Carbon Management

- 3.6 There are no sustainability, environmental or climate change implications arising from this report.

Report**4. Background**

- 4.1 In 2009, the Local Government Association produced guidance entitled "probity in planning: the role of councillors and officers – revised guidance note on good planning practice for councillors and officers dealing with planning matters".
- 4.2 A draft Planning Code of Good Practice was drafted in response to the LGA's guidance, to enable Members to safely take the proactive role in place-shaping and community planning.
- 4.3 The Standards Committee considered the proposed Draft Code at its meeting on 30th September 2009 and referred the Code on to the Planning Committee for its consideration.
- 4.4 At a meeting on 4th February 2010, the Draft Code was considered by Members and a number of amendments were made to reflect the comments and queries of Members.
- 4.5 The previous Resolution of this Committee was that if substantial changes were made to the draft Code, that it would be referred back to the Standards Committee for consideration, prior to recommendation on to Council for adoption.

Planning Committee

30th March 2010

5. Key Issues

- 5.1 The Revised Draft Code of Good Practice is attached at Appendix 1 and the key issue for Members to decide is whether they approve the Draft as amended and in that case, refer it back to the Standards Committee for its further consideration and ultimately referral to Council for adoption.

6. Other Implications

Asset Management	-	None identified.
Community Safety	-	None identified.
Health	-	None identified.
Human Resources	-	None identified.
Social Exclusion	-	None identified.
Environment / Sustainability	-	None identified.

7. Lessons Learnt

Planning is one of the most controversial areas for Member decision-making and clear guidance is required for Members involved in the planning process to prevent them from falling foul of the rules.

8. Background Papers

Probity in Planning - : the role of councillors and officers – revised guidance note on good planning practice for councillors and officers dealing with planning matters” (Local Government Association, 2009)

Model Member Planning Code of Good Practice (ACSeS)

9. Consultation

There has been no consultation carried out in preparing this report.

10. Author of Report

The author of this report is Clare Flanagan (Deputy Monitoring Officer), who can be contacted on extension 3173 (e-mail: clare.flanagan@redditchbc.gov.uk) for more information.

11. **Appendices**

Appendix 1 - Draft Members' Planning Code of Good Practice

Members' Planning Code of Good Practice



Appendix 1

Background

The Planning Code of Good Practice has been prepared in response to the Local Government Association's Guidance Note on the preparation of Local Codes of Good Practice on Planning Matters in the light of the introduction of the new ethical framework and replaces the Council's former local code of conduct on planning matters.

This Code is as per the model adopted by the Association of Council Secretaries and Solicitors (ACSeS) and launched on the 14th February 2003. The drafting of the model code was subject to consultation and comment from a number of other local authorities through the machinery of the Association of Council Secretaries and Solicitors (ACSeS), the Standards Board for England, the Local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf.

Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. It is also contentious because its decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers and land values. All this is heightened by the openness of the system and the legal nature of development plans and decision notices.

Consequently, with any application which has been refused or approved in the face of opposition, the decision may well be reviewed in any of the following ways. Any question of a procedural defect, impropriety or misconduct, whether warranted or not, may lead to an application for judicial review or a complaint of maladministration to the Local Government Ombudsman. Even if not taking such action, the aggrieved party may attempt to convince others that the decision was flawed. Of necessity, the planning process must not only be fair, it must be seen to be fair.

Introduction

The aim of this code of good practice: to ensure that, in the planning process, there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

The key purpose of Planning: to control development in the public interest.

Your role as a Member of the Planning Authority: to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

When the Code of Good Practice applies: this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in Planning Committee meetings or when involved on less formal occasions, such as meetings with Officers or the public and consultative meetings and pre-application discussions). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

The successful operation of the planning system: relies on mutual trust and understanding of Member and Officer roles. It also relies on Members and Officers ensuring that they act in a way which is not only fair and impartial, but is clearly seen to be so.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer, Deputy Monitoring Officer or Democratic Services Officers, and preferably, well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first, as there must always be compliance with these.
- **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:
 - the Council at risk of proceedings on the legality or maladministration of the related decision; and
 - yourself at risk of either being named in a report made to the Standards Committee or Council or, a complaint being made to the Council's Standards Committee or, in case of serious breaches, a complaint being made to Standards for England (formerly the Standards Board for England).

2. Development Proposals and Interests under the Members' Code

- **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with Officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. (*Use the disclosure form provided for disclosing interests.*)

- **Do** then act accordingly. **Where your interest is personal and prejudicial:-**
 - **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Council as the Planning Authority.
 - **Don't** try to represent Ward views, get another Ward Member to do so instead.
 - **Don't** get involved in the processing of the application.
 - **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with Officers or Members when other members of the public would not have the same opportunity to do so.
 - **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate Officer, in person or in writing, the Code place limitations on you in representing that proposal. You may address the Planning Committee but only to make a presentation in the same manner than would apply to a normal member of the public, after which you must leave the room whilst the meeting considers it. You may not remain to observe the meeting's considerations on it from the public gallery. In order to be able to address the Planning Committee on a proposal in which you have a personal and prejudicial interest, you must notify Planning Services of your wish to address the Committee in accordance with the Council's public speaking rules.
 - **Do** notify the Monitoring Officer in writing and note that:
 - you should send the notification no later than submission of the application in which you have a personal and prejudicial interest, where you can;
 - the proposal will always be reported to the Committee as a main item and not dealt with by Officers under delegated powers; and
 - it is advisable that you employ an agent to act on your behalf on the proposal in dealing with Officers and any public speaking at Planning Committee.
- **Do** seek advice from the Monitoring Officer or Democratic Services Officers if you are unsure about whether or not you have an interest which needs to be declared, preferably in advance of the meeting at which the interest is likely to arise.

3. Fettering Discretion in the Planning Process.

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the Officer's presentation and evidence and arguments on both sides.

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the Parish Council, for example, or both a Borough and County Councillor), provided:
 - the proposal does not substantially effect the well being or financial standing of the consultee body;
 - you make it clear to the consultee body that:
 - your views are expressed on the limited information before you only;
 - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
 - you disclose the personal interest regarding your membership or role when the Committee comes to consider the proposal.
- **Don't** speak and vote on a proposal where you have fettered your discretion (for example, where you have committed yourself to a particular view on a planning issue prior to its consideration at Planning Committee). You do not also have to withdraw, but you may prefer to do so for the sake of appearances.
- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (*Use the disclosure form provided for disclosing interests. – replace our form??*)
- **Do take the opportunity to exercise your separate speaking rights as a Ward/Local Member (this is granted by the authority's standing orders or by the consent of the Chairman and Committee) where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do:**
 - *advise the proper Officer or Chairman that you wish to speak in this capacity before commencement of the item;*

- *remove yourself from the member seating area for the duration of that item; and*
- *ensure that your actions are recorded.*

[We need to be clear what we're saying about Ward Member role in view of the recent issue with Cllr Clayton]

4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to Officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Development Control Manager to organise it. The Officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:
 - follow the rules on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the Development Control Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.
- **Do** comply with the Council's Protocol on Pre-Application Discussions.

In addition in respect of presentations by applicants/developers:

- **Don't** attend a planning presentation unless an Officer is present and/or it has been organised by Officers.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.
- **Don't** approach applicants, developers or agents with a view to securing changes to an application or achieving planning gain. Any such contact would normally be conducted by and through Officers and should always be reported to Planning Committee.

5. Lobbying of Councillors

“Lobbying”, which can be defined as an approach to a Councillor by an applicant, developer, objector or other third party, is considered an important part of the democratic process. The Nolan Report recognised the two roles that Councillors perform in the planning process, namely, the representation of public opinion and the determination of applications.

However, lobbying can, unless care and common sense are exercised by all parties, lead to the impartiality of a Councillor being called into question and the need for an interest to be declared. When being lobbied, all Councillors should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the application (“*predetermination*”) before they have considered all representations and the planning content. Councillors should not lobby other Councillors to act for them, or act as an agent for other Councillors, or put pressure on Officers for a particular recommendation.

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee’s decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing (predetermination).
- **Do** give procedural advice, such as recommending that those who are lobbying you should write to the Development Control Manager so that their views can be included in the Officer’s report to Planning Committee.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don’t** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register [of interests](#) where its value is over £25 (in accordance with the Council’s rules on gifts and hospitality).
- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity. **Do** note the contents of the correspondence and advise that it has been passed to Officers.
- **Do** promptly refer to the Development Control Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate Officers to follow the matter up.

- **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:
 - listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Members or appropriate Officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits

A formal site visit will often be helpful if the impact of the proposed development is difficult to visualise from plans and supporting information including photographs, or there is good reason why the comments of the applicant and objectors cannot be adequately expressed in writing.

- **Do** try to attend site visits organised by the Council where possible.

- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the Officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the Development Control Manager and direct them to or inform the Officer present.
- **Don't** express opinions or views to anyone.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - you feel it is essential for you to visit the site other than through attending the official site visit,
 - you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site visits.

8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

9. Officers

Councillors and Officers have different, but complementary roles. Both serve the public but Councillors are responsible to the electorate, while Officers are responsible to the Council as a whole. As a general rule, instructions will usually be given to Officers through a Council or Committee decision.

Staff must always act impartially. In order to ensure that senior Officers do so, the Local Government and Housing Act 1989 imposes restrictions on their outside activities. The Council will identify which of their Officers are subject to these restrictions. This list will be reviewed regularly. Staff paid on salary grade SO1 and above must also seek permission from their Manager to carry out any private work.

- **Don't** put pressure on Officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Control Manager, which may be incorporated into any committee report).
- **Do** recognise that Officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those Officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that Officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning Officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through Officers' delegated powers, that your reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse but **do** make sure that you keep an open mind until all relevant information is to hand to avoid fettering your discretion.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the Officers' introduction to the matter.
- **Do** have recorded the reasons for Committee's decision to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to Officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision.

These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

- **Do** treat proposals for development of Council-owned land in the same way as those submitted by other persons.

11. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

DRAFT

MEMBER'S DISCLOSURE OF INTEREST

A Member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

MEMBER'S NAME:	
MEETING OF:	
DATE OF MEETING:	

❖ I disclose for the information of the meeting that I have a personal interest in _____

(1)

which will be the subject of consideration by the meeting.

THE NATURE OF THAT INTEREST IS (2)

AND (3) [Delete if not applicable] (4)

❖ The personal interest is a prejudicial interest and I shall withdraw from the chamber during deliberation of the item.

OR (4) [Delete if not applicable]

❖ The interest is disclosed on grounds of planning good practice, as I have or have appeared to judge [or reserve the right to judge] the planning matter elsewhere, including whilst serving on another body, and I will not take part in the debate or vote. I [will] [will not] [Delete as applicable] be also withdrawing from the chamber.

SIGNED:

Dated

❖ To be read out by the Member when invited to by the agenda or at the commencement of consideration of that item. PLEASE COMPLETE THIS FORM AND PASS IT TO THE COMMITTEE OFFICER DURING THE MEETING.

- (1) State details of the item (agenda item, planning application number, etc.)
- (2) State what the general nature of the personal interest in the matter is. (You do not need to supply specific details unless you wish to).
- (3) State only if this is a prejudicial as well as a personal interest

A Member with a prejudicial interest in any matter must also:

- *withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting (or immediately after giving statements or evidence to where the Code and the Council's public participation rules permit it) unless s/he has obtained a dispensation from the Standards Committee;*
- *not exercise executive functions in relation to that matter; and*
- *not seek improperly to influence a decision about that matter.*

(4) State where you have an interest which flows from fettering one's discretion as described in the Members' Planning Code of Good Practice.

What matters are being discussed at the meeting?

Does the business relate to or is it likely to affect to any of your registered interests?

These will include

- persons who employ you, appointed you or paid your election expenses;
- your business, company ownership, contracts or land; or
- gifts or hospitality received (in the previous three years of this Code)

Planning Committee

West Ward

30th March 2010

INFORMATION ITEM

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

1. Purpose of Report

To receive an item of information in relation to proposed changes to the planning system that will come into force on 1st October 2009 and 1st April 2010. These changes respond to the economic downturn and are designed to increase ways of encouraging developments that benefit from planning consent to be implemented.

2. Recommendation

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

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

Financial

There are potential implications in that it may result in an increase in applications and only a small increase in fee income.

Legal

Officers will need to ensure that they deal with application in line with the new system, which will be set out in secondary legislation.

Policy

There are no perceived impacts on Council procedures, other than within the detailed working of the Development Control team.

Sustainability/environmental

These are criteria that are dealt with individually for each planning application, and thus require no additional consideration here.

Report**4. Background**

In line with previous requests from Members of the Committee, the Information Report can include items of information (if any) on:

- a. reasons for grant of planning permission;
- b. decisions taken under delegated authority;
- c. outcomes of appeals against planning decisions;
- d. outcomes of appeals against enforcement action
- e. notification of appeals received;
- f. notification of prosecutions relating to enforcement of planning regulations.

5. Consultation

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

6. Other Implications

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

7. Author of Report

The author of this report is Nina Chana (Planning Assistant), who can be contacted on extension 3207 (e-mail: nina.chana@redditchbc.gov.uk) for more information.

8. Appendices

Appendix 1

OUTCOME OF AN APPEAL AGAINST A PLANNING REFUSAL NOTICE

Reference: **2009/021/FUL**

Details: **Detached Dwelling**

2 Hennals Avenue, Webheath, Redditch

(West Ward)

This appeal resulted from the refusal of a planning application, at the planning committee of 31st March 2009, for the erection of a detached dwelling within part of the garden area of 2 Hennals Avenue, Webheath.

The reason for refusal related to the proposed dwelling resulting in being cramped and contrived and at odds with the character of the area. Also, the design, size and position of the dwelling would be out of keeping with the existing properties.

The inspector noted that there is a mixture of property types within the vicinity of the application site and that such a development would not harm the street scene. She felt that the proposal would not conflict with Policies B(BE).13 and B(HSG).6 of the Borough of Redditch Local Plan No 3 and the Council's Supplementary Planning Guidance on Encouraging Good Design. Subsequently the Inspector felt that the development would not harm the street scene and ALLOWED the appeal.

