

# Planning Committee

Tue 20th July  
2010  
7pm

Council Chamber  
Town Hall  
Redditch



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

# Access to Information - Your Rights

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

Your main rights are set out below:-

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

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

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

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

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

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

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**Member and Committee Support Services Assistant  
Town Hall, Walter Stranz Square, Redditch, B98 8AH**

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**Minicom: 595528**

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



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

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

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

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

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

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

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**Notes:**

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

**Further assistance:**

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

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

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

# Welcome to today's meeting.

## Guidance for the Public

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### **Agenda Papers**

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

### **Chair**

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

### **Running Order**

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

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

### **Decisions**

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

### **Members of the Public**

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

### **Special Arrangements**

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

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

### **Further Information**

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

### **Fire/ Emergency instructions**

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

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

**Do Not stop to collect personal belongings.**

**Do Not use lifts.**

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

**The emergency Assembly Area is on Walter Stranz Square.**

# Declaration of Interests: Guidance for Councillors

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DO I HAVE A "PERSONAL INTEREST" ?

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

**OR**

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

you have a personal interest.

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

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

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

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

**and**

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

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

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



# PLANNING COMMITTEE

20th July 2010

7pm

Council Chamber Town Hall

## Agenda

### Membership:

Cllrs: Michael Chalk (Chair) Bill Hartnett  
Nigel Hicks (Vice-Chair) Roger Hill  
Peter Anderson Robin King  
Kath Banks Wanda King  
Brandon Clayton

<b>1. Apologies</b>	To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.
<b>2. Declarations of Interest</b>	To invite Councillors to declare any interest they may have in the items on the Agenda.
<b>3. Confirmation of Minutes</b> (Pages 1 - 4)	To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 22nd June 2010.  (Minutes attached)
<b>4. Planning Application</b> <b>2010/103/COU - Rear of</b> <b>23 to 28 Ettingley Close</b> <b>and 1, 2, 11 and 12</b> <b>Fernwood Close, Wirehill</b>  (Pages 5 - 10)  Head of Planning and Regeneration	To consider a Planning Application for change of use of vacant land to residential gardens (part retrospective)  Applicant: Mrs J Randall  <b>(Greenlands Ward)</b>
<b>5. Planning Application</b> <b>2010/135/COU - 1207</b> <b>Evesham Road, Astwood</b> <b>Bank</b>  (Pages 11 - 16)  Head of Planning and Regeneration	To consider a Planning Application for a change of use of the front section of the bungalow from residential to incorporate a bar and reception area.  Applicant: Mr A Miah  <b>(Astwood Bank &amp; Feckenham Ward)</b>

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<b>6. Exclusion of the Public</b>	<p>During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p><b>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended.</b></p>
<b>7. Confidential Matters (if any)</b>	To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)





## Planning Committee

22nd June 2010

### MINUTES

#### Present:

Councillor Michael Chalk (Chair), and Councillors P Anderson, K Banks, B Clayton (during Minute Nos. 9 to 12 inclusive), M Hall (substituting for Councillor Hicks), B Hartnett, R King and M Shurmer (substituting for Councillor W King)

#### Officers:

S Edden, A Hussain, S Skinner and J Staniland.

#### Committee Services Officer:

A C Stephens.

#### 9. APOLOGIES AND NAMED SUBSTITUTES

Apologies for absence were received on behalf of Councillors Hicks, Hill and W King.

#### 10. DECLARATIONS OF INTEREST

Councillor Anderson did not participate in consideration of Planning Application 2010/030, as detailed at Minute 12 below; and

Councillor Chalk declared a personal but not prejudicial interest in Planning Application 2010/081, as detailed at Minute 13 below.

#### 11. CONFIRMATION OF MINUTES

##### RESOLVED that

the minutes of the meeting of the Committee held on 25th May 2010 be confirmed as a correct record and signed by the Chair.

.....  
Chair

**12. PLANNING APPLICATION 2010/030/FUL –  
ABBEY STADIUM, BIRMINGHAM ROAD, REDDITCH**

Development of a new pool hall building  
with associated parking, new access roads,  
independent sub-station building and landscaping.  
Applicant: Redditch Borough Council

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

Mr M Barnard - Supporter, representing the Applicant  
Councillor P Anderson - Supporter, and Portfolio Holder for Leisure and Tourism

**RESOLVED that**

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

**Conditions:**

- 15. Details of noise mitigation during construction to be agreed and then implemented as agreed.**
- 16. Access, turning and parking.**
- 17. Action plan relating to a travel plan.**

**Informatives:**

- 7. Private apparatus within the highway.**
- 8. Alteration of highway to provide crossover."**

(Councillor Anderson did not participate in consideration of Planning Application 2010/030, in view of his position as relevant Council Portfolio Holder, and in order to speak in favour of the proposal in that capacity during Public Speaking.)

**13. PLANNING APPLICATION 2010/081/FUL –  
14 TREDINGTON CLOSE, WOODROW SOUTH, REDDITCH**

First floor extension over existing  
flat roofed garage to side of dwelling,  
demolition of existing conservatory to rear,  
new conservatory and ground floor utility  
Applicant: Mr P Harris

**RESOLVED that**

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

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillor Chalk declared a personal but not prejudicial interest in view of him being related to the applicant through marriage.)

**14. PLANNING APPLICATION 2010/086/COU –  
15-17 EVESHAM WALK, TOWN CENTRE, REDDITCH**

Retrospective application for Change of Use  
from retail (A1 use) to coffee shop / café (A3 use)  
Applicant: Nero Holdings Ltd.

**RESOLVED that**

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

**15. PLANNING APPLICATION 2010/103/COU –  
REAR OF 23 - 28 ETTINGLEY CLOSE AND  
1, 2, 11 AND 12 FERNWOOD CLOSE, WIREHILL**

Change of Use of vacant land to residential  
gardens (part-retrospective)  
Applicant: Mrs J Randall

This matter had been WITHDRAWN from the Agenda at the request of Officers and was not discussed.

16. **PLANNING APPLICATION 2010/108/FUL –  
LAND TO THE REAR OF 11/13 NEW ROAD,  
ASTWOOD BANK**

Erection of one dwelling

Applicant: Mr D Ellis

**RESOLVED that**

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

17. **PLANNING APPLICATION 2010/111/RC3 –  
EATHORPE CLOSE, MATCHBOROUGH**

Environmental enhancements - demolition of  
existing garages and provision of parking spaces

Applicant: Redditch Borough Council

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, and subject to the expiry of the consultation period on the 25th June 2010 with no new material considerations being raised, authority be delegated to the Head of Planning and Regeneration Services to GRANT Planning Permission, subject to the conditions summarised in the main report, together with the following informative:**

- '1. Consultations to be held with users of the parking spaces to determine layout requirements.'**

The Meeting commenced at 7.00 pm  
and closed at 7.46 pm

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CHAIR

REDDITCH BOROUGH COUNCIL**PLANNING  
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**PLANNING APPLICATION 2010/103/COU****CHANGE OF USE OF VACANT LAND TO RESIDENTIAL GARDENS  
(PART RETROSPECTIVE)****REAR OF 23 - 28 ETTINGLEY CLOSE & 1, 2, 11 & 12 FERNWOOD CLOSE****APPLICANT: MRS J RANDALL  
EXPIRY DATE: 1ST JULY 2010****WARD: GREENLANDS**

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.

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

**Site Description**

1990s residential development accessed from Nine Days Lane and lying west of the Alexandra Hospital. This particular part of the estate lies to the south west, almost adjacent to the borough boundary. There is a run of detached properties with front driveways, and rear gardens that lead to a buffer strip, beyond which is the ditch that marks the County and Borough boundary, and beyond which is an area designated as SSSI and known as Rough Hill Woods. Through the woods are informal routes used by locals for recreational purposes.

The application has three separate parcels of land involved, all within the buffer strip area to the rear of the residential curtilages. The buffer strip is designated as Primarily Open Space – Amenity Open Space in the Local Plan and appears never to have been developed, having been in agricultural use until the 1980s.

This application is part retrospective, because some of these rear areas have already been enclosed by various means and to various heights (none more than 2m) and some of them have also had associated structures installed.

**Proposal Description**

This application is partially retrospective, in that some elements of the proposal have already begun.

The intention of the residents concerned is to extend the length of their rear gardens into the buffer strip a distance of between 5m & 8m, leaving a buffer strip of at least 10m in width to be retained.

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The application is supported by a Planning Statement, which gives information to support the development proposed. It details that the original outline consent for the residential development included a condition requiring a 10m buffer strip to be retained along the boundary in question, with a 2m fence along the bottom of the rear gardens and precluding the insertion of rear gates to prevent access to the buffer strip from the gardens.

**Relevant Key Policies:**

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

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

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

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

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

***National Planning Policy***

PPS1 (& accompanying documents) Delivering sustainable development  
PPG17 Planning for open space, sport and recreation

***Worcestershire County Structure Plan***

SD2 Care for the environment

CTC6 Green open spaces and corridors

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

CS2 Care for the environment

R1 Primarily open space

B(NE)10a Sites of national wildlife importance

***Supplementary Planning Guidance / Supplementary Planning Documents and other relevant documents***

Open space provision & emerging evidence base such as the open space needs assessment

**Relevant Site Planning History**

A recent retrospective application for the change of use of land to the rear of 5 Fernwood Close, which included the erection of decking and fencing, was refused and subsequently dismissed at appeal on the basis of the visual intrusion resulting from the height and bulk of the decking structure.

Authority was issued to serve an enforcement notice following the appeal outcome, but the unauthorised structure was removed speedily and therefore there was no need to serve the notice.

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There is no other relevant planning history relating to the land included in this application, and the site to the rear of 5 Fernwood Close is excluded.

**Public Consultation Responses**

**Responses against**

Eight comments received raising the following points:

- Loss of integrity of buffer strip
- Loss of buffer strip habitat
- Potential for garden waste to be thrown over rear fences into the SSSI if boundaries extended
- Buffer strip should preclude public access
- No access to buffer strip should be allowed to residents
- Precedent set if this is allowed, for others to do the same
- Proposed development likely to damage the SSSI over the County boundary
- Seek to protect the important open space buffer (no width measurement given)
- Original planning permission for residential development included a buffer strip with no public access
- Insufficient ecological information provided
- Value as woodland buffer outweighs benefits of proposed change of use
- Keen to see open space protected at all costs, and are concerned about wildlife protection etc under various local and national planning policies.
- Loss of buffer between residential properties and SSS1 ancient woodland
- Potential for fly tipping at woodland edge
- Strip should be managed not enclosed
- 10m buffer strip incorrectly measured by applicants
- Claim that unkempt appearance of land is a result of minimal intervention to encourage natural habitats
- Insufficient supporting information
- Loss of biodiversity
- Seek re-instatement of buffer strip
- Should not be allowed as land owned by Wildlife Trust
- Land ownership raised

The last two issues raised are not material planning considerations and are therefore reported for information only and should not be taken into consideration when determining the application.

For information only, the application clarifies that the land in question is owned by the residential property owners to which it relates. This has been backed up by research carried out by the planning team on a separate but related matter.

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**Consultee Responses**

***Development Plans Team***

Concern raised regarding the potential loss of Primarily Open Space and its visual amenity and the potential erosion of the buffer strip. Queried the need to consult an ecologist.

**Procedural Matters**

The legislation sets out that retrospective applications should be determined as they would be if the work had not commenced, and that if they are not acceptable, there are enforcement options available to the local planning authority to deal with any development that becomes unauthorised in this way. Therefore, Members are reminded to determine this application in terms of the policy compliance and any harm that it is perceived likely to cause.

Whilst precedent is not a material planning consideration, decisions should be taken in line with the development plan at the time, and therefore it is likely that if similar applications are made during the same policy period, then similar decisions should result. Other decisions that are similar are material considerations of limited weight. Therefore, if there are future applications at other sites, this decision may be a material consideration of limited weight, however the policy framework at the time should be taken into full account.

**Assessment of Proposal**

The key issues for consideration in this case are the principle of the development and its impact on visual and residential amenity.

**Principle**

Due to the designation of the land, Policy R1 of Local Plan 3 applies. This seeks to protect the visual openness of identified land of amenity value, regardless of ownership, access and control. It does not require that there be any public access to such land, it simply recognises the visual amenity benefits to residents and the general public of such areas. However, the policy also provides various criteria which detail circumstances when the overall benefit of an alternative is considered to outweigh the merit of retaining open space for visual amenity purposes.

Policy R1 seeks to protect the amenity value of the area and any buffer strips, retain its open and existing use, acknowledges its relationship to other open space areas, and only accommodates its loss for the greater good of the Borough or where there is surplus or where alternative provision can be made. Ancillary developments are also accommodated within the policy, e.g. the provision of a shed for a mower on a playing pitch.



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Visual and Residential Amenity

It is considered that providing these additional areas proposed here could continue to have a positive contribution to the visual amenity of the strip of land to the rear of the dwellings, then this application might be considered favourably. It is therefore recommended that conditions could be imposed, if the application were considered favourably, to restrict the height of any boundary fences to 1m or less, and prevent the placement of structures of any kind, such as sheds, trampolines etc, within the application site area, in order to protect visual openness and amenity. Such structures, and fencing up to 2m in height, would continue to be permitted development within the original garden areas. These areas are at the greatest distance from the residential properties and the original rear gardens would remain available for other residentially ancillary purposes and these restrictions are therefore considered to be reasonable in the interests of protecting the openness that provides visual amenity.

The original outline planning consent for the residential development sought to preclude rear access gates being inserted into garden boundaries in order to protect the buffer strip, and it is recommended that in order to continue such protection, a further condition be imposed here to this effect. There would remain a buffer strip of a minimum of 10m in width and greater for the most part, and therefore the objectives of the original planning permission to protect a 10m buffer strip would still remain on site.

Sustainability

There are not considered to be any specific sustainability issues related to this proposal, and restrictions on structures and fencing would further reduce the potential for using natural and other resources on these sites.

Other Issues

There is no statutory requirement to consult an ecologist in a matter such as this, and given the extent to which the change of use has already occurred, it is not considered necessary to seek specialist advice regarding any loss of habitat etc as any damage will have largely occurred already.

As the site is not designed for wildlife reasons, it is not considered that as much weight should be given to these arguments as to those that do relate to its designation within the local plan. Due to it not being designated, or the application site abutting a designated site, it is not considered reasonable to require substantial supporting information and/or surveys relating to wildlife on the site. Further, the original buffer strip proposed (of 10m in width) would remain, even if the proposal were allowed, and it would not have any public access.

Whilst it is acknowledged that some of the representations received have come from recognised specialist bodies, it seems that there is some

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misunderstanding over the precise location and nature of this proposal, and its retrospective nature. It is noted that the land that would be enclosed if permission were granted does not have a national designation (is not a SSSI), nor does it abut one. There are no trees within the areas to be enclosed.

**Conclusion**

It is considered that on balance, subject to the various restrictions proposed, that the visual amenity openness afforded by these areas of land and protected through the local plan policies would be retained, and therefore the proposal is considered both to comply with the spirit and objectives of the policy protection and unlikely to cause harm to visual or residential amenity. It is further considered that this outweighs any potential harm to the nearby SSSI that the proposal could cause.

**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. Those elements where change of use has not yet occurred to be implemented within three years
2. No fencing or other means of enclosure greater than 1m in height to be installed around the extended garden areas defined in this application
3. Planning Development Rights to be removed in these extended garden areas to prevent structures of any kind
4. No rear gates to be installed in the southern boundaries in order to prevent access into buffer strip from private gardens
5. Land to be used only for purposes ancillary to the residential occupation to which it is attached
6. Existing structures and fencing in place above the limits set out in conditions 2 & 3 above to be removed within three months of the date of consent
7. Approved plans specified

**Informatives**

1. Explanation that the removal of Planning Development Rights means that no play equipment, animal shelters etc can be used on the extended garden areas.

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**PLANNING APPLICATION 2010/135/COU****RETROSPECTIVE APPLICATION TO CHANGE THE USE OF THE FRONT SECTION OF THE BUNGALOW FROM RESIDENTIAL TO INCORPORATE BAR & RECEPTION AREA****1207 EVESHAM ROAD, ASTWOOD BANK****APPLICANT: MR A MIAH  
EXPIRY DATE: 30TH JULY 2010****WARD: ASTWOOD BANK & FECKENHAM**

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

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

**Site Description**

The site is situated on the eastern side of Evesham Road adjacent to but outside the defined District Centre for Astwood Bank which is situated on the western side of Evesham Road as defined in the adopted Borough of Redditch Local Plan No.3. The existing bungalow is residential at the front, with the rear currently operating as 'Spice Fusion' restaurant.

Existing hard standing to the front and rear of the bungalow provides space for car parking. Access to the bungalow is directly off Evesham Road.

**Proposal Description**

This application seeks planning permission for internal alterations to the bungalow which would enable the whole of the property to be used for restaurant use. A previous consent for the property enabled only partial change of use from residential to a restaurant. The main dining area would continue to be located at the rear of the premises, with a reception and bar area at the front, utilising the front door for customer access instead of the current arrangement which includes a customer access door to the side. The kitchen would also remain in the same position on the southern side.

**Relevant Key Policies:**

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[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)***National Planning Policy***

PPS1 Delivering sustainable development  
 PP24 Planning and noise

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

CS7 Sustainable location of development  
 E(TCR).9 District Centres  
 E(TCR).12 Class A3, A4 and A5 Uses  
 C(T).12 Parking Standards

**Relevant Site Planning History**

Application No	Description	Decision	Date
2006/048/COU	Partial Change of Use of bungalow to restaurant	Approved	15/03/06
2007/193/573	Variation of condition 3 of 2006/048/COU to change hours of opening	Refused	22/06/07
2008/316/FUL	Internal alterations and conservatory extension to rear	Refused	5/11/08

There is also a BCN relating to the flue details, as a flue has been installed without agreeing the details. This matter is ongoing and is being dealt with separately by a Planning Enforcement Officer and is not a material consideration in relation to this application.

**Public Consultation Responses****Responses in favour**

None received.

**Responses against**

One comment received raising the following points:

- Running a take-away service already
- Noise and smell from flue already harmful to residential amenity at neighbouring properties.

Both the matters raised are under investigation and being dealt with by a Planning Enforcement Officer and are not material considerations relating to the application.

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

No objection.

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***Environmental Health***

No objection subject to conditions and informatives relating to noise, hours of operation, light, odour and drainage.

**Procedural Matters**

This application is reported to Planning Committee for a decision because it is for a change of use to an A3 use, which falls outside those which are delegated to Officers to determine.

**Assessment of Proposal**

The key issues for consideration in this case are the principle of the development, and the impact of the proposals upon residential amenity.

**Background**

This non-conforming A3 use was originally accepted by Members in 2006 in the rear part of the bungalow, with residential accommodation retained at the front. It included restrictions on opening hours and the agreement of various details was required by condition. The extension of opening hours was then refused in 2007 in order to protect the adjacent residential amenity. A rear extension was then refused on similar grounds by Members in 2008.

**Principle**

Whilst the principle of a restaurant use on the eastern side of Evesham Road is therefore established, it is important to examine any wider impacts upon nearby residential amenities.

**Impact of the proposal upon residential amenity.**

By using the space within the two small rooms to the front of the building, (shown on the approved plan for 2006/048 to be retained for residential use) for dining as part of the revised restaurant floor layout, this would appear at first glance to represent an intensification of use. Your Officers, having discussed the application proposals with the applicant are however satisfied that no material intensification of use would occur, and that by placing appropriate conditions on any planning consent, the wholly restaurant use now being proposed, can be more adequately controlled than is the case at present.

Under this application, the number of 'covers' (place settings) within the restaurant would be 30, which is the same as at present. The applicant has stated that they would be happy for any condition of approval to restrict the number of covers to 30. No such condition currently exists at present and as such, further tables and chairs could be moved into the existing building, without consent. In addition, no condition currently exists which restricts any outdoor seating area which has been known to occur in the past and has been difficult to enforce against. Such a clear condition restricting any

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outdoor seating could be attached to this current proposal, which would help control noise spill and thus any harm to adjacent residential amenity.

The use of the front door for customer access is considered preferable over the existing side access as it would reduce the possibility of noise disturbance to adjacent neighbours.

With regards to parking there is considered to be no material intensification of use associated with the proposal, so long as any condition restricts the numbers of covers and having regard to the sustainable location of the site, parking provision is considered to be acceptable.

Other Issues

Conditions and informatives are recommended following the comments made by the Environmental Health team. These relate to details including hours of opening which would remain as originally approved.

As this proposal would not intensify the use of the building, it is not considered that any impacts from it would increase and therefore cause any additional harm, and in terms of the access of customers it is considered that this would reduce the impacts on neighbouring residents.

Conclusion

Having carefully examined the proposals, your Officers are satisfied that there would be no increased detriment to the residential amenities enjoyed by the occupiers of nearby properties by granting consent. Approval of this recommendation will enable your Officers to control more successfully the use of the site than is the case at present, thus reducing any detrimental impacts on neighbouring residential amenity and consider that the proposal would therefore comply with the policy objectives.

**Recommendation**

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

1. Time limit for commencement of development (three years).
2. Restriction of use to A3 only and no takeaways or deliveries from the premises.
3. The premises shall be closed and cleared of customers and no deliveries of goods to the premises shall take place outside the hours of 11.00 to 23.30 hours on Mondays to Saturdays and from 12.00 to 18.00 hours on Sundays.
4. Customer entrance to the premises to be via the front (west facing) elevation only.

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5. Maximum number of covers (limited to 30).
6. No outdoor seating/dining to take place outside the building.
7. Approved plans specified.

**Informatives**

1. Light
2. Odour
3. Drainage.

