

# Planning Committee

Wed 25th May  
2011  
7.30pm

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:

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

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

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**Member and Committee Support Services Assistant**

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**Minicom: 595528**

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



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

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

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

- 1) Introduction of application by Chair
- 2) Officer presentation of the report (as originally printed; updated in the later Update Report; and updated orally by the Planning Officers at the meeting).
- 3) 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.)
- 4) 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 4.00 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 4.00 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

25th May 2011

7.30pm

Council Chamber Town Hall

## Agenda

### Membership:

Membership of the Planning Committee to be agreed at the Council's Annual Meeting on Monday 23rd May 2011.

<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 - 10)	To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 27th April 2011.  (Minutes attached)
<b>4. Planning Application</b> <b>2011/054/OUT - Land east of Brockhill Lane, Redditch</b>  (Pages 11 - 24)	To consider a Planning Application for a mixed use development of 171 dwellings, public open space and an outline application for 4,738 square metres of Class B1 (Business) floorspace and access.  Applicant: Persimmon Homes Ltd  (Report attached – Site Plan under separate cover)  <b>(Batchley &amp; Brockhill Ward);</b>
<b>5. Planning Application</b> <b>2011/083/FUL - 54 Jubilee Avenue, Crabbs Cross</b>  (Pages 25 - 28)	To consider a Planning Application for an extension to the side of a bungalow and loft conversion with new gable ended roof.  Applicant: Mr and Mrs Luckman  (Report attached – Site Plan under separate cover)  <b>(Headless Cross &amp; Oakenshaw Ward);</b>

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<p><b>6. Planning Application 2011/087/FUL - Lowans Hill Farm, Brockhill Lane, Redditch</b></p> <p>(Pages 29 - 38)</p>	<p>To consider a Planning Application for a reconstruction of a farmhouse building to create two dwellings and conversion of existing barns to create five dwellings, erection of garage buildings and stores.</p> <p>Applicant: Persimmon Homes South Midlands Ltd</p> <p>(Report attached – Site Plan under separate cover)</p> <p><b>(Batchley &amp; Brockhill Ward);</b></p>
<p><b>7. Planning Application 2011/093/FUL - Land to the south and west of "High Trees", Dark Lane, Astwood Bank</b></p> <p>(Pages 39 - 46)</p>	<p>To consider a Planning Application for house type substitutions plots 1 to 5 (amendment to scheme approved under Application 2009/259/FUL); erection of five detached dwellings together with associated access and parking.</p> <p>Applicant: Mr A Cockayne</p> <p>(Report attached – Site Plan under separate cover)</p> <p><b>(Astwood Bank &amp; Feckenham Ward);</b></p>
<p><b>8. Enforcement Report 2009/351/ENF - Patch Lane, Oakenshaw</b></p> <p>(Pages 47 - 48)</p>	<p>To consider an Enforcement Report relating to a breach of planning control in respect of a failure to comply with the requirements of an Enforcement Notice.</p> <p>(Report attached – Site Plan under separate cover)</p> <p><b>(Headless Cross &amp; Oakenshaw Ward);</b></p>
<p><b>9. Exclusion of the Public</b></p>	<p>During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p><b>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended.</b></p>



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<b>10. Confidential Matters (if any)</b>	To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)
<b>11. UPDATE REPORT Final</b> (Pages 49 - 56)	Update Report to provide additional information on the applications to be considered by the Committee that has been received subsequent to the publication of the Main Agenda.





## Planning Committee

27th April 2011

### MINUTES

#### Present:

Councillor Michael Chalk (Chair), Councillor Nigel Hicks (Vice-Chair) and Councillors Peter Anderson, Kath Banks, Michael Braley (substituting for Councillor Brandon Clayton), Bill Hartnett, Roger Hill, Robin King and Wanda King

#### Also Present:

A delegation of residents from the Brockhill area was also present in the public gallery from the commencement of the meeting until the conclusion of the first Planning Application.

#### Officers:

R Bamford, S Edden, C Flanagan, A Rutt and S Skinner

#### Committee Services Officer:

J Smyth

#### 89. APOLOGIES

An apology for absence was received on behalf of Councillor Brandon Clayton.

#### 90. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 91. CONFIRMATION OF MINUTES

##### RESOLVED that

the minutes of the meeting of the Committee held on 29th March 2011 be confirmed as a correct record and signed by the Chair.

.....  
Chair

**92. PLANNING APPLICATION 2011/019/FUL –  
LAND AT FORMER MAYFIELDS WORKS, THE MAYFIELDS**

Residential development of 23 apartments  
and associated landscaping

Applicant: Mr A Coupe

Mr R Ranford, Agent for the Applicant, 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 Head of Planning and Regeneration to GRANT planning permission subject to:**
  - a) a planning obligation ensuring that the five units are for the provision of social housing in perpetuity; that the County Council is paid appropriate contributions in relation to the provision of education facilities in the locality; that the Council is paid appropriate contributions in relation to the development for pitches, play areas and open space provision in the locality to be provided and maintained; and any future minor changes required to the content be carried out as necessary by Officers; and**
  - b) conditions and informatives as summarised below:**

**“Conditions**

- 1. Time limit for commencement of development**
- 2. Materials to be agreed and implemented**
- 3. Landscaping details to be agreed and implemented**
- 4. Boundary treatments to be agreed and implemented (including retention of existing)**
- 5. Refuse compound details to be agreed and implemented prior to occupation**
- 6. Hard surfacing details to be porous and agreed**
- 7. Sustainable standard to be agreed and implemented**
- 8. As requested by Highways**
- 9. As requested by Environmental Health**
- 10. Secured by Design**

11. **Drainage details as requested by Severn Trent Water**
12. **Approved plans specified**

### Informatives

1. **Reason for approval**
2. **As requested by Environmental Health**
3. **As requested by Highways**
4. **Secured by Design**
5. **As requested by Severn Trent Water”;**

**and**

2. a) **in the event that the planning obligation cannot be completed by 3rd June 2011, authority be delegated to the Head of Planning and Regeneration 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 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 the grounds as stated in 2 a) above 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 Regeneration to GRANT planning permission, subject to the conditions and informatives stated in 1 b) above.**

(Prior to discussing this matter, the Applicant’s Agent had clarified with the Chair that, confidential information submitted with the Planning Application, and issued to Members following their request at the previous Planning Committee meeting, in relation to the economic un-viability of providing the required social housing to meet Policy requirements, was no longer confidential and could be discussed in open session if Members wished to make reference to it.

In relation to the proposed date for completing the required Planning Obligation (5th May 2011), and having taken advice from Officers present, the Committee agreed that, in view of delays on

the part of the Council and further additional delays due to the extended Bank Holiday arrangements, the completion date for the planning obligation be changed to 3rd June 2011, as amended in Resolution 2 a) above, to allow the Applicant's Solicitors to finalise the necessary documentation.)

(Councillor Hicks, having missed the commencement of the Officer's report, withdrew and did not participate in discussions or vote on this particular Planning Application.)

**93. PLANNING APPLICATION 2011/059/FUL –  
27 COMPTON CLOSE, SOUTHCREST**

Change of use from open space to private garden area  
by enclosure with a two metre high timber fence

Applicant: Mr J Rudd

**RESOLVED that**

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

**94. PLANNING APPLICATION 2011/060/FUL –  
LAND BETWEEN 249 AND 253 AND REAR OF  
253 TO 263 EVESHAM ROAD, HEADLESS CROSS**

Erection of one pair of semi-detached houses with car parking spaces

Applicant: Ms J Smith and Mr P Ryan

Ms C Whitby, Objector, and Mr H Gore, Agent for the Applicant, addressed the Committee under the Council's public speaking rules.

**RESOLVED that**

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

**95. PLANNING APPLICATION 2011/067/FUL –  
1 OUTWOOD CLOSE, OAKENSHAW**

Part two-storey and part first floor extension

Applicant: Mr G Shaw

Mr Shaw, the Applicant, addressed the Committee under the Council's public speaking rules.

**RESOLVED that**

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

**96. PLANNING APPLICATION 2011/077/COU –  
UNIT 8 NEW MEADOW ROAD, LAKESIDE INDUSTRIAL ESTATE**

Change of use from B2 (Industrial Use) to D2 (Leisure Use  
Boxing and Fitness Club

Applicant: Mrs A O'Connor

Mrs A O'Connor, the Applicant, addressed the Committee under the Council's public speaking rules.

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the following conditions:**

- 1. Development to commence within three years.**
- 2. Approved Plans specified.**
- 3. The development approved under the consent to be restricted to that of a boxing and fitness club only.**

(This decision was taken contrary to Officer recommendation in that whilst the Committee acknowledged Officers' reasons for recommending refusal, they were not convinced that the change of use would be harmful to the town's supply of employment land and that the business would generate a significant increase in vehicular trips and create parking issues. Members were, therefore, minded to approve the Application in view of the fact that there were already several units in the near vicinity being used for purposes other than non-industrial as well as being in close proximity to open space and

other leisure facilities, the empty unit could be put to good use and was, in Members' opinion, ideal for this type of venture. The facility could provide for employment opportunities in the future and add to the leisure facilities already available for the Town's residents.

Members further agreed that Officers should provide appropriate conditions including one that the D2 use should be restricted to Boxing and Fitness only. In addition, they specified that they saw no reason to impose any restriction on opening hours for this facility at this location.)

**97. APPEAL OUTCOME –  
SPICE FUSION, 1207 EVESHAM ROAD, ASTWOOD BANK**

The Committee received an item of information in relation to the outcome of an appeal against a refusal of Planning Permission and an Enforcement Notice, namely:

Planning Application 2010/135/COU  
Enforcement Notice 2009/229/ENF  
Change of use of front section of bungalow  
from residential to incorporate bar  
and reception area (retrospective)

**RESOLVED that**

**Members note that:**

- 1) **the appeal against the Council's decision to refuse retrospective planning permission, on grounds that the change of use to the front of the building would have a harmful effect on the character and appearance of the street scene in a residential location and the use of the whole building for A3 purposes would be likely to result in additional harmful impacts, such as noise and disturbance on adjacent residential properties, had been ALLOWED, subject to conditions specified by the Inspector; and**
- 2) **the Enforcement Notice, served subsequent to refusal of the retrospective Planning Application, had been quashed.**



**98. APPEAL OUTCOME –  
ASTWOOD BUSINESS PARK, ASTWOOD LANE,  
ASTWOOD BANK**

The Committee received, without comment, information relating to the outcome of an appeal against a refusal of planning permission, namely:

Planning Application 2010/238/COU  
Use of land for the display and sale  
of motor vehicles (retrospective)

**RESOLVED that**

**Members note that, the appeal against the Council's decision to refuse retrospective planning permission, taken by Officers under delegated powers, on grounds relating to inappropriate use in a rural area to the detriment of the rural character of the area and highway safety, had been DISMISSED and that Enforcement action was currently being undertaken.**

**99. APPEAL OUTCOME –  
1232 EVESHAM ROAD, ASTWOOD BANK**

The Committee received, without comment, information relating to the outcome of an appeal against a refusal of planning permission, namely:

Planning Application 2011/142/FUL  
First floor rear extension and  
replacement of hipped roof with new  
gabled roof including dormer window

**RESOLVED that**

**Members note that the appeal against the Council's decision to refuse planning permission, on grounds relating to the dominating and adverse effect the proposed alterations would have on the design, character and appearance of the dwelling, had been ALLOWED.**

**100. REVIEW OF OPERATION OF THE PLANNING COMMITTEE -  
MUNICIPAL YEAR 2010/11**

The Committee gave consideration to the operation of, and procedures undertaken, during its meeting held during the 2010/11 municipal year, including its public speaking arrangements. The following matters were raised:

a) Photographs

Members reiterated their request from the previous year, that Officers should provide more photographs of application sites, as appropriate, to assist the Committee's understanding of specific sites and applications.

The occasional, if appropriate, use of "Google Earth" and similar tools was also mentioned. It was acknowledged, however, that in the case of both of photographs and Google Earth, care needed to be taken to avoid any misleading or out of date impressions being created.

b) Knowledge of Sites

During discussion of site visits, Officers recommended that Members should always seek to informally acquaint themselves with application sites by one means or another. Decisions on the need or otherwise for more formal Site Visits would be decided in relation to relevant meetings of the Committee, as appropriate to each application.

c) Chair's Briefings

It was agreed that the Vice-Chair should have a standing invitation to attend the Chair's Briefing.

d) Members Procedural Briefings

There was general agreement that pre-meeting Procedural Briefings were sometimes useful for providing Members with specific procedural information relating to the Committee meetings themselves. It was suggested, however, that steps needed to be taken to avoid any risk the Committee might mistakenly be thought to be determining matters prior to the actual Committee meeting,

e) Public Speaking

No amendments were suggested to the current scheme.

f) Post-Meeting Reviews

It was agreed that a review of the conduct of Committee business was sometimes useful immediately after a meeting, as happened after Licensing Sub-Committee meetings.

**RESOLVED that**

**the comments and issues raised by Members and Officers, and detailed in the preamble above, be noted and adopted by the Committee for its practical operation and procedures during the forthcoming municipal year 2011/12.**

**101. COUNCILLORS KATH BANKS AND NIGEL HICKS**

On behalf of the Committee, the Chair formally thanked two members who would shortly be leaving the Committee as they were no standing for election at the forthcoming local Elections.

Councillor Banks, former Vice-chair of the Planning Committee was thanked for her contributions during her time as a Committee member.

Similarly, former Committee Chair and Vice-Chair, Councillor Hicks, was thanked for all of his work on the Committee over his terms of office.

**RESOLVED that**

**the Committee endorse the Chair's sentiments in respect of Councillors Banks and Hicks, as detailed in the preamble above.**

The Meeting commenced at 7.00 pm  
and closed at 8.38 pm

.....  
CHAIR



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

25th May 2011

**PLANNING APPLICATION 2011/054/OUT****MIXED USE DEVELOPMENT OF 171 DWELLINGS, PUBLIC OPEN SPACE  
AND OUTLINE APPLICATION FOR 4,738 SQUARE METRES OF CLASS  
B1 (BUSINESS) FLOORSPACE AND ACCESS****LAND EAST OF BROCKHILL LANE, REDDITCH, WORCESTERSHIRE****APPLICANT: PERSIMMON HOMES LTD****EXPIRY DATE: 2ND JUNE 2011****WARD: BATCHLEY & BROCKHILL**

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

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

**Site description**

The site consists of a large area of land which includes the following areas:

The area of land leading from the roundabout at the junction of Salters Lane, Brockhill Drive, Brockhill Lane and Hewell Road north and east where an access road has previously been granted planning permission to the south of the existing residential development at Wheelers Lane.

The area of land east of the access track that leads from Hewell Road to Lowans Hill Farm which includes the land rear of the existing industrial uses on Hewell Road.

**Proposal description**

The detailed plans associated with this application have been amended since the application was submitted, in order to address various comments raised. Therefore, this description of the proposal represents the proposed development, as amended, in order that it provides an accurate description for the purposes of consideration and determination. The overall nature of the proposal, however, remains unchanged, as only some small details have been altered.

There are two distinct elements to this proposal:

- The first is the full detailed application for 171 dwellings which would be accessed via the road leading from the roundabout, across the existing open space and then along leading eastwards and roughly parallel with the southern site boundary. The existing track to Lowans Hill Farm

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would be improved to provide access along the side of the open space corridor containing the Red Ditch. At approximately the mid point along the access road, a road leading north would join, and that road would be used to access the remainder of the housing. The housing would front the main access roads and the open space to the west of the site, and as such the layout incorporates rear parking areas and pedestrian routes which permeate the site. To the northern end of the site on the steeper slope between the proposed dwellings and the site of Lowans Hill Farm would be public open space provision.

The dwellings would be a mix of 2, 3 and 4 bed units as follows:

<b>Size</b>	<b>Private</b>	<b>Affordable</b>	<b>Totals</b>
2 bed	8	34	<b>42</b>
3 bed	54	20	<b>74</b>
4 bed	49	6	<b>55</b>
	<b>111</b>	<b>60</b>	<b>171</b>

The dwellings proposed are similar in style and design to those on the adjacent recent Brockhill development at Oaklands. They are of brick and tile construction, and 2 – 2½ storeys in height, arranged in small blocks or detached. Around the periphery the dwellings face west across the open space towards the Oaklands, south onto the main spine road proposed and across the valley towards the town centre, and north onto the open space and up the hill towards Lowans Hill Farm. All the dwellings have street frontages. To the eastern boundary of the site, the dwellings face east beyond the site towards what is shown on the masterplan as future open space.

- The second element is the outline application including access details for commercial development. Matters of appearance, landscaping, layout and scale are reserved for future consideration, and therefore only the principle of the use and the access details provided are to be considered here. The approximate location of the units is shown on the layout plan, as a result of the access details being provided.

The proposal is for B1 office/business uses to be located to the southern end of the site, along the boundary at the rear of the existing industrial occupiers. The main access road into the site would lie to the north of these units, with the residential accommodation beyond and further north. Access points from the main route into the site are shown, with an indication of how six buildings might be arranged with car parking around them to accommodate these uses, however these details are indicative only at this stage.

- The application also includes the access details for these developments, which are the road layout, including the main spine roads and the roads that would serve the residential development.

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A masterplan has been included within the application to demonstrate how this application could be Phase One of a larger development area which would include significantly more housing and a district centre including a school. However, the application for consideration here today could be built as a 'stand alone' housing development as it is a comprehensive scheme in its own right. Therefore, there should be no further consideration of further phases at this stage.

The application is supported by a design & access statement, a climate change statement, a Secured by design statement, an open space assessment, an affordable housing delivery plan, a statement of community involvement, a completed West Midlands sustainability checklist, a transport assessment, a residential and workplace travel plan, a flood risk assessment, a noise assessment, a landscape and visual appraisal, an ecological appraisal, a tree assessment, a contaminated land study and an archaeological assessment.

**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
PPG3	Housing	
PPS4	Planning for sustainable economic growth	
PPS7	Sustainable development in rural areas	

***Regional Spatial Strategy***

Whilst the RSS still exists and forms part of the Development Plan for Redditch, it does not contain any policies that are directly related to or relevant to this application proposal. Therefore, in light of recent indications at national level that such policy is likely to be abolished in the near future, it is not considered necessary to provide any detail at this point in relation to the RSS.

***Worcestershire County Structure Plan***

SD2	Care for the environment
SD4	Minimising the need to travel
D6	Affordable housing needs
T1	Location of development

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T3	Managing car use
T4	Car parking
T10	Cycling and walking
RST4	Recreational walking routes
RST5	Recreational cycling routes
IMP1	Implementation of development

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

CS2	Care for the environment
CS5	Achieving balanced communities
CS6	Implementation of development
CS7	Sustainable location of development
CS8	Landscape character
S1	Designing our crime
B(HSG)5	Affordable housing
B(BE)13	Qualities of good design
B(BE)19	Green architecture
B(BE)28	Waste management
B(BE)29	Construction waste
B(NE)1a	Trees, woodland and hedgerows
B(NE)3	Wildlife corridors
B(RA)3	Areas of development restraint
L2	Education provision
E(EMP)6	North west Redditch master plan – employment
C(T)12	Parking standards
R1	Primarily open space
R3	Provision of informal unrestricted open space
R4	Provision and location of children's play areas

***Supplementary Planning Guidance / Supplementary Planning Documents***

Encouraging good design  
Open Space  
Education  
Designing for community safety  
Affordable housing

***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)



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***Local Plan designations***

The site includes land designated under 'IN67' for employment purposes, an area designated as an ADR (area of development restraint) and some Primarily Open Space.

The relevant policies seek to protect IN67 land for employment generating uses such as B1, B2 and B8; ADR land for residential development beyond April 2011; and POS from most types of development under the criteria in Policy R1 of the Local Plan.

***Core Strategy update***

The Core Strategy is the document that will eventually replace the local plan, and is currently working through the process towards adoption. It has been published and consulted upon, and therefore counts as emerging policy to which some weight can be given in the decision making process. The current version is the 'revised preferred draft core strategy'.

The Core Strategy contains objectives for the overall approach to development in the Borough up until 2026, as well as strategic policies. The policies that could be considered of relevance to this decision are:

- 4 Sustainable travel and accessibility
- 8 Housing provision
- 9 Effective and efficient use of land
- 21 Historic environment
- 29 Brockhill East strategic site

Policy 29 includes a list of criteria which development on this site and others near it should meet in order for proposals to be considered favourably.

**Relevant site planning history**

There is no history relevant on this particular site, however the consent granted under reference 2010/008/FUL for 14 residential units on the adjacent site which included the initial access road has a small link and is included within the blue line of the application site because it is within the applicant's control.

**Public Consultation responses**

Responses in favour

None

Responses against

110 comments received raising the following points:

- Application is premature, ahead of the adoption of the core strategy
- Existing land use of agriculture is more important than residential and so should be retained

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- Loss of Green Belt land
- No housing targets to meet, so unnecessary in principle
- Redditch has existing empty homes and offices, so no need for this development
- There are better alternative sites in Redditch
- B1 development should occur ahead of or alongside the residential development and not later
- Should not assume that further phases of development would be acceptable, especially on designated Green Belt
- Approval would set precedent for future development
- Should not be allowed in order for the Council to benefit from financial incentives
- Should re-attach conditions from previous Inspector's decision
- Loss of open space for balancing ponds is unacceptable
- Insufficient screening proposed
- Loss of cone of vision to road infrastructure is unacceptable
- Inadequate parking provision proposed for B1 uses
- Insufficient cycle paths proposed
- Proposal would result in increased traffic on surrounding road network
- Location is not near local shops and facilities
- Would result in increased demand on local facilities
- Insufficient capacity in existing drainage infrastructure
- Potential increased risk of flooding to industrial sites
- Harmful impact of noise from existing industrial sites on proposed residential and B1 uses
- Should be built to a highly sustainable standard
- Should ensure barn owl protection
- Has potential to bring some positive benefits and opportunities to the area

Other issues which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application. Likewise, anonymous responses have not been summarised here as those making the comments cannot be included within the process.

**Consultee responses**

***County Highway Network Control***

No objections in relation to details of access/parking arrangements. Negotiations regarding the details relating to planning obligations are currently ongoing and further information will therefore be provided on the Update paper in relation to these matters.

***Worcestershire Regulatory Services Environmental Health***

No objection subject to conditions and informatives

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***Drainage Officer***

No objections subject to conditions and informatives

***Economic Development Unit***

Support the proposals as they would work towards meeting the identified needs of the Borough in employment terms

***Development Plans***

Confirm that the proposals are largely compliant with existing and emerging policy framework and raise a few minor issues that are dealt with separately

***Biodiversity Officer***

No objections subject to mitigation measures being implemented

***Tree and Landscape Officer***

Broadly in support of proposals, subject to additional recommendations which could be addressed through the imposition of conditions

***Leisure Team***

No objections

***Housing Officer***

Broadly in support of proposals subject to some alterations to tenure type that could be addressed through the planning obligation and have already been agreed with the applicants and included in the draft agreement

***Waste Management Team***

No objection subject to the provision of litter and dog bins on primary paths which can be dealt with through the imposition of conditions and via clauses in the planning obligation

***County Education Officer***

No objection subject to clauses within the planning obligation as proposed by the applicant. Confirmation that capacity in local schools exists for this site, but not sufficient to cater for any further phases of development in this area. Therefore, it is suggested that contributions be sought towards the provision of a new school on a later phase, rather than in relation to places that would be needed by the development. This has been included within the planning obligation.

***County Archaeology***

Survey work is ongoing and further information will be reported in the update paper

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***Crime Risk Manager***

Raised concerns regarding residential development layout and potential security issues which have been raised with the agent and addressed through the submission of amended plans

***Worcestershire Wildlife Trust***

Welcome design features that encourage biodiversity and so raise no objections subject to conditions to ensure their full implementation

***Severn Trent Water***

No objection subject to a condition regarding drainage details and an informative regarding the protection of on site sewers

***Environment Agency***

No objection following receipt of additional detailed information.

***Bromsgrove District Council***

No comments received

***Health and Safety Executive***

No comments to make – scheme not of sufficient size to be considered

**Procedural matters**

This application is reported to Planning Committee for determination because it is a major application recommended for approval, because it has a planning obligation requirement and because more than two letters of objection have been received.

**Assessment of proposal**

The assessment section of this report has been split into two sections below, one to deal with the detailed residential element of the application and one to deal with the outline business element. A section at the end will pick up on any issues which cut across both parts of the proposal.

**Detailed residential proposal**

Principle

The residential element of the proposal is located within an area designated within Local Plan 3 as an ADR and as such the site is protected for potential residential development to meet local needs beyond the end of the plan period. The emerging core strategy identifies this site and other land around it as a sustainable location for residential development to meet local needs and thus considers it a strategic site. It also identifies a local housing need.

The other evidence that has been compiled to inform the compilation of the core strategy has also identified a need for residential development and that a

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development of this size would be required in order for the Borough's housing land supply to be met.

Therefore, it is considered that the principle of the development of this site for residential purposes accords with both the current and the emerging local policy framework. The detail should therefore be considered.

Affordable Housing

The previous approval of 14 residential units on the adjacent site fell below the threshold at which affordable housing provision is sought (15 units) and thus did not contribute to the Borough stock. However, it was noted that should further development come forward on the adjacent site (i.e. this application site) that the previous consent should be taken into consideration when determining the quantum of affordable housing provided on the site.

Therefore, the 171 units proposed here and the 14 already approved have been added together, before establishing the 40% policy requirement of 74 units. These will largely be provided across the current application site, although all of the 14 units previously approved will now be provided as affordable housing as part of this development and the remaining 60 be located within this site. This is considered to be an appropriate approach, as it takes a holistic view of the two sites together, which are in the same control, in order that the Borough as a whole benefits from the full provision in accordance with policy requirements.

Open space, play and recreation

The open space shown on site is greater in area than the policy requirement and includes some informal equipped play. Contributions towards playing pitches off site are also proposed by the applicant to meet the three strands of the policy – open space, equipped play and playing pitches. It is noted that it is the intention of the applicant to transfer the open space to the Council for future maintenance, with a commuted sum towards the maintenance costs. This also complies with the policies set out in the SPD.

It is likely that if further development phases were to occur as per the proposed masterplan, that playing pitches would be provided in the vicinity of the current application site.

Design and layout

The design and appearance of the proposed dwellings is similar in style, materials, bulk massing and size to those of adjacent residential estates at Brockhill further to the west, particularly the recent Oaklands development. It is therefore considered that the overall character of the proposed residential development would be appropriate to the surrounding developments in the area.

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The layout of the proposed dwellings is such that each property would have sufficient amenity space and separation to meet the adopted standards. Therefore there are no concerns regarding overlooking, loss of light, privacy etc between the proposed dwellings.

Both the layout and the design of the dwellings is sympathetic to the topography of the site, such that taller buildings are further down the slope and therefore the overall impact in landscape terms is considered to be appropriate and acceptable.

Landscaping and trees

There is minimal existing planting on the site currently, with the exception of some hedgerows that form field boundaries. These are reflected wherever possible in the form and layout of the proposed new development. The survey of the site and the proposals are considered to be acceptable and the new development proposed includes significant additional trees, including tree-lined avenues along the main thoroughfares.

Highways, parking and access

The highways engineers have raised no objections to the layout and parking arrangements proposed and as such these are considered to be acceptable. The application proposes two spaces per dwelling, which is above the standards for the smaller units, but meets the standards for the larger units. Now that standards are for guidance only, due to the recent change in PPG13 which removed the concept of maximum standards.

Due to the significant size and nature of the proposal, the County Highway Officer is also advising on the impact of the proposed development on the wider highway network, in order that appropriate requirements can be included in the planning obligation. It is likely that contributions towards the upgrading of existing junctions near the site would be required in order to mitigate any potential harm caused by the additional traffic flows in the area generated by the new development. The applicant has indicated a willingness to provide contributions towards upgrading the Hewell Road roundabout outside the swimming pool and the Birmingham Road/Windsor Road junction adjacent the railway bridge. The applicant also proposes to put some money in a bond for a set period in case it becomes apparent that further highway measures such as adding double yellow lines or other road markings are required once the development is implemented. The bond would then be used to pay for such identified works. Negotiations continue and further details will be reported in the Update paper.

Sustainability

Due to the increasing standards demanded through the Building Control regulations separate from the planning process, it is anticipated that this development would be implemented to a highly sustainable standard, if

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consent is granted. The supporting information indicates that in most areas the proposal is to a good standard of sustainability.

Planning Obligation

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

- A contribution towards County education facilities would normally be required in relation to the private market housing proposed; and
- A contribution towards playing pitches, play areas and open space in the area due to the increased demand/requirement from future residents is required in compliance with the SPG; and
- The proposal would also require that 40% of the dwellings be provided as affordable units for social housing in line with SPD policy and their retention for this purpose in perpetuity.

However, in this case, the issues are slightly different, as noted under the separate headings above. Therefore, in this case, the planning obligation as proposed would seek the following:

- A contribution towards a future school in the area and a time limit for return of unspent funds; and
- The transfer of the on-site open space to Council ownership with a commuted sum for ongoing maintenance; and
- A contribution towards off-site playing pitches; and
- 74 residential units to be provided as affordable housing and retained as such in perpetuity; and
- Highways matters as agreed with County colleagues.

An agreement is being drafted with input from the applicant's and the Council's solicitor on this basis.

Other issues

The layout and some boundary treatment detailing has been amended to address the concerns of the Crime Risk Manager, and the update will provide confirmation that these amendments are now acceptable.

**Outline business proposal**

The location of the B1 units proposed falls within the IN67 designation within Local Plan 3, which is designated for B1, B2 and B8 uses. Both the Local

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Plan and the evidence base for the emerging core strategy identify a need for this type of development and an appropriateness to site it in this location. As such, the principle of the B1 units proposed in this location is considered to be acceptable.

There are no concerns raised by the Highways Officer in relation to the access road and the access points leading from it to the B1 locations, and therefore there are no concerns raised regarding access and safety. Matters of pedestrian/cycle access and parking requirements would be dealt with under the detailed layout provided in a future application and so are not of concern here. The adjacent highway is of a suitable standard that it could support a future bus service which might assist in accessing the site sustainably, however bus service provision is not a matter that can be controlled through the planning arena.

Other issues

Matters of scale, appearance, layout and landscaping are reserved for a future application where such details would be provided and considered under the policy framework at that time.

Linked issues

The policy framework identified the need for the B1 units within the plan period 2006-2011, however the residential development of the ADR land was not required until after that plan period. Due to the timing of this application beyond the beginning of 2011, and therefore the current local plan period, it is not considered necessary to require that the B1 units be provided ahead of the residential development as the need for the residential element of the proposals here is as current as that for the B1 uses. [In fact, the residential development and resultant implementation of the spine road would make the use of the IN67 land for employment uses more likely and thus to some extent the residential development could be seen as enabling the potential employment uses to come forward.]

The regulations require a time limit for commencement of development to be attached to a planning consent, and also, where reserved matters are involved, that a time limit for the submission of further details be attached. In this case, two linked conditions are recommended, to cover the full residential element of the proposal and also the outline B1 elements, such that the residential should commence within the usual three years from granting of consent, and that the B1 element cannot commence until the relevant outstanding reserved matters have been granted and that these should be submitted within three years of the consent being granted and implemented within five years. This reflects the usual standard conditions, but combines them appropriately for the nature of this application.



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**Conclusion**

It is acknowledged that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, it is considered necessary to place weight on the emerging core strategy as well as the local plan.

In consideration of all the above matters, it is therefore considered that the proposal complies with the relevant local and national planning policy framework and would be unlikely to cause harm to interests of amenity or safety, providing sufficient conditions are imposed.

**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:

**Subject to the outstanding highway and archaeology matters noted above being addressed,**

***Either:***

1. **That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Regeneration to GRANT planning permission subject to:**
  - a) **a planning obligation ensuring that**
    - **On site open space is provided and maintained in perpetuity; and**
    - **A contribution towards off site playing pitches and equipped play facilities is paid to the Council; and**
    - **74 residential units are for the provision of social housing in perpetuity; and**
    - **A financial contribution is paid to the County Council towards the future provision of a school in the vicinity of the site; and**
    - **A contribution towards off site highway improvements is provided to the County Council as agreed; and**
    - and**
  - b) **conditions and informatives as summarised below:**

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Conditions

1. Development to commence within three years
2. Development to occur only once all reserved matters approved for the part of the site being developed
3. Reserved matters – define and require submission within five years
4. Materials to be agreed
5. Landscaping – what further details required and when to be implemented
6. Tree protection and mitigation
7. Litter and dog bin provision
8. Secured by design
9. Drainage as per STW request
10. As requested by highways
11. As requested by WRS
12. Implementation of appraisals and assessments in full
13. As per archaeology report
14. Approved plans specified
15. Marketing strategy for B1 uses to be agreed and implemented.
16. Any others as reported on the update paper

Informatives

1. Reason for approval
2. Note that there is a S106 agreement attached
3. Secured by Design
4. Drainage info
5. Highways info
6. Environmental health info
7. Any others as reported on the update paper

**Or:**

2. **In the event that the planning obligation cannot be completed by 2nd June 2011, Members are asked to delegate authority to the Head of Planning & Regeneration 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.**

## **PLANNING COMMITTEE**

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**PLANNING APPLICATION 2011/083/FUL**

**EXTENSION TO THE SIDE OF THE BUNGALOW AND LOFT  
CONVERSION WITH NEW GABLE ENDED ROOF**

**54 JUBILEE AVENUE, CRABBS CROSS**

**APPLICANT: MR & MRS LUCKMAN**

**EXPIRY DATE: 27TH MAY 2011**

**WARD: HEADLESS CROSS AND OAKENSHAW**

The author of this report is Nina Chana, Planning Assistant (DC), who can be contacted on extension 3207 (e-mail: [nina.chana@bromsgroveandredditch.gov.uk](mailto:nina.chana@bromsgroveandredditch.gov.uk)) for more information.  
**(See additional papers for Site Plan)**

### **Site description**

The properties in Jubilee Avenue were developed around the late 1930's. The dwellings on this road predominantly consist of semi detached two storey dwellings with the odd bungalow amongst them. All the properties have fully hipped roofs which gives a sense of character to the street. Nos 54 and 56 are two bungalows which sit side by side and No 54 is the subject of this application.

### **Proposal description**

The applicant seeks consent to build an extension to the side of the bungalow and create a room in the roof space by means of changing the roof from a hipped roof to a gable ended roof. The proposal also includes the addition of three roof lights in the front elevation and two in the rear elevation. There will also be various internal alterations associated with the works, for which permission is not required.

### **Relevant key policies:**

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

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

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

### ***National planning policy***

PPS1 (& accompanying documents) Delivering sustainable development

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

B(BE). 13 Qualities of Good Design

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B(BE).14 Alterations and Extensions  
SPG – Encouraging Good Design

**Relevant site planning history**

None

**Public Consultation responses**

None

**Procedural matters**

This application would normally be assessed under the delegated powers granted to the Head of Planning and Regeneration, but Councillor Carole Gandy has requested that if the recommendation is for refusal, the application be reported to committee for determination.

**Assessment of proposal**

The key issues for consideration in this case are the principle of the development and the impact of the design on the surrounding area, visual and residential amenity. Jubilee Avenue comprises of predominantly two storey semi-detached dwellings, with hipped roofs, which would have been constructed around the 1940s. There are only three bungalows in Jubilee Avenue and one of those is the subject of this application.

The proposal would not harm the residential amenity enjoyed by the neighbouring properties and also it would comply with the 60 degree guidance which is contained within the adopted Supplementary Planning Guidance – Encouraging Good Design.

Currently, the property is a small charming bungalow, which is well designed and sits comfortably in the street scene.

However, the proposed design is to change the hipped roof to a gable ended roof in order to create a bedroom/dressing room/en-suite in the loft area, with the addition of three roof lights in the front elevation and two roof lights in the rear elevation. Part of the proposal is to add an extension to the side of the bungalow to increase the width from 8 metres to 10.5 metres. The extension would alter the front elevation of the dwelling and cause an imbalance in the character and design. The majority of the dwellings in the street have hipped roofs and create uniformity amongst the dwellings. The proposed gable roof on this bungalow would sit at odds within the street scene.

**Conclusion**

In your Officer's opinion, the proposals are considered by virtue of their scale, massing and design to fail to respect the character and appearance of the existing dwelling and would have a consequential detrimental impact on the street scene and as such the proposal is considered to be unacceptable.

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**Recommendation**

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

1. The proposed extension and alterations, by virtue of the siting, size and design would have a dominating and adverse effect on the design, character and appearance of the existing bungalow and would have a consequential detrimental visual impact upon the street scene. As such the development would be harmful to the visual amenities of the area and contrary to Policies B(BE).13 and B(BE).14 of the adopted Borough of Redditch Local Plan No 3 and the adopted Borough of Redditch Supplementary Planning Guidance on Encouraging Good Design.



**REDDITCH BOROUGH COUNCIL****PLANNING  
COMMITTEE****25th May 2011****PLANNING APPLICATION 2011/087/FUL****RECONSTRUCTION OF FARMHOUSE BUILDING TO CREATE TWO DWELLINGS AND CONVERSION OF EXISTING BARNs TO CREATE FIVE DWELLINGS, ERECTION OF GARAGE BUILDINGS AND STORES****LOWANS HILL FARM, BROCKHILL LANE, REDDITCH****APPLICANT: PERSIMMON HOMES SOUTH MIDLANDS LTD****EXPIRY DATE: 1ST JUNE 2011****WARD: BATCHLEY & BROCKHILL**

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

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

Existing suite of historic farm buildings which appear to have been poorly maintained in recent times, but show evidence of use until recently, probably within 2-5 years. The buildings are 1-2 storeys, arranged around a courtyard and were originally designed for agricultural purposes such as animal housing, feed store and equipment storage.

Adjacent to these buildings is a site where a farmhouse stood until it was recently burnt down. Since its recent vacation, the site has been subject to vandalism and ASB.

The site is accessed along an unmade track leading from Hewell Road adjacent to Lowans Farm Cottages, which front Hewell Road. The track leads uphill to the farm site and is bounded by hedgerows on both sides.

**Proposal Description**

The detailed plans associated with this application have been amended since the application was submitted, in order to address various comments raised by the Conservation Adviser. Therefore, this description of the proposal represents the proposed development, as amended, in order that it provides an accurate description for the purposes of consideration and determination.

The application proposes the conversion of the remaining farm buildings to five residential units and the erection of a pair of semi detached two storey dwellings in the location of the former farm house.

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The four sides of the courtyard would each become a dwelling, and the detached cart shed would also be converted to a single dwelling. The courtyard area would be a surfaced area for vehicular and pedestrian access and includes parking arrangements for some of the dwellings. To the rear of the buildings, on the 'outside' of the courtyard, each dwelling would have a rear garden area adjacent to the agricultural fields that surround the site.

Two new timber car ports are proposed within the site. The barn to the east of the site would also be extended, on the northern side for a covered parking area and on the southern side a small single storey extension to form a utility room. This would be in place of what seems to have been a previous extension that no longer exists on the site.

Two plans showing access to the site have been submitted for consent. These show two alternatives. The first shows the existing access track from Hewell Road being improved to cater for the potential traffic movements, whereas the other shows how the site would be accessed if the adjacent residential development of the site to the south were to occur as proposed under planning application 2011/054/OUT, which can be found earlier on your agenda papers. It is the case that the application can be considered and determined on the basis of either the one arrangement or the other, and so effectively two possible accesses would be possible if permission were granted.

The application is supported by a Design & Access Statement, a climate change statement, a completed West Midlands sustainability checklist, a contaminated land phase 1 study, a drainage plan, a bat report and a landscape character assessment.

**Relevant Key Policies:**

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

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

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

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

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

***National Planning Policy***

PPS1 (& accompanying documents) Delivering sustainable development

PPS3 Housing

PPS9 Biodiversity and geological conservation

PPG13 Transport



**REDDITCH BOROUGH COUNCIL****PLANNING  
COMMITTEE****25th May 2011*****Regional Spatial Strategy***

Whilst the RSS still exists and forms part of the Development Plan for Redditch, it does not contain any policies that are directly related to or relevant to this application proposal. Therefore, in light of recent indications at national level that such policy is likely to be abolished in the near future, it is not considered necessary to provide any detail at this point in relation to the RSS.

***Worcestershire County Structure Plan***

SD2	Care for the environment
SD4	Minimising the need to travel
T1	Location of development
T3	Managing car use
T4	Car parking
IMP1	Implementation of development

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

CS7	Sustainable location of development
B(BE)11	Buildings of local interest
B(BE)13	Qualities of good design
B(BE)19	Green architecture
B(RA)3	Areas of development restraint
C(T)12	Parking standards
B(NE)1a	Trees, woodland and hedgerows

***Supplementary Planning Guidance / Supplementary Planning Documents***

Encouraging good design  
Open space  
Education  
Designing for community safety

***Other Relevant Corporate Plans and Strategies***

Redditch Sustainable Community Strategy (SCS)

***Local Plan Designations***

The site includes land designated as an ADR (area of development restraint) and a very small quantity of Green Belt on the north eastern edge of the site.

The relevant policies seek to retain ADR land for development beyond April 2011 and to maintain the openness of the Green Belt.

***Core Strategy Update***

The Core Strategy along with other Local Development Framework documents will eventually replace the Local Plan. It has been published and

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consulted upon, and therefore counts as emerging policy to which some weight can be given in the decision making process. The current version is the 'revised preferred draft core strategy'.

The Core Strategy contains objectives for the overall approach to development in the Borough up until 2026, as well as strategic policies. The policies that could be considered of relevance to this decision are:

- 4 Sustainable travel and accessibility
- 8 Housing provision
- 29 Brockhill East strategic site

Policy 29 includes a list of criteria which development on this site and others near it should meet in order for proposals to be considered favourably.

**Relevant Site Planning History**

<b>Appn. no</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
2009/077/DEM	Demolition of former farmhouse and outbuildings	Refused	28/6/09

An application to the DCMS for the buildings on this site to be added to the statutory list of buildings was being considered, and therefore the demolition was not considered acceptable due to the historic merit of retaining the built form. The application to the DCMS was denied, due to insufficient historic or local architectural merit, however the buildings will be considered when the local list is next reviewed and it is likely that they will be recommended for inclusion by Officers.

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

1 comment received raising the following points:

- Support the proposal in principle as reuse of vacant buildings
- Attention to detail should result in buildings worthy of inclusion on the local list
- Should add buildings to local list once development complete

**Consultee Responses*****Development Plans Team***

Confirm that the proposals are largely compliant with existing and emerging policy framework and note an over provision of parking relative to the standards in the local plan appendix

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***Conservation Adviser***

No objection to the amended scheme providing conditions are attached to ensure appropriate boundary walls and structural planting are agreed and implemented

***Arboricultural Officer***

No objection as proposal is appropriate and sympathetic in terms of tree works and planting proposals

***Drainage Officer***

No comments received

***Landscape & Biodiversity Officer***

No comments received

***Leisure Services***

No comments received

***County Highway Network Control***

No objection subject to conditions and informatives

***County Education***

No contribution required as sufficient capacity available in local schools

***Worcestershire Regulatory Services: Environmental Health***

No objection subject to conditions regarding hours of construction and informatives regarding burning

***County Archaeologist***

No objection subject to conditions ensuring that recording of the historic form of the buildings and site are completed to an agreed standard prior to occupation

***Bromsgrove District Council***

No response received

***Crime Risk Manager***

No objection

***Severn Trent Water***

No comments received

***Worcestershire Wildlife Trust***

No objections

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**Procedural matters**

This application is reported to Planning Committee for determination as it is recommended for approval subject to a planning obligation.

**Assessment of proposal**

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

Principle

The site lies largely within the designated ADR, which is reserved for possible development beyond the 2011 plan period. Applications within ADR land should be considered under policies relating to development within the countryside, in order to protect ADR land for future development. Within the open countryside, the re-use of existing vacant buildings is considered to be appropriate both in terms of retaining and revitalising buildings of local historic interest and also in terms of sustainability. It is considered that the principle of residential development on this site is acceptable because of the proximity of the site to existing residential development and that proposed in the emerging core strategy. Within the core strategy, this site falls within an identified strategic site for residential development at Brockhill East where the evidence points towards a demand for further housing and that this is a sustainable and appropriate location for residential development.

Whilst some of the north eastern edge of the site falls within the Green Belt, there are no proposed structures to be built within it, and therefore the policy protection of the openness of the green belt would not be compromised as a result of this scheme. It is considered that the openness should be protected by the imposition of conditions preventing freestanding structures from being erected in the rear gardens through removing appropriate Permitted Development Rights.

Design and Layout

The conversion of the former farm buildings has been designed sympathetically so that their form, character and appearance would be protected as much as possible, through the retention of existing openings and keeping to a minimum the punching of new ones in the external walls of the building. The internal form and structure of the buildings would also be largely retained, leading to five different dwellings all designed to be in keeping with the existing historic built form on the site. Each of the five conversion properties would have a substantial private rear garden area, and the layout of the site has been designed so that each property would have its own identifiable parking areas, including visitor parking spaces. Each dwelling also has a cycle store/shed that is accessible from the access drive to the site. The conversion design is such that there would not be any overlooking between the properties.

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The new build pair of semis has been designed to reflect the appearance of the farmhouse that had previously stood on the site. Whilst it has been altered to some extent and the internal layout is different as the built form now provides a pair of semis rather than a single large dwelling, this is considered to be acceptable. Each of the semis would have four bedrooms with the accommodation arranged over three floors, including a small bedroom within the roof space. The bulk and massing of the building is not overly large or dominant for the site or its surroundings and would not result in a detrimental impact on the landscape character of the site or any longer vistas. Each dwelling would have sufficient amenity space and parking arrangements and are orientated and designed so that they do not cause any harmful impacts on surrounding residential amenities.

Therefore, both the conversions and the new build dwellings are considered to comply with the detailed policy requirements for dwellings and as such are considered to be acceptable in that regard.

Historic Environment

Due to the sensitive nature of the buildings to be converted and their historic interest, it is welcomed that minimal alterations are proposed to the external elevations of the buildings. In order to protect their historic integrity, it is recommended that PDRs be removed so that porches, extensions and changes to the roofs cannot be carried out without first seeking planning consent. This can be ensured through the imposition of conditions.

Landscaping and trees

Some information has been provided in relation to the landscaping and tree works needed as part of this proposal, which is considered to be acceptable. The loss of natural planting has been kept to a practical minimum, with the perimeter hedging proposed to remain in place. However, it has been recommended that some structural planting be required through the imposition of a condition, to ensure that the impact on the landscape of the reuse of the site be minimised. Similarly, it is important to ensure that any boundary treatments between properties, dividing up what was the farmyard area, be of sympathetic design and materials. With this in place, it is considered that the natural environment would not be compromised as a result of the proposal.

Highways and access

No objections in terms of access arrangements and safety have been raised and these are therefore considered to be acceptable. The proposal includes 28 parking spaces, which would equate to 2 spaces per dwelling and 2 visitor spaces per dwelling. Whilst this is significantly in excess of the standards set out in Appendix H of the Local Plan, given the unique nature and location of the site and the recent amendments to PPG13 to remove the 'maximum'

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nature of parking standards, this is considered acceptable in this case. The parking spaces have been set within the overall layout of the site in such a way that they are considered to be sympathetic to the setting of the buildings and easily identifiable to users of the site. Therefore, these elements of the proposal are considered to be acceptable.

Both the proposed access arrangements are considered to be acceptable and therefore both can be included within the recommendation below. This would result in both gaining consent, and then either could be implemented in the future depending on whether other developments in the vicinity occur.

Sustainability

The site is considered to be in a sustainable and easily accessible location and the re-use of existing buildings in preference to replacing them is also considered to be sustainable in nature. There are no further concerns with this proposal in this regard.

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.

As there is capacity of places in the schools within the catchment area no education contribution is required in this case.

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

Conclusion

The proposal is considered to comply with the current and emerging planning policies that apply; it is thought to be unlikely to result in any adverse impacts to safety or amenity; it is considered to be an appropriate method of retaining buildings of local historic merit and is therefore considered to be acceptable.

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**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 & Regeneration 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, play areas and open space provision in the locality to be provided and maintained; and**
  - b) conditions and informatives as summarised below:****

**Conditions**

1. Time limit for commencement of development
2. PDRs removal
3. Historic building recording
4. Highways condition(s)
5. Structural planting
6. Boundary walls details
7. Hours of construction restriction
8. Materials to be submitted and agreed
9. External lighting supports details to be agreed
10. Approved plans specified

**Informatives**

1. Reason for approval
2. NB S106 attached to consent
3. Highway informatives
4. NB both access arrangements included in consideration and decision

***Or:***

- a) In the event that the planning obligation cannot be completed by 1 June 2011, Members are asked to delegate authority to the Head of Planning & Regeneration to refuse the application on the basis that without the planning**

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**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 Regeneration to GRANT planning permission subject to the conditions summarised above as amended in any relevant subsequent update paper or by Members at this meeting.**



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**PLANNING APPLICATION 2011/093/FUL**

**HOUSE TYPE SUBSTITUTIONS – PLOTS 1 TO 5 (AMENDMENT TO SCHEME APPROVED UNDER APPLICATION 2009/259/FUL):  
ERECTION OF FIVE DETACHED DWELLINGS TOGETHER WITH ASSOCIATED ACCESS AND PARKING  
LAND TO THE SOUTH AND WEST OF THE PROPERTY 'HIGH TREES',  
DARK LANE, ASTWOOD BANK**

**APPLICANT: MR A COCKAYNE**

**EXPIRY DATE: 8TH JUNE 2011**

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

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

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

**Proposal Description**

This is a full application to substitute house types (Plots 1 to 5) from those granted planning permission under an earlier application (reference 2009/259/FUL). This earlier, full application granted consent for the erection of 5 no. five bedroomed detached dwellings with garages. Access to the development would be via the existing access road off Dark Lane. Three different house types are proposed and are outlined as follows:

Plot 1 would face Dark Lane and would be two storey with a double garage attached and parking for several vehicles to the frontage. This property would be characterised by having projecting two storey gables with full height bay windows to the front, two storey gable to the rear and small dormer windows to the front, side and rear of the property.

Plots 2 and 5 would be similar but not identical in appearance. These would be two storey with a double garage attached with parking to the frontage.

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These two dwellings would be characterised by having projecting two storey gables, ground floor bay window to the front, and small dormer windows to the front, side and rear of the property.

Plots 3 and 4 would be arranged in an 'L' shape. These would again be two storey with integral double garages and parking to the frontage. These dwellings would be characterised by having a projecting two storey gable with full height bay windows to the front, two storey gable to the rear and small dormer windows to the front and sides of the property.

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

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

**Relevant Key Policies**

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

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

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

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

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

***National Planning Policy***

PPS1 Delivering Sustainable Development

PPS3 Housing

PPG13 Transport

***Regional Spatial Strategy***

QE3 Creating a high quality built environment for all

CF2 Housing beyond Major Urban Areas

CF3 Level and Distribution of New Housing Development

CF5 The reuse of land and buildings for housing

CF6 Making efficient use of land

T7 Car parking standards and management

***Worcestershire County Structure Plan***

SD.3 Use of previously developed land

T.4 Car parking

IMP.1 Implementation of development

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

CS.6	Implementation of development
CS.7	The sustainable location of development
CS.8	Landscape character
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
C(T).12	Parking Standards
B(RA).8	Development at Astwood Bank

***SPDs***

Encouraging good design  
 Planning obligations for education contributions  
 Open space provision

**Relevant Site Planning History**

<b>Application No:</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
2006/178/OUT	Outline application - 4 dwellings	Withdrawn	19.05.06
2008/125/OUT	Outline application - Demolition of existing dwelling and erection of 6 dwellings	Withdrawn	29.05.08
2008/331/OUT	Outline application - retention of existing dwelling and erection of 5 dwellings	Approved	12.12.08
2009/259/FUL	Erection of five dwellings	Approved	26.03.10

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

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

- CPRE continue to support the development of this windfall site and have no issue with the proposed amendments
- Subject to the protection of trees during and post construction, support the application

**Responses against**

None received.

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**Consultee Responses**

The following were consulted on previously submitted full application 2009/259/FUL but have not been consulted here since this application is purely for the substitution of house types previously approved under 2009/259/FUL.

*County Highway Network Control*  
*Environmental Health*  
*Severn Trent Water*  
*Police Crime Risk Manager*  
*Council's Arboricultural Officer*  
*Council's Ecological Officer*  
*Worcestershire Wildlife Trust*  
*Council's Drainage Officer*  
*Worcestershire County Education Service*

The proposed development has no new implications for any of the above. However, in the event of planning permission being granted for this new development, planning conditions are recommended to be attached to any decision notice as was the case under application 2009/259/FUL.

**Procedural Matters**

This recommendation requires the Council to become party to a Planning Legal Agreement under Section 106 of the Town and Country Planning Act 1990. All such applications are reported to Planning Committee for determination.

**Background**

Application 2009/259/FUL granted permission in full, for the erection of five detached dwellings on this site. This application was reported to the Planning Committee on 2nd March 2010 and was granted permission on 26th March 2010 where the applicant agreed to enter into a planning obligation under S106 of the Town and Country Planning Act 1990 to pay contributions towards County education facilities and to pay a contribution to Redditch Borough Council towards playing pitches, play area and open space in the area, due to the increased demand/requirement from future residents, in compliance with the Councils SPD on Open Space Provision.

**Assessment of Proposal**

In the determination of application 2009/259/FUL, Members considered the issue of the principle of development on the site in addition to matters concerning density, landscaping, ecology, sustainability, access to the site, the planning obligation, design and layout. All were considered to be acceptable having regards to the planning policy framework. The issues for consideration under the current application are as follows:-

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Layout

Each of the proposed dwellings would sit on the same footprints of dwellings approved under application 2009/259/FUL, preventing for example any dwelling approved under the earlier application from being erected 'in addition' to the five dwellings proposed under this application, if permission were to be granted. The layout of the proposal is almost identical to that approved under the earlier application although for four of the five plots, minor changes in overall footprint are proposed. These are detailed as follows:

Plots 2 and 5

Application 2009/259/FUL Footprint area 134 m<sup>2</sup>

Application 2011/093/FUL Footprint area 150 m<sup>2</sup>

Plot 3

Application 2009/259/FUL Footprint area 163 m<sup>2</sup>

Application 2011/093/FUL Footprint area 168 m<sup>2</sup>

Plot 4

Application 2009/259/FUL Footprint area 170 m<sup>2</sup>

Application 2011/093/FUL Footprint area 168 m<sup>2</sup>

The total footprint area for Plot 1 is identical to that shown on application 2009/259/FUL (155 m<sup>2</sup>).

The overall footprint alterations are considered to be nominal and would not result in an over-intensification of the site harming the overall appearance of the development. Officers are satisfied that the residential amenities enjoyed by the occupiers of the nearest existing dwellings would be safeguarded, since the proposals comply with separation distances contained within the Council's SPG on Encouraging Good Design. Amenity space provided for the new development on site is provided at a level in excess of the levels required in the SPG.

Design

Under the earlier application it was considered that the design of the proposed dwellings was not dissimilar to those of dwellings in close proximity to the site in terms of their detailing, with the scheme meeting relative policy criteria safeguarding the character of the area. The current proposed scheme is considered to exhibit particularly high quality in terms of attention to detailing including the use of a wider palette of materials. The new dwellings are proposed to be 'Edwardian' in appearance and reflect the form of older dwellings/ buildings present within the more established areas of the Astwood Bank village settlement. The previous application had a more contemporary appearance, with generally shallower roof pitches. Dwelling heights would range from between 8 and 8.5 metres to ridge as under the previous application. Each property would have prominent large chimney stacks which

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add visual interest to the development and reflect the Edwardian feel of the scheme. Timber porches, together with timber windows and doors are proposed with general detailing being sympathetic to this semi-rural location.

**Planning Obligation**

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

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

The applicant is agreeable to this and a draft is progressing.

**Conclusion**

Assuming that the planning obligation is completed in accordance with the policy framework, it is considered that the proposed development would accord with policy criteria and objectives to result in a favourable recommendation. It is not considered likely that the proposed development would result in harm to amenity or safety. Approval is therefore recommended subject to the inclusion of conditions as summarised below, which appeared on decision notice 2009/259/FUL and which Officers consider are reasonable, necessary and meet the tests as set out under Circular 11/95 (Use of Conditions in Planning Permissions).

**Recommendation**

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

- 1. That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration to GRANT planning permission subject to:**
  - a) A planning obligation ensuring that the County are paid appropriate contributions in relation to the development for education provision, and that Redditch Borough Council receives contributions towards playing pitches, play areas**

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**and open space provision in the locality to be provided and maintained; and**

**b) conditions and informatives as summarised below:**

Conditions

1. Development to commence within three years.
2. Details of materials (walls and roofs) to be submitted.
3. Landscape scheme including details of boundary treatment to be submitted.
4. Landscape scheme including details of boundary treatment to be implemented in accordance with approved details.
5. Trees to be protected in accordance with tree protection plan.
6. Limited working hours during construction period.
7. Access, turning and parking.
8. No gates/means of enclosure on any of the access roads.
9. 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.
10. None of the existing hedge planting that fronts Dark Lane shall be removed.
11. All hard surfaces to be permeable and retained as such.
12. Development to be carried out in accordance with plans submitted with the application.
13. Appropriate condition to address the recommendations of the protected species survey.
14. Contamination: standard conditions.

Informatives

1. Reason for approval
2. Drainage details to be in agreement with Severn Trent Water.
3. Highway Note 4 – Private apparatus within the highway.
4. Highway Note 5 – No authorisation for applicant to carry out works within the publicly maintained highway.
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 8th June 2011:**

- a) **Members are asked to delegate authority to the Head of Planning and Regeneration to refuse the application on the basis that without the planning obligation the proposed**

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development would be contrary to policy and therefore unacceptable due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements and an increase in demand for such infrastructure; and

- b) In the event of a refusal on the ground at 2a) above, and the applicant resubmitting the same or a very similar planning application with a completed legal agreement attached to cover the points noted, authority be delegated to the Head of Planning and Regeneration to GRANT planning permission subject to the conditions stated above as amended in any relevant subsequent update paper or by Members in their decision making.



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**ENFORCEMENT REPORT****ENFORCEMENT CASE DETAILS:**

**2009/351/ENF ALLEGATION: NON-COMPLIANCE WITH AN  
ENFORCEMENT NOTICE**

**LOCATION: PATCH LANE, OAKENSHAW, REDDITCH**

**WARD: HEADLESS CROSS AND OAKENSHAW**

The author of this report is Iain Mackay, Planning Enforcement Officer, who can be contacted on extension 3205  
(email: [iain.mackay@bromsgroveandredditch.gov.uk](mailto:iain.mackay@bromsgroveandredditch.gov.uk)) for more information.

(See additional papers for site plan)

**Site Description**

The property consists of a two-storey end terrace dwelling in Patch Lane. The side elevation faces on to the rear gardens of adjacent properties in Patch Lane which run at right angles to it.

**Relevant Site Planning History**

There is no relevant planning history.

**Investigation Details**

30.12.2009:

Following complaints, the Council were made aware that a clearly glazed window had been inserted into the gable end side elevation of the property at first floor level. Windows inserted at first floor level which are not obscurely glazed require the benefit of planning permission. In this particular case, the window directly overlooked the bedrooms and gardens of properties which faced on to it and the visiting Enforcement Officer considered that planning permission was unlikely to be forthcoming.

01.03.2010:

The owner of the property was identified, and using delegated powers, a planning contravention notice was issued and a copy served upon him.

03.03.2010:

The contravention notice was returned along with an assurance that a replacement window was on order.

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24.05.2010:

When nothing further was heard, enquiries by the investigating Enforcement Officer revealed that the property had been re-possessed by the mortgagee and the premises were vacant.

08.12.2010:

Having established that the property had now been sold, and that tenants were in the process of moving in, an Enforcement Notice was issued using delegated powers and copies were served on all persons with an interest in the land. The Notice required that the existing clear glazed window be removed and replaced with an obscurely glazed window. The notice gave the owners 3 months in which to comply.

30.03.2011:

Following the expiry of the compliance period, a site visit confirmed that the window had not been replaced and that the Enforcement Notice was being breached.

08.04.2011:

A warning letter was sent to the owner seeking the works to be completed as a matter of urgency. To date, no response has been received.

**Conclusion**

The situation with regard to this window continues to draw complaints, particularly due to the overlooking problem.

As the new owners are a limited company which has steadfastly refused to communicate with the Council, Officers consider that prosecution is the most appropriate action in this matter to secure a resolution.

There are no financial, community safety or risk implications in this report.

**Recommendation**

**The Committee is asked to RESOLVE that**

**in relation to a breach of planning control, namely, the failure to comply with the requirements of an Enforcement Notice, authority be delegated to the Head of Legal, Equalities and Democratic Services, in consultation with the Head of Planning and Regeneration, to instigate legal proceedings in the Magistrates Court, if necessary.**

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**ORDER FOR CONSIDERATION OF PLANNING APPLICATIONS**

**SPEAKERS CONFIRMED INDICATED BY 'S'**

<b><u>Application No.</u></b>	<b><u>Proposal and Address</u></b>		<b><u>Page No</u></b>
<b>S</b> 2011/054/OUT	Mixed use development of 171 dwellings, public open space and outline application for 4,738 square metres of class b1 (business) floorspace and access Land east of Brockhill Lane, Redditch, Worcestershire	Main Report          Update Report	11          3
<b>Presenting Officer : Ailith Rutt</b>			
<b>S</b> 2011/083/FUL	Extension to the side of the bungalow and loft conversion with new gable ended roof 54 Jubilee Avenue, Crabbs Cross	Main Report          Update Report	25          No update
<b>Presenting Officer : Steven Edden</b>			
<b>S</b> 2011/087/FUL	Reconstruction of farmhouse building to create two dwellings and conversion of existing barns to create five dwellings, erection of garage buildings and stores Lowans Hill Farm, Brockhill Lane, Redditch	Main Report          Update Report	29          6

**Presenting Officer : Ailith Rutt**

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2011/093/FUL	House type substitutions – plots 1 to 5 (amendment to scheme approved under application 2009/259/ful): Erection of five detached dwellings together with associated access and parking	Main Report	39
	Land to the south and west of the property 'High Trees', Dark Lane, Astwood Bank	Update Report	No update

**Presenting Officer : Steven Edden**

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**PLANNING APPLICATION: 2011/054/OUT****MIXED USE DEVELOPMENT OF 171 DWELLINGS, PUBLIC OPEN SPACE  
AND OUTLINE APPLICATION FOR 4,738 SQUARE METRES OF CLASS  
B1 (BUSINESS) FLOORSPACE AND ACCESS****LAND EAST OF BROCKHILL LANE, REDDITCH, WORCESTERSHIRE****Public consultation responses**

9 additional responses have been received, but no further issues have been raised above those reported on the main agenda papers.

It is noted for clarity that all representations made are always summarised within the reports to the Planning Committee, and that the full representations kept on the planning file are available to the public to view in reception during normal opening hours Monday-Friday and to Councillors at their request to view, by mutual arrangement.

It is also noted for information that anonymous representations cannot be taken into consideration, as the regulations require that those making representations be notified of the outcome, and therefore that contact details are provided.

**Consultee responses*****County Highway Network Control***

No objection subject to conditions and informatives. Request that the recommendation remain as is because running the traffic model will not be completed until the end of the week, and so the precise details for the planning obligation will be provided then.

***Drainage officer***

Confirmation provided that the necessary agreement with Severn Trent Water and the applicant has been completed and therefore that the condition should require its implementation only, and not its compilation.

***Housing officer***

Confirmation provided that the tenure mix and housing identified conforms with current housing policy and would therefore meet local demand. This has been included in the drafting of the planning obligation.

***Archaeology officer***

The survey work has been completed and there are no causes for concern. Therefore no objections raised subject to condition regarding the recording of the Iron Age enclosure found, prior to any development that might affect it being allowed to take place.

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***Crime Risk Manager***

No objection to amendments subject to condition regarding agreement of gate details at access points to rear garage/parking areas.

***Worcestershire Wildlife Trust***

Request it be noted that a condition regarding biodiversity enhancement be included in the recommendation at page 24 condition 16.

***Severn Trent Water***

Confirmation received of comments from drainage officer stated above.

***Environment Agency***

No objection subject to a condition requiring that the agreed mitigation work be carried out.

**Additional officer comments**

The applicant has provided additional information to address the various items raised by consultees and these now form part of the supporting information for the application.

The report mentions in error contributions towards off site play equipment – the money would be transferred to the council along with the land so that the council could provide the equipped play on site.

**Noise**

Further survey work has been carried out in relation to the impact of noise from the adjacent power station on the proposed dwellings. It is considered that subject to the provision of an acoustic fence along the southern boundary of the site, no detrimental impacts would occur and therefore a condition is recommended to this effect as per the main report page 24 condition 16.

**Open Space**

Some representations refer to the 'cone of vision' and this was inadvertently not explained in the main report. When a decision on an adjacent piece of land was made by a Planning Inspector in 2007 it was noted that there was a cone shaped view through the designated open space, from the Hewell Road frontage up the Red Ditch valley that should be preserved. However, in doing so, the Inspector allowed the access road to go through this area on the basis that it would not result in any permanent built form within the cone, only temporary and low level intrusions from the passing traffic and therefore this was considered to be acceptable. This 'cone of vision' was kept clear of built form when the residential proposal on the adjacent site was approved (2010/008/FUL) and is largely protected due to its designation as Primarily Open Space. For topographical reasons, the road along the edge of the primarily open space that is proposed here does fall slightly within the 'cone of vision' in some places, however these are further to the north and very minor

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in nature and so for similar reasons to those of the Inspector this is considered to be acceptable in this case.

**Planning obligation**

The applicant's solicitor and the Council's legal officer have been working on the preparation of the planning obligation, however due to the deadline being less than a week after this meeting and the size and complexity of the agreement, it has been requested that the date for completion of this application be extended for a further five weeks. This is considered to be reasonable in this case for these reasons.

***Amendment to recommendation:***

The additional conditions noted above are recommended to be included as per condition 16 on page 24 of the main report. There is no need therefore to amend the printed recommendation except that at paragraph 2 on page 24 the date of 2nd June 2011 should be amended to read **7th July 2011**.

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**PLANNING APPLICATION: 2011/087/FUL  
RECONSTRUCTION OF FARMHOUSE BUILDING TO CREATE TWO  
DWELLINGS AND CONVERSION OF EXISTING BARN TO CREATE  
FIVE DWELLINGS, ERECTION OF GARAGE BUILDINGS AND STORES**

**LOWANS HILL FARM, BROCKHILL LANE, REDDITCH**

**Public consultation responses****Responses against**

1 letter of objection has been received raising the following concerns:

- The access road would encroach into open space
- Barn owl information in support of the application is contradictory
- The nearest bus service is too infrequent for commuters and currently under threat of total cessation

**Consultee responses*****Landscape and biodiversity officer***

No objection subject to conditions and informatives regarding nocturnal survey work.

***Bromsgrove District Council***

No objection

***Severn Trent Water***

No comments received

**Additional officer comments**

Whilst the access road is partially within some designated open space, it would not result in a permanent barrier to views and is therefore not considered to be detrimental to the interests that the policy seeks to protect. On balance, therefore, it is not considered sufficiently significant to warrant a recommendation for refusal.

The relevant officer has requested a condition that would deal with the owl concerns and it is recommended that this be imposed. No concerns were raised in relation to the content of the report.

Whilst it is beneficial that sustainable locations for development be used, this site has been considered to be such as part of the process for compiling evidence for the emerging core strategy. Further, it is considered that sufficient parking provision is included within the scheme as noted on page 35-36 of the main report under the heading 'highways and access'.

***Amendment to recommendation:***

The recommendation on pages 37-38 of the main agenda stands with the addition of the following conditions:



11.No development until remaining bat survey work has been agreed and completed

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