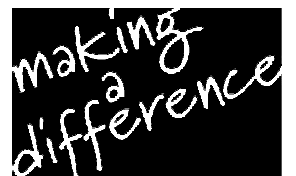


# Planning Committee

Tue 27th Apr  
2010  
7pm

Council Chamber  
Town Hall  
Redditch



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

# Access to Information - Your Rights

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

Your main rights are set out below:-

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

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

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

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

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

[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:**

**Janice Smyth**

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

**Tel: (01527) 64252 Ext. 3266 Fax: (01527) 65216**

**e.mail: [janice.smyth@redditchbc.gov.uk](mailto:janice.smyth@redditchbc.gov.uk)**

**Minicom: 595528**

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



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

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

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

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

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

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

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**Notes:**

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

**Further assistance:**

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

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

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

# Welcome to today's meeting.

## Guidance for the Public

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### ***Agenda Papers***

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

### ***Chair***

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

### ***Running Order***

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

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

### ***Decisions***

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

### ***Members of the Public***

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

### ***Special Arrangements***

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

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

### ***Further Information***

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

### ***Fire/ Emergency instructions***

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

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

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

**Do Not use lifts.**

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

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

# Declaration of Interests: Guidance for Councillors

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DO I HAVE A "PERSONAL INTEREST" ?

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

**OR**

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

you have a personal interest.

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

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

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

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

**and**

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

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

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



# PLANNING COMMITTEE

27th April 2010

7pm

Council Chamber Town Hall

## Agenda

### Membership:

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

<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 - 6)	To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 30th March 2010.  (Copy attached)
<b>4. Applications for planning permission</b> (Pages 7 - 8)  Acting Head of Planning and Building Control	To consider three applications for planning permission. (Items below refer) (Covering report attached)  <b>(Various Wards)</b>
<b>5. Planning Application 2010/013/FUL - 'Camarat', Dark Lane, Astwood Bank</b>  (Pages 9 - 14)	To consider a Planning Application for the erection of single storey side and rear extensions, replacement pitched roof over kitchen, conversion of garage into living area, rebuilding of porch and new single storey garage.  Applicant: Mr A Murphy  (Report attached)  <b>(Astwood Bank and Feckenham Ward)</b>

# PLANNING

Committee

27th April 2010

<p><b>6. Listed Building Consent Application 2010/019/LBC and Planning Application 2010/020/FUL - 14a High Street, Pool Barn, Feckenham</b></p> <p>(Pages 15 - 18)</p>	<p>To consider both Listed Building Consent and Planning Applications for a single storey extension to provide hallway and store room.</p> <p>Applicant: Mr P Tricklebank</p> <p>(Report attached)</p> <p><b>(Astwood Bank and Feckenham Ward)</b></p>
<p><b>7. Planning Application 2010/044/FUL - Land at Winyates Way and Moons Moat Drive, Redditch</b></p> <p>(Pages 19 - 24)</p>	<p>To consider a Planning Application for the erection of three general industrial units (B2) with associated offices, car parking and service yard.</p> <p>Applicant: Mr David Nash</p> <p>(Report attached)</p> <p><b>(Church Hill Ward)</b></p>
<p><b>8. Members' Planning Code of Good Practice - Revisions</b></p> <p>(Pages 25 - 40)</p> <p>Head of Legal, Equalities and Democratic Services</p>	<p>To consider a revised Planning Code of Good Practice for adoption by the Council.</p> <p>(This item was deferred from the meeting of the Planning Committee held on the 30th March 2010.)</p> <p>(Report attached)</p> <p><b>(No specific Ward relevance)</b></p>
<p><b>9. Information Report</b></p> <p>(Pages 41 - 44)</p> <p>Acting Head of Planning and Building Control</p>	<p>To receive an item of information in relation to an appeal against a planning decision.</p> <p>(Report attached)</p> <p><b>(Winyates Ward)</b></p>
<p><b>10. Review of Operation of the Planning Committee - Municipal Year 2009/10</b></p> <p>Head of Legal, Equalities and Democratic Services</p>	<p>To invite Members to reflect on the operation of the Committee during the 2009/10 municipal year and propose amendments to current practice if considered appropriate.</p> <p>(No separate report)</p> <p><b>(No Ward relevance)</b></p>



# PLANNING

Committee

27th April 2010

<b>11. Exclusion of the Public</b>	<p>During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p><b>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended.</b></p>
<b>12. Confidential Matters (if any)</b>	<p>To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)</p>





## Planning Committee

30th March 2010

### MINUTES

#### Present:

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

#### Also Present:

M Collins (Vice-Chair – Standards Committee)

#### Officers:

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

#### Committee Services Officer:

J Smyth

#### 109. APOLOGIES / WELCOME

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

The Chair welcomed Councillor Braley as a newly appointed member of the Committee.

#### 110. DECLARATIONS OF INTEREST

There were no declarations of interest declared.

#### 111. CONFIRMATION OF MINUTES

##### RESOLVED that

**the minutes of the meeting of the Committee held on 2nd March 2010 be confirmed as a correct record and signed by the Chair,**

**subject to it being noted that:**

- a) **Councillor Anderson had been present at the meeting as a substitute for Councillor Smith and the record being so amended, and**

.....  
Chair

- b) in respect of Minute 104 (Planning Application 2009/271/FUL), and further to Councillors Banks' and Hartnett's declared interests as Board Members of Redditch Co-operative Homes, they had been unaware, as they had already withdrawn from the meeting when the matter arose, that the applicant details had been amended to 'Accord Housing'; and they therefore made retrospective declarations of personal and prejudicial interest in respect of that body to.

## **112. APPLICATIONS FOR PLANNING PERMISSION**

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

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

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

## **113. PLANNING APPLICATION 2010/008/FUL – LAND AT HEWELL ROAD, BROCKHILL**

14 dwellings, access road and public open space provision  
Applicant: Persimmon Homes

Mr J Murphy, 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 Acting Head of Planning and Building Control to GRANT planning permission; subject to:**
  - a) **a Planning Obligation to ensure that Redditch Borough Council is paid appropriate contributions in relation to the development for pitches and play areas and that the on site open space provision be transferred to the Council with a maintenance contribution; and**

b) the conditions and informatives summarised below:

- “1) Time limit for commencement of development
- 2) Limited hours of work during construction
- 3) Contaminated land – what to do if discovered
- 4) Bin storage details to be submitted, agreed and provided before occupation
- 5) Hard surfaces to be permeable
- 6) Remove PDRs for rear garden structures
- 7) Approved plans specified
- 8) Landscape scheme to be implemented prior to occupation
- 9) Boundary treatment to be implemented prior to occupation
- 10) Provide parking prior to occupation
- 11) Compost bins / water butts to be provided prior to occupation
- 12) Highways details as requested

**Informatives**

- 1) Secured by design accreditation should be sought by applicant
  - 2) Affordable housing quota likely to be carried forward into later phases of development
  - 3) NB S106 planning obligation associated with this consent
  - 4) Any highway informatives requested.”
- 2) in the event that the Planning Obligation cannot be completed by 21st April 2010:

- a) authority be delegated to the Acting Head of Planning and Building Control to REFUSE the application on the basis that without the Planning Obligation, the proposed development would be contrary to Policy and therefore unacceptable owing to the resultant detrimental impacts it could cause on 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 Acting Head of Planning and Building Control to GRANT Planning Permission, subject to the conditions and informatives summarised at 1b) above.

**114. PLANNING APPLICATION 2010/013/FUL –  
'CAMARAT', DARK LANE, ASTWOOD BANK**

Single-storey side and rear extensions,  
replacement pitched roof over kitchen,  
conversion of garage into living area,  
rebuild of porch and new single storey garage  
Applicant: Mr A Murphy

Mr P Simpson, an Objector, addressed the Committee under the Council's public speaking rules.

**RESOLVED that**

**consideration of this Planning Application be DEFERRED to allow for a Member Site Visit to take place.**

**115. PLANNING APPLICATION 2010/026/FUL –  
THE STABLES FARM SHOP, ASTWOOD LANE,  
ASTWOOD BANK**

Retrospective erection and installation of freezer, store, two timber sheds, WC's, porch, conservatory, canopy, patio and change of use of agricultural land for extension to existing car park  
Applicant: Mr J Cockburn

Mr C Bates, an Objector, addressed the Committee under the Council's public speaking rules.

**RESOLVED that**

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

**116. PLANNING APPLICATION 2010/040/COU –  
OSPREY HOUSE, ALBERT STREET, REDDITCH**

Change of use from Clas B1 to D1  
to enable education and training to  
take place on the first and second floors  
Applicant: NEW College

Councillor C MacMillan, supporter, 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 summarised in the main report.

**117. PLANNING APPLICATION 2010/041/RM –  
LAND ADJACENT TO 17 CHAPEL STREET,  
ASTWOOD BANK**

Reserved Matters application for a detached dwelling with garage  
Applicant: Mr R Parr

**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.

**118. PLANNING CODE OF GOOD PRACTICE - REVISIONS**

With the agreement of the Chair, this matter was **DEFERRED** to the next meeting of the Committee for consideration.

**119. INFORMATION REPORTS**

The Committee received information relating to the outcome an appeal against a Planning decision.

**Planning**  
Committee

30th March 2010

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The appeal, which had been ALLOWED, was in respect of a proposal to erect a detached dwelling within part of the garden area of 2 Hennals Avenue, Webheath.

**RESOLVED that**

**the information item be noted.**

The Meeting commenced at 7.00 pm  
and closed at 8.46 pm

.....  
CHAIR



## **Planning Committee**

Astwood Bank and Feckenham  
and Church Hill Wards

27th April 2010

### **APPLICATIONS FOR PLANNING PERMISSION**

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

#### **1. Summary of Report**

To determine three applications for planning consent (covering report only).

#### **2. Recommendation**

**The Committee is asked to RESOLVE that**

**having regard to the development plan and to other material considerations, the attached applications be determined.**

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

3.1 Financial : None.

3.2 Policy : As detailed in the reports.

3.3 Legal : Set out in the following Acts:-  
Town and Country Planning Act 1990  
Planning and Compensation Act 1991  
Human Rights Act 1998  
Crime and Disorder Act 1998.

3.4 Risk : As detailed in the reports.

3.5 Climate Change: As detailed within the reports.

#### **4 Report**

The following items on the Agenda detail planning applications for determination at this meeting of the Committee.

#### **5. Background Papers**

Planning application files (including letters of representation).  
Worcestershire County Structure Plan 1996 - 2011.  
Borough of Redditch Local Plan No. 3.

6. **Consultation**

Consultees are indicated in the reports.

7. **Other Implications**

Asset Management	Not normally applicable.
Community Safety:	As detailed within the reports.
Human Resources:	None.
Social Exclusion:	None: all applications are considered on strict planning merits, regardless of status of applicant.
Sustainability/Environmental:	As detailed within the reports

7. **Author of Report**

The author of this report is Ruth Bamford (Acting Head of Planning and Building Control), who can be contacted on extension 3219 (e-mail: [ruthbamford@redditchbc.gov.uk](mailto:ruthbamford@redditchbc.gov.uk)) for more information.

## Planning Committee

Astwood Bank & Feckenham Ward

27th April 2010

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

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

### Site Description

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

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

The property benefits from a 40 metre long and 12 metre wide rear garden. The front garden/drive is 12 metres in length and 15 metres wide. There is a two metre high hedge to the front of the property amongst which there is a willow tree and a fairly mature pine tree and a 1.8m high fence between the application site and the adjacent dwelling to the east.

To the west is a two storey semi-detached dwelling set at a significant distance from the shared side boundary. To the east is a bungalow in a corner plot at the junction of Dark Lane and High Street. This is a pitched roof bungalow, with access from High Street.

### Proposal Description

Full planning permission is sought for various small extensions to this property, as follows:

- A single storey extension to the west side of the dwelling, attached to what is currently the integral garage. The extension would be an odd shape with a flat roof, 2.5 metres in height and 4 metres in width at the rear and tapers down to one metre to the front, parallel with the western boundary of the site.
- A single storey extension to the rear of the property is proposed to be used as a 'family' room with a flat roof, 3.3 metres in depth, 5.5 metres in width and 2.4 metres in height.
- A pitched roof over the existing flat roofed single storey kitchen at the eastern side of the property, which would peak just below the

eaves level of the two storey dwelling, and have a full hip so that it slopes away from the perimeter of the kitchen on all three sides.

- A replacement porch is also proposed as part of the application, however this element appears to be retrospective, as the previous porch has already been demolished and construction work on the new one has begun. The porch would have a pitched roof, with a central arched doorway and circular window to either side, and measure 5m wide, 1.6m deep and 3m in height.
- A detached single garage to the front of the property is proposed 2.7 metres in height, 3 metres in width and 6 metres in length. The garage slab would be set approximately 0.4m below ground floor level of the dwelling.

The plans also show the intention to convert the existing integral garage into a habitable room, however this would fall within the Permitted Development Rights of the dwelling, and therefore cannot be considered here as it is outside the control of the LPA.

### **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

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

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

### ***SPDs/SPGs***

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

### **Public Consultation Responses**

Responses in favour

None

Responses against

Two objections received. Comments summarised as follows:

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

**Procedural Matters**

This is being reported to committee as two letters of objection have been received.

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

This application was reported to the Planning Committee at their 30 March 2010 meeting, and was deferred for a site visit.

**Assessment of Proposal**

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

Principle

The property has been extended substantially in the past, but the principle of extending the dwelling further is acceptable under the current policy framework, subject to the details being considered favourable.

Design and layout

The single storey extension to the west side of the property has been designed to have a flat roof with a gap of 0.2m from the boundary which would respect the next door property and reduce the impact on neighbouring residents. This extension would not be visible from the front of the house and thus would not have a detrimental impact on the visual amenity of the streetscene. It is therefore considered unlikely to have any detrimental impact on the residential amenity of the adjacent property at 2 Dark Lane, due to its location, height and separation.

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

the existing dwelling. It is considered that it would have a minimal impact on the residential amenity of the neighbouring residential property to the west at 34 High Street.

The erection of a pitched roof over the existing kitchen is also considered likely to have only a minimal effect on the adjacent occupier of 34 High Street, as in terms of orientation, the taller bulk of the existing two storey dwelling on the application site would remain, and cause more impact than the lower proposed roof. Therefore, this is considered unlikely to cause any significant additional impact on the neighbouring property in terms of loss of light or outlook, and could not affect residential amenities in other respects.

The detached garage has been designed sympathetically in relation to the bungalow to the side [34 High Street] in terms of loss of light. The slab is proposed to be set approximately 0.4m below the existing ground level to reduce any impacts it could have. The proposed height of 2.7m, less the drop in land levels of 0.4m would result in only the top 0.3m of the garage being visible above the 2m high hedge line. Therefore, despite the gable end facing the adjacent property, it is considered unlikely that the top 0.3m of the garage gable would cause a significant additional impact on the residential amenities of 34 High Street. It does not breach the 60° code normally applied to extensions at adjacent properties.

The proposed porch is considered to be of an appropriate style and design for the dwelling, and unlikely to cause any detrimental impacts on visual or residential amenity. Whilst it is visible from the public highway, it does not detract from or appear incongruous with the existing dwelling, and as such is considered to comply with the relevant policy criteria.

#### Highways and access

The property enjoys a large front area with sufficient space for parking cars and the access would remain unchanged. The proposal is therefore considered to be compliant with policy in this regard.

#### Conclusion

It is considered that these developments would cause no significant harm to the residential amenity of the neighbouring properties, and meet all the requirements of the relevant planning policies and guidance.

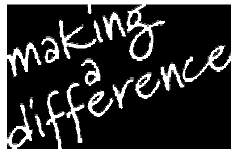
**Recommendation**

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

1. Remaining development to commence within 3 years (not porch)
2. Materials to match existing
3. Development to occur in accordance with approved plans







## Planning Committee

Astwood Bank & Feckenham Ward

27th April 2010

2010/019/LBC LISTED BUILDING CONSENT  
2010/020/FUL SINGLE STOREY EXTENSION TO PROVIDE HALLWAY  
AND STORE ROOM  
14 A HIGH STREET, POOL BARN, FECKENHAM  
APPLICANT: Mr P Tricklebank  
EXPIRY DATE: 24th March 2010

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

### Information

The proposed works are the same for both applications, hence the combination report given below. The assessment section of the report deals with the separate issues for each application, however the bulk of the information is the same, and is therefore not repeated.

### Site Description

(See additional papers for Site Plan)

The application site contains a detached dwelling which is located within the curtilage of a Grade 2 Listed Building and within the Feckenham Conservation Area. The dwelling was originally a stable block and was granted planning consent to convert into a dwelling in 1998. It is constructed of red bricks and clay roof tiles, with a steeply pitched roof. To the rear is a timber and glazing conservatory. The dwelling is L shape in plan, and to the front 'open' corner is currently a timber monopitch lean-to roof, and black bow-top railings, with gateway in, forming a small covered courtyard area immediately outside the front door.

The dwelling is accessed from High Street in Feckenham, but is set back from the road frontage at an angle such that it is hardly visible in the streetscene. It shares a side boundary with the rear garden of an adjacent dwelling.

### Proposal Description

The applicant seeks Listed Building Consent and Planning Permission for an extension to the front of the dwelling to form a hallway and storage area. Firstly, the existing lean-to canopy roof would need to be removed, although the railings would remain.

The application has been amended, and the proposal now for consideration is as follows:

A single storey construction is proposed, 4.2m x 2.5m, glazed to the front, with a central doorway, and timber boarded to the side along the boundary, with a mono-pitched roof sloping down to the front with a roof light.

### **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  
 PPS5 Planning for the historic environment

### ***Regional Spatial Strategy***

QE5 Protection and Enhancement of the Historic Environment

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

CTC.19 Areas and Features of Historic and Architectural Significance

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

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

### ***SPDs***

Feckenham Conservation Area Appraisal & Management Plan

### **Public Consultation Responses**

None received

### **Consultee Responses**

### ***Conservation Adviser***

No objection to amended plans – this lightweight glazed scheme with metal roof is more sympathetic than the original proposal and will detract less from the character of the dwelling

***County Archaeology Team***

No comments received

***Feckenham Parish Council***

No objection

**Procedural Matters**

This application would normally be assessed under the delegated powers granted to the Head of Planning and Regeneration, but is being reported to committee as the agent is an employee of Redditch Borough Council.

The works proposed here require planning permission because they do not fall within the Permitted Development Rights granted by the relevant legislation. They also require Listed Building Consent because they fall within the curtilage of a statutorily listed building. Listed Building Consent applications should be considered in terms of their impact on the architectural and historic importance of the building and its reason for listed status whilst the full range of material considerations apply to the planning permission.

**Assessment of LISTED BUILDING CONSENT proposal**

The proposal is considered to have an acceptable impact on the existing dwelling, in that its lightweight glazed nature would result in minimal impact on the historic building both in terms of the impact on the fabric of the building, and in terms of the appearance, as the glazing would continue to allow views of the historic fabric and not have a harmful effect on the appearance of the building from the street and other viewpoints. As such it is considered to comply with the relevant policy requirements and there appear to be no other material considerations to outweigh this.

**Conclusion**

The proposal is considered likely to preserve and enhance the character and appearance of the Listed Building and the Conservation Area, and as such is compliant with local and national planning policy and regulatory requirements.

**Assessment of PLANNING APPLICATION proposal****Principle**

The building lies within the curtilage of a Grade 2 Listed Building and within the heart of the Feckenham Conservation Area. The principle of adding this extension to a small building of historical character is considered to be

acceptable in principle, subject to its impact on the historic environment around it, and its detailed design and materials.

Design and layout

As noted when considering the listed building above, it is considered that the design, scale, size and materials of the proposal would be sympathetic to the dwelling and its surroundings, such that it complies with the relevant policy criteria.

Due to its location and orientation, it is considered that this development would cause no harm to the residential amenity of the neighbouring properties, and as such is acceptable.

Conclusion

The proposal has been designed sympathetically in relation to the existing property and its location and complies with Policies B(BE).13, B(BE).14 of the Borough of Redditch Local Plan No 3 as well as others.

Recommendations

**That having regard to the development plan and to all other material considerations,**

- 1) Listed Building Consent be GRANTED subject to the conditions as summarised below: and**
- 2) Planning Permission be GRANTED also subject to conditions as summarised below:**
  1. Development to commence within 3 years
  2. As per plans.

## Planning Committee

Church Hill Ward

27th April 2010

**2010/044/FUL ERECTION OF THREE GENERAL INDUSTRIAL UNITS (B2) WITH ASSOCIATED OFFICES, CAR PARKING AND SERVICE YARD LAND AT WINYATES WAY AND MOONS MOAT DRIVE, REDDITCH**  
**APPLICANT: MR DAVID NASH**  
**EXPIRY DATE: 1ST JUNE 2010**

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

### Site Description

(See additional papers for Site Plan)

Existing undeveloped bowl shaped site, surrounded by roads on all sides, of triangular shape, with straight roads to west (Winyates Way) and south (Moons Moat Drive) and Winyates Way curves from SE to NW corner forming a rough square shape. To the west beyond Winyates Way is residential development, and to the east beyond Winyates Way is industrial/commercial development. To the north on the opposite side of Winyates Way is the TA centre.

The site is overgrown and contains grasses/trees/shrubs etc. It is an unkempt and poorly maintained site, with some evidence of use as a shortcut by pedestrians. To the south on Moons Moat Drive are two tarmac strips on the verge which suggest former bus stop provision.

### Proposal Description

The application proposes the erection of a single building to form three general industrial units (B2), with car parking fronting Moons Moat Drive and a rear service yard. The building would run east-west within the site, and an access would be created from Winyates Way.

The building would be two storey in height, with a brick plinth 1m in height and metal cladding above, with a pitched metal roof (gable ends to east and west). The building would be 17.1m deep, 45.7m long and 8.4m high to the ridgeline (5.4m to the eaves). The elevation facing Moons Moat Drive would be the 'front' and include windows at both ground and first floor, serving the ancillary office accommodation, whilst the rear elevation would contain taller roller shutter doors to provide servicing to the rear portion of the building which would be double height internally. Each unit would have a pedestrian door to the rear section. The unit to the western end of the site would also benefit from an enclosed rear yard, although no details of the fencing to enclose the rear yard have been provided.

The proposed building would be of 1032m<sup>2</sup> and would be likely to result in employment opportunities for around 25 full time staff. The proposed parking area includes provision for 23 cars, 5 vans, 3 motorcycles, 2 disabled spaces and 10 cycle spaces.

The application is supported by a Design & Access Statement and a transport statement.

### **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  
 PPS4 Planning for sustainable economic growth

### ***Regional Spatial Strategy***

SR3 Sustainable design and construction  
 PA1 Prosperity for all  
 PA6A Employment land provision  
 PA6B Protection of employment land  
 QE3 Creating a high quality built environment for all  
 T4 Promoting travel awareness

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

SD2 Care for the environment  
 SD4 Minimising the need to travel  
 T3 Managing car use  
 T4 Car parking

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

CS2 Care for the environment  
 CS7 Sustainable location of development  
 S1 Designing out crime  
 B(BE)13 Qualities of good design  
 B(BE)19 Green architecture  
 C(T)12 Parking standards

The site itself is undesignated within Local Plan No.3, however the land to the north, east and south is designated for employment uses, and the land to the west beyond Winyates Way forms part of a green corridor running through Church Hill and is designated as Primarily Open Space.

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

Worcestershire Community Strategy (WCS)  
Worcestershire Local Area Agreement (WLAA)  
Redditch Sustainable Community Strategy (SCS)

**Relevant Site Planning History**

None

**Public Consultation Responses**

Responses in favour

One comment received raising the following points:

- The site is in an appropriate location for this use, which will contribute towards the RSS targets for providing land for employment purposes
- Any potential wildlife issues should be dealt with by condition

**Consultee Responses**

***County Highway Network Control***

No objection subject to conditions regarding parking provision implementation, and informatives regarding the construction phase.

***County Archaeology Team***

Note proximity to a Scheduled Ancient Monument (Moons Moat) but that the ground has been disturbed sufficiently that the proposal would be unlikely to do any further harm to any remains.

***Environmental Health***

No objections subject to contaminated land conditions.

***Drainage Officer***

No comments received.

***Crime Risk Manager***

No objection but recommends door locks to be to a sufficient standard to ensure security at the premises.

***Severn Trent Water***

No objection subject to a condition regarding drainage details.

**Procedural Matters**

This is a small scale major application on RBC land, and therefore cannot be determined by Officers under delegated powers.

This site has been identified as a potential commercial site through the Asset Disposal Programme and declared surplus by Executive Committee.

**Assessment of Proposal**

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

**Principle**

The site is undesignated within the local plan, and therefore any use should be considered in terms of its appropriateness in that location, and its likely impacts on any surrounding development. In this case, the site is bounded on three sides by designated employment land, and to the fourth has the significant barrier of the bank with the road atop, providing a significant physical boundary and buffer to the primarily open space beyond. It is therefore considered appropriate to use the site for employment purposes, as it can be easily contained within the site and is unlikely to cause any significant harmful impacts on the similar surrounding uses.

**Design and Layout**

The layout of the proposed development is considered to be appropriate to the topography of the site, and acceptable in terms of layout and impacts on surrounding road users, who will generally be the only viewers of the site. This type of use requires a substantial quantity of open surface area for parking and servicing, and this has been located within the site such that it would have minimal visual impacts on the wider area. The proposal has been designed such that the parking is located adjacent to the pedestrian access points to the proposed units, and so that the office users would provide passive surveillance to the parking area, increasing security on the site. The parking would also be overlooking by users of Moons Moat Drive such that any misuse would be clearly visible and thus deterred.

The service area to the rear would be hidden from view from Moons Moat Drive by the proposed building, and located into the bowl of the site such that it would be unlikely to be visually prominent from any surrounding viewpoint.

The design and appearance of the proposed building is also considered to be acceptable. The height difference between the site and Winyates Way above at the level it crosses the Coventry Highway is approximately 7.5m, and thus it is not considered that the proposed building (at a maximum height of 8.4m) would be overly dominant on this site, and would not protrude sufficiently beyond the height of the adjacent highway embankment to cause any harm to visual amenity.



The application form does not provide detail on the colours of the finishes proposed, particularly the metal cladding and the brickwork, and therefore a condition is recommended that these be agreed in order to ensure that the materials and finishes used are appropriate to the site and its surroundings.

No elevations or details of finishes of the fencing have been provided, and it is therefore recommended that a condition be attached requiring the details to be submitted and agreed, in order to ensure that it is visually acceptable. Surfacing details are also not provided, and should be controlled in the same way, as well as being permeable in order to ensure that the development is as sustainable as possible.

#### Landscaping

The proposal appears to suggest that the shrubs and trees to the perimeter of the site would be retained, whilst the remainder of the growth on the site would need to be cleared to accommodate the proposed development. In order to ensure that this is the case, and to soften the appearance of the development it is recommended that this be ensured through the imposition of a condition regarding landscaping and boundary treatments. It is therefore considered that the proposal would not cause any detrimental impacts to the visual amenity of the site or its surroundings, and as such is considered to be compliant with policy.

#### Highways, access and parking

The county have raised no objections to the proposed access and parking arrangements, and the parking spaces proposed, for all modes of transport, both comply with the local plan standards and should encourage non-car modes of transport and thus sustainable travel patterns. It is recommended that the suggested condition be attached to any consent granted, to ensure that the parking arrangements are available for use when the building becomes occupied. The proposal is therefore considered to comply with policy in this regard, however it is recommended that a condition be imposed requiring the proposed travel plan to be implemented.

#### Sustainability

The proposal caters for non-car travel to and from the site, and is within close proximity to regular bus services. It is located within the town of Redditch, which is considered to be a sustainable settlement, and therefore it is considered to meet the current policy requirements. However, all applicants are encouraged to meet the highest possible levels of sustainability, and therefore an informative is recommended to encourage a high standard in this development.

#### Other issues

The site has no special wildlife designations and therefore there is no requirement in planning policy terms to pursue the matter further.

# Planning Committee

27th April 2010

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However, other protections would still apply under other relevant legislation and an informative to that effect is recommended to alert the applicant to the potential perceived by a third party.

## Conclusion

On balance, it is considered that the proposal complies with the relevant planning policy framework, and would be unlikely to cause any harm to amenity or safety. It is therefore considered to be acceptable.

## Recommendation

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

1. Time limit for commencement of development
2. Fencing details (location and elevations) to be submitted, agreed and implemented as agreed
3. Building and surfacing materials to be submitted, agreed and implemented as agreed
4. Surfacing to be permeable or sustainably drained
5. Landscaping/boundary treatment details to be submitted, agreed and implemented as agreed, with boundary treatment to be retained wherever possible
6. Highway condition
7. Green Travel Plan to be implemented in accordance with submitted details
8. Approved plans specified

## Informatives

1. Highways informatives
2. Signage would need advertisement consent
3. Wildlife – meet other legislation as necessary
4. Sustainability – build to highest BREEAM rating possible

## Planning Committee

No Direct Ward Relevance

27th April 2010

### MEMBERS' PLANNING CODE OF GOOD PRACTICE - REVISIONS

(Report of the Deputy Monitoring Officer)

#### 1. Summary of Proposals

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

#### 2. Recommendations

The Committee is asked to RESOLVE that

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

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

##### Financial

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

##### Legal & Policy

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

Risk

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

Climate Change / Carbon Management

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

Report**4. Background**

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

# Planning Committee

27th April 2010

## 5. Key Issues

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

## 6. Other Implications

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

## 7. Lessons Learnt

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

## 8. Background Papers

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

Model Member Planning Code of Good Practice (ACSeS)

## 9. Consultation

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

## 10. Author of Report

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

# Planning Committee

27th April 2010

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## 11. Appendices

Appendix 1 - Revised Draft Members' Planning Code of Good Practice

# Members' Planning Code of Good Practice



## Appendix 1

### Background

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

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

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

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

### Introduction

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

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

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

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

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

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

## 1. Relationship to the Members' Code of Conduct

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

## 2. Development Proposals and Interests under the Members' Code

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



**Where your interest is personal and prejudicial:-**

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

### 3. Fettering Discretion in the Planning Process.

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

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

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as having acted as, ~~being~~, a chief advocate for the proposal.

(This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the Parish Council, for example, or both a Borough and County Councillor), provided:
  - the proposal does not substantially effect the well being or financial standing of the consultee body;
  - you make it clear to the consultee body that:
    - your views are expressed on the limited information before you only;
    - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
    - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
  - you disclose the personal interest regarding your membership or role when the Committee comes to considers the proposal.

#### **Where you have Fettered your Discretion:-**

- **Don't** speak and vote on a proposal where you have fettered your discretion (for example, where you have committed yourself to a particular view on a planning issue prior to its consideration at Planning Committee). You do not ~~also~~ have to withdraw, but you may prefer to do so for the sake of appearances.

- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that your intention not to speak and vote and the reason why ~~this~~ may be recorded in the minutes. (*Use the Council's disclosure form for disclosing interests.*)
- **You may ~~Do~~** take the opportunity to exercise your separate speaking rights as a Ward/Local Member (this is granted by the authority's standing orders or by the consent of the Chairman and Committee) where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you **have fettered your discretion but wish to exercise your right to speak as a Ward/Local Member,**
- **DO:**
  - advise the proper Officer or Chairman that you wish to speak in this capacity before commencement of the item;
  - remove yourself from the member seating area for the duration of that item; and
  - ensure that your actions are recorded.

#### 4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to Officers.
- **Don't** agree to any ~~formal~~ meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a ~~formal~~ meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Development Control Manager to organise a formal meeting. ~~it.~~

The Officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

- **Do** otherwise:
  - follow the rules on lobbying;
  - ~~consider whether or not~~ It would be prudent in the circumstances to make notes when contacted; and
  - report to the Development Control Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.
- **Do** comply with the Council's Protocol on Pre-Application Discussions.

**In addition in respect of presentations by applicants/developers:**

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

## **5. Lobbying of Councillors**

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

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

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee’s decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing (predetermination).
- **Do** give procedural advice, such as recommending that those who are lobbying you should write to the Development Control Manager so that their views can be included in the Officer’s report to Planning Committee.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register of interests where its value is over £25 (in accordance with the Council's rules on gifts and hospitality).
- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity.
- **Do advise the sender** ~~note the contents of the correspondence and advise that it has been passed to Officers.~~
- **Do** promptly refer to the Development Control Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate Officers to follow the matter up.
- **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through having:
  - Listened ~~ing~~ to or received ~~ing~~ viewpoints from residents or other interested parties;
  - Made ~~ing~~ comments to residents, interested parties, other Members or appropriate Officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
  - Sought ~~seeking~~ information through appropriate channels; or
  - Been ~~ing~~ a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the **Planning Committee** meeting or item and make it clear that, having expressed the opinion of ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

## 6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each

separate proposal.

- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting **or at all, nor** lobby any other Member to do so.
- Political Group Meetings should never dictate how Members should vote on a planning issue.

## 7. Site Visits

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

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

- ~~— you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file) and~~
- ~~— you can ensure you will comply with these good practice rules on site visits.~~

## 8. Public Speaking at Meetings

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

## 9. Officers

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

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

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

## 10. Decision Making

- **Do read Reports fully in preparation for Planning Committee Meetings.**
- **Do** ensure that, if you request a proposal to go before the Committee rather than

be determined through Officers' delegated powers, that your reasons are recorded and repeated in the report to the Committee.

- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse. ~~but do make sure that you keep an open mind until all relevant information is to hand to avoid fettering your discretion.~~
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present from the outset of the item ~~to hear the entire debate, including the Officers' introduction. to the matter.~~
- **Do** have recorded the reasons for Committee's decision to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to Officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.
- **Do** treat proposals for development of Council-owned land in the same way as those submitted by other persons.

## 11. Training

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



**MEMBER'S DISCLOSURE OF INTEREST**

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

<b>MEMBER'S NAME:</b>	
<b>MEETING OF:</b>	
<b>DATE OF MEETING:</b>	

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

(1)

which will be the subject of consideration by the meeting.

THE NATURE OF THAT INTEREST IS (2)

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

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

OR (4) [Delete if not applicable]

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

**SIGNED:** .....

**Dated** .....

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

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

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

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

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

What matters are being discussed at the meeting?

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

These will include

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



## Planning Committee

Winyates Ward

27th April 2010

### INFORMATION ITEM

(Report of Acting Head of Environment & Planning)

#### 1. Summary of Report

To receive an item of information in relation to an outcome of an appeal against a planning decision.

#### 2. Recommendation

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

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

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

#### Report

#### 4. Background

Planning Application file.

#### 5. Consultation

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

#### 6. Other Implications

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

#### 7. Author of Report

The author of this report is Ruth Bamford (Acting Head of Planning & Building Control), who can be contacted on extension 3219 (email: ruth.bamford@redditchbc.gov.uk) for more information.

8. **Appendices**

Appendix 1 - Outcome of Appeal against a Planning Decision – 2009/250/FUL

**OUTCOME OF APPEAL AGAINST REFUSAL OF PLANNING PERMISSION**

**Reference:** 2009/250/FUL

**Details:** Retrospective permission for an open sided car port

**41 Badger Close, Winyates West, Redditch**

**(Winyates Ward)**

This appeal followed the refusal of an application for planning permission made under delegated powers to officers. The application was refused on the basis that the car port was inappropriate and had a harmful effect on the visual amenities of the streetscene, as it was proposed to be located to the front of the property at the head of a cul-de-sac. The application was retrospective.

The Inspector agreed with the Council and considered that the car port formed an 'incongruous and obtrusive feature in the streetscene of Badger Close' and as such, the appeal was DISMISSED.

Part of the car port in question has already been removed from the site, and further enforcement action is pending a further appeal which is currently ongoing.

