

Planning Committee

Wed 27th Mar
2011
7pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

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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

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

www.redditchbc.gov.uk

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

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REDDITCH BOROUGH COUNCIL **PLANNING COMMITTEE**



GUIDANCE ON PUBLIC **SPEAKING**

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

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

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

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

Agenda Papers

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

Chair

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

Running Order

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

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

Decisions

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

Members of the Public

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

Special Arrangements

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

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

Further Information

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

Fire/ Emergency instructions

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

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

Do Not stop to collect personal belongings.

Do Not use lifts.

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

The emergency Assembly Area is on Walter Stranz Square.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

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

OR

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

you have a personal interest.

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

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

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

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

and

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

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

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



PLANNING COMMITTEE

27th April 2011
7pm

Council Chamber Town Hall

Agenda

Membership:

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

<p>1. Apologies</p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any interest they may have in the items on the Agenda.</p>
<p>3. Confirmation of Minutes (Pages 1 - 6)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 29th March 2011. (Minutes attached)</p>
<p>4. Planning Application 2011/019/FUL - Land at former Mayfields Works, The Mayfields, Redditch (Pages 7 - 16) Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a residential development of 23 apartments and associated landscaping. Applicant: Mr A Coupe (Report attached – Site Plan under separate cover) (Central Ward)</p>
<p>5. Planning Application 2011/059/FUL - 27 Compton Close, Southcrest (Pages 17 - 20) Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a change of use from open space to private garden area by enclosure with a two metre high timber fence. Applicant: Mr J Judd (Report attached – Site Plan under separate cover) (Central Ward)</p>

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<p>6. Planning Application 2011/060/FUL - Land between 249 and 253 and to the rear of 253 to 263 Evesham Road, Headless Cross</p> <p>(Pages 21 - 26)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for the erection of one pair of semi-detached houses with car parking spaces.</p> <p>Applicant: Ms J Smith and Mr P Ryan</p> <p>(Report attached – Site Planning under separate cover)</p> <p>(Headless Cross & Oakenshaw Ward)</p>
<p>7. Planning Application 2011/077/COU - Unit 8 New Meadow Road, Lakeside Industrial Estate</p> <p>(Pages 27 - 30)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a change of use from B2 (Industrial use) to D2 (Leisure Use) Boxing and Fitness Club.</p> <p>Applicant: Mrs A O'Connor</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Lodge Park Ward)</p>
<p>8. Planning Application 2011/067/FUL - 1 Outwood Close, Oakenshaw</p> <p>(Pages 31 - 34)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a part two-storey and part first floor extension.</p> <p>Applicant: Mr G Shaw</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Headless Cross & Oakenshaw Ward)</p>
<p>9. Appeal Outcome - Spice Fusion, 1207 Evesham Road, Astwood Bank</p> <p>(Pages 35 - 36)</p> <p>Head of Planning and Regeneration</p>	<p>To note the outcome of an appeal against refusal of a retrospective Planning Permission and Enforcement Notice in relation to a change of use of front section of a bungalow from residential to incorporate a bar and reception area.</p> <p>(Report attached)</p> <p>(Astwood Bank & Feckenham Ward)</p>
<p>10. Appeal Outcome - Astwood Business Park, Astwood Lane, Astwood Bank</p> <p>(Pages 37 - 38)</p> <p>Head of Planning and Regeneration</p>	<p>To note the outcome of an appeal against the refusal of a retrospective Planning Permission in relation to the use of land for the display and sale of motor vehicles.</p> <p>(Report attached)</p> <p>(Astwood Bank & Feckenham Ward)</p>

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<p>11. Appeal Outcome - 1232 Evesham Road, Astwood Bank</p> <p>(Pages 39 - 40)</p> <p>Head of Planning and Regeneration</p>	<p>To note the outcome of an appeal against a refusal of Planning Permission in relation to a first floor rear extension and the replacement of a hipped roof with new gabled roof, including dormer window.</p> <p>(Report attached)</p> <p>(Astwood Bank & Feckenham Ward)</p>
<p>12. Review of Operation of the Planning Committee and Public Speaking Arrangements - Municipal Year 2010/11</p> <p>Head of Legal, Equalities and Democratic Services</p>	<p>To consider a review of the Committee, including current procedures for public speaking.</p> <p>(No separate report)</p> <p>(No Specific Ward Relevance)</p>
<p>13. Exclusion of the Public</p>	<p>During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended.</p>
<p>14. Confidential Matters (if any)</p>	<p>To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)</p>



Planning Committee

29th March 2011

MINUTES

Present:

Councillor Michael Chalk (Chair), and Councillors Peter Anderson, Brandon Clayton, Adam Griffin (substituting for Councillor Kath Banks), Bill Hartnett, Malcolm Hall (substituting for Councillor Nigel Hicks), Roger Hill, Robin King and Wanda King

Also Present:

M Collins (as a Standards Committee observer)

Officers:

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

Committee Services Officer:

J Smyth

81. APOLOGIES

Apologies for absence were received on behalf of Councillors Kath Banks and Nigel Hicks.

82. DECLARATIONS OF INTEREST

Councillor Gay Hopkins (in the public gallery) declared a personal and prejudicial interest in the Application for Prior Approval 2011/030/GDO (Verge east of Claybrook Drive) as detailed in minute 85 below.

83. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 1st March 2011 be confirmed as a correct record and signed by the Chair.

.....
Chair

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

Residential Development of 23 apartments
and associated landscaping

Applicant: Mr A Coupe

Mr P Hemmingway, Objector, and Mr G Pavey, Agent for the landowner, addressed the Committee under the Council's public speaking rules.

RESOLVED that

consideration of this Planning Application be DEFERRED to allow for Officers to provide further information relating to proposed terms of the Section 106 Agreement, particularly in respect of addressing the shortfall provision of social housing in the future and an explanation of the financial structure provided by the Applicant on the economic non-viability of providing the required number of units for social housing in line with national policies.

**85. APPLICATION FOR PRIOR APPROVAL 2011/030/GDO –
VERGE EAST OF CLAYBROOK DRIVE, REDDITCH**

Erection of a 15m monopole, equipment cabinet
and ancillary apparatus

Applicant: Vodafone UK Limited and Telefonica 02 UK Ltd

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

Mrs A Hemming - objector

Mrs Whitehouse – objector

Mrs P Thomas – objector

Councillor Juliet Brunner (Ward Councillor objecting on behalf of various residents).

RESOLVED that

having regard to the Development Plan and to all other material considerations, Prior Approval of the Local Planning Authority be REFUSED for the following reason:

“The siting of the proposed installation would be in close proximity to a significant number of residential properties such that it would be likely to have an adverse effect on their

amenity and outlook, as well as having the potential to give rise to the fear of negative health effects. As such, the proposal is considered to be contrary to PPG8 and Policy B(BE)13 of the Borough of Redditch Local Plan No.3.”

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

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillor Gay Hopkins (in the public gallery) declared a personal and prejudicial interest as she lived near to the proposed site location, and withdrew from the meeting at the conclusion of public speaking and questions of Officers but prior to the Committee’s debate on the matter.)

**86. PLANNING APPLICATION 2011/041/FUL –
137 TO 139 EVESHAM ROAD, HEADLESS CROSS**

Change of use of ground floor Nos. 137-139 Evesham Road
from A1 (Retail) to A3/A5
(Restaurant and Hot Food Takeaway Use),
new shop front and ground floor rear extension

Applicant: Mr L N Theodorou

Mr S Vick, on behalf of the Applicant and Agent, 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 summarised conditions and informative:

- “1. Development to commence within three years.
2. Approved plans specified.
3. a scheme for the installation of odour control equipment to be submitted to and approved by the Local Authority in writing, prior to commencement of use.
4. Permitted hours of opening – 0900 to 2300 hrs Monday to Saturday.

Informative

1. Reason for approval. ”

(This decision was taken contrary to Officer recommendation as Members considered that, despite economic difficulties and competition from the nearby Tesco Store, the District Centre retained a large number of diverse retail outlets, public houses and restaurants which contributed to a lively and sustainable centre for public use and felt that, on balance, the change of use of the vacant units, to allow the current takeaway use to expand into a restaurant would not undermine or be detrimental to, the retail functions within the District Centre. Members were particularly pleased to note the proposed lunchtime opening which would, they considered, offer an additional benefit for visitors to the centre.

Officers were authorised to attach appropriate standard conditions to the Planning Permission, including a condition relating to evening and lunchtime opening times, in order to comply with relevant planning policies, as now detailed above.)

**87. VARIATION OF PLANNING OBLIGATIONS
(SECTION 106 AGREEMENT)**

The Committee considered a request for a variation to a Section 106 Agreement associated with the development of thirteen detached dwellings on land off Green Lane, Woodrow in 1997, in order to release other third parties from a requirement considered to be no longer appropriate in relation to the provision of a small area of open space.

Officers reported that the housing development was now fifteen years old and that the transfer of the land, which had been well maintained over the years by the residents, together with a sum of money towards its future maintenance, to Redditch Borough Council had been included in a Section 106 Agreement agreed at the time. It was noted however, that in line with current practices and given its size, the land would not normally now be transferred for maintenance and that Officers had advised that maintaining it would not be practical nor simple for the Council to undertake.

Officers clarified that, whilst approval of the variation would allow third parties to negotiate on ownership of the land, the requirement to maintain the land as open space in perpetuity would still be protected under the Section 106 Obligation and could not be built on or fenced in regardless of ownership.

RESOLVED that

the variation to the Section 106 Agreement, dated 14th August 1997 and made between:

- 1) **Brian Arthur Bennett**
- 2) **Frederick Stanley Bennett**

- 3) David John Bennett
- 4) Wainhomes Midlands Ltd, and
- 5) Redditch Borough Council,

regarding the open space obligations therein, be agreed, namely:

that the requirement for the transfer of land to Redditch Borough Council and the payment of a contribution towards its ongoing maintenance be deleted from the Section 106 Agreement, as it had, in practice, proven to be unnecessary and not required.

**88. APPEAL OUTCOME –
REAR OF 23 - 28 ETTINGLEY CLOSE AND
1,2,11 & 12 FERNWOOD CLOSE, WIREHILL**

The Committee received and considered an item of information in relation to the outcome of an appeal against a refusal of planning permission, namely:

Planning Application 2010/1-3/COU
Change of use of vacant land to
residential gardens (part retrospective)

Members noted that the appeal against the Council's decision to refuse planning permission, on grounds relating to the proposal detracting from the visual openness of the designated Primarily Open Space and the likely impact on the nearby Site of Special Scientific Interest (SSSI) and woodland edge habitat and surroundings, had been DISMISSED by the Inspector.

It was further reported that the Council's Enforcement procedures, previously delegated to Officers by the Committee but held in abeyance pending the outcome of the appeal process, had been re-opened. It was noted that relevant residents had until mid-April to rectify the breaches of planning control and that Officers would be monitoring the situation closely.

RESOLVED that

the item of information be noted.

The Meeting commenced at 7.00 pm
and closed at 8.47 pm

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CHAIR

PLANNING COMMITTEE

27th April 2011

PLANNING APPLICATION 2011/019/FUL

**RESIDENTIAL DEVELOPMENT OF 23 APARTMENTS AND ASSOCIATED
LANDSCAPING**

LAND AT FORMER MAYFIELDS WORKS, THE MAYFIELDS, REDDITCH

**APPLICANT: MR A COUPE
EXPIRY DATE: 6TH MAY 2011**

WARD: CENTRAL

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

(See additional papers for Site Plan)

Update for 27th April 2011 Planning Committee Meeting

Below follows the report provided for Planning Committee at their meeting on 29th March 2011, at which consideration was deferred to allow Members to view the confidential information relating to this application and the economic viability of the proposal.

Members have now seen this information in full, rather than just the summary in the report below, and are therefore able to take it into account in making a decision on this application.

The application details and recommendation remain as set out below. It is the Officer's opinion that the reduction in affordable housing provision from 9 units (40%) to 5 units is acceptable in this case due to the economic viability case.

One further comment on the application has been received and is reported within the main report below for simplicity. Therefore, the report and recommendation below remain, with that one amendment.

Site Description

Cleared site, sloping down to north and east, steeply inclined. Site lies in residential area, and is overlooked to a small extent by the rear of properties which front onto Mount Pleasant (on the east, facing west) and lie much further up the hill. These have rear garage blocks facing the site, built into the terraced hillside at a lower level than the Mount Pleasant dwellings. To the east lies more modern residential development at a significantly lower level than the site. There is no uniform character or pattern of development in terms of layout, style, design, materials, age etc in this area.

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The site has a heap of used building materials on it towards the rear, which is likely to be the materials from which the previous buildings on the site were made. Some buildings to the rear of the site remain, but are not of substantial construction. There are some scrub plants to the rear of the site, and a tall conifer hedge to the eastern boundary which shields the site from views from the residential properties on Hillside, to the east. The site slopes downwards both from west to east and from south to north (front to back). The site has been vacant for a significant period of time which has allowed natural flora to begin to thrive on the site.

Proposal Description

This is a full planning application for the erection of 23 apartments on this site in two blocks. The block to the front would be 2-3 storeys at the front and four at the rear due to the difference in land levels and accommodate 18 apartments. A vehicular access would be located to the eastern side of this block leading to a parking courtyard behind, beyond which a three storey block of five apartments would be located, with amenity space for all the occupants laid out around the parking courtyard and to the rear of the site.

The front apartment block would have a hipped roof with projecting gables to front and rear, and is shown as brick at ground floor level with a string course of soldier bricks, and render above with a tiled roof. The maximum size of the building footprint would be 30m x 19m with a maximum ridge height at the rear of 14m.

The rear apartment block would have a fully hipped roof, with protruding gables to front and rear at either end, and in the centre at the front to form an entrance feature. The block is shown as brick at ground floor level with a string course of soldier bricks, and render above. The roof would be tiled. The maximum size of the building footprint would be 16m wide and 11.4m deep. The height to ridge would be 9.3m.

The courtyard between the two blocks would provide 23 car parking spaces, a disabled parking space and a cycle parking area.

The applicant is proposing that the five apartment block to the rear of the site be provided as affordable housing.

The application is supported by a Design & Access Statement, a community involvement statement, climate change statement, Secured by design statement, transport statement, planning supporting statement & affordable housing 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

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legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk

www.wmra.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National Planning Policy

PPS1 (& accompanying documents) Delivering sustainable development

PPS3 Housing

Worcestershire County Structure Plan

SD3 Use of previously developed land

SD4 Minimising the need to travel

T1 Location of development

T3 Managing car use

IMP1 Implementation of development

Borough of Redditch Local Plan No.3

CS6 Implementation of development

CS7 The sustainable location of development

S1 Designing out crime

B(HSG)6 Development within or adjacent to the curtilage of an existing dwelling

B(BE)13 Qualities of good design

C(T)12 Parking standards

Supplementary Planning Guidance / Supplementary Planning Documents

Encouraging good design

Open Space

Education

Designing for community safety

Other Relevant Corporate Plans and Strategies

Worcestershire Community Strategy (WCS)

Redditch Sustainable Community Strategy (SCS)

RBC Corporate and performance plan

Relevant Site Planning History

Appn. No	Proposal	Decision	Date
2010/166/FUL	23 apartments & landscaping	Refused	13/10/10
2010/021/FUL	5 apartments in block at rear	Withdrawn	7/3/2010
2006/187/FUL	18 apartments and ancillary development	Granted	20/7/2006

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Application 2010/166/FUL was refused on the grounds of insufficient on-site parking provision with a likely resultant displacement of parking on the surrounding highway network which could compromise road safety and the lack of affordable housing provision.

The 2006 consent has lapsed as it was never commenced. It related to a block of 18 apartments to the front of the site, which now forms part of the current application (and formed part of the refused 2010 application).

Public Consultation Responses

Responses in favour

None

Responses against

Five comments received raising the following points:

- Loss of light to properties in Mount Pleasant
- Overlooking and loss of privacy of properties in Mount Pleasant
- Overdevelopment of site
- Insufficient car parking
- Increase in traffic on surrounding road network
- Access too narrow for vehicles to pass
- Insufficient parking provision
- These units will not be affordable
- Boundary treatments should remain
- Potential for increased vehicle crime in the area
- Inadequate services in the area for new development to connect to
- Smell from refuse area adjacent to residential property
- Asbestos on old site should be dealt with appropriately

The last issue is not a material planning consideration but has been raised, and so is reported here for information only and cannot be considered in the determination of this application.

Consultee Responses

Development Plans Team

No objection in principle, subject to contributions, dwelling types and all other details being acceptable

Worcestershire Regulatory Services

No objection subject to conditions and informatives

Drainage Officer

Comments awaited

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Waste Disposal Team

Will deal with details separately with applicant – no objection to those shown on plans

County Highway Network Control

No objection subject to conditions

County Education Officer

No objection subject to contributions as per SPD being achieved – need for them has been confirmed

Crime Risk Manager

No objection subject to conditions relating to various design details and concern raised regarding overlooking of parking courtyard

Severn Trent Water

No objection subject to a condition regarding drainage details

Economic Adviser

Confirmed that minimal changes to the market have occurred since the previous application, and therefore that their previous findings remain applicable, which were that whilst it would be financially viable to provide the monetary contributions required in line with current local planning policy, the provision of affordable housing would be more difficult given the current climate. However, in addition to this, it might be possible to consider a situation where payments or provision were delayed until market conditions improved and it is acknowledged that this could be included within the planning obligation. (Examples from elsewhere have been provided for information)

Procedural Matters

This application is reported to Planning Committee for determination because it falls within the 'major applications' category and is recommended for approval and because a planning obligation is required.

Assessment of Proposal

Background

The previous application on this site was for an almost identical scheme, however it did not include any affordable housing provision and only provided 16 car parking spaces instead of the 23 now proposed.

As the planning policy framework has not changed in the interim, it is these changes that need to be given most consideration when determining this application. However, these issues also need to be balanced against all the other relevant material considerations when reaching a conclusion on this application.

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

Principle

The site is previously developed land within close proximity to the town centre. It is not under any specific use designation within LP3, and is within a residential area. Therefore, the principle of residential development on this site is considered to be acceptable, subject to the details meeting the relevant policy criteria.

Design and layout

The details of design, siting and appearance of the block proposed at the front of the site are as for those previously approved in 2006, and the policy framework relating to these has not changed since that decision was made. Therefore, these elements are considered to be acceptable and in compliance with the relevant policies and guidance.

The addition of the second block to the rear is also considered to be acceptable. It would be at sufficient distance from both existing properties and those proposed at the front of the site that it would be unlikely to cause significant harm to amenity and would not have any impact on the streetscene. Whilst it would reduce the overall amenity space provision on the site relative to the previous scheme, it is considered that sufficient would remain that the proposed scheme would be acceptable.

Landscaping and trees

The existing tree screening to the perimeter of the site is to be retained and thus the existing views of the site from surrounding residential properties would not increase. Minimal details of landscaping proposed have been provided, other than the layout for the site and therefore it is recommended that a condition be imposed to agree these details and implement them as appropriate.

Any of the trees that have been on the site since 1965 are also protected by a TPO and therefore would remain on site and retain their protection. It is not considered that the proposed development would result in any significant or long term harm to their health and vigour.

Highways and access

The parking layout has been amended since the previous application to address the previous refusal reason and 23 parking spaces are now proposed, which equates to one space per unit. As these are small units, then this complies with the adopted maximum standards. One visitor space is also proposed. The expert adviser has not raised any objections to the parking and access details proposed. It is therefore considered that this is now compliant with policy and acceptable.

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Sustainability

The site lies within a sustainable location, and is therefore an appropriate location for a development of this type. Minimal information has been provided regarding the construction to sustainable standards of the proposed development, and therefore rather than recommend a condition seeking a particular level of the code for sustainable homes, it is considered more appropriate to require that the standard of sustainable construction be agreed prior to the development commencing, and for monitoring to be carried out to ensure this through the construction phase. This would be done in liaison with the Building Control team. Recent and imminent changes to the building control requirements will increase the demands for sustainable design features in the construction of the development, and therefore this would be controlled separately under other legislation.

Planning obligation

The previous application was refused due to a lack of proposed affordable housing provision, and this has been addressed in this application.

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, and the County have confirmed that there is a need in this area to take contributions towards three schools – St Lukes First, Birchensale Middle and Trinity High;
- 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 SPD.
- The proposal would also normally require that 40% of the dwellings (in this case 9 units) be provided as affordable units for social housing in line with SPD policy. This must also be included in the agreement to ensure the retention of the units for this purpose in perpetuity.

The applicant has provided supporting information to demonstrate that the development would be economically unviable if these contributions and the provision of nine units of affordable housing were required. However, the applicant has indicated that they are willing to provide the block of five units to the rear of the site as affordable housing as well as pay the financial contributions.

Expert advice from an economic consultant has been provided, agreeing that whilst it would be viable to provide the financial contributions, it would not be economically viable to provide nine units of affordable housing.

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Therefore, the offer from the applicant to provide five units of affordable housing and the financial contributions detailed above, which meets most of the policy requirements, is, on balance and in the light of the evidence provided, considered to be acceptable in this case. However, it is necessary to ensure that the detailed terms of the planning obligation are such that officers from the housing team are convinced that the affordable housing element will be provided to their satisfaction, and this aspect is being dealt with by legal Officers.

Other issues

In the event that the proposal is considered favourably, it is recommended that conditions be attached following the comments received from consultees.

Conclusion

It is considered that the changes to this application following the previous refusal adequately address those issues, and that in those matters, the proposed development is now compliant with the policy framework. It is further considered that there are no other material considerations that might tip the balance against the proposed development.

It is therefore considered that the principle, design, layout, siting and details of the proposed development meet the relevant planning policy criteria, and that the planning obligation proposed is an acceptable compromise given the evidence of current market conditions when considered against the planning policy criteria and that the application as now proposed is acceptable.

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 five units are for the provision of social housing in perpetuity; that the County Council are paid appropriate contributions in relation to the provision of education facilities in the locality; 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 any future minor changes required to the content be carried out as necessary by Officers; and**

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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

Or:

2.
 - a) **In the event that the planning obligation cannot be completed by 5th May 2011, Members are asked to delegate authority to officers to refuse the application on the basis that without the planning obligation the proposed development would be contrary to policy and therefore unacceptable due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements, and that none of the dwellings could be restricted to use for affordable housing in line with current policy requirements; and**
 - b) **In the event of a refusal on this ground and the applicant resubmitting the same or a very similar planning application with a completed legal agreement attached, authority be delegated to the Head of Planning and Regeneration to GRANT planning permission subject to the conditions stated above as amended in any relevant subsequent update paper or by Members at the meeting.**

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PLANNING APPLICATION 2011/059/FUL

CHANGE OF USE FROM OPEN SPACE TO PRIVATE GARDEN AREA BY ENCLOSURE WITH A TWO METRE HIGH TIMBER FENCE

27 COMPTON CLOSE, REDDITCH

**APPLICANT: MR J RUDD
EXPIRY DATE: 3RD MAY 2011**

WARD: CENTRAL

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

(See additional papers for Site Plan)

Site Description

The site occupies a corner position within Compton Close, adjacent to a footway. It includes a large, open grassed area to the side of number 27 Compton Close. Beyond the footway, to the east lie rear gardens serving properties in Foredrift Close. Further to the east lies Coldfield Drive. The residential area of Compton Close is characterised by large detached dwellings, mostly with flat roofed garages, dating from the late 1960s / early 1970s period. The layout of the area is typical of its time, being open plan, with large areas of garden (within private ownership) to the front of each property.

Proposal Description

This is a full application to change the use of an open space area to private garden by the enclosure of the area with a two metre high garden fence. The area to be enclosed is situated to the eastern side of the property, and would involve re-positioning an existing fence 4.5 metres further to the east. The area to be enclosed would measure 4.5 x 17 metres (76.5 m²). In front of the perimeter fence, planting is proposed to a depth of 2 metres in order to soften the impact of the development. A significant area of open grassed land would be retained.

Relevant Key Policies:

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

www.communities.gov.uk
www.redditchbc.gov.uk

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National Planning Policy

PPS1 Delivering Sustainable Development

Borough of Redditch Local Plan No.3

B(BE).13 Qualities of Good Design

Relevant Site Planning History

None

Public Consultation Responses**Responses in favour**

None received

Responses against

Two letters received. Objections are summarised as follows:

- The area is characterised by being open in nature – typical of the style and layout of this New Town Development. The loss of this area would be detrimental to the character of this area and the fence proposed would be an eyesore
- Re-positioning the fence in this way would impact detrimentally upon pedestrian safety given that a public path exists adjacent to the application site
- The loss of public space without a valid reason should not be supported

Procedural Matters

An application of this nature would normally be assessed under the delegated powers granted to the Head of Planning and Regeneration, but is being reported to the Committee as two letters in objection have been received, and the Officer's recommendation is that permission be granted.

Assessment of Proposal

Applications of this nature are assessed on their merits, but would not normally be refused planning permission unless it was considered that the approval of such a proposal would harm the visual amenities / character of the area or pedestrian safety.

The re-positioned fence would still retain a large portion of grassed open land (a width of 4 metres) between the fence and the footpath further to the east. The retention of this area would mean that that fence would not appear as an overpowering, dominating structure that would harm the character of the area or be of detriment to pedestrian safety in the opinion of your Officers. Plans submitted show that new vegetation would be planted in front of the fence in order to soften its appearance from the public path. Close board timber fencing exists as a rear boundary treatment to properties

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22, 23, 24, 25 and 26 Compton Close (which is not softened by planting), immediately to the north of the application site. A similar situation exists at number 12 Gilbertstone Close, immediately to the south of the application site where boundary fencing is positioned to the side of the property. In the cases above, the fencing exists approximately 3 metres distant from the footpath. Given that a distance of 4 metres would be achieved if permission were to be granted here, there are considered to be no valid reasons to refuse permission on grounds of either harm to the character of the area or pedestrian safety. The application is therefore supported.

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. Development to commence within three years
2. Approved plans specified

Informatives

1. Reason for approval

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PLANNING APPLICATION 2011/060/FUL

**ERECTION OF ONE PAIR OF SEMI-DETACHED HOUSES WITH CAR
PARKING SPACES**

**LAND BETWEEN 249 & 253 AND TO THE R/O 253 - 263 EVESHAM
ROAD, HEADLESS CROSS, REDDITCH**

APPLICANT: MS J SMITH AND MR P RYAN
EXPIRY DATE: 4TH MAY 2011

WARD: HEADLESS CROSS & OAKENSHAW

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

(See additional papers for Site Plan)

Site Description

The site comprises land between the properties 249 and 253 Evesham Road and garden land to the rear of numbers 253 to 263 Evesham Road.

The area is predominantly residential in character with a relatively tightly built-up frontage of mainly 1930's semi-detached or detached dwellings and a more recent flat development to the east of the site off High Trees Close. A line of trees which are not protected by a Tree Preservation Order form the eastern boundary to the site, beyond which, the land falls away towards High Trees Close. Close board timber fencing forms the remaining form of boundary treatment to the site.

Proposal Description

This is a full application for the erection of one pair of semi-detached dwellings together with the formation of 4 No. car parking spaces to the frontage of the development which would serve both properties.

Each dwelling would be 3 bedroomed, constructed of brickwork walls under a half-hipped tiled roof and would have a height to ridge of 6.75 metres.

Access would be via a driveway between 249 and 253 Evesham Road, approved under an earlier application (reference 2009/043/FUL) which will be discussed later in the report.

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:

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www.communities.gov.ukwww.redditchbc.gov.uk***National Planning Policy***

PPS1 Delivering Sustainable Development
 PPS3 Housing
 PPG13 Transport

Borough of Redditch Local Plan No.3

CS.7 The Sustainable Location of Development
 B(BE).13 Qualities of Good Design
 B(HSG).6 Development within or adjacent to the curtilage of an existing
 dwelling
 C(T).12 Parking Standards – Appendix H

SPDs

Encouraging Good Design

Relevant Site Planning History

2005/536/OUT	Outline application for residential development	
	Refused	16.1.2006
	Appeal dismissed	4.7.2007
2008/241/FUL	Erection of three detached dwellings	
	Application Withdrawn	15.8.2008
2009/043/FUL	Erection of two detached dwellings and garages	
	Approved	17.6.2009

Public Consultation Responses**Responses in favour**

None

Responses against

Two letters have been received raising points which are summarised as follows:

- Inadequate parking for vehicles on the site
- Highway safety concerns
- Boundary trees to the east of the site are likely to be affected by the development
- General drainage concerns
- Out of character with the area

Some comments received are not reported here since they are not planning matters

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Consultee Responses

County Highway Network Control

No objection subject to conditions regarding access, turning and parking and imposition of standard highway informatives

Worcestershire Regulatory Services

Comments awaited

Severn Trent Water

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

RBC Arboricultural Officer

No objection subject to the imposition of appropriate landscaping conditions

Procedural Matters

An application of this nature would normally be assessed under the delegated powers granted to the Head of Planning and Regeneration, but is being reported to the committee as two letters in objection have been received, and the Officer's recommendation is that permission be granted.

Assessment of Proposal

The key issues for consideration are as follows:

Principle

The Government have recently amended and re-issued Planning Policy Statement 3 (PPS3). This amends the definition of previously developed land to exclude 'garden land' from within this definition and also removes the indicative minimum housing density. Officers do not however consider that there are any valid reasons why this urban 'greenfield' site cannot be developed for new residential purposes. This view has been supported by the Planning Inspectorate at a site referred to by Officers as an information item at the Planning Committee of 9th November 2010 – reference 2009/249/FUL – land adjacent to No.31 Wheatcroft Close, Brockhill. In addition, permission has been granted by the Planning Committee more recently, for new residential development on urban greenfield sites. In accordance with Policy CS.7, sequentially, this site is considered to occupy a highly sustainable urban location in preference to more peripheral sites. There are therefore no objections to the principle of residential development on the site.

Design and Layout

Following the refusal of planning permission for application 2005/536/OUT (an outline application with design, external appearance and landscaping reserved for subsequent consideration), an appeal was made to the Planning Inspectorate. Whilst the appeal was dismissed, the Inspector considered that residential development could be accommodated within the site, so long as it was not conspicuous from Evesham Road, in order that the characteristic pattern of ribbon development with the visible line of trees to the eastern

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boundary was maintained. A 'back of land' residential development proposal in this location has therefore already been seen as acceptable in principle. Planning application 2009/043/FUL which was reported to the Planning Committee on 16th June 2009 showed 2 no. detached dwellings with garages. Given that the heights of dwellings proposed under that application measured only 6.75 metres to ridge, the external appearance of the dwellings was considered to be acceptable with all other spacing standards contained within the Councils SPG 'Encouraging Good Design' being adhered to, your Officers were minded to support the proposal. Members agreed with Officers and granted permission for that scheme. This is an extant consent, providing works (which have not yet commenced) start on site prior to 17th June 2012.

This application proposes to substitute that single four bedroomed detached dwelling approved under application 2009/043/FUL which is nearer to the rear boundary of the site with that of a pair of semi-detached dwellings. The other detached dwelling approved under the same scheme would be retained as approved. What would be Plots 2 and 3 sit on a very similar footprint as the approved Plot 2 position. The nearest of the two proposed semi's would be separated from the approved Plot 1 by a distance of 2.5 metres. That is, a further 0.5 metres away from the approved position of the detached dwelling (Plot 2) under application 2009/043/FUL. The proposed new properties would be sited no further north or south than any part of the single dwelling approved under the 2009 consent. The two storey element to the build would be extended in width by approximately 1 metre, such that the pair would measure just over 10 metres across. This has the subsequent effect of placing the proposed Plot 3 slightly nearer to the line of trees to the eastern boundary, than the two storey gable on the approved detached dwelling. However, the approved single dwelling had an attached garage which would be nearer to the line of trees than the side gable to the proposed Plot 3. This in effect means that the nearest part of the proposed Plot 3 will be no nearer to the line of trees than the nearest part of the already approved detached Plot 2.

As before, the height of the proposed development would be 6.75 metres, with elevational treatment, together with proposed half-hipped roof being very similar to the extant scheme.

Private gardens areas which would serve the dwellings, comfortably comply with spacing standards contained within the Councils SPG 'Encouraging Good Design' which are 11 metres garden length or 70m² in garden area (minimum). Separation distances between the proposed dwellings and existing development have been achieved.

Landscape and Trees

A line of trees and a hedge lie to the eastern boundary of the site, which, whilst not being protected by means of a Tree Preservation Order, nevertheless contribute to the visual amenities of the area and are clearly visible from

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Evesham Road. The nearest proposed dwelling (Plot 3) is sited in such a way that the health of the existing landscaping would not be prejudiced. No objections have been raised by the Council's Arboricultural Officer subject to conditions. These are summarised as conditions 3 and 4 in the recommendation.

Highways and Access

Access to the site, including the proposed turning head is as was granted under application 2009/043/FUL. Four dedicated and demarked car parking spaces are provided to the front of the houses. This provision (two spaces for each dwelling) complies with the Local Plan's Appendix H which lists maximum car parking standards. No objections have been raised by County Highways in respect to safety.

Sustainability

The site lies within the urban area of Redditch and is well connected to the local road network and bus services, several of which run along Evesham Road. The site is within a short walking distance of local shops and other amenities, and is therefore considered to be in a sustainable location. The orientation of the dwellings is such that passive solar gain / natural daylight into the proposed rooms can be maximised. The design of the overall floor area has been kept to a minimum with very little wasted circulation space to reduce the overall building material used.

Impact upon residential amenity

The application has been assessed against criteria listed within Policy B(BE).13 of the Borough of Redditch Local Plan and the Council's SPG on Good Design. Your Officers have concluded that residential amenities enjoyed by occupiers of nearby properties would be safeguarded.

Conclusion

The proposal is considered to safeguard the character and appearance of the surrounding area, and would not cause harm to residential amenity or safety. The application is not considered to be materially different from that approved by the Planning Committee in June 2009 and your Officers therefore do not consider that harm to the area could be demonstrated taking into consideration extant planning approval 2009/043/FUL which could be implemented at any time up until 17th June 2012. As such, this application is supported.

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. Development to commence within three years

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2. Materials to be submitted – walls and roof
3. Landscape scheme including details of boundary treatment and including a scheme of existing landscape protection to be submitted
4. Landscape scheme including details of boundary treatment to be implemented in accordance with approved details
5. Limited working hours during construction period
6. Access, turning and parking
7. Development in accordance with plans (listed)

Informatives

1. Reason for approval
2. Drainage details to be in agreement with Severn Trent Water
3. Highway Note No.4
4. Highway Note No.5.

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PLANNING APPLICATION 2011/077/COU

**CHANGE OF USE FROM B2 (INDUSTRIAL USE) TO D2 (LEISURE USE) -
BOXING AND FITNESS CLUB**

**UNIT 8 NEW MEADOW ROAD, LAKESIDE INDUSTRIAL ESTATE
REDDITCH**

**APPLICANT: MRS A O'CONNOR
EXPIRY DATE: 23RD MAY 2011**

WARD: LODGE PARK

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

(See additional papers for Site Plan)

Site Description

The site is located in a Primarily Employment Area within the Lakeside Industrial Estate. The premises are one of many modern glazed and metal clad Industrial Units, accessed off New Meadow Road. The existing unit is unoccupied and has been on the Council's (Economic Development) database since November 2009 as vacant. The unit was formerly occupied by a B2 (General Industrial) user. A large number of car parking spaces are provided within this complex of units.

Proposal Description

This is a full application for the change of use of this vacant B2 unit to a D2 (Leisure) use: specifically in this case for use as a boxing and fitness club.

Relevant Key Policies:

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

www.communities.gov.uk
www.redditchbc.gov.uk

National Planning Policy

PPS4 Planning for Sustainable Economic Growth

Borough of Redditch Local Plan No.3

CS.7 The Sustainable Location of Development
E(EMP).3 Primarily Employment Areas
C(T).12 Parking Standards
S1 Designing out crime

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SPDs

Designing for community safety

Relevant Site Planning History

None

Public Consultation Responses

Responses in favour

None received

Responses against

None received

Consultee Responses

County Highway Network Control

Comments awaited

Worcestershire Regulatory Services

Comments awaited

RBC Development Plans Section

Comments awaited

Police Crime Risk Manager

Comments awaited

RBC Economic Development Unit

Comments awaited

Procedural matters

All applications for Class D2 use are reported to Planning Committee for determination.

Assessment of Proposal

The key issue for consideration in this case is the principle of change of use.

Principle of Change of Use

The site is within an area designated as a Primarily Employment Area in the Borough of Redditch Local Plan No.3 where the primary aim of Policy E(EMP).3 is to maintain uses within Classes B1 (Business), B2 (General Industry) or B8 (Storage or Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and to safeguard employment land. The change of use of this unit to a D2 (Leisure) use is therefore at odds with the aims and objectives of Policy E(EMP).3 of Local Plan No.3.

The above policy states that non-employment development within Primarily Employment Areas will only be considered where it can be demonstrated

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that the loss of the site will not have an unacceptable loss on the supply of employment land within the Borough and that the use is compatible with the use of adjacent land for employment purposes. It should also be demonstrated that the site is not capable of being developed for employment use. No such evidence has been advanced with this application and the proposal is therefore in the opinion of your Officers in conflict with adopted Policy E(EMP).3 of Local Plan No.3.

Policy CS.7 of the Borough of Redditch Local Plan No.3 states that uses that attract a lot of people will be directed to the Town Centre. The proposed development, being one such use would be ideally suited to a Town Centre site rather than an out of centre location such as the application site, which has relatively poor public transport links. The proposal is therefore considered to be unsustainably located having regard to that Policy.

Conclusion

Your Officers consider that this proposal should be resisted in the interests of protecting employment land within the Borough. Such uses should be located within or on the periphery of the Town Centre and the application on this basis is recommended for refusal.

Recommendation

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

1. The proposed change of use to D2 would result in a loss of land designated for employment (B1, B2, B8) purposes. In the absence of any justification for this loss, the proposal is considered to be harmful to the employment land supply of the Borough and therefore contrary to Policy E(EMP)3 of the Borough of Redditch Local Plan No.3.
2. The creation of a D2 use in a location outside the town centre in an area poorly served by public transport would be likely to generate a significant quantity of unsustainable trips in private vehicles contrary to Policy CS7 of the Borough of Redditch Local Plan No.3.

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PLANNING APPLICATION 2011/067/FUL

PROPOSED PART TWO STOREY AND PART FIRST FLOOR EXTENSION

1 OUTWOOD CLOSE, OAKENSHAW

APPLICANT: MR GEOFF SHAW
EXPIRY DATE: 6TH 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@redditchbc.gov.uk) for more information.

(See additional papers for Site Plan)

Site Description

The detached two storey dwelling lies within an area of Redditch which is designated as urban in the adopted Local Plan No 3. To the side of the dwelling is a single storey utility room and toilet and this links through to a double garage. The surrounding area is predominantly residential and comprises of a mixture of large detached properties, bungalows and dormer bungalows.

The dwellings in Outwood Close were self builds, so are therefore individually designed and have their own individual characters.

Proposal Description

Full planning permission is sought for the addition of a part two storey and part first floor extension to the side and rear of the property. The extension proposes a study and a larger utility room on the ground floor and on the first floor a bedroom with an ensuite. The garages would remain as garages.

Relevant Key Policies:

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

www.communities.gov.uk

www.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

Supplementary Planning Guidance

SPG – Encouraging Good Design

Relevant site planning history

Appn. no	Proposal	Decision	Date
2010/290/FUL	Demolition of existing garage and utility room and construction of two storey extension.	Refused	24.1.2011

Public Consultation Responses**Responses in favour**

None

Responses against

3 letters of objection:

- out of character
- windows will impinge on privacy [overlooking]
- loss of light.

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.

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 we have received three letters of objection and the Officer recommendation is that permission be granted.

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. The Outwood Close development comprises of a mixture of types of large dwellings i.e. large bungalows, dormer bungalows, large two storey dwellings and a variety of designs.

Whilst objections have been raised by various neighbours, the fact remains that the properties in this Close are all individual self-builds; therefore there is no uniformity in the designs and the sizes of the dwellings, and no uniform character to reflect.

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Principle

The principle of extending a dwelling within an urban area is acceptable subject to the design details.

Design and layout

The design and siting of the proposed extension is such that it would not cause harm to residential amenity as it would not result in overlooking or overshadowing and as such it is considered to comply with the adopted policy requirements. This is due to its design, location and the separation distances involved.

Landscaping and trees

There would be no loss of any trees and no detrimental effect on the landscape.

Conclusion

It is considered that the proposal is compliant with the relevant planning policies and guidance it is also considered unlikely that it would cause any detrimental impacts to the neighbouring properties and as such the proposal is 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 as summarised below:

1. Development to commence within 3 years.
2. Materials to match dwelling.
3. Approved plans specified.

Informatives

1. Reason for approval.

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APPEAL OUTCOME REPORT FOR INFORMATION

APPEAL MADE AGAINST REFUSAL OF PLANNING PERMISSION AND AGAINST AN ENFORCEMENT NOTICE

PLANNING APPLICATION DETAILS: 2010/135/COU

ENFORCEMENT NOTICE DETAILS: 2009/229/ENF

PROPOSAL	CHANGE OF USE OF FRONT SECTION OF BUNGALOW FROM RESIDENTIAL TO INCORPORATE BAR AND RECEPTION AREA (RETROSPECTIVE)
LOCATION	SPICE FUSION, 1207 EVESHAM ROAD, ASTWOOD BANK
WARD	ASTWOOD BANK & FECKENHAM
DECISION	PLANNING DECISION MADE AT COMMITTEE ON 20TH JULY 2010

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

Discussion

The case related to a bungalow which gained planning permission for partial change of use to a restaurant in 2006. Under that consent, the front of the property was to remain in residential use. On balance, Officers considered that the change of use of the front of the bungalow to restaurant use would not be of detriment to the character of the area, nor materially harm nearby residential amenity, taking into consideration, the earlier approval in 2006. At Committee however, Members refused planning permission against the advice of officers for the following reasons:

1. The loss of the residential unit to the front of the building would have a harmful effect on the character and appearance of the streetscene in this residential location by the creation of and the appearance of an A3 use, and as such the proposal would be contrary to Policy B(BE).13 of the Borough of Redditch Local Plan.
2. The use of the whole building for A3 purposes would be likely to result in additional harmful impacts such as noise and disturbance on the adjacent residential properties which would be unacceptable and therefore the proposal is considered to be contrary to PPS24 (Noise) and Policy B(BE).13 of the Borough of Redditch Local Plan.

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Given that the planning application was retrospective, an enforcement notice was served requiring the cessation of the unauthorised use of the building as an A3 use and to re-instate the area to a residential use.

Officers sought to defend these reasons through their written representations to the Planning Inspector.

The Inspector considered that in terms of visual impact, by changing the front of the premises to an A3 use, views into the site would not cause any material harm to the character and appearance of the area. He also stated that there was no evidence to suggest that the level of use of the car parking area had increased as a result of the intensification of the restaurant use.

Following his night time inspection, the Inspector found that the level of lighting to illuminate the premises was no more intensive than found at nearby residential properties. This, together with what the Inspector considered to be only a limited increase in intensification / comings and goings from the site, led him to consider that the proposals would not harm the character of the area.

The level of noise generated from the appeal site was not considered to be of detriment to residential amenity given the intensification of use, which he believed was not material. During his evening visit, the Inspector commented that he could not hear the extraction system or smell any foods. He concluded that the proposal would not be of detriment to the amenities enjoyed by occupiers of nearby houses stating that there would be no conflict with the provisions of the development plan.

Appeal outcome

The planning appeal was ALLOWED and the Enforcement Notice was quashed. Costs were neither sought nor awarded.

Further issues

In allowing the appeal, the Inspector attached planning conditions restricting hours of opening at the premises to between 1100 to 2330 hrs Mondays to Saturdays, and to between 1200 to 1800 hrs on Sundays. Other conditions limit the use to A3 (restaurant use) only and ask that a scheme for the installation of equipment to control the emission of odours be submitted to the LPA and for the use to be implemented in accordance with that scheme. The adherence to these conditions will be monitored by your Officers.

Recommendation

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

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APPEAL OUTCOME REPORT FOR INFORMATION**APPEAL MADE AGAINST REFUSAL OF PLANNING PERMISSION:****PLANNING APPLICATION DETAILS: 2010/238/COU**

PROPOSAL	USE OF LAND FOR THE DISPLAY AND SALE OF MOTOR VEHICLES (RETROSPECTIVE)
LOCATION	ASTWOOD BUSINESS PARK, ASTWOOD LANE ASTWOOD BANK
WARD	ASTWOOD BANK & FECKENHAM
DECISION	DECISION MADE BY OFFICERS UNDER DELEGATED POWERS 28TH OCTOBER 2010

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

Discussion

The case related to an open area of land within the Astwood Business Park which was being used for the display and sale of motor vehicles. The planning application was refused for the following reasons:

1. The use of the application site for the storage and sales of cars represents an inappropriate use in this rural area, which in terms of sustainability would be more appropriately located in the Redditch urban area. It would result in an unacceptable intensification of the commercial uses at the site, generating additional traffic on the narrow surrounding rural roads to the detriment to the rural character of the area, being contrary to sustainability principles contained in Planning Policy Statement 1 (PPS1): Delivering Sustainable Development and the aims and objectives of Policy CS.7 of the adopted Borough of Redditch Local Plan No.3.
2. The unsustainable location for the proposed use, readily accessible only by means of private motor vehicle rather than by other, more sustainable means of transport would render the proposal reliant on a high number of car parking spaces about the development which are not shown on submitted plans. This, together with the removal of a large car parking area set aside for use in connection with the commercial uses approved under previous planning permissions on the site would mean that future vehicle parking is likely to become more indiscriminate and ad-hoc to the

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detriment of highway safety. The proposals are therefore considered to be contrary to the aims and objectives of Planning Policy Guidance 13 (PPG13); Transport, and Policy C(T).12 (and accompanying Appendix H) of the adopted Borough of Redditch Local Plan No.3.

Officers sought to defend these reasons through their written representations to the Planning Inspector.

The Inspector, like Officers, considered that whilst the proposal would not harm the openness of the green belt or its visual amenity, a car sales use in this location would be inappropriate. He noted that no substantive, persuasive evidence had been produced to demonstrate that there are no other suitable, sequentially preferable locations within the Borough to accommodate the use.

The Inspector noted that the relatively remote rural location of the appeal site with poor public transport links would mean that the great majority of employees and visitors would travel to the site by car. He commented that without the adequate on-site provision for parking, as referred to by Officers, it would be likely that parking would take place ad-hoc and along the access road, interfering with the smooth and efficient running of the Business Park. He also noted that if parking were to take place on Astwood Lane, potentially the width of the highway would be restricted preventing the free flow of traffic and contrary to policy objectives.

Appeal outcome

The appeal was DISMISSED and costs were neither sought nor awarded.

Further issues

The matter is still retrospective and the Council's Planning Enforcement section is currently taking enforcement action to seek the cessation of the car sales use.

Recommendation

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

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APPEAL OUTCOME REPORT FOR INFORMATION**APPEAL MADE AGAINST REFUSAL OF PLANNING PERMISSION****PLANNING APPLICATION DETAILS: - 2011/142/FUL****PROPOSAL FIRST FLOOR REAR EXTENSION AND REPLACE HIPPED
ROOF WITH NEW GABLED ROOF INCLUDING DORMER
WINDOW****LOCATION 1232 EVESHAM ROAD, ASTWOOD BANK****WARD ASTWOOD BANK & FECKENHAM****DECISION REFUSED UNDER POWERS DELEGATED TO HEAD OF
PLANNING AND REGENERATION**

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

Discussion

The application was for a first floor rear extension and the replacement of the hipped roof with a new gabled roof including a dormer window facing the side. When the application was assessed the Certificate of Lawfulness which was submitted and agreed to be lawful prior to this application, was taken into consideration. The Certificate of Lawfulness included the addition of dormer extensions to the side of the dwelling. The appeal proposal was then refused on the grounds of the dominating and adverse effect it would have on the design, character and appearance of the dwelling contrary to Policies B(BE).13 and B(BE).14 of the Borough of Redditch Adopted Local Plan No 3 and the Borough of Redditch Supplementary Planning Guidance on Encouraging Good Design.

The inspector did acknowledge the proposals carried which were lawful, and he did also agree that the house would become significantly larger if this application were to be allowed, but he stated that the proposal would not have a detrimental impact upon the street scene and would therefore accord with Policies B(BE).13 and B(BE).14 of the Borough of Redditch Adopted Local Plan No 3 and opted to allow the appeal.

Appeal outcome

The appeal was ALLOWED

Recommendation

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

