



Planning Committee

Various Wards

3 February 2009

INFORMATION ITEMS

(Report of Acting Head of Environment & Planning)

1. Purpose of Report

To receive several items of information in relation to:

- a) outcome of appeals against planning decisions; and
- b) statistics relating to enforcement activity.

2. Recommendation

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

3. Financial, Legal, Policy and Risk Implications

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

4. Background / Key Issues

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

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

5. Consultation

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

6. Other Implications

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

7. Background Papers

Planning Application and Enforcement files.

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 an Appeal against a Planning Decision - 2007/268/COU.
- Appendix 2 - Outcome of an Appeal against a Planning Decision - 2008/032/HH.
- Appendix 3 - Outcome of an Appeal against a Planning Decision - 2008/073/FUL.
- Appendix 4 - Outcome of an Appeal against a Planning Decision - 2008/236/FUL.
- Appendix 5 - 6 monthly review of enforcement Authorisations.
- Appendix 6 - Enforcement statistics July to December 2008.

OUTCOME OF APPEAL AGAINST A PLANNING DECISION

Reference: 2007/268/COU

Proposal: Change of use from car showroom and trade counter to bulky goods (furniture and floor coverings) retail use
Unit 1, Washford Trade Park, Washford Drive, Redditch

(Greenlands Ward)

This appeal was against the Council's decision to refuse planning permission for the above development. The Council's reasons for refusal were that the proposed development would materially impact upon, and adversely affect the vitality and viability of existing town centres, including Studley. In addition, the Council considered that the applicant failed to take proper account of the Policy E(TCR).4 (Need and the Sequential Approach) which states that the first preference for siting main town centre uses is Redditch Town Centre, and where no town centre sites or buildings are available or likely to become available within a reasonable time, then alternative locations should be considered in a sequence starting with sites in the peripheral zone, and ending at sites located in out of centre locations (the least preferable). This Policy follows from PPS.6 (Planning for Town Centres).

Following receipt of a recent Borough wide retail impact assessment, carried out on behalf of the Council which has concluded that a furniture and floor coverings proposal of this size and in this location would not materially impact on the vitality and viability of Town Centres, the Council determined not to contest this particular refusal reason.

However, at the time of the refusal of planning permission and indeed at the time of the appeal itself (December 2008), the Council considered that there were sequentially preferable sites of a size suitable for the proposed use which should not have been discounted by the appellant. The appeal therefore focussed on the issue of sequentially preferable locations.

At the time of the refusal of planning permission, a large retail unit (number 10 Kingfisher Square – immediately below Wilkinsons) existed and Officers considered this to be suitable for the proposed use having regard to flexibility in site selection, stressed in PPS 6. At the time of the appeal in December 2008 however, this basement unit was no longer available. At the Appeal, Officers drew the Inspector's attention to two available Town Centre Units both of which were considered suitable for the proposed use – these being Units 7-9 Market Place (Tony's Handyman) and Unit 1A The Quadrant, Alcester Street (the former £-stretcher).

In respect to Unit 1A whilst this was suitable in terms of its size, and has a service entrance via a side door to the building, following a visit to the premises, the Inspector considered this door to be too small, and generally unsuitable for a retail furniture sales use of the type proposed.

In respect to 7-9 Market Place whilst the ground and first floor space was again considered to be sufficient for the proposed use, what was considered to be a restricted staircase access to the side of the store, and the relatively small goods lift led the Inspector to believe that the building was unsuitable for storing and selling large items of furniture. The Inspector raised no objection to the use of what would have been the service / HGV access area which is located to the rear of this site.

The Inspector considered that the Council's current retail assessment confirmed the assessment provided by the appellant which shows that the proposal would not significantly impact on the vitality or viability of other centres.

The Inspector considered that the Washford Trade Centre is well served by regular bus routes which serve a significant proportion of the Borough and link to the Town Centre. In addition, he found that no available and suitable more sequentially preferable sites or premises within the Borough currently existed. As such, the appeal was ALLOWED.

A condition attached by the Inspector restricts the use of the building to sales to the general public where the use involves furniture, floor coverings and household textiles only.

**OUTCOME OF APPEAL AGAINST A REMEDIAL NOTICE
SERVED AS A RESULT OF A HIGH HEDGES APPLICATION**

Reference: 2008/032/HH

Proposal: The reduction in height of a hedge consisting of four Leylandii trees growing in the rear garden of 40 Berrington Close, Ipsley.

(Matchborough Ward)

An application was received from 38 Berrington Close, Ipsley under Section 8 of the Anti Social Behaviour Act 2003 for the reduction of four Leylandii trees growing as a hedgerow in the garden of 40 Berrington Close.

The local authority issued a Remedial Notice under Section 69 of the Anti-Social Behaviour Act 2003 on the occupier of 40 Berrington Close, for the height of the hedge to be reduced to 2.3 metres above ground level and to maintain at this height.

The occupier of 40 Berrington Close appealed against the Remedial Notice which the Inspectorate decided should SUCCEED IN PART and the terms of the Remedial Notice BE VARIED to omit the fourth Leylandii tree (furthest away from the property) and reduce the remainder of the three Leylandii to a height of 3.8 metres and be maintained at a height of no more than 4.00 metres. The Inspector also allowed a time limit of two months from the date of the appeal decision (28 December 2008) for the reduction work to be carried out. The work therefore has to be completed by 1 March 2009. The Local Planning Authority had also stated in the Remedial Notice, which was appealed against, that the work has to be completed within two months of the date of the notice.

OUTCOME OF APPEAL AGAINST A PLANNING DECISION

Reference: 2008/073/FUL

Proposal: **Erection of 5 no. dwellings
Land adjacent to Saltways Cheshire Home,
Church Road, Webheath**

(West Ward)

This appeal was against the Council's decision to refuse full planning permission for the above development. The reason for refusal related to the perceived overbearing impact the bungalow (the fifth of the five properties proposed) would have had upon the residents of Shirehampton Close. No objections were raised to the proposed four, two storey houses and as such, this part of the development was not referred to in the reason for refusal.

The Inspector noted that the site dips down markedly across the northern end where it is adjacent to the gardens in Shirehampton Close, and that there is a 1.8m high fence along this boundary, which screens views from ground floor rooms, but not first floor rooms which look over this fence and across the appeal site.

The Inspector commented that there would be an approximate 15 metre separation distance between the existing houses in Shirehampton Close and the proposed bungalow. Whereas the Inspector considered that a two storey house sited close to this boundary would appear uncomfortably close and overbearing for the occupants of the neighbouring houses, he considered that a single storey bungalow with a hipped end to the roof on the north side, would be acceptable. He noted, taking into consideration the fall in land levels, that the bungalow would present a low profile to the Shirehampton Close houses with only a relatively small amount of the end wall and receding roof-line of the development visible above the fence. The Inspector also commented that no planting is proposed along this boundary which might eventually grow to an unreasonable height and give rise to unacceptable overshadowing.

Whilst he noted that there is no guidance in the Council's policies on minimum separation distances between rear and side elevations, he considered that the relationship between buildings is not unusual in a modern residential area and that the bungalow would not appear unacceptably overbearing for the occupants of the Shirehampton Close houses.

On other matters, the Inspector considered that the scheme, in terms of its design, materials and construction would not be significantly different from that found in the surrounding area, and

that the scheme would not impinge upon the living conditions of the residents of the Cheshire Home to the East given that separation distances of between 20 metres and generally 30 metres would be maintained between the care home and the proposed dwellings.

The Inspector concluded that the proposed scheme would not conflict with the objectives of Local Plan policies and therefore **ALLOWED** the appeal, subject to conditions.

OUTCOME OF APPEAL AGAINST A PLANNING DECISION

Reference: 2008/236/FUL

Proposal: A rear and side extension at ground floor level and bedroom extension over existing garage 94 Forge Mill Road, Riverside, Redditch

(Abbey Ward)

Planning permission was sought for a first floor extension above an existing garage to the front and a single storey extension to the side/rear of the property at 94 Forge Mill Road, Riverside. The first floor extension above the garage was considered to be inappropriate by reason of its design and position relative to the adjacent property and would give rise to a terracing effect. The proposal was not in accordance with policies B(BE).13 and B(BE).14 of the Borough of Redditch Local Plan No 3 and also in conflict with the spacing standards contained in Appendix C of the Council's adopted Supplementary Guidance on Encouraging Good Design and was refused for the following reason:

The proposed extension, by reason of its design and position relative to the adjacent property would give rise to a terracing effect and unacceptably detract from the appearance of this part of the street scene contrary to Policies B(BE).13 and B(BE).14 of the Borough of Redditch Local Plan No 3 and the spacing standards contained in Appendix C of the Supplementary Planning Guidance on Encouraging Good Design.

The application went to appeal and was DISMISSED on 10 December 2008.

The Inspector noted that the whilst some of the properties had been extended to the side at first floor level, there still remained on the whole a perception of spaciousness enhanced by the gaps between the dwellings at first floor level. She felt that these gaps contributed significantly to the character of the street scene and the character would be eroded if these gaps were lost.

The inspector concluded that having regard to the advice in the Supplementary Planning Guidance, whilst the development proposed may be of high quality, it would have an adverse visual impact by virtue of the filling of a first floor gap in the street scene. And would therefore conflict with policies B(BE).13, B(BE).14 of the Local Plan and advice in the Council's SPG.

6 Monthly Review Of Enforcement Authorisations.

Committee date	Location	Alleged Breach	Committee authorisation	Action taken	Date closed/ Review date	Current status
12 August 2008	Greenlands Avenue	Condition of land	Issue Section 215 Untidy Land Notice	Notice issued - expired	31 December 2008	Assessing acceptability of work undertaken
	Southcrest Road	Condition of land	Issue Section 215 Untidy Land Notice	Notice complied with - land cleared	13 January 2009	Case closed
	Fernwood Close	Enclosure of land into curtilage	Issue Enforcement Notice	Permission refused - appeal received	01 February 2009	Awaiting Inspectors decision
9 September 2008	Munsley Close	Condition of land	Issue Section 215 Untidy Land Notice	Notice issued	10 February 2009	Pending expiry of compliance period
	Barford Close	Condition of land	Issue Section 215 Untidy Land Notice	Notice issued - expired	31 December 2008	Notice breached - potential prosecution
	Exhall Close	Condition of land	Issue Section 215 Untidy Land Notice	Notice complied with - land cleared	14 January 2009	Case closed
	Fenwick Close	Condition of land	Issue Section 215 Untidy Land Notice	Notice issued	28 February 2009	Pending expiry of compliance period
	Birchfield Road	Condition of land	Issue Section 215 Untidy Land Notice	Issuing of Notice on hold	01 February 2009	Occupier in care with dementia
7 October 2008	Edward Street	Condition of land	Issue Section 215 Untidy Land Notice	Notice in draft	01 February 2009	Pending service
4 November 2008	Castleditch Lane	Unauthorised extension	Issue Enforcement Notice	Application received - currently held	01 February 2009	Further information requested
2 December 2008	Weights Lane	Unauthorised advertisement	Instigate prosecution proceedings	Warning letter sent - advert removed	08 December 2009	Case closed

Enforcement Statistics - July to December 2008

Enforcement Complaints registered	→→→	140
Closed - ceased	→→→	31
Closed - Planning Permission obtained	→→→	13
Closed - no evidence	→→→	17
Closed - permitted development	→→→	30
Closed - no planning issues	→→→	45
Total number of complaints closed	→→→	136
Enforcement notices issued	→→→	3
Stop notices issued	→→→	0
Temporary stop notices issued	→→→	0
Planning contravention notices Issued	→→→	15
Breach of condition notices issued	→→→	7
High hedge remedial notices issued	→→→	0
Sec 215 untidy land notices issued	→→→	5
Number of Notices issued	→→→	30
Number of Notices complied with	→→→	17
Prosecutions initiated	→→→	0
Convictions obtained	→→→	0
Enforcement appeals received	→→→	2
Enforcement appeals dismissed	→→→	1
Enforcement appeals allowed	→→→	0

Iain Mackay
Enforcement Officer

Date: 05/01/2009