



# Planning Committee

Central Ward

16 June 2009

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## INFORMATION ITEMS

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

### 1. Purpose of Report

To receive two items of information in relation to outcomes of appeals against planning decisions.

Members are asked to note the outcomes of the appeals, determined by the Planning Inspectorate, as detailed in the Appendices attached to this report.

### 2. Recommendation

**The Committee is asked to RESOLVE that**

**the items of information be noted.**

### 3. Financial, Legal, Policy, Risk and Sustainability / Environmental Implications

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

### Report

### 4. Background

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 or Social Exclusion.

7. **Author of Report**

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

8. **Appendices**

Appendix 1 - Outcome of Appeals against Redditch Borough Council – 2008/270/FUL and 2008/271/FUL

Appendix 2 - Outcome of Appeal against Redditch Borough Council – 2008/164/FUL

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**OUTCOME OF AN APPEAL AGAINST A PLANNING DECISION**

**Reference:** 2008/270/FUL and 2008/271/FUL

**Details:** Single storey rear extension to existing unit and the  
Installation of five condenser units on roof of  
proposed extension

**Iceland Foods, Unit 4b Trescott Road, Trafford Park,  
Redditch**

**(Central Ward)**

The Inspector allowed both Appeal A and B (2008/270/FUL and 2008/271/FUL) and granted planning permission for a single storey rear extension to the existing unit and the installation of five condenser units on the roof of the proposed extension at Iceland Foods Unit 4, Ipsley Street, Redditch, West Midlands B98 7AR.

The main issue in both cases was the effect of the proposal on the living conditions of occupiers of dwellings in Honeychurch Close in terms of privacy, outlook and noise with regard to Appeal A and in terms of noise with regard to Appeal B. Both applications were refused by Officers using delegated powers, in October 2008.

Appeals against these decisions were lodged, however discussions also took place between Officers and the applicant/agent, and a further application was submitted for an amended scheme with additional information. This was reference 2009/039/FUL and was approved in April 2009 subject to conditions. However, the appellants submitted additional information with their appeals over that which the Council had considered when determining the original applications, making the appeal proposal almost identical to that approved under application reference 2009/039/FUL. (This later application was for both the extension and the roof plant, rather than splitting them into two applications.)

Appeal A (2008/270/FUL) was allowed for the following reasons:

The proposed extension in Appeal A would not have a detrimental effect on the living conditions of occupiers of dwellings in Honeychurch Close by reason of unacceptable noise and disturbance or through loss of privacy or outlook, and would not be in conflict with Policies B(BE).13 or B(BE).14.

The rear extension would result in no loss of outlook as there would be a separation distance of 30m from the rear elevations from the nearest dwellings at 22-24 Honeychurch Close. The height of the extension would not be excessive and there would be no overlooking or loss of privacy as the proposed rear extension would have no windows.

Vehicles entering, reversing into loading areas and exiting the rear of the site would cause no additional disturbance to the neighbouring dwellings than the disturbance caused by current vehicles as vehicles would be set above the neighbouring dwellings by 5m.

The Inspector stated sufficient space would be available for the turning of articulated vehicles and that parking on the access road was possible in order to service the appeal site without causing obstruction to other units.

Appeal B (2008/271/FUL) was allowed for the following reasons:

Subject to a condition regarding noise attenuation, the proposed condenser units in Appeal B would not have a detrimental effect on the living conditions of occupiers of dwellings in Honeychurch Close by reason of unacceptable noise and disturbance, and would not be in conflict with Policies B(NE).4, B(BE).13 or B(BE).14 in that regard.

It would not be possible to install the condenser units as proposed without the construction of the extension, so this appeal development would not be separable from that of Appeal A.

This proposal would replace the condenser units lost as a result of the extension development. The 1m upstand around the roof of the extension would help mitigate noise from them. The proposal would not result in unacceptable noise as there is already noise caused by the existing chiller units in a compound to the rear of the existing building and from a temporary chilled storage container to the rear of the site and also with the plant at the rear of adjoining units.

The inspector considered the submitted Noise Impact Report indicates that there would be a significant increase in noise levels at the façade of neighbouring dwellings that would be noticeable and adversely affect occupiers of that building.

The suggested attenuation scheme would be reasonable as it would reduce the noise to slightly less than the calculated existing levels and therefore should be installed as part of the development. This was imposed by means of a condition.

The Inspector allowed both Appeal A and B (2008/270/FUL and 2008/271/FUL) and granted planning permission for a single storey rear extension to the existing unit and the installation of five condenser units on the roof of the proposed extension at Iceland Foods Unit 4, Ipsley Street, Redditch, West Midlands B98 7AR.

**OUTCOME OF APPEAL AGAINST A PLANNING DECISION**

**Reference:** 2008/164/FUL

**Proposal:** Demolition of 'Lodge' building and erection of  
eight apartments in two blocks  
Land adjacent to 1 Pool Bank, Southcrest

**(Central Ward)**

This appeal was against the Council's decision to refuse full planning permission (under delegated powers afforded to officers) for the above development. The reasons for refusal related firstly to the perceived incongruous appearance of the proposed development on a prominent corner plot which would have failed to harmonise with the pattern and form of development in the surrounding area; and secondly, the proposed development was considered to represent an over-intensive form of development having regard to the shape and gradient of the site, with the development providing an inadequate level of communal amenity space for occupiers of the scheme to the detriment of residential amenity.

The Inspector noted that Pool Bank falls away steeply to the east and has a more open and undeveloped character than that of Mount Pleasant (to the West). The presence of trees, substantial shrubs and bushes was considered by the Inspector to represent a distinctive element in the townscape of this part of Redditch and is a character area which ought to be respected under the terms of Policy B(BE).13 and Policy B(HSG).6. The Inspector considered that the appeal scheme was of high density development which would extend the more intensive urbanised qualities of Mount Pleasant into the attractive wooded area of Pool Bank and beyond. This was considered by the Inspector to significantly harm the character and appearance of the area.

With regard to the quality and general level of amenity space to be provided as part of the scheme, the Inspector considered that the distribution and size of the proposed amenity space would not represent a level of amenity of an adequate quality that would meet the requirements of the Borough Council's Policy and SPG guidance on *Encouraging Good Design* and agreed with the Council's opinion that the quality of space to be provided would be poor in terms of it being sloping, fragmented and overshadowed.

The Inspector concluded that the proposed scheme was not acceptable on grounds of its effect on the character and appearance of the area and the quality of the amenity space to be provided. The appeal was therefore DISMISSED.