



# Planning Committee

Various Wards

15th July 2008

## 4. APPLICATIONS FOR PLANNING PERMISSION

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(Report of the Acting Director of Environment and Planning)

### 1. Purpose of Report

To determine the attached applications for planning consent.

### 2. Recommendation

**The Committee is asked to RESOLVE that**

**having regard to the development plan and to other material considerations, the attached applications be determined, the Committee having considered the recommendations indicated in each individual report, or subsequent update report.**

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

- 3.1 Financial : None.
- 3.2 Policy : As detailed under each individual application.
- 3.3 Legal : Set out in the following Acts:-  
Town and Country Planning Act 1990  
Planning and Compensation Act 1991
- 3.4 Others : Human Rights Act  
Crime and Disorder Act.
- 3.5 None identified.

### Report

### 4. Background Papers

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

5. **Consultation**

Consultees are indicated for each individual proposal.

6. **Other Implications**

Community Safety: See specific reports.

Human Resources: None.

Social Exclusion: None: all applications are considered on strict planning merits regardless of status of applicant.

Sustainability: See specific reports.

7. **Author of Report**

The author of this report is John Staniland (Head of Planning and Building Control), who can be contacted on extension 3203 (e-mail: john.staniland@redditchbc.gov.uk) for more information.

8. **Appendices**

Appendix 1 - Index.

Appendix 2 - Applications.

Update reports (to follow - under separate cover)

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2008/121

**CHANGE OF USE OF PART OF FARM SHOP TO TEA ROOM AND  
EXTENSION TO LINK EXISTING SHOP PREMISES TO FORM FOOD  
PREPARATION AREA  
THE STABLES FARM SHOP, ASTWOOD LANE, ASTWOOD BANK  
MR J COCKBURN**

***It should be noted that this application was deferred from the 17th of June Planning Committee in order for a site visit to be carried out by Members. This took place on the 8th July 2008.***

**Site Description**

This single storey 'L' shaped building whose walls are clad in timber weatherboarding was formerly used as offices before consent was granted to change the use to a 'Farm Shop' in 2007 under application 2007/053. The building is located to the northern side of Astwood Lane, west of the Astwood Bank village centre, and approximately 100 metres due West of the junction with 'Priest Meadow Close'. There is an existing access to the site, directly off Astwood Lane, at the brow of a hill. The site lies within the Green Belt as identified in the Borough of Redditch Local Plan No.3.

**Proposal Description**

The application proposes an extension to the existing building and part change of use as follows:

1. Change of existing kitchen area to store (no change in floor space)
2. Change of use of existing store to a tea room. This existing area (and the proposed area) measures approximately 5 metres in width by 6.5 metres in length. The tea room's proposed hours of opening would be Tuesday to Sunday from 10am to 3pm in the winter and 10am to 4pm in the summer.
3. Filling in of existing corner area by extension which would form a physical link between the main farm shop and the proposed tea room. This area would measure 4 metres in length and 5 metres in width. This area would contain a 'food preparation area' and a W.C. suitable for disabled persons. Externally, one window would serve the W.C. and a window and door would serve the food preparation area. The extension would be clad in timber weatherboarding to match the existing building. No changes to the existing parking arrangement are proposed – (parking for 6 no. car parking spaces is provided within the site).

**Key Policies**

**National Planning Guidance**

PPG.2            Green Belts

**Worcestershire County Structure Plan**

D.35            Retailing in Rural Settlements  
D.36            Farm Shops

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

B(RA).1        Detailed extent of, and control of development in the Green Belt  
B(RA).4        Change of Use of buildings in rural areas for employment purposes  
B(RA).6        Farm Diversification  
B(BE).13      Qualities of Good Design  
E(TCR).9      District Centres  
E(TCR).11     Local shops / Parades  
C(T).1         Access to and within development

**Relevant site planning history**

2007/053       Change of Use from B1 (Offices) to A1 (Farm Shop)  
Granted May 2007.

The site is located within the Green Belt, as defined within the Borough of Redditch Local Plan No.3.

**Consultation Responses**

***Neighbour Consultation***

One letter of representation (objection) received from the occupier of Charity Barn located opposite the site and to the immediate South of Astwood Lane.

Comments received are summarised as follows:

The proposal would represent encroachment on to the Green Belt, contrary to policy.

This is clearly an expansion of the business beyond the original purpose.

Proposal would have an adverse impact upon the well-established local community centre of Astwood Bank.

By allowing the addition of a cafe, it is likely that the customer base would expand by attracting people from a wider area, rather than just the local community of Astwood Bank.

In our objection to the original planning application in 2007 we highlighted that the original application mentioned a food preparation area and we forecast the development of a cafe. This was clearly always the plan of the owners. The county is littered with examples of what were originally just farm shops which subsequently have been developed massively over the years. The request to add a cafe is yet another step in what is clearly the thin edge of a wedge for the planned expansion of the business.

Since the granting of the original consent, traffic to the site has increased significantly. The original application claimed that the managers of the shop would arrive on foot, and that many customers would arrive on foot or bike. This has not happened, with the majority of customers travelling by car.

***Worcestershire Highways Network Control (former Highways Partnership Unit)***

The County Council as Highways Authority is satisfied that the proposal has no highway implications, and therefore has no objection to planning permission being granted.

***RBC Environmental Health Officer***

Would recommend that conditions be attached in the case of any approval, concerning hours of operation, odour, lighting, drainage and refuse storage.

***RBC Development Plans (Planning Policy) Team***

Consider that the proposals would conflict with relevant policies of the development plan, and in particular, Policy D.36 of the Worcestershire County Structure Plan, and Policy E(TCR).9 of the Borough of Redditch Local Plan. Therefore object to principle of proposed development.

**Assessment of proposal**

**General Background**

Members may recall that an application was granted to convert this building to a Farm Shop, following its presentation at the Planning Committee of the 27 of March 2007. Your Officer's recommendation of approval, supported by members, was based on the fact that whilst the site is located within the Green Belt, where there is a general presumption against inappropriate development as described in PPG.2 (Green Belts), the building was simply to be re-used / **converted** to a shop (Class A1 use).

Given the fact that no additional floorspace was to be created or external changes to the building were being proposed, the conversion to a farm

shop was not considered to affect the openness of the Green Belt – the most important attribute of the Green Belt.

The applicant's agent has referred to Policy D.36 of the Worcestershire County Structure plan, which specifically deals with proposed applications for Farm Shops. The explanatory memorandum to this Policy at para.6118 states that:

*'Farm shops can provide a significant contribution and also provide rural employment opportunities. Generally such development is acceptable provided any associated environmental concerns are adequately addressed. Normally Farm Shops tend to be less accessible, particularly by public transport than shops located in rural settlements. Farm Shops are usually set up primarily for the sale of fresh or processed local produce. Whilst it is recognised that the range of products sold may need to be sufficiently broad to overcome problems of seasonality, non-local produce should not be the predominant element of the retail offer to ensure that the viability of any nearby village shop is not threatened. Planning conditions limiting the range of goods may be appropriate in such circumstances.'*

The Policy itself states that such proposals will be permitted provided:

- a) *The development involves the re-use of an existing rural building and is ancillary to the farming use of the land.*
- b) *The development does not have an unacceptable impact on the viability of any nearby shops in a rural settlement by ensuring that non-local produce does not comprise the predominant retail offer.*

At the time of the original application's discussion at Committee, although Members were minded to grant permission, Members asked for conditions to be attached to the consent limiting hours of opening / delivery times, a plan to be submitted showing parking on site, and a condition limiting sales from the premises to ensure that the building is used as a Farm Shop and not any other shop. The precise wording of this final condition was delegated to Officers, and a draft version of the condition was circulated to all Members before the decision notice was issued.

It was considered that a condition referring to a list of specific items such as fruit, vegetables, eggs, cheese etc would be difficult and would potentially omit certain items (potentially hundreds of goods such as jams, chutneys could be locally grown and sold at the shop). The key difficulty was defining 'local' having regard to reasonableness, but also having regard to the site's location and not wishing goods to arrive from too far afield in the interests of sustainability.

The condition which Members viewed before the decision notice was issued, restricts the sale of grown and reared food and food products, flowers and plants to sources within a 30 mile radius of the application site. It does not refer to specific goods.

Officer's Considerations

Whilst the change of use of the existing 'store area' to a tea room – an area measuring just over 30 metres squared in floor area may appear at first glance relatively insignificant, your Officer's consider that there are important principles and factors to consider in this case. After careful consideration of the proposals, your Officers recommend that planning permission should be refused for the following reasons:

At the time the application for the Farm Shop was considered in March 2007, the applicant clearly stated that a cafe type use was NOT part of the proposals. The tea room proposal would be considered an A3 Class use under the Town and Country Planning (Use Classes Order). Under this order, a cafe would normally be able to change its use to a restaurant use without requiring planning permission. Even if conditions were attached to any consent restricting the use to a 'tea room only', Your Officers would consider it potentially difficult to resist and prevent a change of use to a restaurant in the future.

The applicant states that the tea room would be 'ancillary' to the main use of the building as a Farm Shop. This is an incorrect interpretation of Policy D.36 in your Officer's Opinion. Whilst in terms of a floor space comparison with the existing Farm Shop it is true to say that the tea room would be much smaller, to allow such a change would be considered by your Officer's to be contrary to Policy D.36.

Referring back to Policy D.36 of the WCC Structure Plan, under part (i), such proposals for change of use are only permitted where the development involves the re-use of an existing building **and is ancillary to the farming use of the land**. Your Officers consider that the use itself (a farm shop selling local produce ONLY) should be ancillary to the farming use of the land which surrounds the building, and NOT **ancillary to the use which is being carried out within the building itself**.

The applicant has referred also to Policy E(TCR).11 – Local Shops to which the applicant considers the proposed tea room would comply. This policy comments that proposals for shops or small groupings of shops providing essential day to day services for local communities will be supported by the Borough Council subject to appropriate Development Control standards.

Your Officers would argue that the proposed tea room is neither a shop (it is a cafe), nor is it providing an essential day to day service for local communities, (such as a greengrocers for example).

Your Officers consider that the approval of any tea room / cafe or restaurant use in this rural location, no matter how small could harm the vitality and the viability of the Astwood Bank District Centre. Whilst to your Officer's knowledge there are no tea rooms currently operating from the District Centre, it could be argued that approval of a tea room where cakes would normally also expect to be sold to accompany that cup of tea /



coffee, this could impact upon the existing bakery within Astwood Bank District Centre for example. The nature of a cafe use means that inevitably tables and chairs appear outside in a forecourt area in the summer months to accommodate additional custom generated at that time of the year by fine weather. In this respect, whilst the current obvious success of the business is applauded by your Officers, approval of a similarly successful cafe at the site through this application for part change of use and extension, just over a year after approval of the original application, would mean that further applications for similarly unsatisfactory small extensions to the building in this sensitive green belt location might be submitted in the future. As stated by the objecting resident, your Officer's are aware of similar enterprises within the county which have grown well beyond their original intentions of being Farm Shops, where significant vehicle trips are being generated in unsustainable locations, far from public transport links.

Your Officer's consider that the proposal would be at odds with adopted Policy E(TCR).9 (District Centres) of the Borough of Redditch Local Plan. Paragraph 2 comments that it is important for a range of reasons to protect and, where appropriate, enhance District Centres, particularly with regard to their useful retail function. Subject to normal development control considerations, applications for retail development in District Centres will be favourably considered. Proposals that would undermine the retail and community function of the Town and District Centres will be refused. Members will be aware that many of the Borough's District Centres contain retail units where those shops struggle to compete in the current market with competition from elsewhere. Some units are vacant where the only interest appears to be coming from non-retail (often hot food takeaway) uses. Your Officer's consider that this proposed tea room use should be considered as a proposal which would undermine the retail and community function of the District Centre and, being contrary to Policy E(TCR).9, should therefore be refused.

As stated earlier in the report, the site is considered to be in a sensitive green belt location. Permission was only allowed originally on the basis that the building would be converted WITHOUT EXTENSION to it, and that the goods to be sold would be locally produced. Statements accompanying application 2007 / 053 from the applicant's agent informed Your Officers that some visitors would arrive by car, but that many would be able to walk or cycle. The statement went on to say that the running of the shop would be maintained by a couple living nearby who would:

*'be able to walk to work, or if collections are required, travel together in the same vehicle. Eventually an extra member of staff may be employed, but this is likely to be someone local who can walk to work'.*

The access point to the site is neither directly linked to the residential area of Priest Meadow Close nor that of Astwood Bank by means of pavement, and there is nothing to suggest to your Officer's that comments received by the objecting property, whose dwelling lies directly opposite to the entrance to the site and whose letter comments that the managers and majority of

the customers to the business in fact travel by car, is not correct. In your Officer's opinion, the approval of this proposal would lead to an increase in vehicular traffic to a site which has poor public transport links and could lead to customers visiting the site by car ONLY for the cafe without purchasing from the shop. Within the reasoned justification to Policy B(RA).4 of the Local Plan, it comments that proposals which are likely to result in a significant increase in numbers and length of journeys by car are unlikely to be acceptable since they would conflict with the aim of moving towards a sustainable pattern of development.

A final concern to your Officers is in respect of the 'store' area, which measured just over **30 metres squared** on the original (approved) plans. This area would become the Tea Room, with the store now relocated to where the kitchen was before (an area measuring only **4.8 metres squared**). Given that the general intensity of use on the site would increase, with more goods (Tea / coffee / milk / sugar etc) having to be delivered (and stored), Your Officers would have expected to receive proposed floor plans showing a much larger storage area than one of 4.8 metres squared.

#### Conclusion

Your Officers are concerned with the proposals for a number of reasons as outlined above, and therefore urge members to refuse planning permission for the reason below.

#### Recommendation

**That having regard to the development plan and to other material considerations that planning permission is refused for the following reasons:**

- 1) The proposed change of use of part of this building to form a cafe, together with the proposed extension of the building would result in inappropriate development in the Green Belt which by definition is harmful to the Green Belt. The Council considers that no very special circumstances have been put forward to justify the proposals and that therefore the application is contrary to PPG.2 (Green Belts), and Policy B(RA).1 of the Borough of Redditch Local Plan.
- 2) The proposals, in this unsustainable, rural location, not easily accessible to public transport links, would result in the creation of a disproportionate number of vehicular trips to the site, contrary to the principles of sustainable development. The proposals are therefore contrary to Policies C(T).1 and B(RA).4 of the Borough of Redditch Local Plan.
- 3) Approval of a café use in this location would in itself be unacceptable under the terms of Policy D.36 of the Worcestershire County Structure Plan, Policies B(RA).6 and E(TCR).11 of the Borough of Redditch Local Plan and would harm and adversely impact upon the vitality, viability

and community function of the district centre of Astwood Bank contrary to the Reasoned Justification to Policy E(TCR).9 of the Borough of Redditch Local Plan.

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2008/132

**56 HITHERGREEN LANE  
REPLACING A BUNGALOW WITH A TWO STOREY 5 BEDROOM  
HOUSE  
APPLICANT: MR NEVIL JINKS**

**Site Description**

The application site lies within the urban area of Redditch as defined within the Borough of Redditch Local Plan 3. It covers an area of approximately 0.087 ha, and is located at Hither Green Lane, which is situated in the Abbey Park area of Redditch. The area is predominantly residential and is characterised by modern two storey detached houses and a limited number of bungalows with garages situated to the front of the properties. The site is of an irregular shape and its curtilage includes a front car parking area and a rear garden area. To the north of the site lies a golf course. To the east, the site backs onto detached residential properties from which it is separated by a 2m fence and a mature hedgerow, which is approximately 3m (H). To the west of the site lie detached dwellings and there is a fall in ground levels to the dwellings located to the south of the site.

**Proposal Description**

The application seeks full planning permission for the replacement of the existing two bedroom detached bungalow with a two-storey five -bedroom house. There would be no change from the existing T-shape footprint of the dwelling as it would be constructed in the same location with the same floor area. The dwelling would be constructed in traditional red facing brick walls, wood panel windows and doors, a tiled roof, panel fencing (boundary treatment) and a concrete vehicle access and hardstanding.

The dwelling would have a front protruding asymmetric gable, with side facing gables and a ridge parallel to the front of the property. The application is accompanied by a Design and Access statement, and streetscene elevations and plans showing the difference between the existing and proposed elevations.

**Key Policies**

**National Planning Policy**

PPS.1      Delivering Sustainable Development.  
PPS.3      Housing.  
PPG.13     Transport.

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

B(BE).13   Qualities of Good Design  
C(T).1     Access to and within development  
C(T).12    Parking Standards

S.1 Designing out Crime

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

Borough of Redditch Supplementary Planning Document (SPD) on Designing out Crime

**History**

The site has been the subject of an application, which is outlined below:

07/472 Detached side garage. Approved 14/01/2008

Work has begun on site on the construction of this garage, which would not affect the ability of the applicant to implement any permission that may be granted as a result of this application.

**Consultees' Comments**

**Neighbour Consultation**

The application has been advertised in writing to neighbouring properties within the vicinity of the application site.

Eight letters of objection have been received, raising the following concerns;

- Planning permission would set a precedent for other bungalows on the estate to be granted two-storey extensions. No bungalows have been developed into two storey houses.
- Concerns that the development might eventually form a business, which would be out of character with the estate and would alter the character and mix of the estate's dwellings.
- Previous consent (for a rear conservatory and garage) and now a two storey extension would lead to an over intensification of the site.
- Concerns that there would be an encroachment of building on to the link land which the property deeds state (the link land) is to be maintained by the owners and not developed on.
- Should the two-storey extension go ahead it would restrict light into the rear elevations of property No.s 46, 48 and 54 Hither Green Lane.

- Loss of privacy and residential amenity concerns caused by the proposed 5 first floor rear elevation windows overlooking the neighbour's rear gardens and inadequate plot separation distances.
- Loss of outlook concerns caused by restricted views onto adjacent open spaces and an encroachment of the 45-degree rule to No. 54 Hither Green Lane.
- Concerns regarding whether sufficient space exists for the proposed increase in parking from 4 to 8 cars.
- During development there are concerns over working hours, security issues, suitable parking arrangements to prevent access problems and damage caused by HGV to adjacent properties.
- The proposal would not be screened by a mature hedgerow, only by some conifers and would be overpowering to adjacent properties.
- It is questionable as to whether there will be no change from the existing T-shape footprint.
- The application site breaks the 45 degree rule to the neighbouring dwelling, No. 54 Hither Green Lane.
- The proposal would change the character of the surrounding area, and result in a reduction of bungalows and properties for smaller families.
- The height of the proposed dwelling would exceed the height of No. 54 Hither Green Lane by 80cm.
- The application site is not the only bungalow in this part of the development as additional bungalows are situated at No's 42, 69 and 62. This proposal will therefore create a precedent.
- A previous proposal to convert a bungalow (No 105) into a house with a greater separation distance was limited to a dormer construction.
- A request for the Planning Committee to visit the site.
- The Committee report does not adequately reflect neighbour concerns regarding loss of light, privacy, amenity and outlook.
- It is not clear from the Committee Report that the sun sets directly over No. 56 and causes a significant loss of light to neighbouring properties No.s 46, 48 and 54 Hither Green Lane.

No objection subject to a drainage condition.

***Highways Partnership Unit***

No objection subject to a condition regarding access, turning area and parking facilities to be provided and a note to the applicant regarding the highway to be kept free of mud/materials.

***Area Environmental Health Officer***

No objection.

**Assessment of proposal**

**Members may note this application was deferred from the 17<sup>th</sup> June 2008 Committee for a site visit to be carried out by Members which took place on 8<sup>th</sup> July 2008.**

The main issues in the determination of this application are considered to be:

1. The principle of development.
2. Siting, design, layout and amenity.

**1. The principle of development**

The proposal would involve the redevelopment of brownfield, previously developed land, which accords with national and local policies. Abbey Park is zoned as a residential development area and within the Borough of Redditch; the principle of replacement dwellings is therefore considered to be acceptable.

**2. Siting, design, layout and amenity**

The proposed scheme's scale, form and massing is considered to respect fully the locality, having regard to general densities, garden size and footprint in the vicinity of the surrounding area, as well as in scale, style and appearance.

The proposal is set in excess of the adopted spacing standards and garden sizes, such that there is no cause for concern regarding any overlooking or loss of privacy to the surrounding residents. The proposal complies both with separation/spacing standards and with the orientation rules. Whilst the form and bulk of development on the site would be greater than that currently existing, it is not considered that the appearance or bulk of the proposed dwelling would be overly large for the plot or in relation to the surrounding pattern of built form in the area. The height of the proposed dwelling would not be in excess of others in the vicinity, and is therefore considered to be acceptable. In order to prevent any future additions being

formed using permitted development rights, a condition removing such rights is recommended below in order to protect the amenities of the surrounding residents.

In line with planning legislation, each case is considered on its own merits, and as this is the only bungalow on this part of the estate, it is not considered that allowing this proposal would set a difficult precedent for the future. Furthermore, each case is considered according to policy and on its own merits, therefore no concern over precedent can be substantiated.

Allowing this application would only provide consent for the use of the development as a private residential dwelling, subject to the usual permitted development rights granted under the planning legislation. If at a later date the occupant wished to run a business from the property, this would be subject to the usual requirements for planning permission, and therefore this authority would retain control over this possible future use. There is therefore no ground for refusal of this application on the basis of a possible future use for commercial purposes.

No consent is sought for a conservatory and therefore this is not for consideration here. Again, should one be added at a later date this would need to comply with the planning regulations at the time, and therefore again this authority would retain control over this possible eventuality.

Matters relating to property deeds are not material planning considerations, and thus cannot be considered further here.

No previous proposal exists to convert a bungalow at (No 105) into a house which was limited to a dormer construction. The property in question relates to (No. 108) which applied for and was granted planning permission for alterations to the roof. This proposal included raising the original roof height by 7 feet to accommodate a first floor which included front and rear dormer windows. The resultant dwelling would comprise of a 4 bedroom house with a playroom and changing room. Therefore, this proposal to convert a bungalow into a two storey house, with a greater separation distance, was **not** limited to a dormer construction with no first floor. Furthermore, there are no planning policies which seek to protect/retain bungalows.

Should permission be granted for the development, your officers would recommend a condition be attached to the permission that would remove 'Permitted Development Rights' (S2, Part 1, Class E) from the dwelling which would prevent the occupiers erecting a rear garden shed for example without the prior written consent of the LPA. Such works may otherwise be permitted, without requiring planning permission under the Town and Country Planning (General Permitted Development Order 1995 (as amended)).

The proposed five bedroom dwelling would result in a requirement under the current adopted parking standards for the provision of 5 spaces, and these could be accommodated within the existing layout and there is



therefore no cause for concern in this regard. These would be within and in front of the existing garage accommodation.

**Conclusion**

It is considered that the proposal is fully compliant with the relevant planning policies and guidance, and would be unlikely to cause any significant detrimental impacts to the amenities of surrounding residents or to the visual amenities of the area 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 the following conditions:**

- 1) Development to commence within 3 years
  - 2) Sample materials to be submitted
  - 3) Landscaping scheme and boundary treatment to be submitted
  - 4) Landscaping scheme and boundary treatment to be implemented
  - 5) Drainage details to be submitted
  - 6) Limited working hours during construction
  - 7) Removal of PD rights
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**RETROSPECTIVE APPLICATION: OUTDOOR SEATING AREA WITH ELECTRONIC AWNING  
ASTWOOD BANK CLUB, 5A DARK LANE, ASTWOOD BANK  
ASTWOOD BANK CLUB**

**Site Description**

Site consists of a club building that is attached to The Coach House. Car parking and vehicular access exists at the front of the site. Houses face the side of the club building and car parking area. Last year a simple roof structure of a similar design to a car port, made from timber and perspex has been attached to the existing fencing and wall of the club house. This structure has been erected to the north of the building creating an enclosed and covered area. It is understood that this was intended to be used as a dry store area for the barrels.

More recently, another area has been created at the side of the main entrance of the building comprising of a raised decked area with balustrading and electronic awning. Tables / chairs and heating facilities are provided in this location. It is intended that this area be used as a smoking area.

**Proposal Description**

Retrospective permission is sought for a treated decking area with balustrading and electronic awning, lights and heater to provide an outdoor smoking area for the club. This is positioned at the side of the main entrance to the club.

**Relevant Key Policies**

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

B(BE).13	Qualities of Good Design.
S.1	Designing Out Crime.
B(NE).4	Noise

**Consultees' Comments**

***Neighbour consultation***

2 letters of objection.

- 1) Do not object to the erection of the structure but do object on the grounds of amenity, the use of the structure as an outside seating area or area of congregation of any sort. No objection to the purpose originally stated by the club for the shelter to store barrels. Objector lives diagonally opposite shelter approximately 12 metres from the club. The shelter has been used as a seating and smoking area and caused significant disturbance particularly later in the evening. Having viewed the plans and realising that the

application relates to a smoking area at the side of the main entrance, objector states no objection to this area being used for smoking but requests that it be limited, so not used after 10.30pm. This condition would tie in with a similar condition on their licence.

- 2) Objector lives in building adjacent to club (Coach House) and writes with respect to the outdoor seating area. This was built last year and immediately there was a noticeable increase in noise and disturbance particularly at weekends and later in the evening. There does not appear to be any control on noise from the outside area. Objector feels it is unreasonable to be kept awake at night or woken up at night by loud talking. During the winter, also suffered from smoke and noise from the members using the so-called barrel shelter for smoking.

***Highway Network Control***

No comments submitted.

***Crime Risk Manager***

No comments submitted.

***Environmental Health***

No concerns in relation to the location of the smoking area, however, would recommend conditions with respect to:-

The smoking area shall not be occupied after 23:00.

Music from the building shall not be audible in the smoking area.

Artificial light shall not cause a nuisance to nearby residential properties.

**Assessment of Development**

This application has been submitted as a result of an enforcement complaint. It would appear that the main issue is really to do with a roof shelter that has been built to the north of the building that is adjacent to one of the objector's property and opposite the other objector's property.

It is understood that the roof shelter was created to provide a dry covered storage area for the barrels. However, since the smoking ban, this area has become an outdoor smoking facility for patrons of the club. This was further encouraged with the provision of foldable garden chairs and an outdoor wall heater.

In addition to this, a decked area with awning has now been created on site and provides a more attractive environment for patrons to use for smoking / drinking within the site. This facility is situated at the side of the main entrance to the building.

This application only seeks retrospective planning permission for the decked area at the side of the main entrance and does not include approval for the roof shelter to the north of the club building.

The objections submitted relate to issues raised as a result of the roof shelter being used as an informal smoking / drinking area. The objections submitted do not refer to any issues raised in relation to the decking area being used. In addition, residents closer to the decking area have not objected to the development and as such it can be assumed that using the decking area for drinking / smoking purposes is not causing a nuisance to the occupiers in general. Comments from Environmental Health confirm that they have no objection to the proposal but recommend conditions.

To ensure that the roof shelter to the north of the building is not used in this way and in order to resolve neighbours' concerns, it is considered appropriate that the applicant remove the roof shelter to prevent this area being used as a smoking / drinking area and to encourage people to use the formal decking area instead. A suitable condition is proposed to ensure that the roof shelter and associated paraphernalia be removed as soon as possible.

It is also considered appropriate that the heaters erected on the wall of the decking area be removed in accordance with the Council's Climate Change guidelines that are now being encouraged on development proposals.

**Recommendation**

**That having regard to the provisions of the development plan and other material consideration, that planning permission be approved subject to the following conditions:**

- 1 The covered structure to the north of the building and its associated paraphernalia (chairs, heaters, additional fencing etc) shall be removed within 3 months from the date of the decision notice to prevent the area from being used as an informal outdoor smoking / drinking area**
- 2 The existing heaters erected on the wall for the decking area shall be removed within 3 months from the date of the decision notice. No other forms of heating facilities shall be used in the decking area thereafter.**
- 3 No customer shall be permitted to be on the decking area hereby permitted outside the hours of 10.00 to 23.00 each day.**
- 4 No sound reproduction or amplification equipment, whether mechanical or electrical, shall be installed outside the building or used adjacent to the external doorway leading to the decking area.**
- 5 Development does not include the approval of any additional lighting to that which currently exists on the decking area. Details of any additional lighting shall be submitted to and be approved in writing by the LPA.**



2008/182

**PART CHANGE OF USE TO B2 (GENERAL INDUSTRIAL) USE  
UNIT 17 OXLEASOW ROAD, EAST MOONS MOAT, REDDITCH  
MR P SMITH – PJS MOULDINGS**

### Site Description

Unit 17 is located within the East Moons Moat Industrial Estate and lies to the northern side of Oxleasow Road which runs in an East to west direction and itself is reached off Alders drive, further to the East. The existing rectangular steel portal framed warehouse building has brick and blockwork walls to approximately 3 metres in height with profile steel sheeting to eaves beneath a pitched roof. Two roller shutter doors provide loading to the Warehouse from the secure yard to the Northern elevation. The building itself at present is split internally into Offices (approximately 20% of the building), with approximately 80% of the building being used for Warehousing. Externally, within the building's curtilage, there are 18 demarcated car parking spaces to the (West) side elevation which serves as the main staff car parking area. A further 7 car parking spaces are located within the yard area to the North of the building.

The site measures 0.72 hectares in area.

### Proposal Description

The application seeks permission to change part of the building from B1 (Offices) to B2 use, which would enable part of the building to be used for general Industrial purposes. There would be no change to the amount of floorspace currently being used for storage, and no changes to the exterior of the building.

### Relevant Key Policies

#### National Policies

PPG4 Industrial and commercial development and small firms

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

E(EMP).3 Primarily Employment Areas  
E(EMP).3a Development Affecting Primarily Employment Areas  
C(T).12 Parking Standards

#### **Relevant site planning history**

The following applications are relevant in the consideration of the current planning application:

88/827 Change of Use to Class B1, B2, B8  
Approved 11.1.1989

97/171 Change of Use to Class B2 (General Industrial)  
Approved 14.7.1997

**Consultation Responses**

***Neighbour Consultation / Site Notice***

The application has been advertised by writing to neighbouring properties within the vicinity of the application site, by display of public notice on site, and by press notice.

No representations have been received.

***Worcestershire Highways Network Control (former Highways Partnership Unit)***

No objections.

***RBC Environmental Health Officer***

Have recommended that conditions be attached to any approval in respect to noise, lighting and drainage.

***RBC Economic Development Unit***

Supports the application.

**Assessment of proposal**

The main issues in the determination of this application are considered to be the principle of the development, and an assessment of the demands that the proposal may or may not have on existing 'in curtilage' parking provision within the site.

1. **The principle of development**

The existing occupant is a ladies clothing design firm. Part of the Unit (621 metres squared) is used as Offices by the firm's design team. The remainder (2,432 metres squared) is used as Warehousing / Storage. The current occupiers are shortly to be moving to a Unit within the North Moons Moat Industrial Estate.

Members will note that Planning Permission was granted in 1989 for the building to be used for uses falling within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order. Given this, and the fact that the site is located within a Primarily Employment area as designated within the B.O.R. Local Plan, the principle of a proposed change of Use to B2 use is fully acceptable. Whilst a change of use from B2 (General Industrial Use) to B1 (Offices) can be permitted without an applicant needing to apply for planning permission under the UCO, planning permission IS required to change from B1 to B2. The B2 use, granted in 1997, has effectively been 'lost' by virtue of the current company occupying and using the building for B1 and B8 purposes only, hence the need for the proposed occupier to apply for planning permission.

2. Impact upon parking provision

Members will be aware that Appendix H, within the B.O.R Local Plan contains standards for car parking and that these are MAXIMUM standards. Members will also be aware that under these standards, significantly greater numbers of car parking spaces are required where those uses are B1 or B2 as opposed to B8. Whilst the principle of a B2 use is fully supported by Your Officers, it is important to assess the impact the proposal may have upon available car parking provision within the site.

Your Officers have calculated that according to maximum car parking standards, the existing user would need to provide 25 no. car parking spaces for the existing 621 metres squared of existing office space. A further 10 spaces would need to be provided for the Warehousing element. Only 25 spaces are available within the curtilage – a shortfall of 10 spaces.

The company proposing to locate at the site, PJS Mouldings, are currently based in Birmingham and have stated that they need to move to larger premises to expand and to cope with orders they already have in place. They state that 6 of their current employees will move to Redditch, and that they will need to employ a further 14 employees from the local area. Your Officers would therefore suggest that the current provision of 25 spaces on the site is likely to be sufficient to cope with demand for car parking.

The applicant's proposal would be to separate the building as follows:

Offices	100 metres squared	(4 spaces required)
B2 Use	600 metres squared.	(14 spaces required)
B8 Use	2354 metres squared	(9 spaces required)

Based on the above proposal, maximum standards would dictate that 27 spaces would be required at the site. Current provision misses this standard by 2 spaces.

Your Officers would suggest that in practice, car sharing, and walking to work would take place having regard to what is likely to happen in reality and experience of practices on other similar sites.

Although the existing user fails to comply with the maximum standards, from your Officers numerous visits to the site, no parking problem exists at present. Your Officers have also noted from site visits and as shown on the submitted plan, that several other large communal car parking areas exist immediately opposite the main entrance to the building and further to the North, although these will be in separate ownership. Your Officers, the Council's Enforcement Officer, and the highways engineer have not received any complaints arising from on-street parking nor any resultant highway safety concerns.

Approval of the proposal would, in your Officer's opinion, be unlikely to result in any on-street parking which would impact detrimentally upon highway safety.



To refuse planning permission, would, in this case, be considered unreasonable having regard to the planning history of the site. Refusal would also effectively prevent any proposed general industrial user from occupying the building and therefore potentially result in long term 'non-use' of the Unit. However, in expectation of Members' concerns regarding the potential for on-street parking and highway safety concerns, notwithstanding comments received from highways, your Officers have recommended that a condition be attached to any consent, should members be minded to approve, which would restrict the amount of floor space which could be given over to uses other than B8 within the building. Similar conditions have been used on other sites where members have raised likewise concerns. No other conditions are deemed to be necessary or relevant having regard to the provisions of Circular 11/95 (Use of Conditions in Planning Permission).

**Recommendation**

**That, having regard to the development plan and to other material planning considerations, it is recommended that planning permission be granted subject to the following conditions.**

- 1) Development to commence within 3 years.
- 2) At no time shall an area greater than 700 metres squared in area be used for purposes falling within Use Classes B1 and B2 of the Town and Country Planning (Use Classes Order) 2005.

Reason: Limited in-curtilage parking exists within the site. Approval of a wholly B1 or B2 consent is likely to result in parking outside of the curtilage and on-street which would result in detriment to highway safety.

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