

**PLANNING
COMMITTEE**

11th February 2015

Planning Application 2014/160/OUT

Demolition of existing Garage, Proposed dwelling with Garage and access drive plus new double garage for No. 112

Land rear of 112, Feckenham Road, Headless Cross, Redditch, Worcestershire

Applicant: Mrs E Hine
Expiry Date: 17th December 2014
Ward: HEADLESS CROSS AND OAKENSHAW

(see additional papers for Site Plan)

The author of this report is Sharron Williams, Planning Officer (DM), who can be contacted on Tel: 01527 534061 Email: sharron.williams@bromsgroveandredditch.gov.uk for more information.

Site Description

Site comprises of a detached dwelling and large gardens at the front and rear. A detached garage is located at the side of the existing dwelling. The site is within an area of established housing.

A number of trees and some mature planting exists within the curtilage of the application site although none of the trees at the rear of the site are protected by a Tree Preservation Order. However, the lime tree in the front garden area is protected by Borough of Redditch TPO No. 102.

Proposal Description

Outline planning permission is sought for the demolition of the existing garage, extension of the existing means of access, erect two dwellings with garages and a new double garage for No. 112 Feckenham Road. Only the means of access is to be considered at this stage whilst matters such as appearance, landscaping, layout and scale would be considered at the Reserved Matters stage.

As a result of processing the application, the scheme has now been amended to the erection of only one dwelling with garage and replacement garage for No. 112 Feckenham Road.

Relevant Policies :

Borough of Redditch Local Plan No.3:

CS07	The Sustainable Location of Development
BHSG06	Development within or adjacent to the curtilage of an existing dwelling
BBE13	Qualities of Good Design
CT12	Parking Standards

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Emerging Borough of Redditch Local Plan No. 4

Policy 5: Effective and Efficient use of Land
Policy: 39 Built environment
Policy: 40 High Quality Design and Safer Communities

Others:

SPG Encouraging Good Design
NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

The site fronts Feckenham Road which is designated as a local distributor road in the Borough of Redditch Local Plan No.3.

Consultations

Building Control

Due to the sloping nature of the site the following points will be required for building regulations

- Structural design for foundations required. Due to proximity of trees piled foundations might have to be utilised.
- Foul drains to go to mains sewer to the approval of Severn Trent Water.
- The ground conditions are generally medium/heavy clay so soakaways for rainwater are likely to be unsuitable. Rainwater to be disposed off site via assumed pumping system to suitable out fall approved by Severn Trent.
- The gradient of the drive would probably be unsuitable for gravel so porous block paving/tarmac would need to be looked at.

Arboricultural Officer

Have no objection to this proposed development subject to the following points:

- The TPO lime tree in the front garden, although not due to be impacted on by this development, must be adequately fenced off to ensure no storage of plant/materials occurs on the lawn area around it.
- The cedar tree in the rear garden should be retained and incorporated within a revised layout plan.
- All retained trees and their RPAs must be protected during clearance and construction phases in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate.
- Any excavations within the RPAs must be carried out by hand and in accordance with BS5837:2012.
- A landscaping scheme should be submitted and agreed to provide adequate mitigation for the trees being removed.
- A condition to ensure that any existing or replacement tree that fails or is removed or seriously damaged/diseased within 5 years of completion is replaced with trees of suitable sizes/species.

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North Worcestershire Water Management

Prior to building work commencing, the applicant must supply a full drainage plan showing the location of soakaways, SuDS and connections to the foul system. This needs to be approved in writing before any work starts on site.

Highway Network Control

Recommends that any permission granted include highway conditions about and informatives about providing the access to a suitable standard prior to occupation and awareness of the rules around works to highways.

Crime Risk Manager

No objections to this application.

It would be better if the garages and the parking places for the cars were swapped round, that way the cars would be directly in front of the house windows, which would improve surveillance over them and deter vehicle crime.

Severn Trent Water Ltd

No comments received to date.

Worcestershire Wildlife Trust

No comments received to date.

Public Consultation Response

4 letters of objection

- The ground already has poor drainage with the erection of further buildings there could very likely be quite serious flooding to the bottom of our grounds resulting in damage to plants and wildlife.
- The new buildings are in direct line of sight from our second floor and so privacy would be a worry.
- The impact of over developing the land on the wildlife and trees would be devastating.
- With the plans to have the 3 garages round the back the noise of vehicles coming and going will be a major problem as will the loss of privacy with these additional vehicles.
- With the houses on average having 2 cars each this will be an additional 6 cars having to come onto the Feckenham Road. The school drop off time and pick up is already extremely dangerous with cars just being left and children running across the road. Additional traffic will only cause more problems.
- The additional infrastructure for drainage, sewage etc. being built so close to our property will have a negative effect on the wildlife, trees and plant life which are on our property.
- Drainage of surface water. At the beginning of 2014 the weather was very wet. Our property suffered during this period from excess water running down the slope from 110 Feckenham Rd to our property which was built in the bottom of the

garden of 110. Our concerns are that further building in the area will add to this problem when the weather is inclement.

- View and light. Two of our side windows overlook the proposed site. The kitchen would suffer from reduced light and we would suffer a loss of privacy.
- School Traffic. Concerned about the extra traffic and close proximity of the larger driveway close to the school and school crossing.
- Spoil the look of the road. Feckenham Road is one of Redditch's more traditional and attractive roads. Knocking down the garage at No 112 and creating a roadway to the side between No 110 and No 112 would make No 110 appear that it was on an island having a roadway on either side of it.
- Duxford Close. The houses below this development would be over shadowed by these two houses.
- Drainage. The garden of 112 Feckenham Road is on a steep gradient. My property is quite a bit further down the hill from the proposed development. It is proposed to introduce a considerable amount of hard surface into the garden of 112 Feckenham Road which will have the potential to create a great deal of water run-off into my property.
- The application states that the proposal will not increase the flood risk elsewhere which is certainly not the case. The Environment Agency have already identified low risk surface water flooding in the immediate vicinity of the proposed development so with the incorporation of hard surfaces, loss of vegetation, compounded by the removal of trees, the proposal is highly likely to increase the risk.
- Boundaries / Land slip. With the excavations and terracing proposed, the inclusion of permeable hard standing and the removal of tree roots, there will be nothing to hold together the earth and there is highly likely to be landslip on the non-permeable clay soil sub layer.
- What proposals are there for maintaining the integrity of the boundary between my property and the proposed developments, managing the interface between properties so that the development is not visible from my property and reinforcing the boundaries e.g. fences, hedges, retaining walls? There are gaps in the hedgerows that need planting up.
- Overshadowing/ Overlooking/ Loss of Privacy. The close proximity of the proposed new development combined with its elevated position would mean that it would substantially overshadow my property and block out the morning light. There is a duty not to detract from the visual amenity and privacy of my property and the private and quiet enjoyment of my garden or to block out the natural light to my garden from the east. There is no mention of any planting strategies or other means of obscuring the proposed developments and maintaining privacy.
- Cramming. The proposed development is a very congested development with two houses crammed in where one house would be more in keeping with the density of existing developments.

A second neighbour consultation was carried out following the submission of the revised scheme from two dwellings to one. 4 letters of objection have been submitted raising the following concerns:-

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- Problems with drainage especially in inclement weather.
- View and light implications
- Noise
- Over intensive development
- School Traffic
- Spoiling the look of the road in respect of no 110.
- Duxford Close being further overshadowed and overlooked.
- Wildlife concerns (Pipistrelle Bats live in this garden)
- Trees
- Landslip issues
- Drainage, particularly surface water drainage / flooding

Assessment of Proposal

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

Principle

The site is within the urban area of the Borough and is undesignated in the Borough of Redditch Local Plan No. 3, however, the area concerned is predominantly a residential area within an urban location, and as such is preferable sequentially to more remote sites. Therefore, the principle of some form of residential development in this location would comply with policy CS.7 of Borough of Redditch Local Plan No.3.

However, the initial indicative plans submitted showed two dwellings erected at the rear of the existing building. Generally development in this form would be discouraged as it would conflict with policy B(HSG).6 and would not generally be in character with the layout of the surrounding housing. However, members may be aware of other small scale housing schemes that have been built within grounds of large detached properties on this particular road. An example of such a scheme exists adjacent to the application site (Elgar Close). Given that a similar development has been approved adjacent to the site means that the character of the layout of the surrounding housing in this immediate location has changed and as such the proposal would not necessarily conflict with policy B(HSG).6. Therefore, some form of development would be acceptable behind the existing dwelling on this occasion.

The extent of proposed residential development would result in the removal of a number of established mature trees that are a visible and attractive feature of the site. In addition, it was considered that the scheme would be an over intensive use of the site. The indicative plans have been amended to show only one dwelling and garage. The principle of one dwelling and garage is considered to be acceptable and would comply with policies CS.7 and B(HSG).6.

Highways and access

The means of access is to be considered at this stage. The existing double garage for No.112 would be demolished to enable the existing access to extend to the rear of the site and serve the proposed dwelling, and double garage for No. 112. Amended plans submitted show the access moved slightly closer to No.112 to enable additional planting

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and boundary treatment to be provided between the proposed access and the neighbouring property No. 110 in order to reduce the impact of noise on the occupiers concerned. The car parking provision for the proposed dwelling would comply with the Council's car parking standards. County Highway Network Control has no objections to the proposal and recommend conditions which are considered appropriate.

Design and layout

The site is relatively level at the front, but slopes steeply down from the back of the house to the rear boundary. The dwellings beyond the rear boundary of the application site (Duxford Close) are at a lower level to the rear garden of No. 112. Therefore, the proposed dwelling would need to be designed in such a way that the amenities of neighbouring occupiers would not be hindered. Several objections have been submitted by neighbours who have raised concerns of potential overlooking and overbearing impact.

Having viewed the proposal from the rear garden of No. 23 Duxford Close, the design of any dwelling in this location would need to be carefully considered to take into consideration the difference in levels between the site and the dwelling at the rear, as well as improve screen planting that is currently gappy between the two sites. It may be that the dwelling would need to be single storey or be positioned in such a way to ensure that any direct overlooking / or overbearing issues on the existing occupiers are minimised.

The layout and scale of the development is a matter to be considered at the Reserved Matters stage. Therefore, whilst the position of the dwelling and the garage are shown on the plans submitted, these are viewed as indicative only and would not be approved at this stage. There appears to be scope to overcome these potential issues as well as address the Council's spacing requirements set out in the SPG on Encouraging Good Design. Therefore, it is likely that the proposal would comply with the SPG and policy B(HSG).6.

Trees and landscaping

As mentioned above there are a number of mature trees and established landscaping within the site, although, only the Lime tree in the front garden is protected by a Tree Preservation Order. Neighbours have raised concerns in relation to the loss of the trees at the rear of the site including a mature Cedar tree that is located in the middle of the rear garden. The original plans submitted for two dwellings included the removal of these trees. Several objections have been submitted in respect to the removal of trees and the impact it could have on wildlife as well as the stability of land generally. Amended plans submitted now show one dwelling and the retention of existing trees including the Cedar tree in the middle of the site. It is considered that additional planting would be required along the rear boundary of the site to improve screening between the proposed dwelling and the dwellings at the rear. This provision would also address concerns regarding stability of the land as well as improving screening and privacy between the proposed dwelling and the existing properties in Duxford Close. Officers consider it prudent to

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impose a condition to require the retention of the trees shown on the indicative plan and also provide additional planting to safeguard the amenities of neighbouring occupiers.

Drainage issues

A number of comments have been submitted by neighbours in respect to drainage matters. Concerns refer to hard surfacing areas being provided and the steepness of the site could result in local flooding to surrounding properties.

Comments have been submitted from North Worcestershire Water Management (NWWM) who has confirmed that the site is within Flood Zone 1 and there is little surface water flood risk to the site in question. However, the development would include a large area of hard-standing, and with the nature of the steep gradient, there may be an increase in surface water runoff flows, which in turn may affect surrounding properties and amenities. It will therefore be important to ensure that this development will not cause or exacerbate flood risk to surrounding properties.

The applicant's agent has verbally confirmed that the foul water will be disposed of via the mains sewer; it is likely that this will connect to the foul sewer in Feckenham Road via a pumping system. In terms of surface water, a soakaway is proposed. NWWM state that it would be unusual for soakaways to be a viable option, due to the nature of the soils in the area. Building Control has confirmed the same. It will therefore be extremely important for porosity tests to be carried out to ensure these will work efficiently. There would appear to be some solutions to address this concern such as the use of rainwater harvesting, pumping system, permeable paving if applicable or SuDS methods could be considered. A drainage condition is recommended to be imposed to ensure that the impact of this development does not exacerbate flood risk to surrounding properties.

Stability of the land

There is local concern that due to the steepness of the site, the development could result in possible landslip. The amended plans now show the retention of existing trees which will help maintain stability within the site. Officers in Building Control advise that due to the close proximity of trees, piled foundations might have to be utilised. In addition, indicative plans submitted demonstrate that retaining walls would be used to help bank the natural ground levels particularly at the rear of the site.

Wildlife

Comments have been submitted by neighbouring occupiers in relation to the potential impact of the development on local wildlife including bats. A bat survey has been submitted. Conclusions from the survey confirm no recent evidence of bats using the garage as a roost, however, as a precaution, the roof tiles and weatherboarding should be removed by hand under the supervision of a qualified and licensed bat ecologist. The survey states that bats are likely to be foraging round the site. Therefore, it is recommended that bat boxes be provided on the existing dwelling. The Worcestershire Wildlife Trust has been consulted but at the time of drafting the report no comments had been submitted.

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Conclusion

The proposal would be in keeping with the area in terms of potential use and would comply with policies CS.7 and B(HSG).6 only on the basis that the layout of housing in the direct surrounding area has changed (Elgar Close). Amended plans submitted show the access road closer to No.112 in order to improve amenity for the neighbouring occupiers of No.110. In addition, the amended plans show the retention of more trees particularly those close to the rear boundary and the Cedar tree in the middle of the site. The position of the dwelling and garage shown on the amended plans are indicative only, layout, appearance, scale and landscaping are to be considered at the Reserved Matters stage and will need to be carefully designed to ensure that the development does not hinder the amenities of neighbouring occupiers in terms of overlooking and overbearing impact. However, as the scheme has now been reduced to one dwelling it is considered that there is scope for this to be achieved, and therefore would potentially comply with the spacing requirements set out in the Council's SPG on Encouraging Good Design and policy B(BE).13 at the Reserved Matters stage. Drainage matters will need to be carefully designed to ensure that the impact of this development does not exacerbate flood risk to surrounding properties. It is considered on balance, that the proposal is acceptable.

RECOMMENDATION:

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

- 1) (a) Application for approval of matters reserved in this permission must be made not later than the expiration of three years beginning with the date of the grant of this permission.
- (b) The development to which this permission relates must be begun not later than whichever is the later of the following dates:-
 - (i) the expiration of three years from the date of the grant of outline planning permission; or
 - (ii) the expiration of two years from final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
- (c) The matters reserved for subsequent approval include the following:-
Appearance, Landscaping, Layout and Scale.

Reason:- In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.

- 2) Prior to the commencement of development details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area and in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

- 3) The development hereby approved shall be implemented in accordance with the following plans, although the appearance, layout and scale of the development shown on the plans are indicative only under this outline approval:-
- Site location plan Dwg. No. 1708.01 received 23 June 2014
 - Land survey Dwg. No. 14-728-1 received 23 June 2014
 - Proposed site section and proposed block plan Dwg. No. 1708.03C received 12 January 2015
 - Proposed site and site levels plan Dwg. No. 1708.02B received 12 January 2015
 - Protected species survey assessment focusing on bats report dated September 2014.

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

- 4) During the course of any site clearance and development, the hours of work for all on-site workers, contractors and sub-contractors shall be limited to between;
- 0800 to 1800 hours Monday to Friday
0900 to 1200 hours Saturdays
and NO WORKING shall take place at any time on Sundays, Bank Holidays or Public Holidays or at any time outside of the above permitted working hours unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbours amenity and in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

- 5) The Development hereby permitted shall not be brought into use until the access, turning area (if applicable) and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason:- In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and in accordance with the National Planning Policy Framework.

- 6) Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to,

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and approved by, the Local Planning Authority and such provision shall be retained and kept available during construction of the development.

Reason:- To prevent indiscriminate parking in the interests of highway safety and in accordance with the National Planning Policy Framework.

- 7) No demolition, site clearance or development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of all existing trees and hedgerows on site and details of any trees/hedgerows to be retained, together with details of any tree surgery works and measures for their protection during the course of development. The tree surgery works and tree/hedgerow protection measures shall be fully implemented prior to occupation.

Reason:-To safeguard the visual amenities of the area and in accordance with Policy B(NE).1a of the Borough of Redditch Local Plan No.3

- 8) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed boundary treatment and other means of enclosure, hard surfacing materials, new planting, trees and shrubs to be retained, together with measures to be taken for their protection while building works are in progress.

Reason:- In the interests of the visual amenity of the area and in accordance with Policy CS.8 of the Borough of Redditch Local Plan No.3

- 9) All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason:- In the interests of the visual amenity of the area and in accordance with Policy CS.8 of the Borough of Redditch Local Plan No.3

- 10) No development shall take place until a full drainage plan has been submitted to and approved in writing by the Local Planning Authority. These details shall include the location of soakaways, SuDS and connections to the foul system. The approved works shall be carried out prior to the occupation of any part of the development.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

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- 11) The existing trees shown on Dwg. No. 1708.02B received 12 January 2015 shall be retained and form part of the overall scheme submitted at the Reserved Matters stage.

Reason:- To safeguard the visual amenities of the area and in accordance with Policy B(NE).1a of the Borough of Redditch Local Plan No.3

- 12) Recommendations set out in the Protected Species Survey Assessment focusing on bats dated September 2014 shall be implemented at commencement of the development and shall be completed before the development is first brought into use.

Reason:- In the interests of nature conservation and in accordance with the Wildlife and Countryside Act 1981 (as amended).

- 13) Permeable paving shall be provided for all vehicular hard surfacing areas. Prior to the commencement of development details of the paving in terms of form, colour and finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details before the development is first brought into use.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

Informatives

- 1) This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Worcestershire County Council for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.
- 2) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Councils Approved Contractor following the issue of a licence under Section 184 and 278 of the Highways Act, 1980.

The applicant should contact Worcestershire County Councils Highway Network Control Manager, County Hall, Spetchley Road, Worcester, WR5 2NP (telephone 0845 607 2005), regarding the issue of the necessary license authorising the access works to be carried out by the County Councils Approved Contractor at the applicants expense.

Procedural matters

This application is being reported to the Planning Committee because two (or more) objections have been received.