

# **PLANNING COMMITTEE**

**10th June 2019**

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**Planning Application 19/00168/OUT**

**Outline application for demolition of existing structures and erection of two no. two-bedroom affordable dwellings with associated infrastructure.**

**The Children's Centre, Hawthorn Road, Batchley, Redditch, Worcestershire, B97 6NG.**

**Applicant: Peter Liddington, Redditch Borough Council**  
**Ward: Batchley And Brockhill Ward**

**(see additional papers for site plan)**

The author of this report is Emily Farmer, Planning Officer (DM), who can be contacted on Tel: 01527 881657 Email: [emily.farmer@bromsgroveandredditch.gov.uk](mailto:emily.farmer@bromsgroveandredditch.gov.uk) for more information.

## **Site Description**

The application site comprises of a single storey flat roof building on the corner of Hawthorn Road and Foxlydiate Crescent in Batchley. The building occupies approximately half of the area of the site and is sited hard up against the boundaries with Hawthorn Road and Foxlydiate Crescent. There is a parking area off Hawthorn Road and small green space in the south west corner.

The existing building is a Children's Centre which is currently vacant and is located within the residential area as designated within the Borough of Redditch Local Plan No. 4 Policies Map.

## **Proposal Description**

This is an outline application for residential development comprising of 2, two bedroom dwellings with all matters reserved for future consideration (access, layout, scale, appearance, landscaping).

Although the matter of access is not for consideration at this stage, an indicative site plan has been submitted showing provision of four parking spaces to facilitate the proposed dwellings accessed from Hawthorn Road.

## **Relevant Policies :**

### **Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

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## **Others**

NPPF National Planning Policy Framework (2019)  
SPG Encouraging Good Design

### **Relevant Planning History**

1984/522/RC4	Erection Of Garden Shed For Storage Of Play Equipment	Granted	18.02.1985
1992/092/RC4	Storage Building	Granted	30.03.1992
1996/480/FUL	Extension To Provide Resource Room And Training/Meeting Room	Granted	31.01.1997

## **Consultations**

### **WRS - Contaminated Land**

The application site is within 250m of a registered landfill site or significant area of unknown filled ground which has the potential to produce landfill gas from degradation processes. It is considered necessary to condition the application requiring the applicant to incorporate gas protection measures within the foundations of the proposed new structure; or to undertake a gas risk assessment to ascertain if gas protection measures are required.

### **Highways Redditch**

The site is located within a residential and sustainable location which benefits from footpaths located on both sides of the carriageway on both sides with street lighting. The site benefits from an existing drop kerb for parking with acceptable visibility available in both directions. Furthermore the applicant is providing 2 car parking spaces per dwelling which complies with County Council Standards. No objection in principle.

### **North Worcestershire Water Management**

The site is in flood zone 1 (low risk of modelled river and tidal flooding), and there are no flooding records and the Environment Agency's surface water flood map shows low surface water flood risk. There is a public surface water and foul water sewer located on site under the proposed parking area. SuDS measures should be used as required within Policy 17 of the Redditch Local Plan; this could be permeable paving with a sub-base for attenuation, rain gardens, rainwater harvesting and any other suitable measures. To progress this application from the outline stage I would need a detailed drainage plan of how surface water will be disposed of and what SuDS measures will be used.

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In principal proving an adequate drainage plan is submitted there are no reasons to object to this application on flood risk grounds.

### **Social Services Department**

No Comments Received To Date

### **Childrens Centre Programme**

No Comments Received To Date

### **Redditch Strategic Planning And Conservation**

No Comments Received To Date

### **Cadent Gas Ltd**

Cadent Gas have identified that there is apparatus in the vicinity of the application and advise the applicant to make contact with them when carrying out the works to ensure the apparatus is not affected by any of the proposed works.

### **Arboricultural Officer**

No objections.

### **Public Consultation Response**

One representation has been received raising objections which are summarised as follows:

- Dwelling would be preferred to be bungalows dedicated to the elderly
- Anti-social behaviour and its effect on property prices
- Occupier of No. 2 Hawthorn Road works from home/ Concern over noise during construction
- Ground floor side windows on No. 2 Hawthorn Road is a bathroom and bedroom/playroom
- First floor side windows on No. 2 Hawthorn is a bathroom and landing
- Side access between No. 2 Hawthorne Road and Children's Centre should be maintained
- Fence with gate at end of gardens would be sensible to collect footballs and toys by future occupiers
- Effect on property values

### **Procedural matters**

This is an outline application with all matters reserved, and as such only the principle of development can be considered at this stage. However, if there are reasons why the development could not be designed to be appropriate to the site, these can be raised as concerns at this stage.

The application plans include an indicative layout, however this is for illustrative purposes only to demonstrate how the site **could** be developed to accommodate three dwellings, and not how the site **would** be developed.

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### **Assessment of Proposal**

The key issue for consideration in this case is the principle of the development as all other matters are reserved for future consideration.

#### *Principle of development*

The application site is located within the residential area and therefore does benefit from the presumption in favour of sustainable development. However, given the existing use of the site as a community facility regard must be taken to Paragraph 92 of the NPPF which states that planning decisions should “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the communities ability to meet its day-to-day needs”.

The applicants have outlined that the Hawthorn Road Community Centre was leased by Redditch Borough Council to Redditch Play Council who provided a nursery from the building. Redditch Play Council closed at the end of August 2018 and the property was returned back to the Council. Officers within the Housing Strategy Team have undertaken a review of the building and it was considered to be uneconomical to repair and bring up to current standards. It is therefore proposed to develop this site into Council properties. The proposal is for the provision of affordable housing to provide for the 300 unit shortfall of affordable housing as identified in the Councils Strategic Market Housing Assessment.

Within half a mile of the site is Cherry Trees Children Centre located at Batchley First School, Cherry Tree Walk which is run by Redditch Borough Council. In addition to this opposite the First School on Chery Tree Walk is the Batchley Community Centre and to the south of the application site is The Gospel Hall which runs community activities. It is noted that no objections have been received from local residents on the loss of the facility. It is therefore considered given the alternative provisions nearby that the loss of this facility would not reduce the communities’ ability to meet its day-to-day needs and therefore is considered to be acceptable in this instance.

#### *Scale, layout and appearance of development*

Policy is supportive of new residential development so long as it respects the character and appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development.

Whilst scale, layout and appearance are not for specific consideration at this stage, the indicative plan does demonstrate how 2 dwellings could be accommodated within the plot. The garden area shown on this plan is approximately 65sqm and the depth of the garden is 9.8m. This is 5sqm and 1m below the Councils standards within the Councils Supplementary Planning Document. However, the size of the gardens reflect the existing density of the properties locally and the Councils Standards could be achieved as part of the Reserved Matters application by reducing the depth of the properties in line with the rear building line of the dwellings to the east of the application site. Your officers therefore consider that the proposed development could be designed to

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respect the character, appearance and density of existing development within the wider area.

There is a dwelling No. 2 Hawthorn Road which is located to the north of the application site and its side elevation faces directly onto the proposed dwellings. There are two first floor side windows on this property which serve the landing and bathroom. Both these windows are obscurely glazed and therefore no concerns are raised in respect of overlooking to these windows. The neighbour has written to officers to confirm that there are two ground floor windows to the dwelling which serve a bathroom and playroom the neighbour however has not objected to the scheme in respect of overlooking. There is an existing fence boundary between the properties and with the retention of this as part of the proposed layout to be considered under the reserved matters there would not be an issue with overlooking into this dwelling.

Having regards to all other dwellings adjacent to the site no concerns are raised in respect of overlooking, overbearing or loss of light as a result of this development.

### *Drainage and other matters*

The site is in flood zone 1 and the Drainage engineer has not raised any concerns or suggested any conditions to be placed on the recommendation.

Whilst the access is one of the matters reserved for future consideration, Worcestershire County Council Highways Authority has not raised any objections to the proposal. The site is located within a residential area within a sustainable location; bus stops are located in the vicinity of the proposed development, street lighting is also present. The application demonstrates that the site has capacity to provide 4 car parking spaces which would provide sufficient parking having regards to the County Council Standards.

### *Public Comments*

No. 2 Hawthorn Road has raised objection to the scheme on the basis that it would be preferred for the properties to be bungalows for the elderly. The proposal as put forward is for two storey dwellings and the Council are only able to consider the application as put forward to them. Two storey dwellings are considered to be acceptable taking into account the street scene and character of the area.

The neighbour has also requested a side access be retained between the properties and a fence and gate be erected between the properties. Layout and appearance are not for consideration at this stage however the applicant is advised to consider these matters when applying for the Reserved Matters.

Noise during construction can be controlled by the use of a condition. A condition has been considered reasonable in this instance.

The effect of a proposal on property values is not a planning consideration.

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### *Conclusion*

The application site is located within the Residential Area and therefore benefits from the presumption in favour of sustainable development. The loss of the community facility has been considered however having regard to existing local facilities the loss of this Children's Centre is not considered to reduce the communities' ability to meet its day-to-day needs. Subject to compliance with conditions as listed in full below, a favourable recommendation can be made.

### **RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:**

### **Conditions:**

- 1) Details of appearance, landscaping, layout, access and scale (hereafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

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

- 3) The development hereby permitted shall begin no later than two years from the date of the approval of the last of the reserved matters to be approved.

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

- 4) The development hereby approved shall be carried out in accordance with the following plans and drawings:

P2049.149.1 - Indicative Layout  
P2049.149.2 - Site Location Plan

**REASON:** To provide certainty to the extent of the development hereby approved in the interests of proper planning.

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- 5) Gas protection measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement must be incorporated within the foundations of the proposed structure(s). Following installation of these measures, and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Or

b) A risk assessment should be undertaken to establish whether the proposed development is likely to be affected by landfill or ground gas or vapours. The risk assessment must be provided to and approved in writing by the Local Planning Authority, prior to the commencement of development. The assessment shall be carried out in accordance with current UK guidance and best practice.

c) Where the approved risk assessment (required by condition (b) above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Following approval, the remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

d) Following implementation and completion of the approved remediation scheme (required by part (c) above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

REASON: To ensure that the risk to buildings and their occupants from potential landfill or ground gases are adequately addressed.

- 6) The housing shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework 2019, or any future guidance that replaces it. A scheme outlining the following:
- i. the type and tenure of the affordable housing
  - ii. the arrangements for the management of the affordable housing
  - iii. the criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the units,

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Reason; In the interests of securing affordable housing and to implement the purpose of the application.

- 7) The Development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwelling for the parking of 2 cars per dwelling at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicle only.

REASON: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 8) The Development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the charging point shall be kept available for the charging of electric vehicles.

REASON: To encourage sustainable travel and healthy communities.

- 9) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

REASON: To comply with the Council's parking standards.

- 10) The Development hereby approved shall not be occupied until the parking facilities have been provided as shown on drawing P2049/149/1.

Reason: To ensure conformity with submitted details.

- 11) 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



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### **Informatives**

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.
- 2) This 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 Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email [worcestershirevehicle.crossing@ringway.co.uk](mailto:worcestershirevehicle.crossing@ringway.co.uk). The applicant is solely responsible for all costs associated with construction of the access.
- 3) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 4) Concerns have been raised by local residents in respect of the dust created by the demolition of the existing building and have requested being advised prior to these works taking place.
- 5) The applicant is advised that Cadent Gas have identified gas service pipes and related apparatus in the vicinity of the site which may be affected by the proposed works. Prior to any works that take place on site, the applicant is advised to contact Cadent Gas.
- 6) The applicant is advised to consider retaining an access to the side of No. 2 Hawthorn Road as requested in the neighbours comments submitted in respect of this application.

### **Procedural matters**

This application is being reported to the Planning Committee because the applicant is Redditch Borough Council. As such the application falls outside the scheme of delegation to Officers.