

**PLANNING
COMMITTEE**

18th September 2019

Planning Application 19/00835/FUL

Proposed development of 6no. self-contained flats

Land In, West Avenue, Redditch, Worcestershire, B98 7DH,

**Applicant: Mr D Broadbent
Ward: Central Ward**

(see additional papers for site plan)

The author of this report is Mrs Alison Young, Planning Officer (DM), who can be contacted on Tel: 01527 881233 Email: alison.young@bromsgroveandredditch.gov.uk for more information.

Site Description

The site is an irregularly shaped and sloping area of land located off West Avenue in Redditch. The only built development currently on the site is a single, concrete sectional garage. The garage is located to the north of the site adjoining West Avenue. To the east of the garage is an access which is within the ownership of the applicant but which is shared with the neighbouring property to the east of the site which is used as a community centre offering a wide range of counselling and educational and health support. The community centre is located within an attractive three storey, brick building. The site adjoins the rear elevation of this building and a rear disabled access door.

The site is sloping scrub grassland and slopes down from west to east. To the west of the site, on rising ground and at a higher level than the site is a three storey residential development. There is an existing palisade fence along the western boundary of the site adjoin a footpath which is between the site and three storey development. To the south of the site is a group of mature trees. The site is located within a mixed use area with a nursing home and children's day nursery sited to the northern side of West Avenue.

Proposal description

The proposed development is a two storey block containing 6 flats, four x two bedroom and two x one bedroom flats. The block would be split level to take into account the changes in land levels and so part of the building would contain a lower ground floor. The proposed building would be finished in red brick and render cement panelling and with plain roof tiles. The main windows on the building would face to the north and south and away from neighbouring properties. The layout indicates that 6 resident parking spaces can be provided within the site along with two visitor spaces. A small amount of amenity space is proposed to the south and west of the building enclosed by close boarded fencing.

Relevant Policies :

**Borough of Redditch Local Plan No. 4
Policy 2: Settlement Hierarchy**

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Policy 3: Development Strategy
Policy 4: Housing Provision
Policy 5: Effective and Efficient use of Land
Policy 16: Natural Environment
Policy 17: Flood Risk Management
Policy 39: Built Environment
Policy 40: High Quality Design and Safer Communities

Others

NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance
Redditch High Quality Design SPD

Relevant Planning History

| | | | |
|--------------|---|----------|------------|
| 2015/036/FUL | Proposed development of 6no. self-contained flats | Approved | 24.06.2015 |
| 2006/225/OUT | Outline application for detached dwelling | Refused | 22.06.2006 |
| 2002/507/FUL | Change Of Use From Residential To Community Use | Approved | 31.12.2002 |
| 2000/456/FUL | New dwelling | Refused | 15.05.2001 |
| 1995/275/FUL | Proposed new dwelling | Refused | 02.04.1996 |

Consultations

Arboricultural Officer

Comments summarised as follows: No objection subject to a condition to ensure that the root protection area of mature trees which are located within the garden area of the proposal development are protected during the course of development

Highways Redditch

Comments summarised as follows: No objection, the site is in a residential and sustainable location within walking distance of facilities. The site is close to West Avenue which benefits from footpaths and street lighting and there are no parking restrictions in force in the vicinity. Conditions recommended regarding bound a material for access, EV charging point, cycle parking and requiring conformity with plans.

WRS - Contaminated Land

Comments summarised as follows: No objection subject to a landfill and ground gas condition requiring survey and mitigation.

WRS - Noise

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No objection

North Worcestershire Water Management

Comments summarised as follows: No objection, within flood zone 1 and a SUDS feature could be used as described in the energy statement.

Severn Trent Water Ltd

Comments summarised as follows: No objection subject to a condition requiring submission of drainage details

Public Consultation Response

Two letters of representation received from neighbouring occupiers received raising the following concerns:-

- Exacerbate existing parking and access issues.
- Assisted living facility opposite and community use adjacent to site require unimpeded access by emergency services
- Overlooking of, loss of privacy to and overbearing impact on adjoining vulnerable persons centre. Size, design and position of building would be detrimental to neighbouring occupiers
- Visually overbearing on adjoining attractive, historic Victorian building
- Impact on trees
- Previous refusals on the site
- Impact on intensively used vulnerable person's centre which provides important mental health and domestic abuse services and impact on clients of these services
- Details with regards to flooding are inaccurate and the adjoining building regularly floods

Other matters which are not material planning considerations have been raised but are not reported as they cannot be considered in the determination of the application.

Assessment of Proposal

Principle of development

The site is located within Redditch and in close proximity to the town centre and associated facilities and the site is therefore within a sustainable location for new residential development. Planning consent was granted in June 2015 for the same development as now proposed although no start was made on the development and the approval expired in June 2018. Subsequent to the determination of the previous 2015 application the Redditch Local Plan No 4 has been adopted and the application site is now listed as a site allocated for housing under Policy 4 - Housing Provision. Appendix 2 of the Local Plan identifies the site as No 217 with a capacity of 9 dwellings. On this basis residential development is considered to be appropriate in principle on the site.

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Scale and design/ appearance of development

The area around the application site has a mix of uses and a mix of style, scale and design of buildings. The uses surrounding the site are a mix of community uses and residential developments. The site is a relatively linear parcel of land which is oriented so that only the narrow end of the site adjoins the road and the part of the site that would accommodate the development adjoins residential development to the west and the community use to the east. As a result of the position of the proposed building and the levels of the site the building would be end on to the road and it would not be prominent in the street scene when viewed from the road. The building would follow the orientation of the existing three storey residential development to the west of the site. This adjoining development is relatively new and is finished in red brick and render. Other buildings in the vicinity of the site are predominantly brick finish and the buildings are of different scales to take account of the changing land levels. The proposed development is a two/ three storey building and the proposed finish is brick with render panels. The scale and design of the proposed development would not be out of keeping with surrounding built development and the development could be accommodated without harming the character and appearance of the area.

Amenity

The development has been designed so that the main habitable room windows are sited on the northern and southern end elevations of the proposed building which face the road and a group of trees. The building has been designed so that there would be no adverse overlooking of the community building to the east or residential development to the west. Objection has been received from the Manager of the community centre based on the close proximity of the proposed development, the resulting overbearing impact and the incompatibility of the uses in terms of impact on both vulnerable users of the community facility and the future occupiers of the flats.

The proposed building would be located in close proximity to the community centre with only a narrow pedestrian access between the buildings however the site adjoins the side elevation of the community facility and not a principle elevation. There are no main windows on this side elevation and although there is a door to which emergency access is required at all times the development could be accommodated without affecting this access.

The site is allocated for residential use and consent has previously been granted for the scheme now proposed and although the location is a mixed use area the residential use and surrounding uses cannot be considered to be incompatible. Although noise disturbance during construction is an inevitable consequence of granting permission for new development, such noise and general inconvenience is temporary and not in itself a reason to refuse permission. The layout demonstrates that the scheme complies with the High Quality Design SPD with respect to separation distances and due to the land levels and orientation of the buildings the development would not result in an overbearing impact on the adjoining building.

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Highway safety and parking

The proposed development would utilise an existing access and the Highway Authority has raised no objection to the proposals. Objections have been received with regards to existing parking issues in the vicinity of the site however the plans indicate that parking provision can be made on site with one space for each of the proposed flats along with two visitor spaces and the Highway Authority has not objected on grounds of lack of parking provision.

Trees

There is a group of mature trees to the south of the site although there are no trees within the site itself. The Tree Officer has commented that the Root Protection Areas of trees would be located in the garden area of the proposed flats and that a condition should ensure that these are protected during the course of development.

Drainage

An objection has been raised stating that the site and adjoining property flood although the site is located within flood zone 1. NWWM have no records of flooding to the site and the Environment Agency's surface water flood maps show low surface water flood risk to the site. The submitted energy statement states that on site SUDS for disposal of surface water is impractical but that a holding tank is proposed with run off into the public sewer. This solution would be acceptable to the Land Drainage Officer and details can be required by condition. This would ensure that the development would not exacerbate surface water flooding.

Conclusion

The proposal would amount to sustainable development, would be sited on land allocated for housing, and would not conflict with the Borough of Redditch Local Plan No.4 as a whole.

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) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason :- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:
1350.2B
1350.3A
1350.4D

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

- 3) Prior to their first installation, 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.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

- 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.

- 5) Prior to the development hereby approved commencing, full details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented prior to first use or occupation of the development.

Reason:- To allow proper consideration of the proposed foul and surface water drainage systems and to ensure that the development is provided with a satisfactory means of drainage and in accordance with National Planning Policy Framework.

- 6) a) No development shall commence until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with current UK guidance and best practice.

(b) Where the approved risk assessment (required by condition (a) 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, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

(c) Following implementation and completion of the approved remediation scheme (required by condition (b) above) and prior to the first occupation of the development, a verification report shall be completed in accordance with current UK guidance and best practice, and submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

(d) No development shall commence until a long term monitoring and maintenance scheme (to include monitoring the long-term effectiveness of the remediation and reporting on the same), where required, has been submitted to and approved by the Local Planning Authority. The approved scheme must be carried out in accordance with its terms, recommendations and time tables. All further reports produced shall be submitted to and approved in writing by the Local Planning Authority, and then carried out in accordance with its terms, recommendations and timetables.

Reason:- To ensure that the risks to buildings and their occupants from former landfill sites are adequately addressed in accordance with the National Planning Policy Framework. The reason for the pre- recommencement nature of the condition is –

There is potential for contamination to exist on the site. The degree and extent of contamination is currently unknown. More information relating to ground conditions is required to determine whether or not remediation will be required (prior to any construction work commencing).

- Where remediation is necessary, this remediation may involve work/techniques that need to be completed before any development is commenced, for example the removal from site of contaminated soils/underground structures, the design and incorporation of gas protection measures in any buildings etc. To carry out such work after construction has started/been completed, may require potentially expensive retro-fitting and in some cases the demolition of construction work already completed.

- 7) All retained trees and their Root Protection Areas must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. No storage of plant/materials within the Root Protection Areas of any retained trees.

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Reason: In order to protect the trees which form an important part of the amenity of the site.

- 8) The Development hereby permitted shall not be brought into use until the access, turning area 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 and to ensure effective drainage of surface water.

- 9) The Development hereby permitted shall not be first occupied until one of the proposed car parking spaces for each dwelling has been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

REASON: To encourage sustainable travel and healthy communities.

- 10) 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.

Informatives

- 1) 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. The applicant is solely responsible for all costs associated with construction of the access.
- 2) 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.

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- 3) Proactive engagement by the local planning authority was not necessary in this case as the proposed development was considered acceptable as initially submitted.

- 4) Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Procedural matters

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