

**PLANNING
COMMITTEE**

28th October 2020

Planning Application 17/01357/FUL

Proposed three two-bedroom flats

R/O Victoria House , Astwood Bank, Redditch, Worcestershire, B96 6DS,

Applicant: Mr D. Broadbent
Ward: Astwood Bank and Feckenham Ward

(see additional papers for site plan)

The author of this report is Charlotte Wood, Planning Officer (DM), who can be contacted on Tel: 01527 64252 Ext 3412 Email: Charlotte.Wood@bromsgroveandredditch.gov.uk for more information.

Site Description

The application site is to the rear of Victoria House, which is a building that has recently been converted to residential flats. The site is on the northern side of Feckenham Road and is within the settlement of Astwood Bank. The immediate area contains a mixture of residential and commercial uses. The buildings surrounding the site vary in terms of their age of construction, which is reflected in their varying style. The residential cul-de-sac Beverley Close lies immediately to the northern boundary of the application site. To the east lies the industrial/commercial unit Orchard Joinery which forms part of Ridgeway Trading Estate. The site is accessed off Feckenham Road to the west of Victoria House. The access leads to the car park area which is situated to the west of the proposed block of flats.

Proposal Description

The application seeks full planning permission for the erection of a two storey building comprising three two-bedroom flats. The building would be constructed as two adjoining blocks with pyramidal hipped roofs and facing materials would be red/brown bricks and brown interlocking roof tiles. The proposal also comprises associated amenity space and formalisation of a parking area for the future occupiers.

Relevant Policies:

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 5: Effective and Efficient Use of Land

Policy 20: Transport Requirements for New Development

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

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PLANNING COMMITTEE

Others

National Planning Policy Framework
National Planning Practice Guidance
Redditch High Quality Design SPD

Relevant Planning History

2016/320/FUL	Retrospective change of use from Class A1 (Shops) and Class B1(a) Offices to Class C3 (Dwellinghouses) use including a rear extension and alterations to form 4no. self-contained flats	Approved	15.12.2016
2015/261/FUL	Proposed change of use from Class A1 (Shops) and Class B1(a) (Offices) use to Class C3 (Dwellinghouses) use including a rear extension and alterations to form 4no. self-contained flats	Approved	29.10.2015
2013/077/COU	Change of Use of part ground and first floor from Class B1 (Business) use to Class D1 (Non-Residential Institution) Use	Approved	01.05.2013
2012/209/FUL	Conversion and extension to form six flats	Refused	24.09.2012

Consultations

Highways

Objection originally received in relation to parking provision and the intensification of a substandard access.

Further comments received withdrawing objection following the reduction of flats, increase in parking provision and the proposed creation of passing place in access. Proposal is now considered acceptable subject to conditions relating to access, parking, cycle storage and electric vehicular charging points.

Worcestershire Regulatory Services - Noise

No objection to the application in terms of noise adversely impacting on future occupants.

WRS - Contaminated Land

No objections raised; however, given the application site is within 250m of a registered landfill site, a condition for a tiered risk assessment has been recommended.

Public Consultation Response

PLANNING COMMITTEE

Five letters of objection were received following initial public consultation on the 1st March 2018. Four further letters of objection were received following further public consultation on the 20th August 2020. Collectively these representations raised concerns with regards to the following:

- Highway and pedestrian safety
- Inadequate access/poor visibility
- Insufficient parking/inadequate sized spaces/no disabled spaces
- Width of access not suitable for emergency vehicles
- Loss of privacy
- Overdevelopment of the site
- Loss of wildlife
- Drainage problems
- Loss of light to gardens behind site
- Does not meet separation distances within SPD
- Development not needed in the area

A number of other non-material issues have been raised by third parties, however these have not been reported here as they cannot be taken into account during the processing of the application.

Assessment of Proposal

The application site is located within Astwood Bank which is defined in Policy 2 of the Borough of Redditch Local Plan no. 4 (BoRLP4) as a sustainable rural settlement with an appropriate range of services and facilities. The principle of new residential development within the settlement boundary is therefore acceptable. Further to this it should be noted that the Council cannot currently demonstrate a 5-year housing land supply (5YHLS). The 5YHLS at 1st April 2019 was calculated to be 3.29 years. Having regard to paragraph 11(d) and footnote 7 of the National Planning Policy Framework (NPPF) the lack of 5YHLS means that planning permission for residential development should be granted unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Character and appearance

Policies 39 and 40 of BoRLP4 together seek development to make a positive contribution to the area through design. Further to this Policy 39.3(i) seeks to optimise the potential of a site by making the most efficient use of space available.

With regards to the existing character, it is clear that existing development along Feckenham Road does not follow a clear pattern in terms of form, layout and density. Buildings do not conform to an established building line and there is existing “backland” development directly to the east of the site. Having regard to this the proposed development would not conflict with the existing pattern of development.

PLANNING COMMITTEE

Further to this there are a mixture of building types in the local area comprising varying styles and finishes. The proposed design of the flats would be relatively simple, to reflect the simple appearance of Victoria House, to which it would be situated behind. The proposed brick choice would also match Victoria House to provide further cohesion between the two developments. Whilst the proposed hipped roofs would contrast with the pitched roof of Victoria House, they would reduce the overall massing of the buildings. The proposed elevations would also include small areas of red coloured cladding which would give the buildings a more contemporary appearance. Overall, it is considered that the proposed development would not be at odds with the established mixed character of the area. The siting of proposed block of flats would also be largely obscured by existing buildings from views along the streetscene of Feckenham Road.

In view of the above, the proposal would be consistent with the requirements of policies 39 and 40 of BoRLP4 which broadly seek development to make a positive contribution to the area through design. Further to this the proposal would be in accordance with Policy 39.3(i) which seeks to optimise the potential of a site by making the most efficient use of space available.

Residential Amenity

Paragraph 127(f) of the NPPF states that planning decisions should seek a good standard of amenity for existing and future occupants of land and buildings. Furthermore, the Borough of Redditch High Quality Design SPD (adopted June 2019) provides further guidance in relation to amenity.

With regards to the proposal there would be a minimum of 27 metres separation distance from the proposed new windows of the flats to the rear windows of the houses along Beverley Close, which would exceed the minimum distance of 21 metres set out within the Council's SPD. The closest first floor window facing towards the rear gardens of Beverley Close would be 7.3 metres from the shared boundary. There is no minimum distance of window to garden areas set out in the SPD. Notwithstanding this, given that the rear gardens of Beverley Close are relatively long, the majority of the garden length would not be overlooked.

At the closest point, the block of flats would be 2.8 metres from the rear boundary of no. 7 Beverley Close. The scale of the proposed buildings has been reduced during the process and the design and roof form of the flats have been amended so that their massing would be reduced. In view of this it is not considered that their proposed scale would be overbearing to the surrounding properties, nor would there be an adverse impact to the light received by the properties.

There would be no direct window conflicts between the proposed flats and the existing flats contained within Victoria House. There would, however, be a close relationship between some of the windows of both the existing and proposed flats and flank walls. The closest of these would be the ground floor and first floor windows on the eastern block of flats that would serve the kitchen and would be 2 metres from the stairwell block. Notwithstanding this, the open plan layout of these rooms would mean that the kitchen

PLANNING COMMITTEE

would also be served by the sitting room window on the northern elevation. It also noted that a kitchen is not considered a primary habitable room.

There would be a close relationship between a bedroom window on the northern elevation of Victoria House and a kitchen window on the southern elevation of the proposed block of flats, however given that these windows would not have a direct relationship with one another, it is not considered that the harm arising from this would warrant refusal of the application.

There is currently a ground floor bedroom window on the northern elevation of Victoria House, towards the western end of the building. As this would be in close proximity to the stairwell of the proposed flats, it is proposed to reposition this bedroom window to the west elevation facing towards the access. This would ensure adequate light to this existing bedroom. Given that this building is within the ownership of the applicant, this can be secured by planning condition, to be carried out prior to the occupation of the new development

The proposed building would breach the 45 degree code for an existing rear window on 12b Feckenham Road to the south west of the proposed flats. However given that the proposed building would breach the 45 degree code at a distance of 8 metres from the existing window, and as the window has an otherwise open outlook, it is not considered that this would be harmful to the outlook of the occupiers.

The Council's SPD also requires adequate amenity space to be provided for the occupiers of new residential development. Whilst the SPD stipulates that a minimum amenity area of 70 sq metres should be provided for dwellings, it states that a more flexible approach will be taken for communal amenity space for flats. In the case of the current scheme, the proposed amenity area indicated on the plans would total 260 sq metres. It is noted that the development would leave a reduced amenity area of 40sq metres behind the Victoria House development. Whilst this reduced area would provide limited amenity space for the existing occupiers of Victoria house, the overall combined on-site provision of 300sq metres would provide sufficient shared amenity space for the existing and proposed flats. Furthermore, the SPD states that private amenity space should be in scale with surrounding properties and reflect existing local density. It is noted that in this case the surrounding properties along Feckenham Road follow an irregular pattern and do not benefit from a traditional residential character of long rear gardens. This is distinct from the character of Beverley Close to the rear of the site which does follow a more traditional form.

Highways

The site is located off a classified road which benefits from footpaths and street lighting on both sides, meaning that future occupiers of the development would be able walk to nearby services.

The proposed development would utilise an existing access located off Feckenham Road which runs in between the existing substation and the apartment block, 12A Feckenham

PLANNING COMMITTEE

Road. Parking bays and “No Parking” double yellow line restrictions are in close vicinity of the access. The Highway Officer initially considered that this access was inadequate in terms of its width, not permitting two cars to pass each other if a vehicle entering the site were to meet a vehicle exiting the site. As Feckenham Road is classified, it would not be acceptable for a car to reverse onto it. However, during the application process it has been clarified that this matter can be addressed by altering the existing wall which runs behind number 12 Feckenham Road to allow enough space for two vehicles to pass. The Highway Officer has confirmed that this would overcome his concerns. Given that the stretch of wall is within the applicant’s ownership, this alteration can be secured by planning condition.

Worcestershire County Council's (WCC) parking standards within their Streetscape Design Guide require two parking spaces for each two-bedroomed flat. The parking area within the application site provides parking for 13 vehicles, 3 of these would be located under the first floor of the apartment block, on the western side. Previous planning application ref 2006/007/FUL for three new flats was granted contingent on the provision of 7 parking spaces within the same area to remain in perpetuity. It is also noted that two further permissions dating back to 1980 and 1982 were granted for 2 flats above number 16 Feckenham Road, subject to providing parking for the occupiers. The number of parking spaces to be provided was not specified within the condition, however, the spaces were to be provided within the same area of land. Notwithstanding this, in view of the 6 spaces required for the current proposal, and the 7 spaces secured by condition on planning permission 2006/007/FUL, the parking provision would meet WCC’s parking standards. Whilst it was noted during a site visit that there is local pressure for available on street parking, it is also evident that the site is within a sustainable area with nearby facilities and access to public transport. Although the Highway Officer initially raised concerns with parking, the number of flats have been reduced and the number of spaces increased during the course of the application and the Highways Officer has now confirmed that parking provision is acceptable. However, in order to provide clarity and to reduce the likelihood of further vehicles parking on the public highway, it is considered reasonable and necessary to include a condition for a parking allocation scheme for the site.

At the request of WCC a Highway Technical Note has also been provided which analysed traffic generation, access visibility based on approach speeds, pedestrian movements and accident rates. The Highway Officer has confirmed that the results of the surveys indicate that the proposed development would not have a significant impact on the surrounding roads or to pedestrian safety. The accident data presented that there had been no recorded serious or fatal accidents in the vicinity of the proposed development.

Whilst it is noted that no electric vehicle rapid charging points nor cycle parking have been indicated on the proposed plans, these items can be secured by condition in the event that planning permission is granted. Furthermore, in order to improve the visibility to the right on exiting the site, the Highways Officer has requested a condition to ensure that the height of the existing boundary wall fronting no.12 Feckenham Road is reduced to a maximum height of 0.6 metres.

PLANNING COMMITTEE

Based on the above, and subject to the recommended conditions, the Highway Officer considers that there is no reason to withhold planning permission on highway grounds.

Noise

Worcestershire Regulatory services have considered the proposal, in particular the relationship of the proposed residential use to the adjacent commercial/industrial units and have raised no objections in terms of noise adversely impacting on future occupants.

Given the nature of the nearby units, the minimal noise generated from their uses, and in view of the existing surrounding residential development that appears to exist compatibly with the trading estate, it is considered that there would be no harm arising to the future occupiers of the proposed flats.

Public Consultation Responses

As listed earlier within the report, a number of objections have been received from neighbouring properties in respect of this application. Matters relating to highway safety, access and parking have been addressed within the report, and WCC Highways do not object to the proposal. Loss of privacy and light to neighbouring properties has also been considered within the report. Whilst comments have also stated that the proposal would comprise “overdevelopment” of the site, impact on character and density have been considered and distances to surrounding properties have been considered. The potential impact to wildlife has been raised, however it is noted that the site lies within an urban area and would be located on an area which is already hard surfaced. Given that wildlife is protected under separate legislation that developers would need to adhere to, this matter would not warrant refusal. Comments also stated that the development is not required, however there is a clear shortfall of residential units in the borough. Concerns were raised in relation to drainage, however the site is located in a low risk area of flooding and no comments have been received by North Worcestershire Water Management. Concerns relating to noise and dust from construction were also raised, however these matters are governed by other legislation. A number of other comments were raised in respect of loss of property value, the safety and welfare of nearby nursery children, the behaviour of the developers and nearby tenants, and the untidiness of the previously approved scheme (ref: 2016/320/FUL). These matters are not material planning considerations that are relevant to the current application.

Conclusion

The Council cannot currently demonstrate a five year supply of housing land and therefore paragraph 11 and footnote 7 of the NPPF together state that for applications involving the provision of housing, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 7 of the NPPF defines the purpose of the planning system is to contribute to sustainable development, and Paragraph 8 describes the 3 overarching objectives to be economic, social and environmental objectives.

PLANNING COMMITTEE

In relation to the social objective, the proposal would contribute three residential units to the local housing supply and given the importance of providing a sufficient supply of housing, this matter is given substantial weight. In terms of the economic objective, the development would provide some limited benefit to the local economy in terms of providing employment for construction trades and increasing demand for building materials. With regards to environmental considerations, the proposal would result in dwellings that would integrate with the character and layout of the existing area, and would be located within walking distance of amenities and bus stops, meaning that future occupiers would not be reliant on the use of a car. Furthermore, no detrimental harm to neighbouring amenity has been identified that would warrant refusal, and no other remaining reasons to refuse planning permission on any technical ground have been found.

Based on the above there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, and therefore it is concluded that planning permission should be granted subject to conditions.

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.

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

Location Plan & Site Plan - drawing no. 1443.1C

Site Plan - drawing no. 1443.4

Plans (Revised) - drawing no. 1443.2C

Elevations & Sections (Revised) - drawing no. 1443.3C

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

PLANNING COMMITTEE

- 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) The Development hereby approved shall not be occupied until the existing wall located at no.12 adjacent to the existing vehicular access is reduced to a height not exceeding 0.6m above the adjacent ground level. Nothing shall be planted, erected and/or allowed to grow above this height which would obstruct the visibility.

Reason: In the interests of highway safety.

- 5) The Development hereby permitted shall not be first occupied until the proposed flats have each 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 points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To encourage sustainable travel and healthy communities.

- 6) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking for two cycles per flat have been provided on site. Thereafter the cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Worcestershire County Council's highway design guide

- 7) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 1443 Rev 1C.

Reason: To ensure conformity with submitted details.

- 8) a) 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.

PLANNING COMMITTEE

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, the 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 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.

- 9) The ground floor and first floor bathroom windows to be installed on the south-east elevation of the building, as shown on approved plan 1443.2C shall be fitted with obscure glazing, and any opening lights shall be at high level and top hinged only. The obscure glass and top openings shall be maintained in the said window in perpetuity.

Reason: To protect the amenities of neighbouring residents.

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no form of boundary enclosure within Schedule 2, Part 2, Class A shall be erected along the southern boundary of the site without express planning permission first being obtained from the Local Planning Authority.

Reason: To ensure adequate visibility of the access.

- 11) Prior to the first occupation of the development hereby permitted, a hard and soft landscape scheme shall be submitted to and approved by the Local Planning Authority. The approved scheme shall then be implemented in its entirety prior to the first occupation of the development.

- 12) Prior to the occupation of the development hereby approved, the existing ground floor bedroom window on the southern elevation of "Victoria House" shall be repositioned to the western elevation as shown on drawing no. 1443.1C. Any "making good" materials shall match the colour, form, and texture of the existing materials of Victoria House.

Reason: To ensure adequate light levels.

PLANNING COMMITTEE

- 13) 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 neighbour's amenity

- 14) Prior to the occupation of the development hereby approved a parking allocation scheme shall be submitted to and approved by the Local Planning Authority. The agreed parking allocation shall then be demarked in accordance with the approved details prior to the occupation of the development.

Reason: To ensure highway safety

- 15) The access improvements to create a vehicular "passing place", as indicated on drawing no. BTP-2018-1008_01 within the Highway Technical Note by Boston Transport Planning dated December 2018, shall be implemented in their entirety prior to the occupation of the development hereby approved. This passing place shall be kept free of obstruction at all times.

Reason: To ensure the access to the development is of adequate width to allow passing vehicles.

- 16) The undercover garages as shown on drawing no. 1443.2C shall remain in use as garages for the lifetime of the development.

Reason: To ensure adequate parking provision on site.

Recommended Informatives

The applicant is advised to be aware of their obligations under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) to avoid disturbance of nesting wild birds and protected species such as bats when carrying out these works.

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.

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

PLANNING COMMITTEE

effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Procedural matters

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