

# **PLANNING COMMITTEE**

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**Planning Application 20/00992/FUL**

**Construction of 1 No. 3 bedroom dwelling**

**3 Vicarage View, Redditch, Worcestershire, B97 4RF**

**Applicant: K Hands**  
**Ward: Central Ward**

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

The case officer of this application is David Kelly, Planning Officer (DM), who can be contacted on Tel: 01527 881666 Email: david.kelly@bromsgroveandredditch.gov.uk for more information.

## **Site Description**

The site comprises an elevated open area of land immediately to the north of the existing dwelling and the access is currently from Vicarage View where there is an existing modern single storey garage. The site adjoins No. 5 Vicarage View to the west and No. 1 to the south. The existing dwelling is a former police house constructed in 1948 and is one of six similar dwellings in the area (Nos. 2, 4, 14 and 16 Vicarage View). These all comprise large semi-detached dwellings with brick chimney detail to the gables. The remainder of development in the immediate area comprises a mixture of house types and designs mainly interwar red brick semi-detached dwellings with some more modern house types at Numbers 6 - 8 and 12 Vicarage View. The front of the application site largely benefits from an open view across the Memorial Gardens and attendant mature trees which are separated from the site by Cemetery Lane. The site is elevated above the lane and above Plymouth Road further to the east. The site is located within a designated residential area and the cemetery and Memorial Gardens are designated as Primarily Open Space in the Borough of Redditch Local Plan No. 4 (BoRLP4).

## **Proposal Description**

The proposal relates to the erection of a single two storey three bedroom dwelling through the extension of the existing dwelling No. 3 Vicarage View, Redditch. It is proposed to provide two parking spaces and utilise the existing access from Vicarage View to serve the proposed dwelling and a separate access and two parking spaces would be provided to serve the existing property (No. 3). The proposed dwelling would match the character and appearance of the existing properties (Nos. 1 and 3 Vicarage View) through the use of the same pattern of fenestration with a feature bay window at ground floor level and a rendered finish. There would be a single storey porch provided to the side elevation and a single storey lean-to extension provided at the rear of the proposal serving a kitchen.

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## **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

### **Others**

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

Redditch High Quality Design SPD

## **Relevant Planning History**

2006/166/FUL Demolition of 2 No. Dwellings, Construction of 12 No Flats with associated car parking and amenity space. Refused 04.07.2006.

2003/065/FUL Erection of one detached dormer bungalow. Refused 19.03.2003. Appeal dismissed 21.07.2003.

1985/018/FUL New Garage. Approved 28.02.1985.

## **Consultations**

### **Highways Redditch**

No objection subject to conditions in relation to pedestrian visibility splays, appropriate construction of vehicular access, closure of existing access and provision of cycle parking and an electric vehicle charging point.

### **North Worcestershire Water Management**

No objection subject to a condition in relation to the surface water drainage of the site.

### **WRS - Contaminated Land**

WRS have no adverse comments to make in relation to contaminated land.

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### **Arboricultural Officer**

No objections to the proposed application regarding any tree related issues.

### **Public Consultation Response**

There have been ten objections received following Public Consultation on 01.11.2020, raising the following matters:

- The loss of character arising from the proposal
- Impact on the setting of the Memorial Gardens to the front of the site
- Loss of light to the conservatory of an adjoining dwelling
- Additional pressure on parking and vehicle movement
- Planning history of the site

The matter of legal covenants restricting the use of the former Police houses was raised but this is not a material planning consideration.

### **Assessment of Proposal**

#### **Principle**

The application site is located within the Central Ward, an urban area of Redditch, which is defined in Policy 2 of the Borough of Redditch Local Plan no. 4 (BoRLP4) as a sustainable location for development, offering the highest level of services. The principle of new residential development in this location is therefore acceptable. Members should also note that the proposal would be located approximately 250m from Redditch Station and approximately 450m from Redditch Town Centre with wide range of services and amenities available within walking distance. In the context of Policies 1, 2 and 5 of the BORLP4 and the principles set out in the National Planning Policy Framework the sustainable location of the proposal is a matter which is accorded significant weight in the determination of the application.

Furthermore, the Council cannot currently demonstrate a 5-year housing land supply (5YHLS) which was calculated to be 3.29 years as of 1st April 2019. In the context of 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. In summary, the principle of development is acceptable and it thereby falls to be considered whether there are adverse impacts arising in terms of the character of the streetscene, the amenity of adjoining occupiers or any other issue which amounts to demonstrable harm.

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### **Character and Appearance of the Area**

The area comprises a mixture of house types and designs with mainly semi detached dwellings on Cemetery Lane and Vicarage View. The provision of an additional dwelling in this location would not alter the pattern, layout or density of development in the area in any significant or detrimental way. The view of the site from the Memorial Gardens would be similar to that at present and whilst there would be some loss of the open feel of the streetscene from the perspective of Vicarage View, the properties of the area would remain sufficiently separated so that the open, sylvan feel of the area would prevail. It is considered that the side elevation of the proposed dwelling would be slightly set forward of the indicative building line along Vicarage View. However, it is evident on site that the properties to the west on Vicarage View are elevated above the level of the proposal which significantly limits the impact of the set forward. The proposed dwelling would be situated at an angle reflecting the position of the existing Nos 1 - 3 which results in a limited set forward of the front corner of the proposed dwelling with respect to Vicarage View. There is a similar relationship between No. 4 and the dwellings on Vicarage View further to the west. It is considered that the proposal would respect the character and urban grain of the area in the context of Section 4.2 of the High Quality Design SPD.

### **Residential Amenity**

The Borough of Redditch High Quality Design SPD states that where a two storey dwelling faces a flank wall on a two storey building, a minimum separation distance of 12.5 metres is required. In this case, the proposed side elevation of No. 5 Vicarage View would be located 15 metres from the first floor rear elevation of the proposal and 12.5m from the ground floor rear elevation whilst noting the existence of a side garage and the elevation of the neighbouring property would mitigate against any loss of amenity by virtue of overshadowing or overlooking. The proposed dwelling would be separated by 26m and 22m from Nos. 4 and 6 Vicarage View respectively and approximately 14m from the private garden of the latter with the only view being a single side window serving a landing in the proposed dwelling. The proposal would be located in excess of 70m away from the properties on the opposite side of Plymouth Road and no harm to residential amenity would arise. Furthermore, I do not consider that the single storey rear extension element of the proposal would have an overbearing or overshadowing impact on the adjoining dwelling (No. 3 Vicarage View) by virtue of the existing outbuilding to the rear of that dwelling.

The High Quality Design SPD also requires that adequate amenity space is provided for the occupiers of new residential development. The SPD stipulates that a minimum amenity area of 70 square metres should be provided for dwellings, with a minimum garden length of 10.5 metres. In this case, the garden depth would be 11.2m and the overall area of the rear garden (excluding parking) would be 126sqm. The proposed parking to serve the existing property No. 3 would be located to the front of the dwelling which appears to be the only feasible arrangement. However, I note that parking to the front of properties is not uncharacteristic in the area, the frontages of Nos. 1 and 3 are substantial and I consider that that the suggested landscaping on the proposed block plan would mitigate the impact of the parking considerably. An appropriate condition has been attached.

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It is considered that the proposal would accord with the Borough of Redditch High Quality Design SPD and with policies 5, 39 and 40 of BoRLP4 which requires development to make efficient use of land and respect the characteristics of the surrounding environment.

### **Highways**

No objections have been raised by Worcestershire Highways with the Highways Officer noting the sustainable location of the development and expressing the view that the slight relocation of the existing vehicular access for the proposed development and the new vehicular access for the existing dwelling are both acceptable subject to appropriate pedestrian visibility splays (condition attached). There are additional conditions proposed in relation to appropriate construction of vehicular access, closure of existing access and provision of cycle parking and an electric vehicle charging point. There are no objections raised in respect of the level of parking proposed with two spaces provided to serve the new and the existing dwelling.

### **Other matters**

It is unfortunate that the existing trees along the front and side boundary of the site have been removed since they would have assisted in integrating the development into the streetscene. However, there are no trees on the site under statutory protection and no objection has been raised by the Councils Tree Officer. In respect of drainage, the application site falls within flood zone 1 and is not considered to be of significant risk for fluvial flooding. Whilst risk to the site from surface water flooding is also indicated to be low, North Worcestershire Water Management have requested a planning condition for a surface water drainage scheme, which includes appropriate levels of surface water attenuation. There have been no objections raised by Worcestershire Regulatory Services in respect of contaminated land. It is considered that the site has limited ecological potential and the views of Worcestershire Wildlife Trust have been sought in relation to the removal of the garage.

### **Public Consultation Responses**

There have been ten objections received in relation to the proposal. The objections relate to the loss of character, impact on the setting of the Memorial Gardens to the front of the site, legal covenants restricting the use of the former Police houses, loss of light to the conservatory of an adjoining dwelling, additional pressure on parking and vehicle movement. A number of respondents have referred to the planning history of the site. Firstly, it should be clarified that legal covenants are not material planning considerations and are accorded no weight in the determination of the application. It is accepted that the police houses constructed in the area have comprised semi detached pairs of dwellings and the proposal would change this arrangement. However, the proposal is not located in a conservation area and whilst the dwellings have a symmetry, it is not considered that the proposal would have a detrimental impact, taking the already varied character of the streetscene into account. The proposal reasonably integrates with the pattern and layout of development in the area and whilst there would be some loss of openness towards the Memorial Gardens when viewed from Vicarage View, this matter is not of such weight that it outweighs the benefit of additional housing provision in the absence of a five year

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housing land supply and the sustainable location of the proposal. In terms of the loss of light to the conservatory in the adjoining dwelling (No. 5), the proposal has been assessed above against the provisions of the development plan and supplementary guidance and is considered to comply. In terms of parking and additional vehicle movement, there are no objections raised by Worcestershire Highways and the proximity of the train and bus stations would afford occupiers alternative means of transport to the private car. The planning history referred to in the representations relates to application 2006/166/FUL for the demolition of 2 No. Dwellings, Construction of 12 No. Flats. This was refused by Planning Committee because of its scale, height and prominence on the elevated site. However, it is long established case law that each proposal must be considered on its individual merit and the decision taken in 2006 has no bearing to the entirely different proposal currently under consideration. Similarly, the application for a dwelling under 2003/065/FUL which was dismissed at appeal was a different proposal for a detached dwelling which was judged to be cramped and contrived in respect of its arrangement. As clearly set out above, the current proposal is not considered detrimental in contrast to the findings in previous applications. The matter of noise and disturbance during construction is considered temporary and would not amount to a matter for which consent could be withheld.

### **Conclusion**

The proposal amounts to the delivery of a single dwelling in a very sustainable location with respect of the services and amenities of Redditch Town Centre. The Council cannot currently demonstrate a five year supply of housing land and therefore paragraph 11 and footnote 7 of the NPPF 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. These matters combined carry substantial weight in favour of the proposal.

The legitimate representations in respect of the character of the streetscene and the amenity of adjoining occupiers have been duly considered in the determination of the application but is not considered that any of the matters raised would enable a finding to be made that the proposal did not accord with the provisions of the Borough of Redditch Local Plan No. 4, High Quality Design adopted as Supplementary Planning Guidance or the provisions of the Framework. It is concluded that 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:**

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### **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:

Drawing No. 1945.01 - Site Location Plan  
Drawing No. 1945.02C - Existing and Proposed Block Plan  
Drawing No. 1945.03C - Proposed Site Plan  
Drawing No. 1945.05A - Proposed Elevations  
Drawing No. 1945.04A - Proposed Floorplans  
Drawing No. 1945.07A - Proposed Streetscene

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

- 3) Prior to any works above foundation level commencing on site a scheme for surface water drainage will be submitted to and approved in writing by the Local Planning Authority. The scheme should provide appropriate levels of surface water attenuation. This scheme should be indicated on a drainage plan and the approved scheme shall be completed prior to the first use of the development hereby approved.

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

- 4) Prior to the occupation of the development hereby approved, details of the proposed landscaping and boundary treatments shall be provided to and approved in writing by the Local Planning Authority. These shall include full details of the size, species and management of proposed trees and shrubs to be planted. The approved planting shall be implemented in the first growing season following the occupation of the development. Any trees which have not survived within the first five years shall be replaced with specimens of the equivalent size and species.

Reason: In order to protect the visual amenity of the street scene.

- 5) The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m, measured perpendicularly back from the back of footway shall be provided on both sides of each of the proposed access points. The splays shall

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thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

Reason: In the interests of highway safety.

- 6) The Development hereby approved shall not be occupied until the first 5 metres of each of the proposed vehicle accesses, measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety.

- 7) The Development hereby permitted shall not be first occupied until the proposed 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.

- 8) The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible 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.

- 9) The Development hereby approved shall not be brought into use until the existing vehicular shall be permanently closed in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe and free flow of traffic using the adjoining highway.

- 10) The Development hereby approved shall not be occupied until the access and parking facilities have been provided as shown on drawing No. 1945.03C (Proposed Site Plan).

Reason: To ensure that parking facilities are provided to serve the existing dwelling and avoid displacement parking on the public highway.



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- 11) Prior to occupation of the development, full details of refuse storage facilities 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.

Reason: In the interests of providing adequate refuse storage capacity in a visually acceptable manner

- 12) 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 the amenity of adjoining occupiers.

- 13) All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing dwelling.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area and in accordance with Policies in the Local Plan.

### **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 following the issue of a license under Section 184 and 278 of the Highways Act, 1980.

Please contact Ringway Infrastructure Services, Worcestershire County Councils approved contractor. The applicant is solely responsible for all costs associated with construction of the access. For further information, please contact Ringway direct on 01905 761160 or email: [worcestershirevehicle.crossing@ringway.co.uk](mailto:worcestershirevehicle.crossing@ringway.co.uk)

- 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.

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## **Procedural matters**

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