

**PLANNING
COMMITTEE**

10th February 2021

Planning Application 20/01613/FUL

Erection of 3 two storey dwellings.

Land To The North Of, 12 Crabbs Cross Lane, Redditch, Worcestershire,

**Applicant: Mr T Blick
Ward: Crabbs Cross Ward**

(see additional papers for site plan)

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

Site Description

The application site is located within the residential area in Crabbs Cross. The site is a large area of 0.187 hectares North of No. 12 Crabbs Cross Lane. The site is currently accessed via the Crabbs Cross Council owned car park off Evesham Road. The site is undeveloped, and tree covered with a significant drop in land level from east to west. The site is surrounded by development with a Cul-de-sac of dwellings to the North and Abbeycroft Care Home to the west and the Highway Network to the south and east.

Proposal Description

The application is for the construction of No. 3 three-bedroom dwellings. The dwellings will be part two storey with single storey elements on the front and rear to utilise the change in land levels. The dwellings will be 4.5m in height from the front elevation and highest land level toward the east. The dwellings will be 7.4m from the rear elevation to the west with a floor area of 112sqm. The dwellings are to be sited in a row from north to south sharing the existing access to No. 12 from the Council owned carpark to the north east of the site. Each dwelling will be provided with 2 parking spaces and a rear garden.

Relevant Policies :

Borough of Redditch Local Plan No. 4

BDP1 Sustainable Development Principles
Policy 2: Settlement Hierarchy
Policy 5: Effective and Efficient use of Land
Policy 39: Built Environment
Policy 40: High Quality Design and Safer Communities

Others

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

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Relevant Planning History

No Relevant Planning History onsite.

Consultations

Highways Redditch

The site is located in a residential and sustainable location, the site at present benefits from a gated vehicular access which is accessed through the car park vehicular access located off Evesham Rd a classified road. Evesham Rd benefits from footpaths and street lighting on both sides of the road and parking restrictions are in force in the vicinity. The site is located within acceptable walking distance of amenities, bus route and bus stops. The site layout has been provided within the Design and Access Statement which confirms 2 car parking spaces per dwelling. No objection subject to condition.

Arboricultural Officer

No objection subject to conditions.

North Worcestershire Water Management

No objection subject to condition.

WRS - Contaminated Land

No objection subject to condition.

Legal Services - Redditch

This 1985 Conveyance of the adjoining land does reserve a right of way over the roadway shown coloured brown on the 1985 Conveyance plan – which is the roadway in the Councils Car Park. No objection is therefore raised.

WRS - Noise

No objection subject to condition.

Public Consultation Response

13 letters were sent to adjoining occupiers on 4th January 2021 and expired on 28th January 2021. A Site Notice was placed onsite dated 5th January 2021 and expired 29th January 2021.

4 letters of objection have been received; the contents have been summarised as follows;

- Overlooking to No. 560 Evesham Road
- Character of the area
- Existing parking issues locally
- Highways Concerns with access to carpark and busy area
- Overbuilt area not in need of additional housing
- Impact on privately co-owned area of land to the north by reason of; social events which currently take place could create noise disputes, opening of site could result in the public using the space and overlooking loss of privacy.

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- Construction disruption including noise and dust, and duration of works
- Change to a view
- Concern on loss of trees outside site
- Previous loss of trees onsite creating noise issues with traffic
- Environmental issues and loss of species
- Destabilisation of land due to tree removal
- Increased surface water run-off
- Devalue properties
- Existing noise issues from the Abbeycroft Care Home.
- Public Consultation

Assessment of Proposal

The application site is located within the residential area of Crabbs Cross, in a sustainable location. Therefore Policy is supportive of 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.

Character

The application site is located within the built-up area of Crabbs Cross. There is a mix of development locally with a cul-de-sac to the north made up of 2 and 3 storey terrace properties, Crabbs Cross Lane to the west is made up of 2 storey semi-detached dwellings and the Abbeycroft Care Home and Methodist Church directly to the west of the site. The application site has its own entrance to the east of the site from the Council owned car park on Evesham Road. This plot sits as a separate area between the surrounding estates and as such do not form part of the street scene of any existing built form. The proposed dwellings have been simply designed, with a pitched roof, front gable feature and side entrance. The dwellings utilise the change in land level and appear single storey from public views to the east of the site and are full two storey dwellings to the rear. Each property has some variation with the inclusion of clipped gable features to add some individual interest to each dwelling. The dwellings are considered to reflect the general character, spacing and density of the other built form locally and are therefore an appropriate form of development in this location.

Amenity

Concerns have been raised from No. 560 Evesham Road to the north of the site on overlooking as a result of this development. The proposed dwelling to the north sides onto the north boundary and no side windows are proposed. Furthermore, the separation distance achieved between properties is 27.5m which exceeds the Councils guidance on window-to-window distances between dwellings. Having regards to the separation distances achieved to all the surrounding properties, no concerns are raised to adjoining occupiers by reason of overlooking, loss of light or overbearing as a result of this development. Furthermore, the dwellings have provided a suitable garden area for each

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dwelling having regards to the private amenity space requirements in the Councils High Quality Design Guide SPD.

Housing land Supply

Although some comments have been received outlining the area is overbuilt and not in need of additional housing; currently, the Council cannot demonstrate a 5 year supply of housing land within the Borough. At 1st April 2020 the 5 year housing land supply was only 3.24 years.

Paragraph 11 of the National Planning Policy Framework (NPPF) states that decisions should apply the presumption in favour of sustainable development. For decision taking this means; approving proposals that accord with an up-to-date development plan without delay or unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Significant weight should be afforded to the fact that the scheme would make a meaningful contribution to the Councils housing figures where the Council cannot demonstrate a 5 year supply of housing land as required under the NPPF.

Highways

The proposal utilises the existing access through the Council owned Crabbs Cross car park along Evesham Road which currently serves No.12. This access is subject to a legal right of way over Council owned land under a 1985 Conveyance. Members will be aware that Land ownership is not a material planning consideration however Legal Services are satisfied that this existing conveyance allows lawful access into the site.

The site is located in a residential and sustainable location, the site at present benefits from a gated vehicular access which is accessed through the car park. Evesham Road benefits from footpaths and street lighting on both sides of the road and parking restrictions are in force in the vicinity. The site is located within acceptable walking distance of amenities, bus route and bus stops. Concerns have been raised on the use of this access and parking issues locally. The Highways Authority have considered this access and raised no objection on Highways safety grounds. Vehicles will have plenty of space for turning to ensure that they always leave the site in forward gear. Furthermore, each dwelling has been provided with 2 parking spaces which complies with the Worcestershire County Highways Standards.

Trees

The site is covered in a mix of young to semi-mature trees consisting of Ash, Acer, Rowan and Hazel. Individually these trees are not of specific merit and no objection has been raised to their loss by the Tree Officer. There is a small coppice of trees on the eastern side of the development site on the other side of the drive, these will not be

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affected by the development. Concerns have been raised by residents on the loss of trees onsite prior to the submission of this application. No trees onsite are covered by a Tree Preservation Order and as such permission was not required for their removal. Further concerns have been raised on the fact the removal of trees could destabilise the land. This is a matter for building regulations during construction.

Drainage

The proposed development site is situated in the catchment of The Wharrage. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Risk to the site from surface water flooding is indicated as low based on the EA's flood mapping. Given the location and surface water pooling indicated on the surrounding properties North Worcestershire Water Management have advise that appropriate level of attenuation should be included within the development to ensure there is no increase in offsite flood risk. Correctly designed drainage will mitigate any flood risk from surface water on the site and in the surrounding area. This matter can be adequately addressed with an appropriately worded condition.

Noise

Concerns have been raised by residents on noise during construction. Construction is a temporary matter and an appropriately worded condition requiring the submission of a Construction Environmental Management Plan can mitigate any harm. Further comments have been received on the duration of building works onsite. Unfortunately, the Council cannot control the timeframe of construction and only that works start within 3 years of permission granted as under condition 1 of this report.

Concerns have been raised on the impact on the future occupiers by reason of the adjoining care home and recreational uses of the adjoining privately co-owned communal land to the north. It is acknowledged that residents currently experience issues with the care home in respect of shouting. However, this is an existing use onsite and given the sporadic nature of the noise and sensitivity of the residents residing at the site, it is not a noise nuisance that can be controlled by Worcestershire Regulatory Services (WRS). In respect of the existing recreational uses taking place on the adjoining open land to the north, such as picnics and parties, the current owners of this land are concerned that future noise complaints may result in these events no longer being able to take place. These events would not take place on a regular or consistent manner and no side windows are proposed on the northern property adjacent to the communal land. These adjoining uses are not considered to be incompatible and as such this would not be reason to refuse planning permission in this instance. WRS have requested the submission of a noise survey due to the proximity of the main Highway Network to the site to ensure that all internal and external noise levels comply with the British Standard. Any mitigation measures required through this noise survey will also better protect future residents from any events that take place on this piece of land.

Ecology

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The application has been supported by a Preliminary Ecological Appraisal by Worcestershire Wildlife Consultancy dated September 2020. Some residents have raised concerns over the loss of habitats as a result of this development. A potential badger sett has been found in the north east of the site. The impact on this has been considered low to moderate. Given development is proposed within 30m of this potential sett; although the sett was largely covered by ivy and no signs of use were found, the site must be monitored on a fortnightly basis within 3 months prior to the development. If active, suitable mitigation and licenses will be required. Given no development is proposed in this north eastern corner it is not considered reasonable to delay development on these grounds. Further mitigation has been advised on nesting birds and bats and this information can be conditioned.

Public representations

A number of public comments have been received as a result of the consultation on this application. Matters such as character, overlooking, surface water runoff, noise, construction, highways, parking, trees and environment issues have been considered as part of this report. Other matters raised include; loss of a view, devaluation of properties and possible issues with public using privately owned communal land are not material planning considerations. Further concerns have been raised on the level of consultation on the development due to the land ownership of the communal land to the north. The Council do not hold information on land ownership and when a piece of land adjoins a development site the appropriate course of action is to place a site notice onsite. A site notice was placed onsite, in addition to letters sent to all adjoining occupiers and as such an appropriate level of consultation has taken place having regards to The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Conclusion and planning balance

The site has been identified as being suitable for residential development. As referred to earlier in this report, the Council cannot currently demonstrate a five year supply of housing. Significant weight should therefore be afforded to the contribution the scheme would make to the three overarching objectives of sustainable development

The detailed design, form and layout of the development is considered to be appropriate in its context and subject to suitable conditions is considered to be a policy compliant form of development. No issues have been identified which would make this application unacceptable in planning terms.

RECOMMENDATION:

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

Conditions:

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- 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:

3557 001 Site and Location Plan
3557 002 Proposed Plans and Elevations
3557 003 Sections

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) Prior to occupation of the approved dwellings a Noise Survey shall be submitted to, and approved in writing by the Local Planning Authority. The report shall include any necessary noise mitigation measures in order to achieve the recommended internal and external noise levels of the standard and these mitigation measures shall be implemented and retained in perpetuity.

Reason: Due to noise from road traffic on the surrounding road network.

- 5) During construction, the trees or hedgerows which are shown as retained on the approved plans both on or adjacent to the application site shall be protected with fencing around the root protection areas. This fencing shall be constructed in accordance with the guidance in the British Standard BS5837:2012 and shall remain as erected until the development has been completed. No storage of plant/materials within the Root Protection Areas of any retained trees.

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

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- 6) Any excavations within the root protection areas must be carried out by hand and in accordance with BS5837:2012.

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

- 7) The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

REASON: In the interests of highway safety.

- 8) The Development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point (1 per dwelling). 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.

- 9) 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.

- 10) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 3557 001

Reason: To ensure conformity with submitted details.

- 11) The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following: -

o Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;

o Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);

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- o The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- o A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

- 12) a) 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 condition (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.

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

- 13) All proposed works shall be carried out in accordance with the recommendations as set out in the Preliminary Ecological Appraisal with dated September 2020 by Worcestershire Wildlife Consultancy.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to Paragraph 170 of the NPPF.

- 14) 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.

Informatives

- 1) Proactive engagement by the local planning authority was not necessary in this case as the proposed development was considered acceptable as initially submitted.
- 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.
- 3) In order to minimise any nuisance from noise, vibration and dust emissions during the construction phase the applicant should refer to the WRS Best Practice Guidance and ensure that its recommendations are complied with.

Procedural matters

This application is being reported to the Planning Committee because the red line of the site includes a Redditch Borough Council owner car park. As such the application falls outside the scheme of delegation to Officers.