

**PLANNING  
COMMITTEE**

**10<sup>TH</sup> February 2021**

**Planning Application 20/01450/FUL**

**Redevelopment of the site to provide 9 No. 2-bed apartments**

**Land Adjoining Former Ambulance Station, Cedar View, Batchley, Redditch, B97 6HW.**

**Applicant: Mr A Mukhtar**  
**Ward: Batchley And Brockhill 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 consists of the former training centre adjacent to the now demolished and redevelopment ambulance centre. The site previously consisted of a single storey rectangular building, which has now been demolished. The site is surrounded by development with both dwellings and flats that back onto the site along Cedar View to the north and west, a run of terrace dwellings which back onto the site along Fir Tree Close to the south and a block of flats adjacent to the site to east named Bulley Court. The land slopes significantly down to the north.

**Proposal Description**

The proposal is for the redevelopment of the site to provide 9 No. 2 bedroom apartments and associated parking. The proposed development is to be accessed via the existing access point at Cedar Park Road, past the flats at Bulley Court. The flats will consist of a single building which is an L-shape in line with Bulley Court. The majority of the building will be 2 storey, whilst a single storey and a lower ground floor area take account of the slope of the land. The parking area is to the west of the building and provides 18 spaces. The access onto the site from Cedar View is to be closed off.

**Relevant Policies :**

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Effective and Efficient use of Land

Policy 19: Sustainable travel and Accessibility

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

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## **Others**

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

## **Relevant Planning History**

No relevant planning history onsite

## **Consultations**

### **Highways Redditch**

The site is located within a residential area in a sustainable location. Cedar Park Road benefits from footpath on both sides of the road with street lighting located on only one side of the carriageway, no parking restrictions are in force on Cedar Park Rd. Bus stops and local amenities are located within walking distance of the proposed development on Cedar Rd. The applicant has provided car parking and cycle parking in accordance with WCC Streetscape Design Guide. The vehicular tracking shown for the refuse truck within the site is acceptable however, since the site is constrained especially on the bend after entering the site it is recommended "No Parking" condition and hatching be attached and provided to ensure all vehicles are able to enter and leave the site in a forward gear.

No objection is raised subject to condition.

### **Conservation Officer**

No Comment.

### **North Worcestershire Water Management**

The proposed development site is situated in the catchment of Batchley Brook & Hewell Stream. 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. Correctly designed drainage will mitigate any flood risk from surface water on the site.

No objection subject to condition.

### **Waste Management**

The proposed bin store is narrow and will be difficult to manoeuvre the RCV's around the corner to access the site, especially if there are cars parked the way.

### **WRS - Contaminated Land**

No objection subject to condition.

### **Crime Risk Manager**

Objection subject to suggested design considerations to design out crime.

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### **WRS – Noise**

No objection to the application in terms of road traffic noise adversely impacting future residents. In order to minimise any nuisance during the demolition and construction phases, from noise, vibration and dust emissions, the applicant should refer to the WRS Guidance and ensure its recommendations are complied with.

### **Arboricultural Officer**

No objection to the proposed development regarding any tree related issues. The two main trees on site are Ash trees which are most likely going to suffer from Ash Die back in future years therefore are not worthy of protection. The conifers in the neighbouring gardens which back onto the proposed development shouldn't be adversely affected as the proposed new driveway which is already under a concrete laid drive. I don't envisage any remedial work will be needed to these as they don't overhang the development.

### **Public Consultation Response**

69 letters were sent to adjoining occupiers on 27<sup>th</sup> November 2020 and expired on 21<sup>st</sup> December 2020. A Site Notice was placed onsite dated 30<sup>th</sup> November 2020 and expired 24<sup>th</sup> December 2020. A Press Notice was placed in the Redditch Standard on 4<sup>th</sup> December 2020 and expired 21<sup>st</sup> December 2020.

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

- Flats sited very close to Bulley Court
- Overlooking to properties along Fir Tree Close
- Amenity to Bulley Court flats due to access
- Loss of light
- Noise, damage and dust – During construction
- Noise – additional traffic passing flats
- Existing parking in area is limited
- Access to flats narrow with sharp bend
- Landscaping considerations to reduce fly tipping onsite
- General damage caused by passing and turning vehicles
- Access would be preferred from Cedar View rather than Cedar Park Road
- Land better used as a recreation area

### **Assessment of Proposal**

The application site is located within the residential area of Batchley, in a sustainable location close to the Redditch Town Centre. 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**

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The locality consists of a mix of development including 2 storey terrace dwellings, 2 storey semi-detached dwellings and 2 storey flats. Bulley Court is adjacent to the site and is a modern development made of 2 blocks of flats with parking between. The current application is proposed as a continuation of these flats. The design of the proposed flats has taken reference from the existing flat schemes, with a similar depth in order to maintain continuity with the flats and then turned towards the houses located on Cedar View in an L-shape configuration. The proposal is considered to reflect the overall layout and density of development locally and therefore respect the character and appearance of its surroundings.

### **Amenity**

The application site is surrounded by residential development and has changes in land level. This has required some sensitive design to ensure that the development does not unduly impact on the amenity of the surrounding occupiers. The south facing elevation of the proposed flats faces directly to the rear elevation of the terrace dwellings on Fir Tree Close. The Councils High Quality Design Guide SPD states that for flats or dwellings with main living accommodation such as living rooms and kitchens above first floor, a separation distance of 27.5m is required. The standard separation distance required between conventional 2 storey dwellings is 21m. The distance achieved from the proposed flats to the rear of the dwellings along Fir Tree Close is 21m. To ensure that adequate privacy is achieved, during the progress of the application, the applicants re-orientated the internal layout of the flats so that all the windows on the south elevation serve bedrooms, akin to a conventional 2 storey dwelling. Given the relationship with the neighbours would be parallel to that of a conventional back to back dwelling arrangement and as there is a substantial boundary of fir trees in third party ownership, the 21m separation distance is considered sufficient to protect amenity in this instance.

No 25 Fir Tree Close has objected to the proposal on amenity grounds. This dwelling is orientated with its side elevation close to the boundary with the car park. Taking a 45 degree line from the closest window, the flank wall of the proposed flats will be 17m away, which exceeds the advised distance of 15.5m outlined in The Councils High Quality Design Guide SPD. Given this and the orientation of the plots, no concerns are raised in terms of the impact on the amenity of the occupiers of this dwelling.

The proposal has achieved a window to window distance of 31.5m to the flats to the north of the site along Cedar View which takes into consideration the changes in land level and creates a similar relationship to these flats which exists at Bulley Court. This distance is considered reasonable to ensure no undue harm is caused to the occupier's amenity.

The proposed flats are sited 1m from the side elevation of Bulley Court however there are no windows in this elevation. The window to window distance from the L-shape projection to the rear projection of the closet block at Bulley Court is 22m which is considered reasonable given these windows serve bedrooms and bathrooms.

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Taking all these matters into consideration the proposal is not considered to cause overlooking, overbearing or loss of light to the existing occupiers surrounding the site.

### **Highways**

The proposed site will be access via the existing vehicular access which serves the Bulley Court development on Cedar Park Road. The width of the access road will narrow between the existing building and the boundary, however, a 1.5m pedestrian path has been proposed along this element of the road providing safe pedestrian access from the proposed development to the front access. In addition to this, the access had provided a no parking hatched area which will serve as a passing bay and allow more space for refuse vehicles or other larger vehicles to enter the site. Concerns have been raised by residents on the bend at the head of this access, however given space is provided for vehicles to turn onsite and leave in forward gear, the Highways Authority have raised no concerns on the safety of this access.

Concerns have been raised about limited parking being available locally. However, the application site provides 18 spaces which provides for 2 spaces at each flat, in line with the Worcestershire County Council parking standards.

### **Housing Land Supply**

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.

### **Conservation**

The Cedars Care Home to the south of Fir Tree Close is a Grade II Listed Building. The Conservation Officer has been consulted accordingly. Given the intervening development at Fir Tree Close and the character of the surrounding development the proposal is not considered to harm the setting of this Listed Building. The Conservation Officer has raised no comment.

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### **Noise**

Concerns have been raised by residents on noise, both during construction and of additional traffic passing close to the flats at Bulley Court. In terms of construction, this is a temporary matter and an appropriately worded condition requiring the submission of a Construction Environmental Management Plan can mitigate any harm. In respect of vehicles passing the flats, the existing parking area for the flats is a similar proximity to the block than the proposed drive. Furthermore, there are no windows on this southern elevation and vehicles will be passing at low speeds due to the bend and width of the access. Having regards to these matters, it is not considered this relationship will cause noise issues for the occupiers of Bulley Court. Worcestershire Regulatory Services have raised no objections on noise.

### **Security**

Various recommendations have been put forward by the Community Safety Project Officer including building phase security, lighting, door and window standards, secure mailbox delivery, safety issues with allocated parking and rear garden access. It is not considered reasonable to control these matters by way of condition. Suitable informatives have been added for consideration by the applicant.

### **Public representations**

A number of comments have been received from Local Residents as listed in the Public Consultation Response section above. Matters such as overlooking, loss of light, noise access, and parking have been considered as part of this report. Other matters raised include, general concerns on damage to property by passing and turning vehicles. The plans demonstrate that sufficient space has been provided for vehicles to adequately access the site and turn and therefore any accidents by reason of driver error is not a matter for this application to consider and would be a civil issue. Landscaping has been requested to reduce issues of fly tipping. The redevelopment of the site, with greater use and natural surveillance will reduce fly tipping and as such a condition is not considered relevant. Also, a preference has been suggested for the site to use the access from Cedar View rather than Cedar Park Road and for the site to be used for recreation purposes to serve existing residents. The Council are only able to consider the application as put forward and therefore these matters are not relevant to the planning decision.

### **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 land. 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

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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:**

- 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:

3716\_002C - Site Plan and Floor Plans  
3716\_003B - Elevations  
CTP-19-513\_SP01-1 - Tracking Bin Lorry  
3716\_001 Existing Site Plan and Location Plan

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) 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.

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- 5) The Development hereby permitted shall not be first occupied until the proposed apartment's parking spaces have been fitted with an electric vehicle charging point (1 per apartment as shown on the site plan). 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.

- 6) 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.

- 7) The Development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on drawing 3716-002 Rev C

Reason: To ensure conformity with submitted details.

- 8) The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

REASON: To reduce vehicle movements and promote sustainable access.

- 9) The Development hereby approved shall not be occupied until the no parking area as shown in hatched on the approved Site Plan has been laid and properly marked onsite to ensure that it is retained for passing and no cars park in this area. The markings shall remain onsite for perpetuity.

REASON: In the interests of highway safety and to ensure space for the RCV to collect waste.

- 10) 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: -



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- 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);
- 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.

- 11) 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

- 12) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 have been complied with:

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

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2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" guidance.
3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" guidance.
4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
6. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

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7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- 13) The Development hereby approved shall not be occupied until the bin stores provided as shown on drawing 3716-002 Rev C.

Reason: To ensure adequate bin storage is provided.

### **Informatives**

- 1) The granting of this planning permission does not remove any obligations on the applicant to undertake a technical design check of the proposed highway works with the Highway Authority, nor does it confirm acceptance of the proposal by the Highway Authority until that design check process has been concluded. Upon the satisfactory completion of the technical check the design would be suitable to allow conditions imposed under this permission to be discharged, but works to the public highway cannot take place until a legal agreement under Section 278 of the Highways Act 1980 has been entered into and the applicant has complied with the requirements of the Traffic Management Act 2004.

The applicant is urged to engage with the Highway Authority as early as possible to ensure that the approval process is started in a timely manner to achieve delivery of the highway works in accordance with the above-mentioned conditions.

The applicant should be aware of the term "highway works" being inclusive of, but not limited to, the proposed junction arrangement, street lighting, structures and any necessary traffic regulation orders.

- 2) This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be

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contacted by email [worcestershirevehicle.crossing@ringway.co.uk](mailto:worcestershirevehicle.crossing@ringway.co.uk). The applicant is solely responsible for all costs associated with construction of the access.

- 3) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 4) In order to minimise any nuisance during the demolition and construction phases, from noise, vibration and dust emissions, the applicant should refer to the WRS Guidance and ensure its recommendations are complied with.
- 5) The applicant is advised to carefully consider the design specifications suggested by the Community Safety Projects and Designing Out Crime Officer.

### **Procedural matters**

This application is being reported to the Planning Committee because two (or more) objections have been received and it was submitted before the change to the Councils Scheme of Delegation.