



Planning Committee

Astwood Bank and Feckenham Ward

2 December 2008

**2008/331/OUT RESUBMISSION OF OUTLINE APPLICATION 2008/125. RETENTION OF EXISTING PROPERTY, DEMOLITION OF OUTBUILDINGS AND DEVELOPMENT OF 5 DWELLINGS, WITH ASSOCIATED ACCESS AND AMENITY
HIGH TREES, DARK LANE, ASTWOOD BANK
APPLICANT: MR B HANDS, BRADLEY DESIGN HOMES
EXPIRY DATE: 15 DECEMBER 2008**

Site Description

(See additional papers for Site Plan)

The site consists of an existing drive, a dwelling, associated outbuildings/garage and swimming pool. The site has mature tree/shrub/hedge planting. A parcel of land that is steeply sloping to the south of the dwelling appears to be separate from the property as a post/rail fence separates the two areas of land that form part of this planning application. It is understood that the land to the south of the dwelling was cultivated at one time, but is now overgrown.

Proposal Description

This is a resubmission of planning application 2008/125 and is an outline application to retain the existing property, demolish some outbuildings/garage to provide 5 additional dwellings and garages. Access to the development is via the existing access road off Dark Lane. Under this outline application the only matter to be considered at this stage is the access arrangements, whilst appearance of the development, landscaping, layout and scale of the development would be considered at the reserved matters stage.

Relevant Key Policies

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk

www.wmra.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National Planning Policy

PPS1 (& accompanying documents) Delivering sustainable development

PPS3 Housing

Regional Spatial Strategy

CF2	Housing beyond Major Urban Areas
CF3	Level and Distribution of New Housing Development
CF5	The reuse of land and buildings for housing
CF6	Making efficient use of land
T2	Reducing the Need to Travel
T7	Car Parking Standards and Management

Worcestershire County Structure Plan

SD.3	Use of Previously Developed Land
T.4	Car Parking
IMP.1	Implementation of Development

Borough of Redditch Local Plan No. 3

CS.3	Use of Previously Developed Land
CS.4	Minimising the Need to Travel
CS.6	Implementation of development
CS.7	The Sustainable Location of Development
B(HSG).6	Development within or adjacent to the curtilage of and Existing Dwellings
B(BE).13	Qualities of Good Design
B(BE).14	Alterations and Extensions
B(BE).19	Green Architecture
C(T).12	Parking Standards
B(HSG).4	Density of Housing Development
B(RA).8	Development at Astwood Bank
B(RA).1	Detailed extent of and Control of Development in the Green Belt

Borough of Redditch Supplementary Planning Guidance (SPG) on Encouraging Good Design.

Borough of Redditch Supplementary Planning Document (SPD) Planning Obligations for Education Contributions.

Borough of Redditch Supplementary Planning Document (SPD) Open Space Provision.

Relevant Site Planning History

Appn. no	Proposal	Decision	Date
2006/178	Outline application - 4 Dwellings	Withdrawn	19.5.06
2008/125	Outline application - Demolition of existing dwellings and 6 dwellings	Withdrawn	29.5.08

Members will be aware that an application was submitted in 2006 for residential development (06/178). The application was recommended for refusal for the following summarised reasons:-

- 1) Development would be built on land that is considered to have Greenfield status.
- 2) In the absence of adequate access details, unclear as to what impact the development would have on the established hedge/tree planting that enhances this part of Dark Lane.
- 3) Development likely to be unduly conspicuous from the Green Belt.
- 4) In the absence of detailed tree survey information, the development could harm the existing planting.

For the above reasons the applicant chose to withdraw the application. A further application was submitted this year (2008/125), but increased the number of proposed dwellings to 6 including the demolition of the existing dwelling. It was considered by Officers that the development under 2008/125 did not fully address the potential refusal reasons of 2006/178 (mainly refusal reason No.1), and would potentially be refused for similar reasons. The agent decided to withdraw the application.

Public Consultation Responses

Responses in favour

1 letter of support from CPRE. The resubmission of the application showing High Trees to be retained should help to protect the trees nearby. Queries in respect to tree works to take place but generally CPRE continue to support development of the site.

Responses against

Two letters of comment raising the following points:-

- Development calls for five new dwellings and retention of the existing property. Understand that a maximum of 5 dwellings allowed off a driveway. Converting the road to adoptable standards will dramatically change the appearance of the lane. Also understand that the Policy is not to allow new accesses onto Dark Lane.
- To reduce the visual impact of the development, the height of the new dwellings should be restricted and incorporate dormer type design.
- Concern over the growing number of properties off Dark Lane and inability of the lane to cope with traffic volumes. There has to be a

practical limit to the many incremental developments which have occurred along Dark Lane.

- Concerns of light, noise, over development, privacy, trees, wildlife. Some of the area under consideration should be classed as Green Belt as it has not been part of the original house for over 10 years.

Consultee Responses

County Highway Network Control

No comments received.

Environmental Health

No comments received.

Crime Risk Manager

No comments received.

Severn Trent Water Ltd

Recommend Conditions

Council's Arboricultural Officer

No comments received.

Worcestershire County Education Service

If development goes ahead, there will be a need for a contribution towards local education facilities.

Council's Ecological Service

No comments received.

Worcestershire Wildlife Trust

No comments received.

Assessment of Proposal

The submission of this current application is very similar to that previously submitted but includes the retention of the existing dwelling rather than demolition. In addition, more information has been submitted to address Greenfield issues associated with the land to the south of the dwelling. The key issues for consideration in this case are as follows:-

Principle

The site falls within the Astwood Bank Village Settlement in the Borough of Redditch Local Plan No. 3. However, the land to the west of the site is Designated as Green Belt in the Local Plan No. 3.

Members will be aware that Policy CS.7 of the Local Plan applies and specifies a sequential approach to the location of development to be as follows:-

- i. Consideration of locations within Redditch urban area as previously developed land (Brownfield).
- ii. Consideration of locations within Redditch urban area on Greenfield land which avoids damaging the quality of the environment.
- iii. Consideration of locations adjacent to Redditch urban area outside Green Belt and adjacent to Redditch urban area in Areas of Development Restraint.
- iv. In exceptional circumstances, when all options set out above have been exhausted and there is a clear development need, consideration of locations adjacent to Redditch Urban Area on land designated as Green Belt, where the Green Belt would not be compromised.

Astwood Bank is considered to be a sustainable rural settlement. Development will be permitted within or adjacent to the boundary of the settlement at a level appropriate to meet local housing needs. In all instances the development should be of an appropriate scale and the best use would be made for Brownfield sites.

The Reasoned Justification for the policy states that every attempt should be made to make the best use of land and to reduce the need to take Greenfield land wherever possible.

Policy B(RA).8 specifies that development within Astwood Bank will only be permitted where it is at an appropriate level to meet local needs for housing and should be restricted to within the settlement boundary.

The land that includes the dwelling and garden area etc would be a Brownfield site, therefore the principle of residential development on this site, which is within the settlement boundary, could be considered favourably under the above policies. However, the status of the parcel of land to the south of the existing dwelling has always been unclear. The site is separate from the dwelling and garden in terms of boundary treatment and consists of an overgrown area of land of tree/shrub planting.

In terms of the definition of Brownfield sites (previously developed land) PPS.3 defines such land that is or was occupied by a permanent structure and covers the curtilage of the development. However, this does not mean that the whole area of the curtilage should be redeveloped. For instance, where the footprint of a building only occupies a proportion of a site of

which the remainder is open land, the whole site should not normally be developed to the boundary of the curtilage.

In this particular case, Officers have previously had the view that given the parcel of land is separated with boundary treatment and is overgrown, whilst it may fall within the general land ownership of the dwelling and garden, it does not necessarily mean that it has the same status as the dwelling and garden i.e. Brownfield status and could conflict with the sequential approach set out under Policy CS.7 of Local Plan No.3.

To address this matter, an aerial photograph (from about 1988) has been submitted by the applicant demonstrating that the land concerned was used as a vegetable garden with a greenhouse associated with the property. In addition, sworn declarations have been submitted clarifying the use of the land concerned by the occupiers (past and present) of the existing property. The aerial photograph has been compared to those that the Council hold and are similar, although the one submitted by the applicant is more detailed.

It is considered that the information submitted is sufficient to address the status of the land and Officers now accept the whole of the land to be a Brownfield site. In addition, under the Council's Strategic Housing Land Availability Assessment (SHLAA), this particular site has been identified and positively addressed as having potential to accommodate residential development in the Borough. Therefore, the principle of residential development on the whole of the application site is now considered to be acceptable on this occasion.

Design and Layout

Members will be aware that as this is only an outline application, with access to be considered for approval at this stage, any details submitted in respect to potential layout and details of dwellings and garages are purely indicative at this stage.

Whilst accepting the details are indicative, Officers would not encourage the use of the potential house type submitted. In addition, the layout of the development could be further enhanced to be in the form of a courtyard development. Such a scheme has been devised by the Council's Urban Design consultant. The site is on the edge of the village settlement, is elevated at the front and slopes down towards the south of the site. Land adjoining from the west of the site is designated Green Belt. The site is prominent when viewed from the adjoining land despite the number of trees along the western boundary. Therefore, due to the prominent levels of the site and how conspicuous it is from adjoining Green Belt, it is imperative that the development is small scale and makes the best use of the contours of the site. It is envisaged by Officers that any development in this location would need to be 'cottage style' and possibly split level development. The Design and Access Statement states that a dormered style scheme would

be provided to create a softer edge between the development and the open countryside.

Negotiations have been held between Officers and the agent in respect to these matters. It is intended that the layout will be altered accordingly to create a courtyard style scheme which enables better use of the contours of the site. In addition, the indicative house type currently submitted is intended to be withdrawn from the scheme to avoid any confusion over this matter. Officers have also negotiated the possibility of each plot being individually designed for its particular location, due to the contours of the site and its close proximity to the Green Belt. The agent is in agreement that small scale cottage style house types would be appropriate for the location.

Landscaping and Trees

The site comprises of several trees that are protected with a Tree Preservation Order. The indicative layout highlights trees that would need to be removed to implement the development. Officers have no objection to those trees being removed as it is clear from the plans that trees around the perimeter of the site would be retained. However, particularly along the western boundary, there are gaps where additional planting should be provided to help screen the development. Officers consider that a buffer tree planting strip between 5-10 metres could be provided within the application site along this boundary and / or possibly on the adjoining land. (The adjoining land is currently agricultural (lamb's grazing)). Any planting that may be provided on the agricultural land could be sustainable planting, e.g. willow, hazel, etc that could be coppiced on a regular basis for sustainable purposes. However, planting within the application site would need to be permanent planting. Officers are currently negotiating this matter with the agent/applicant. Also comments are awaited from the Council's Arboricultural Officer in respect to the details submitted regarding the trees on the site. Further details will be reported on the Update paper.

Highway and Access

The proposed access will be of the same alignment as the existing access but will be widened to be of adoptable standards. However, the alignment will be such that a willow tree within the site would need to be removed, but the hedge planting along the boundary that fronts Dark Lane would not be hindered. This would ensure that the screening that exists at the front of the site would be retained, and also ensures that the general rural character and appearance of this part of Dark Lane would be maintained.

In respect to traffic, comments have been submitted by neighbours raising concerns of additional traffic down Dark Lane. In the Design and Access Statement the agent stated that from personal knowledge of the village, there are peak times in the village, however, Dark Lane itself is generally quiet and low in traffic. Officers would also agree with this view, and as a result of traffic counts that have been undertaken on Dark Lane (as a result

of previous developments along this road) it was confirmed at that time that vehicle traffic was low. It is considered unlikely that the provision of 5 additional dwellings is likely to generate such additional traffic that it would cause harm to highway safety in this area. However, comments are still awaited from County Highway Network Control on this matter.

Sustainability

It is stated in the Design and Access Statement that the dwellings would be built to level 3 of the Code for Sustainable Homes. Water retention systems will be incorporated in the design of the dwellings to provide underground water tanks to reduce outfall and provide water for gardening and car washing. The positioning of the dwellings will be to maximise solar gain in order that renewable energy can be used to aid the water heating to the properties. However, the agent believes that the critical areas for consideration in terms of energy performance and carbon footprint is in the quality of the build and its insulation. Therefore, high levels of insulation will be provided and high efficiency boilers. In addition consideration will be given to sustainable building materials such as timber framing from managed woodlands.

It is also important to note that the development is within the village settlement of Astwood Bank, which is considered to be a sustainable location. The location of the site enables it to be in close proximity to village amenities, shops, post office, public houses, public transport links and the local schools, reducing the reliance on the motor car.

It is also considered that the potential tree planting along the western boundary could also aid sustainability. Appropriate tree species could be planted, regularly coppiced, and used for sustainable purposes.

Ecological Issues

A Protected Species Survey and Bat Survey and site Assessment have been submitted and are currently being considered by the Council's Ecological Advisers, and Worcestershire Wildlife Trust. Further comments on this matter will be provided in the update report.

S106 Agreement

Due to the potential number of dwellings proposed, a contribution towards local education facilities will be required. In addition, a contribution towards open space, playing pitch, and play facilities will also be required in order to comply with the appropriate SPD's for open space and education. These contributions are generally based on number of bedrooms/occupants etc. This level of detail has not been confirmed at outline stage, so it is considered prudent that a condition be imposed requiring a S106 Agreement/Unilateral Undertaking to be entered into at the reserved matters stage of the development to cover these matters.

Conclusion

It is considered that the land at the rear of the existing property is Brownfield land and not Greenfield. As such the whole of the application site which is within the village settlement can be verified as a Brownfield site suitable for residential development in accordance with Policy CS.7 of Local Plan No.3. In addition, the access arrangements that form part of this outline application are likely to be considered acceptable, (awaiting confirmation from County Highway Network Control). The layout and design of potential dwellings are not for consideration at this stage, and any information submitted is indicative only. However, following discussions that have taken place between Officers and agent it is anticipated that a revised indicative layout will be submitted and the current house type submitted shall be withdrawn. The tree/hedge planting around the perimeter of the site is intended to be retained with some limited tree removal to enable the implementation of the development. However, it is considered that due to the prominent location of the site, additional planting in the form of a tree planting belt could be incorporated within the development. Ecological details have been submitted and comments on these details are awaited.

Recommendation

Having regard to the development plan and to other material considerations, authority be delegated to the Acting Head of Planning and Building Control to APPROVE outline permission subject to comments from County Highway Network Control, Worcestershire Wildlife Trust, the Council's Arboricultural and Ecological Officers, subject to the expiry of the consultation period, and subject to the following conditions:-

- 1) Development to commence and reserved matters to be applied for within timeframes
- 2) Details of materials to be submitted.
- 3) Landscaping scheme to be submitted and implemented.
- 4) Failure of planting to be replaced.
- 5) Limited hours during construction.
- 6) Car parking for site operatives.
- 7) No gates/means of enclosure on any of the access roads.
- 8) Details of the tree planting belt to be provided along the western boundary of the site, to be submitted, approved and implemented. Failure of planting to be covered under condition No.4.

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- 9) Under a reserved matters application the applicant shall enter into a S106 Agreement/Unilateral Undertaking to cover contributions towards education and open space provision.
- 10) None of the existing hedge planting that fronts Dark Lane shall be removed.
- 11) Dwellings to be built to minimum Level 3 requirements set out under Code For Sustainable Homes.
- 12) All hard surfaces to be permeable and retained as such
- 15) Amended plans specified.

Informatives

- 1) Development to be built to Secured by Design Standards.
- 2) Drainage details to be in agreement with Severn Trent.