

**PLANNING
COMMITTEE**

14th May 2014

Planning Application 2013/320/FUL

Erection of a single detached two-storey house on land adjacent to First House

Land Adj First House, Lady Harriets Lane, Redditch, Worcestershire, B98 8HD

District: Town Centre
Applicant: Mr Khurshid Ahmed
Expiry Date: 13th May 2014
Ward: ABBEY

(see additional papers for Site Plan)

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: steve.edden@bromsgroveandredditch.gov.uk for more information.

Site Description

The site comprises garden curtilage associated with the dwelling 'First House', Lady Harriet's Lane. The site would constitute an 'infill' between the property 'Harriet's Cottage', located to the north, and 'First House' which is situated to the south. The site is mainly level, and contains a greenhouse, flat roofed garden store, and flat roofed garage, where access to that garage is direct from Lady Harriet's Lane. This Lane is characterised as a ribbon of five detached dwellings, all situated, and being set back between 6 and 10 metres, to the eastern side of the road. Lady Harriet's Lane gains access via Easemore Road to the north. Rear gardens to properties in the lane back on to the Alvechurch Highway to the east with the grounds / playing fields to Trinity High School lying to the west.

Proposal Description

This is a full planning application to erect of single, three bedroomed detached dwelling. Access to the new dwelling would be as existing, gained direct from Lady Harriet's Lane. In order to accommodate the new dwelling, a number of ancillary domestic structures associated with the property 'First House' would be demolished. These would include a garage, garden store and greenhouse. As part of the proposals, a new access would be formed off Lady Harriet's Lane, enabling the dwelling 'First House' to have separate ingress and egress. However, it should be noted that these access works would not require planning permission since the Lane off which the access would be served is not defined as a 'classified road'.

Relevant Policies

Borough of Redditch Local Plan No.3:

CS07 The Sustainable Location of Development

BHSG06 Development within or adjacent to the curtilage of an existing dwelling

BBE13 Qualities of Good Design

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BBE19 Green Architecture
CT12 Parking Standards

Emerging Borough of Redditch Local Plan No.4:

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
SPG Encouraging Good Design

Relevant Planning History

2010/254/FUL	Erection of a single detached two storey house on land adjacent to First House	Approved	07.12.2010
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Consultations

Area Environmental Health Officer

No objection

Highway Network Control

No objection subject to the imposition of planning conditions relating to access, turning and parking provision

Severn Trent Water Ltd

No objection. Drainage details to be subject to agreement with Severn Trent Water

North Worcestershire Water Management (NWWM)

The proposed development is not shown to be affected by fluvial flooding and there is no evidence of any surface water flooding issues on the site itself.

According to Severn Trent Water maps there is a public foul sewer located nearby to the proposed site which could serve the property. Connection will be required by the relevant water authority (in this case Severn Trent Water). No objections are raised to the proposed development subject to the inclusion of drainage conditions in the case of permission being granted.

WCC Footpaths Officer

Proposal should have no detrimental effect on the public right of way. States that there should be no disruption to the public right of way during or after construction.

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Public Consultation Responses

Responses against

Two letters received. Comments summarised as follows:

- Proposed development would be out of character with appearance of surrounding area and would therefore be contrary to planning policies
- The development would impact on neighbours by reason of dust, dirt, and noise during the construction period.
- The proposal would result in a loss of privacy to nearby properties
- Additional traffic will add to the deterioration of Lady Harriet's Lane which is in a poor state of repair
- The proposals may impact detrimentally upon the existing drainage system
- Should permission be granted, it is suggested that conditions be attached to any consent to ensure that construction vehicles be parked along Easemore Road and not along Lady Harriet's Lane, to ease congestion. Hours of working (site operatives) should be restricted by condition in the interests of protecting residential amenity
- Highway safety would be prejudiced

Background

An identical planning application was submitted under reference 2010/254/FUL as detailed under planning history above. Under the terms of this consent, the development would need to have commenced by 7th December 2013. No such start has been made and as such application 2010/254/FUL is no longer a valid permission. Given that the current application is identical to that submitted in 2010, usually it should follow that permission should be granted unless there has been a material change in the planning policy framework under which applications for planning permission should be assessed or if the site and the surrounding area has changed materially such that the application should be considered differently.

Assessment of Proposal

The key issues for consideration are as follows:

Principle

The planning policy framework has changed from that which existed in 2010, by the introduction of the National Planning Policy Framework (NPPF), which replaced the suite of Planning Policy Guidance Notes (PPG's) and Planning Policy Statements (PPS's) which were relevant in the consideration of the earlier application. The NPPF advises, in paragraph 49, that planning applications for residential development should be "considered in the context of the presumption in favour of sustainable development".

In terms of the development plan, the Borough of Redditch Local Plan No.3 was adopted in 2006 and remains the most up-to date, adopted plan. LP No.3 was used to assess the 2010 application and should be used to assess the current application since 'saved policies' contained within LP.3 and as listed above are consistent with the aims and

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objectives of the NPPF. Draft Local Plan 4 and relevant policies contained therein can be given some, if limited weight in the consideration of this application.

Whilst the definition of 'previously developed land' excludes 'garden land' from within this definition, as before, Officers do not consider that there are any valid reasons why this urban 'greenfield' site cannot be developed for new residential purposes. It is your officers view that the site and the surroundings have not materially changed such that the application should be considered differently to how it was previously.

Design, appearance and general layout

The NPPF advises, in paragraph 58, that planning decisions should aim to ensure that developments function well and add to the overall quality of the area, respond to local character and history and reflect the identity of local surroundings and materials and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 60 continues to state that planning decisions should "seek to promote or reinforce local distinctiveness". Paragraph 61 states "visual appearance and the architecture of individual buildings are very important factors".

Policy B(HSG).6 of the adopted Local Plan is supportive of new residential development within the curtilage of a dwelling house 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.

The scale, massing and design of the development, which would be formed of brick walls, with feature rendered projecting front gable, under a tiled roof, is considered to respect the street-scene, with the proposal meeting all of the Council's spacing standards, as contained within the adopted SPG 'Encouraging Good Design'. Minimum two metre wide gaps would exist between nearest properties and the dwellings hipped roof arrangement, as per the roof design of the nearest property 'First House' would ensure that adequate gaps between dwellings would occur thereby ensuring that the development would not appear cramped in appearance.

Impact upon nearby residential amenity

Your Officers are satisfied that no loss to residential amenity would result from the proposed development by virtue of loss of light or visually overbearing impact, given the separation distances that would exist between the proposed dwelling and nearby properties. Both the dwelling subject to this application, and 'First House' would have sufficient amenity space attached to them to comply with the SPG.

Access

County Highways have raised no objection to the proposed access. A three bedroomed property such as this would require two 'in curtilage' car parking spaces in order to comply with the Council's car parking standards. Provision on site complies with these standards. In addition, parking for two cars would be provided for First House: again, sufficient to comply with maximum standards.

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One representation received suggests that in the case of planning permission being granted, site operatives should be made to park along Easemore Road and walk to the site. Given the distance which exists between Easemore Road and the site (50 metres), coupled with the fact that there are no highway safety implications with this application it would be unreasonable and unnecessary to attach such a condition. No such condition was attached to the earlier consent which was granted at the Planning Committee in December 2010. As per the 2010 consent, it would however be reasonable to attach a site operatives working hours condition in order to protect the residential amenities enjoyed by nearby occupiers.

Sustainability

The site lies within the urban area of Redditch, near to the town centre and within a short walking distance of local shops and other amenities, and is therefore considered to be in a sustainable location. The orientation of the dwelling is such that passive solar gain can be maximised. A solar water heating panel is shown on part of the south facing roof to the dwelling. The applicant has stated that roof, external wall and ground floor insulation would be installed to 25% above Building regulation current standards; and a wood burning stove would be installed in the sitting room. Other energy efficient measures include the use of low energy light bulbs, energy efficient toilet cisterns, rainwater harvesting and the use of locally sourced building materials. Hardsurfacing within the curtilage of the property would be of porous construction. The design is therefore considered to comply with the sustainability objectives of the planning policy framework.

Biodiversity

It had been alleged under the previous application, that bats (a protected species) had been using the existing garage and lean-to buildings (that would be demolished). The bat survey report submitted concluded that the buildings which would be demolished were not identified as a bat roost. Worcestershire Wildlife Trust has examined the conclusions of the bat survey and has concurred with its findings. There are therefore no concerns on this matter and the proposal is considered to comply with policy requirements. In accordance with good practice, and the aims of the NPPF to promote biodiversity, two conditions are recommended (listed as conditions 6 and 7) regarding the timing of development and the provision of bat boxes.

Conclusion

The proposal is considered to comply with the planning policy framework and would not cause harm to amenity or safety.

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) Prior to the commencement of development 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 and in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

- 3) 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 neighbours amenity and in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

- 4) The Development hereby permitted shall not be brought into use until the access, turning area (if applicable) and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason:- In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and in accordance with the National Planning Policy Framework.

- 5) The development hereby approved shall be implemented in accordance with the following plans:

site location plan, scale 1:1250
survey site layout plan, drawing RC377/01
scheme design site layout plan, drawing RC377/06

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scheme design elevations, drawing RC377/07
scheme design floor and roof layout plans, drawing RC377/08
scheme design block plan and street elevation, drawing RC377/09

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

- 6) Prior to commencement of the development hereby approved, a statement detailing the timing of demolition in respect to the structures present on site (to be removed) shall be submitted to and approved in writing by the Local Planning Authority. Any demolition shall be carried out in accordance with the statement approved.

Reason: In the interests of biodiversity and in accordance with the provisions of the National Planning Policy Framework

- 7) Prior to commencement of the development hereby approved, a scheme for the provision of bat roost opportunities / bat boxes within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented by suitably qualified personnel to the satisfaction of the Local Planning Authority prior to the first use of the development approved.

Reason: In the interests of biodiversity and in accordance with the provisions of the National Planning Policy Framework

- 8) The proposed drive and parking area shall be finished in a permeable surface and retained as such thereafter.

Reason: To ensure adequate surfacing for the parking area and driveway that enables permeable drainage to prevent potential flood risk and in accordance with Policy B(BE).19 of the Borough of Redditch Local Plan No.3

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) The applicant is advised that development should not begin until drainage details, incorporating sustainable drainage principles and an assessment of the

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hydrological and hydrogeological context of the development have been submitted to and approved by Severn Trent Water Ltd.

- 3) This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Worcestershire County Council for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.
- 4) No disturbance of, or change to, the surface of the path or part thereof should be carried out without written consent (this includes laying concrete, tarmac or similar)
- 5) There should be no diminution in the width of the right of way available for use by the public.
- 6) Building materials must not be stored on the right of way.
- 7) Vehicle movements and parking should be arranged so as not to unreasonably interfere with the public's use of the right of way.
- 8) No additional barriers should be placed across the right of way
- 9) The safety of the public using the right of way is to be ensured at all times

Procedural matters

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