

**PLANNING
COMMITTEE**

8th October 2014

Planning Application 2014/169/FUL

Erection of 7 detached dwellings and garages

Land Rear of Suntrap, Edgioake Lane, Astwood Bank

Applicant: Kendrick homes ltd
Expiry date: 20th August 2014
Ward: ASTWOOD BANK & FECKENHAM

(See additional papers for Site Plan)

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on extension 3206 (e-mail: steve.edden@bromsgroveandredditch.gov.uk) for more information.

Site Description

The site is approximately 0.4 hectares and is located to the south of Astwood Bank within the village envelope. It comprises garden land which includes a mix of short cut grassland and dense scrub within the curtilage of the property 'Suntrap' which gains its access via Edgioake Lane, to the south.

The western boundary to the site forms the edge of the Astwood Bank village envelope, beyond which lies green belt. To the east are side and rear garden boundaries to the properties 'Lorelei', 1380 Evesham Road and the recently constructed residential development constructed by the applicant under a recent 2013 consent which involved the demolition of number 1378 Evesham Road.

The Ridgeway Middle School is situated immediately to the north.

A small part of the site, at the point where access is gained to the property 'Suntrap' is situated within the administrative boundary of Wychavon District Council. Clarification in this respect is shown within the site plans pack which accompanies the Planning Committee Agenda.

Proposal Description

This is a full planning application to erect seven detached dwellings. Three house types are proposed. Plots 1, 2, 5 and 6 would be five bedroomed houses whilst Plots 3, 4, and 7 would be four bedroomed. Every house would be formed of brickwork walls under a tiled roof and would have either a double or single garage. All dwellings would have additional in-curtilage parking.

A new 4.8 metre wide vehicular access would serve the development from Edgioake Lane. The existing vehicular access serving the property 'Suntrap', located to the immediate east would be closed. 'Suntrap' would be served off the proposed new vehicular access.

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Relevant Policies:

Borough of Redditch Local Plan No.3

B(RA).8	Development at Astwood Bank
CS.6	Implementation of Development
CS.7	The Sustainable location of development
B(HSG).6	Development within or adjacent to the curtilage of an existing dwelling
B(BE).13	Qualities of Good Design
B(NE).1a	Trees, Woodland and Hedgerows
C(T).12	Parking Standards (Appendix H)

Emerging Draft Local Plan No.4

Policy 2: Settlement Hierarchy
Policy 3: Development Strategy
Policy 4: Housing Provision
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
NPPG National Planning Practice Guidance
SPG Encouraging Good Design
SPD Open Space Provision
SPD Education contributions
Worcestershire Waste Core Strategy (WWCS)

Relevant Site planning History

None

Consultee Responses

County Highway Network Control

I would confirm that a 4.8m access road (being the width of 2 car parking spaces), is wide enough for 2 cars to pass. The location of the access on the outside of the bend on Edgioake Lane affords significantly enhanced visibility over and above the County Councils requirements, at a point where vehicles are slowing as they enter the built up area and the 30 Mph speed limit.

The County Council considers that the proposed development is acceptable in highways terms and therefore no objections are raised. Standard conditions concerning access, turning and parking provision, together with standard informatives are recommended for inclusion in the case of permission being granted.

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Arboricultural Officer

There are two trees which have the potential to be impacted on by this development – a mature Ash to the left front corner of the site (T1) and a mature oak on the western boundary to the rear of ‘Suntrap’ (T2).

With respect to T1, plans submitted show that the root protection area (RPA) is completely outside the influence of the access road and therefore the development should have no adverse impacts on it provided protective fencing is erected to the full extent of its radial RPA and to ensure that no storage or excavations take place within this area.

With respect to T2, this mature oak is of below average vigour with a large amount of deadwood which should be cleared out where it overhangs the development site. The service road would run within the RPA. However, any possible negative impacts on the tree could be mitigated against by ensuring that a no-dig method of construction and protective fencing are used. Such details could be secured by condition.

Severn Trent Water Ltd

No objections. Drainage details to be subject to agreement with Severn Trent

Area Environmental Health Officer

No objections. In view of the proximity of the proposed development to existing residential development, recommends that hours of construction on site be controlled

WCC Educational Services

Confirm that a financial contribution towards education provision would be required in this case

Crime Risk Manager

No objection subject to appropriate perimeter fencing being used and the insertion of windows to gable elevations where necessary in order to provide adequate surveillance over public areas

North Worcestershire Water Management

We have no record of previous flooding issues in this location. The applicant will need to receive consent from Severn Trent Water to connect to the public foul system. Sustainable urban drainage systems (SuDS) techniques are advised in order to deal with surface water disposal. Subject to the imposition of an appropriate drainage condition, no objections are raised.

Wychavon District Council

Comments awaited

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Public Consultation Responses

Responses against

6 letters received. Comments are summarised as follows:

- The development would impact detrimentally upon pedestrian safety
- Construction hours on site should at least be limited
- Privacy would be compromised due to overlooking from the development
- Social housing rather than executive detached housing is required
- Character of the area would be prejudiced
- The development would have a negative impact on wildlife in the area
- Drainage and flooding concerns
- New access point is in a dangerous location. Highway safety would be compromised
- The development would have a negative impact upon the listed cottage 'greensleeves' which is located to the immediate west of the proposed access point

Other issues which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application.

Procedural Information

An identical planning application has been submitted to Wychavon District Council since a small part of the site (at the point where access is to be gained from Edgioake Lane) falls within their jurisdiction. It is your officers understanding that WDC will not raise any objections to the application. A formal decision is expected before the RBC Committee meeting of 8 October 2014 and will be reported to members by means of the written update papers.

Assessment of Proposal

The key issues for consideration are as follows:

Principle of development

The application site is situated within the settlement boundary as defined on the adopted Local Plan proposals map. Policy B(RA).8: Development at Astwood Bank supports the provision of limited development within the sustainable rural settlement of Astwood Bank, provided it is of scale that would not be of detriment to the village's overall character and environmental quality. A more intensive form of residential development to that which exists at present (a single dwelling and garden) is considered to be acceptable in principle.

Design, appearance and layout

Policy B(HSG).6 of the adopted Local Plan is supportive of new residential development providing 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 NPPF and Policy B(BE).13 of the

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Local Plan also require that new development respects the local distinctiveness of an area.

The scheme represents a backland development. Such developments have to be considered on their merits having regard to the particular impact those schemes may have upon the character and appearance of an area.

Like the Kendrick homes development to the immediate east of this site where access is gained via Evesham Road, much of the development would be screened from public views. In this case, very little of the proposed development would be seen from Edgioake Lane by virtue of the dwellings being situated to the rear of 'Suntrap' which is a large and imposing detached dwelling. The development would also be partially screened by the presence of the Ash and Oak Tree (referred to as trees T1 and T2 earlier in this report).

Being set back a considerable distance from the existing ribbon of residential development fronting Edgioake Lane results in a proposed development which is inconspicuous in appearance which would not harm the character of its surroundings or erode the environmental quality of the wider area.

Ages and sizes of dwellings in this part of the village vary considerably, and as such, no uniform pattern of development exists. The sizes of the proposed houses and the appearance of the development would not however be dissimilar to recently granted permissions for new residential development, including that to the immediate east of the site, and that which is situated to the southern side of Edgioake Lane, near to the junction with Evesham Road. As such the appearance of the development is considered to be acceptable. Each plot achieves a garden size which would accord with minimum sizes set out in the Councils adopted SPG 'Encouraging Good Design'.

Since planning permission is being sought for seven new dwellings, this number would fall below the current policy threshold whereby affordable dwellings would need to be provided on site. The Council could not therefore insist on the provision of on-site social housing as requested in the representations received.

Impact upon nearby residential amenity

The proposed development by virtue of its siting and scale would not have an overbearing or visually intimidating impact upon nearby properties. Within all new developments it is necessary to assess whether the Councils minimum separation distance of 22 metres would be achieved between rear facing windows serving a proposed development and existing rear facing windows to existing development. The 22 metre distance is achieved in respect of each plot.

Often new developments result in a loss of privacy to existing properties. It is necessary to assess however whether this impact would be material and to such a degree that amenities would be seriously prejudiced. Your officers are satisfied

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that, notwithstanding the objections received, in this case any loss of privacy would be minimal and not material.

Clearly many forms of new built development have the potential to disturb and inconvenience nearby occupiers during the construction phase. In the case of permission being granted for this development, your officers are recommending that hours of operation on site be restricted by condition. Action can be taken separately and immediately by Environmental Health Officers under the Environmental Protection Act if a statutory nuisance is considered to exist.

Landscaping

Trees T1 and T2 as referred to by the Arboricultural Officer are not protected by means of a TPO (Tree Preservation Order). However, officers are satisfied that the health of the trees can be safeguarded subject to the imposition of appropriate landscaping conditions.

Access and highway safety implications

The access road serving the development would measure 4.8 metres across and the point where it meets Edgioake Lane. This is a standard width for a road serving a development of this size if the developer were seeking for the road to be adopted by the County Council and would be of sufficient width to allow vehicles travelling in either direction to pass safely. In this case the developers are not seeking adoption and as such the carriageway would be a private road. A private road is not to be confused with a 'private drive' which would generally have a width of approximately 3 metre or less.

Due to the widths of such accesses, historically, Borough Council planning policies have sought to limit the number of new dwellings which can be served via such 'private drives' in the interests of highway safety. With a 4.8m carriageway width, there would be no 'in principle' objections to the development of eight dwellings (including 'Suntrap') each having access via a new 'private road'.

County Highways officers have examined the proposals carefully and have raised no objection to the proposals on highway safety grounds commenting that the location of the access on the outside of the bend on Edgioake Lane affords significantly enhanced visibility over and above the County Councils requirements.

Parking provision on site would accord with parking standards, having regards to requirements for four and five bedroomed dwellings.

Sustainability

Astwood Bank is a sustainable settlement and the site is situated within close proximity and within walking distance to local amenities including shops, school and bus stops, reducing reliance on the motor car. The site is therefore considered to be sustainably located.

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Planning Obligation required

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation which in this case would cover:

- A contribution towards playing pitches, play areas and open space in the area, due to increased demand/requirement from future residents, is required in compliance with the SPD.
- A contribution towards County education facilities. The County have confirmed that there is a need in this area to take contributions towards three schools: Astwood Bank First School, Ridgeway Middle School and Tudor Grange Academy.
- A contribution to provide refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy

At the time of writing, the planning obligation is in draft form.

Other issues

The property 'Greensleeves' is a Grade II listed building and is situated to the immediate west of the proposed access onto Edgioake Lane, within the jurisdiction of Wychavon District Council. Your officers understand that Wychavon District Councils Conservation Officer has examined the impact of the development upon the setting of the listed building and raises no objection. As stated earlier in the report, WDC's formal response will be provided to members by means of an update report.

Conclusion

The proposals are considered to accord with national and local policy criteria. Subject to the satisfactory completion of the planning obligation, a favourable recommendation can be made.

RECOMMENDATION

That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Regeneration to GRANT planning permission subject to:

- a) **The satisfactory completion of a S106 planning obligation ensuring that:**
 - Contributions are paid to the Borough Council in respect to off-site open space, pitches and equipped play in accordance with the Councils adopted SPD
 - A financial contribution is paid to the County Council in respect to education provision

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- A financial contribution is paid to the Borough Council towards the provision of wheelie bins for the new development

and

b) Conditions and informatives as below:

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

appropriate references to be inserted here

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

- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed boundary treatment and other means of enclosure, hard surfacing materials, new planting, trees and shrubs to be retained, together with measures to be taken for their protection while building works are in progress.

Reason:- In the interests of the visual amenity of the area and in accordance with Policy CS.8 of the Borough of Redditch Local Plan No.3

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- 5) All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason:- In the interests of the visual amenity of the area and in accordance with Policy CS.8 of the Borough of Redditch Local Plan No.3

- 6) No demolition, site clearance or development shall take place until all trees and hedges to be retained on the site and around the boundaries of the site have been protected in accordance with the specification set out in British Standard BS:5837 2005: Guide for Trees in relation to Construction, and such protection measures shall remain in situ for the duration of the development and in accordance with Policies B(NE)1a and B(NE)3 of the Borough of Redditch Local Plan No.3.

Reason:-To ensure the protection of trees and hedgerows in the interests of visual amenity.

- 7) No site clearance, demolition, excavation or development shall take place until full details of tree protection measures and a detailed working methodology of construction near the tree(s) to be retained has been submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented throughout the course of development.

Reason:- To prevent damage to, and preserve the tree(s) in the interests of visual amenity and in accordance with Policy B(NE).1a of the Borough of Redditch Local Plan No.3

- 8) 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.

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

- 9) Prior to the development hereby approved commencing, full details of a scheme for foul and surface water drainage 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 of the development.

Reason:- To allow proper consideration of the proposed foul and surface water drainage systems and to ensure that the development is provided with a satisfactory means of drainage and in accordance with National Planning Policy Framework.

- 10) 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.

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 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.
- 3) This planning 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 Councils Approved Contractor following the issue of a licence under Section 184 and 278 or the Highways Act, 1980.

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The applicant should contact Worcestershire County Councils Highway Network Control Manager, County Hall, Spetchley Road, Worcester, WR5 2NP (telephone 0845 607 2005), regarding the issue of the necessary license authorising the access works to be carried out by the County Councils Approved Contractor at the applicants expense.

- 4) The applicant should be aware that this permission also includes a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) and that the requirements of that and the conditions listed above must be complied with at all times.
- 5) Whilst the full remit of the Secured by Design Scheme covers more than Land Use Planning and Development Control, Redditch Borough Council actively encourage developers to take full account of Crime Prevention and Community Safety issues throughout the design and construction of any development as an integral part of achieving good design. Applicants are advised that further details of Secured by Design and relevant construction specifications can be found at www.securedbydesign.com or by contacting the West Mercia Constabulary Crime Risk Manager on 01527 586181
- 6) The developer is reminded of his responsibilities towards Protected Species and their habitats under separate legislation:

Wildlife and Countryside Act 1981;
Countryside and Rights of Way Act 2000;

The above legislation, together with E.E.C. Directives such as that on the Conservation of Wild Birds (79/409/EEC) and the Conservation of Natural Habitats and Wild Fauna and Flora (92/43/EEC), affords protection in law to certain wildlife species and their habitat/environment. Whilst no material issue in connection with protected species has come to light during the assessment of your planning application, should any be discovered during site clearance, demolition or redevelopment, the developer is advised to contact the Worcestershire Wildlife Trust at 01905 754919 www.worcswildlifetrust.co.uk OR English Nature at www.english-nature.org.uk.

Procedural matters

This application is being reported to the Planning Committee because the recommendation is that permission be granted subject to a planning obligation and because more than two objections have been received.