



Planning Committee

Church Hill Ward

6th October 2009

**2009/148/FUL ERECTION OF FOURTEEN DWELLINGS
THE HILLS, TANHOUSE LANE, CHURCH HILL NORTH
APPLICANT: Mr JOHN VARNEY
EXPIRY DATE: 26TH OCTOBER 2009**

The author of this report is Ailith Rutt Development Control Manager (DC), who can be contacted on extension 3374 (e-mail: ailith.rutt@redditchbc.gov.uk for more information.

Site Description

(See additional papers for Site Plan)

The site lies to the west of Tanhouse Lane and is accessed from an access road off Tanhouse Lane just south of the junction of Tanhouse Lane with Paper Mill Drive. The access road crosses a wide, grassed highway verge.

The site is currently vacant, having previously contained a single large dwelling until recently when the site was cleared. It is now fenced off with typical construction site fencing. The site is bounded on all sides by substantial mature trees and shrubs and adjacent to the eastern boundary is the course of the Roman Road, which currently has hard surfacing and is maintained as a footpath and cycleway. The road is bounded on either side by an avenue of mature protected trees.

To the south, east and west of the site are residential areas typical of the new town of Redditch in suburban style and mainly of brick and tile construction, some with half timber style detailing, and mostly with front driveways and gardens to front and rear. To the north of the site is a highway verge and bank sloping down to Paper Mill Drive, a district distributor road.

Proposal Description

The proposal shows that the existing access to the site would be retained and used, and a cul-de-sac development of 14 dwellings – a mix of detached and semi-detached – would be formed, with dwellings facing north, south and east. These would all have back gardens towards the boundaries of the site and face inwards towards each other. 8 dwellings would have 4 bedrooms and the other 6 dwellings would have 3 bedrooms.

The dwellings would have 2 storeys and be of brick and tile with some projecting gable elements treated in half timber style detailing. Most would have bay windows to the front and canopy style porches. All plots would have two off-street parking spaces to the front; some would have two driveway spaces and some would have one driveway space and one garage space.

The application is supported by a Design & Access Statement, an energy statement, an archaeological evaluation, an arboricultural report and an agreement in principle to enter into a planning obligation.

A slightly amended layout plan has been received, moving the dwelling proposed within plot 4 further from the protected trees to the northern boundary. The following report and consideration of the proposals includes assessment on the basis of this layout plan.

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.
PPG13 Transport.
PPG15 Planning and the historic environment.
PPG16 Archaeology and planning.
PPS23 Planning and pollution control.

Regional Spatial Strategy

UR4 Social infrastructure.
CF4 The reuse of land and buildings for housing.
CF5 Delivering affordable housing and mixed communities.
QE3 Creating a high quality built environment for all.
T7 Car parking standards and management.

Worcestershire Country Structure Plan

SD3 Use of previously developed land.
CTC5 Trees, woodlands and hedgerows.
CTC16 Archaeological sites of national importance.
CTC17 Archaeological sites of regional or local importance.
CTC18 Enhancement and management of archaeological sites.
D5 Contribution of previously developed land to meeting the housing provision.
IMP1 Implementation of development.

Borough of Redditch Local Plan No.3

CS6 Implementation of development.
CS7 Sustainable location of development.
S1 Designing out crime.
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.
CT12 Parking standards.

SPDs

Encouraging good design.
Designing for community safety.
Planning obligations for education contributions.
Open space provision.

The site is covered by a blanket New Town TPO although all of the protected trees remain around the perimeter of the site rather than within it where they could become greater constraints to development.

The site is undesignated within the Local Plan, however the adjacent Roman Road and large grassed highway verge are designated as Primarily Open Space.

Relevant site Planning History

Application number	Proposal	Decision	Date of decision
2008/225/FUL	14 dwellings	Withdrawn	8/9/2008

Public Consultation Responses

Responses in favour

One response in support of the proposal has been received, subject to the protection of the trees during and post construction

Consultee responses

County Highway Network Control

No objection subject to conditions regarding the provision of the parking spaces prior to occupation, the arrangements for parking during construction and the specification of the road being appropriate.

Environmental Health

No objection subject to conditions regarding potential contaminated land, hours of construction and lighting.

Arboricultural Officer

Raised concerns regarding original scheme and suggested how the proposals could be amended to accommodate his concerns. Commented that if amendments were done, then conditions would be requested in relation to tree protection during construction. Further details will, if required, be reported on the Update paper, as amendments have been received at time of writing and further consultation is ongoing.

Drainage Officer

None received.

Crime Risk Manager

No objection subject to conditions regarding boundary treatments and lighting.

Severn Trent Water

No objection subject to a condition regarding drainage details.

Bromsgrove District Council

None received.

County Archaeologist

No objection subject to conditions requiring anything of note found during construction to be recorded (advice on this is provided).

County Footpath Officer

No objection, reminder of obligations under separate legislation.

County Education

Confirmation of need in this location for contributions to be sought as per SPD.

Ramblers Association

None received.

Procedural matters

Technically, a demolition determination application should have been submitted prior to the demolition of the previous dwelling on the site, however there is no mechanism for a retrospective application and

therefore no action can be taken to rectify this situation. (This is not a material consideration when determining this application)

Assessment of proposal

The key issues for consideration in this case are the principle of the proposed development, its density, design and layout, landscaping, highway and access safety, impacts on the historic environment and archaeology, its sustainability, any contaminated land issues, the requirement or otherwise for a planning obligation and any other material considerations.

Principle

The principle of locating residential development within the urban area of Redditch on previously developed land such as this is considered to be acceptable and in compliance with local and national planning guidance. However, this is not sufficient of itself to result in a favourable outcome, as this remains subject to the details being considered acceptable.

Density

Whilst the whole site area is 0.55ha, the developable area is only 0.45ha, due to the substantial tree cover to the boundaries of the site which precludes development. Therefore, the proposal would result in development at a density of 31dph, which falls just within the guide range of 30-50dph contained in PPS3. Further, the policy framework suggests that developments should both make efficient use of land and be sympathetic with the character of the surrounding development. Areas of development adjacent to the site to the west, south and east are in the region of 36-45dph, and as such present a more efficient use of land. Despite the higher density of development around the site, this particular site sits in isolation and is not viewed as part of a larger area generally, due to its nature and boundary treatments and as such, in this case the low density proposed, whilst not a very efficient use of land, is efficient enough to meet the policy threshold.

Design, layout and trees

Policy requires that the appearance of the proposal, its layout and separation distances be considered, in terms of within the site and in context with surrounding built form. The design of the proposed dwellings is not dissimilar to those of surrounding dwellings, particularly in Redstone Close in terms of detailing, and therefore these are considered to be sympathetic to the character of the area and compliant with Local Plan Policy. Whilst some of the surrounding housing developments are quite plain in their elevational treatment, unlike those proposed here which have timber detailing and bay windows, these are considered to be acceptable because the development would generally be viewed in isolation and not in

the context of these surrounding developments, and that most likely to be viewed with it is Redstone Close, which is also the most similar.

The layout of the proposed development is such that the area around the perimeter of the site containing protected trees has been discounted, in order that the garden sizes can be calculated as adequate without including areas shaded by tree canopy, and to ensure that built form is at sufficient distance from protected trees that harm would not later be caused to them, and nor is their likelihood of future loss increased. This is therefore considered to be compliant with policies relating both to layout and design and also to tree protection.

In order to be fully compliant with policy, it is important to ensure that the protected trees are afforded sufficient protection from construction works, and that any necessary mitigation works be agreed and carried out, and this can be controlled through the imposition of conditions, which are therefore recommended below.

Highway sand access

Policy requires that safety, parking spaces (their quantity and size), and the use by non-car travellers be considered.

The parking space provision proposed accords with the maximum standards as set out in the local plan, and as such are considered to be acceptable.

Where the access road crosses the Roman Road footpath, the details need to be carefully designed and clearly marked to ensure pedestrian and cyclist safety at all times, especially when crossing the path of vehicles. A condition to this effect is therefore recommended.

No travel plan has been submitted with this application, or other indication of how the sustainability potential of the site would be maximised. However, the applicant has agreed that this could be provided as a result of a condition imposed on the planning consent and this is included below.

Sustainability

The site lies within a sustainable urban location, with bus stops almost adjacent to the site on both Tanhouse Lane and Papermill Drive. The Roman Road is also a pedestrian/cycle route. The site is therefore considered to be reasonably accessible and has potential to assist in the reduction of the use of the private car, as noted in the planning system and policy objectives.

Historic environment and archaeology

The preliminary report provided in support of the application is considered to be acceptable, and indicates that there is not likely to be a significant

quantity of archaeological remains of note on the site. However, in order to ensure that any items of note that may be found during construction are recorded properly for public benefit in the future, then it is recommended that a condition is imposed to ensure an appropriate working practice is adopted on site. This would also ensure that the development continued to comply with the relevant policy objectives of protecting and recording these features where found.

Planning obligation

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

- A contribution towards County education facilities would normally be required, and the County have confirmed that there is a need in this area to take contributions towards three schools – Abbeywood First, Church Hill Middle and Arrowvale High;
- A contribution towards playing pitches, play areas and open space in the area, due to the increased demand/requirement from future residents, is required in compliance with the SPD;

Other issues

The previous application submitted on this site was similar to this, however it was withdrawn and not determined, and there is therefore minimal weight that should be afforded to this in the decision making process. It should be noted that it was accompanied by less information than the current application, and initially recommended for refusal.

The comments of the environmental health officer are recognised, and the conditions requested relating to hours of construction and the potential discovery of contaminated land are considered acceptable and reasonable. However, lighting is not development, and any structure supporting it is subject to the usual planning regime, and therefore no control over the efficiency of any lighting installed on structures which benefit from permission is afforded to this committee. However, an informative is recommended, to encourage the developer to install sustainable systems wherever possible.

Conclusion

On balance, and assuming that the planning obligation is completed in accordance with the policy framework, it is considered that the proposed development would accord with sufficient policy criteria and objectives to result in a favourable recommendation, and to outweigh any concerns that might arise – it is not considered likely that the proposed development would result in significant harm to amenity or safety.

Recommendation

Officers are seeking an either/or resolution from Members in this case as follows, in that officers would carry out whichever of the two recommendations below applied:

1. That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Building Control to GRANT planning permission subject to:
 - a) a planning obligation ensuring that the County are paid appropriate contributions in relation to the development for education provision, and that Redditch Borough Council receives contributions towards pitches, play areas and open space provision in the locality to be provided and maintained; and
 - b) conditions and informatives as summarised below:
2. In the event that the planning obligation cannot be completed by 26 October 2009:
 - a) Members are asked to delegate authority to Officers to refuse the application on the basis that without the planning obligation the proposed development would be contrary to policy and therefore unacceptable due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements; and
 - b) In the event of a refusal on the ground at 2a) above, and the applicant resubmitting the same or a very similar planning application with a completed legal agreement attached to cover the points noted, authority be delegated to the Head of Planning and Building Control to GRANT planning permission subject to the conditions stated below as amended in any relevant subsequent update paper or by Members in their decision making.

Conditions

1. Time limit for commencement of development – three years
2. Parking spaces to be provided prior to occupation
3. Parking during construction to be agreed (highway safety and tree protection)
4. Roads to be constructed to acceptable standard
5. Contaminated land – what to do if found
6. Hours of construction limit
7. Tree protection during construction
8. Boundary treatment details to be agreed
9. Drainage to be to STW requirements

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10. Archaeological condition
11. Access details to be agreed (archaeological and highway safety)
12. Travel plan
13. State plan numbers of approved plans

Informatives

1. Lighting
2. Separate legislation requirements – ROWs