



Planning Committee

Astwood Bank and Feckenham Ward

2nd March 2010

2009/259/FUL ERECTION OF FIVE DETACHED DWELLINGS TOGETHER WITH ASSOCIATED ACCESS AND PARKING LAND TO THE SOUTH AND WEST OF THE PROPERTY 'HIGH TREES', DARK LANE, ASTWOOD BANK
APPLICANT: MR B HANDS, BRADLEY DESIGN HOMES LTD
EXPIRY DATE: 26TH MARCH 2010

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

Site Description

(See additional papers for Site Plan)

The site, which measures approximately 0.53 ha consists of part of an existing drive, leading to the property 'High Trees' which lies adjacent to, but outside the application site. The remainder of the site comprises garden land formerly associated with that property and a larger parcel of land that is steeply sloping to the south of that dwelling. This appears to be separate from High Trees since a post and rail fence divides the two areas of land that form part of this planning application. It is understood that this land to the south of High Trees was cultivated at one time, but is now overgrown. The site contains mature tree/shrub/hedge planting.

Proposal Description

This is a full application for the erection of 5 no. five bed roomed detached dwellings with garages. Access to the development would be via the existing access road off Dark Lane. The different house types proposed are outlined as follows:

Plot 1 (House type A) would face Dark Lane and would be two storey with a single garage attached with parking for several vehicles to the frontage. This property would be characterised by having projecting two storey gables to the front.

Plots 2 and 5 (House types B and E) would be similar but not identical in appearance. These would be two storey with a double garage attached with parking to the frontage. These two dwellings would be characterised by having a single, projecting two storey gable (being lower than that of the main two storey ridge line); small forward facing dormer windows and bay windows to the ground floor.

Plots 3 and 4 (House types C and D) would be almost identical in their 'L' shaped appearance. These would again be two storey with a double garage attached with parking to the frontage. Plot 4 (House type D) would have a slightly larger single storey attached study than Plot 3 (House type C).

All properties would be formed of facing brickwork (walls), under a tiled roof.

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

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 Delivering sustainable development.
PPS3 Housing.
PPG13 Transport.

Regional Spatial Strategy

QE3 Creating a high quality built environment for all
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.
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.6 Implementation of development.
CS.7 The sustainable location of development.
CS.8 Landscape character.
S.1 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(BE).19 Green Architecture.

C(T).12 Parking Standards.
B(RA).8 Development at Astwood Bank.

SPDs

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

Relevant Site Planning History

Application No:	Proposal	Decision	Date
2006/178/OUT	Outline application - 4 dwellings	Withdrawn	19.5.06
2008/125/OUT	Outline application - Demolition of existing dwelling and erection of 6 dwellings	Withdrawn	29.5.08
2008/331/OUT	Outline application - retention of existing dwelling and erection of 5 dwellings	Approved	12.12.08

Members will recall that the most recently submitted application (2008/331/OUT) granted planning permission for the principle of erecting 5 no. dwellings on the site. This consent remains extant, having been granted as recently as December 2008. The matter of access to the site was approved under this permission. Matters of layout; scale; appearance and landscaping were reserved for future consideration.

Public Consultation Responses

Responses in favour

1 letter of support has been received. Comments summarised as follows:

- The site lies within the sustainable village of Astwood Bank and is a brownfield site
- Subject to the protection of trees during and post construction, support

Responses against

2 letters received in objection to the proposals. Comments summarised as follows:

- Concerns regarding subsidence affecting nearby properties
- Houses are too large considering size of plots
- Development insensitive to the surrounding environment

- Plot 4 would have an overbearing impact upon our property
- Fewer houses should be built on the site
- Concerns raised regarding potential loss of light to property
- Access on to Dark Lane is dangerous at the moment. Development of this scale will increase danger as visibility is poor
- Wildlife present in the area will be adversely affected
- Danger of flooding with such large areas of hard-standing being proposed

Any additional comments received will be reported within the update report.

Consultee Responses

County Highway Network Control

No objection subject to conditions concerning access, turning and parking.

Environmental Health

Suggest that the following issues be considered:-

- Noise: recommends that working hours during construction be limited
- Light nuisance: external security lighting should not affect the amenities of neighbouring occupiers
- Odour nuisance: suggests no burning on site and that measures be taken to prevent migration of dust particulates beyond the site boundary
- Conditions required to identify and mitigate against any contamination which may be present on the site

Severn Trent Water

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

Police Crime Risk Manager

Confirm that West Mercia Constabulary do not object to the application in principle but recommends that the secured by design condition be imposed.

Council's Arboricultural Officer

Comments summarised as follows:

- Proposals generally acceptable
- BS5837 and tree protection zones shown should be adhered to at all times

- Detailed long-term landscape proposals together with a suitable defects period should be agreed by condition

Council's Ecological Officer

No comments submitted.

Worcestershire Wildlife Trust

No comments submitted.

Council's Drainage Officer

No comments submitted.

Worcestershire County Education Service

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

Assessment of Proposal

The key issues for consideration are as follows:-

Principle

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

Astwood Bank is considered to be a sustainable rural settlement. 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 to the immediate west of High Trees and forming part of the application site has always been considered to be brownfield or previously developed land, and therefore, the principle of residential development on this part of the site should be viewed favourably.

The status of the parcel of land to the south of the existing dwelling has previously been unclear since it appears separate from the dwelling and garden in terms of boundary treatment and consists of an overgrown area of land of tree/shrub planting. However, in consideration of application 2008/331, an aerial photograph (from about 1988) was submitted by the applicant demonstrating that the land concerned was used as a vegetable garden with a greenhouse, associated with 'High Trees'. In addition, sworn declarations were submitted clarifying the use of the land concerned. The aerial photograph was compared with those that the Council hold and are similar. In conclusion, under consideration of application 2008/331 your

Officers were of the opinion that the land could indeed be considered as previously developed land as defined under PPS.3, and that the proposed residential development of this part of the land would not conflict with Policy CS.7 of the Local Plan which requires that a sequential approach to the location of development be followed with brownfield locations such as this being the most sequentially preferable.

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. Developing the whole of the application site is, in short considered to be acceptable since it would be in compliance with the local and national planning policy framework.

Density

Developing the site for 5 no. dwellings would result in a density of 10 dwellings per hectare (dph). This falls below the Government's recommended 30 dph minimum, although PPS3 does state that thresholds can be lowered if developing a site at this density would have a harmful effect on the special characteristics of a particular area. In this case, existing built development directly to the north of the site, including land directly to the east of the site is developed at a significantly lower density than 30 dph. To the immediate west of the application site lies Green Belt. As considered in some detail by Officers in the consideration of previous applications on the site, including 2008/331, developing the site at a higher density than is proposed here would in this case be entirely inappropriate given the context and topography of the site; the requirement for safeguarding the character and appearance of the area, and the need to ensure that any development on the site is not conspicuous from the adjacent Green Belt. The principle of developing the site for 5 no. dwellings was considered to be acceptable under application 2008/331.

Design and Layout

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 layout of the development derives from sketches originally produced by the Council's Urban Design Consultant having regard to the fact that the site is elevated at the front and falls away towards the south. The site is prominent when viewed from adjoining land despite the number of trees along the western boundary.

Your Officers consider that the layout responds well to local distinctiveness and makes good use of the contours of the site such that the proposals would not appear conspicuous from the Green Belt. The use of dormer windows throughout the scheme, and in particular, the 'stepping down' of ridge lines, together with the 'setting in' of front walls adds both visual interest to the scheme and reduces its prominence.

The dwellings intended for Plots 3 and 4 which are furthest towards the south of the site have a height to ridge of less than 8 metres at the highest point, dropping down to 6.75m, again to 5.75m, and further to 5m for the single storey element. This achieves the intention of breaking up the development's massing whilst making the best use of ground levels. Your Officers are satisfied that the residential amenities enjoyed by the occupiers of the nearest existing dwellings would be safeguarded, since the proposals comply with separation distances contained within the Council's SPG on Encouraging Good Design. Amenity space provided for the new development on site is provided at a level in excess of the levels required in the SPG.

Overall, the design of the proposed dwellings is not dissimilar to those of dwellings in close proximity to the site in terms of their detailing and therefore they are considered to be sympathetic to the character of the area and compliant with Local Plan Policy, and in particular, with Policy B(BE).13.

Landscaping and Trees

The site comprises of several trees that are protected with a Tree Preservation Order. The layout plan submitted showing trees proposed for removal in order to implement the development raises no concerns with your Officers. It is clear from the plans submitted that important trees to the perimeter of the site would be retained as part of the scheme. Along the western boundary, there are gaps where additional planting should be provided to help screen the development. A permanent planting buffer of 5 metres in width is shown on the proposed layout plan which would be enhanced as part of a wider landscaping requirement, outlined under a recommended planning condition summarised at the end of the report.

It is important to ensure that the protected trees are afforded sufficient protection from construction works. Your Officers consider that the tree protection plan details already submitted are acceptable, and this matter should be controlled through condition. This is recommended for inclusion on any decision notice granting consent for the development, as noted below.

Highways and Access

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

Means of access is to be considered here, since this is a full application submission. However, the proposed access arrangements are unaltered from those approved under outline approval 2008/331 (which approved the means of access serving a residential development on the site, in December 2008).

The proposed access to Dark Lane would be of the same alignment as the existing access but widened to a maximum width of 4.5 metres at this point in order that it is of adoptable standards. Further into the site, the access road would be narrowed to 3.5 metres. Existing hedge planting along the boundary that fronts Dark Lane would not be hindered by these minor changes, ensuring that the general rural character and appearance of this part of Dark Lane would be maintained.

In respect to concerns raised of additional traffic using Dark Lane, and highway safety concerns, whilst there are inevitably peak times in the village, Dark Lane itself is generally quiet and low in traffic. Traffic counts undertaken by County Highway Engineers on Dark Lane (as a result of previous developments along this road) have confirmed that vehicle traffic in this area is low. It is considered unlikely that the provision of five additional dwellings would generate such additional traffic that it would cause harm to highway safety in this area.

No objections have been received from County Highways and therefore the proposals are not considered to prejudice highway safety.

Sustainability

The dwellings would be built to level 3 of the Code for Sustainable Homes. Water retention systems would 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 site layout has been designed to maximise solar gain in order that renewable energy can be used to aid the water heating to the properties.

The agent believes that the critical area's for consideration in terms of energy performance and carbon footprint is in the quality of its build and its insulation. Therefore, high levels of insulation would be provided with the use of high efficiency boilers. Such detailed matters would be dealt with under the building regulations.

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

Ecological Issues

A Protected Species Survey was submitted under outline application 2008/331. The Worcestershire Wildlife Trust commented at that time that there was sufficient information to determine the application, and raised no adverse comments in principle. The current survey is presently under consideration, and any comments received will be provided in the update report. At this stage, your Officers would recommend that conditions

covering the recommendations made in the ecological reports be attached to any decision notice issued, to be sure that the relevant issues are taken into account during the scheme's implementation.

Planning Obligation

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 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 and Kingsley College
- A contribution towards playing pitches, play area and open space in the area, due to the increased demand/requirement from future residents, is required in compliance with the SPD

Conclusion

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 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 Acting Head of Planning & Building Control to GRANT planning permission following the expiry period for statutory consultations (5th March 2010) and 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 playing 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 26th March 2010:**
 - a) **Members are asked to delegate authority to the Acting Head of Planning and Building Control 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 an increase in demand for such infrastructure; 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 Acting Head of Planning & 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. Development to commence within three years.
2. Details of materials (walls and roofs) to be submitted.
3. Landscape scheme including details of boundary treatment to be submitted.
4. Landscape scheme including details of boundary treatment to be implemented in accordance with approved details.
5. Trees to be protected in accordance with tree protection plan.
6. Limited working hours during construction period.
7. Dwellings to be built to a minimum Level 3 requirement set out under Code for Sustainable Homes.
8. Access, turning and parking.
9. No gates/means of enclosure on any of the access roads.
10. 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 number 4.
11. None of the existing hedge planting that fronts Dark Lane shall be removed.
12. All hard surfaces to be permeable and retained as such.

13. Development to be carried out in accordance with plans submitted with application.
14. Standard secured by design condition.
15. Appropriate condition to address the recommendations of the protected species survey.
16. Contamination: standard conditions.

Informatives

1. Drainage details to be in agreement with Severn Trent Water.
2. Highway Note 4 – Private apparatus within the highway.
3. Highway Note 5 – No authorisation for applicant to carry out works within the publicly maintained highway.
4. Development to be built to Secured by Design Standards.
5. External security lighting to comply with guidance to ensure that it does not adversely affect neighbours amenities.
6. No burning on site.
7. Adequate measures to be put in place to prevent migration of dust and particulates beyond the site boundary.