

**PLANNING
COMMITTEE**

25th September 2013

PLANNING APPLICATION 2013/145/FUL

ERECTION OF 12 NEW DETACHED DWELLINGS WITH GARAGES

LAND AT WIREHILL DRIVE REDDITCH

APPLICANT: JMH 10 LTD
EXPIRY DATE: 5TH SEPTEMBER 2013

WARD: LODGE PARK

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.

(See additional papers for Site Plan)

Site Description

The application site consists of a triangular shaped area of grass, located adjacent to both the Warwick Highway (to the south) and Wirehill Drive (to the north). The land falls away, steeply in parts, in a south-west to north-east direction towards Wirehill Drive.

Beyond the western boundary are the properties 1-7 Gaydon Close. Beyond Wirehill Drive, to the north lies a further residential area, Himbleton Close. The northern boundary to the site contains a mixed species hedgerow which includes a semi-mature Oak Tree which is protected by means of TPO No.142.

Proposal Description

This is a full planning application to erect twelve, three bedroomed detached dwellings.

Two house types are proposed. House type A (6 no.) would have an integral garage, with House type B (6 no.) having an attached single garage. All dwellings would have additional in curtilage parking.

Every house would be formed of brickwork walls under a tiled roof.

Vehicular access to serve the development is proposed to be formed in two places, both off Wirehill Drive. The first would be at a point approximately 25 metres to the east of the existing vehicular access serving Himbleton Close. This would serve Plots 1 to 10. The second would be located to the east of the existing protected oak further to the east. This access would serve Plots 11 and 12.

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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.redditchbc.gov.uk

National Planning Policy

The National Planning Policy Framework (NPPF)

Borough of Redditch Local Plan No.3

- R.1 Primarily Open Space
- R.2 Incidental Open Space
- CS.6 Implementation of Development
- CS.7 The Sustainable location of development
- CS.7 Landscape Character
- B(HSG).6 Development within or adjacent to the curtilage of an existing dwelling
- B(BE).13 Qualities of Good Design
- C(T).12 Parking Standards (Appendix H)
- B(NE).1a Trees, Woodland and Hedgerows
- S.1 Designing out Crime

Paragraph 215 of the NPPF states that due weight be given to relevant policies in existing plans according to the degree of consistency with the NPPF (the closer the policies of the plan to the policies of the NPPF, the greater the weight that may be given). In accordance with paragraph 215 of the NPPF, the above policies should be afforded due weight, as the aspirations of these policies are consistent with the NPPF.

Supplementary Planning Guidance / Documents

Encouraging Good Design
Designing for community safety
Open space provision

Worcestershire Waste Core Strategy 2012-2027 (adopted Nov 2012)

WCS.17 Making provision for waste in all new development

Constraints

Borough of Redditch Tree Preservation Order (TPO) No.142

Relevant Site Planning History

Application no	Proposal	Decision	Date
2008/305/RC4	Outline application for residential development	Approved	05.11.2008

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Public Consultation Responses

The application has been advertised by writing to neighbouring properties within the vicinity of the application site, by display of public notices on site, and by press notice.

Responses against

4 comments received raising the following points:

- Mature hedgerow across site should be retained/protected
- The site should be retained as a recreational area for the local community
- Increase in traffic would cause noise disturbance
- Loss of green space
- Unsustainable form of development
- Vehicular and pedestrian safety would be compromised if permission were to be granted
- The land should not be developed in principle
- The proposals would harm the character of the area
- Wildlife in the area would be adversely affected
- Concerns raised regarding subsidence
- The proposed development would be on elevated ground and would impact upon privacy
- This area was originally to be retained as a sound barrier to prevent noise from the adjoining highways

Petition

A petition of 14 signatures has been received from residents raising concerns of road safety, site history and loss of green space.

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.

Consultee Responses

County Highway Network Control

Highways comment that the proposed development is acceptable in highways terms and therefore raise no objection subject to the inclusion of conditions covering access turning and parking, on site roads specification and the submission of a Construction Management Plan.

The County request that a contribution under the 'Infrastructure Delivery Plan' be sought as part of the application.

Worcestershire Regulatory Services (Environmental Health)

Comments summarised as follows:

The applicant should demonstrate that appropriate noise attenuation has been considered in the design of the development. Such attenuation could include the use of an acoustic barrier fence to the rear gardens (running

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parallel to the Warwick Highway). Due to the proximity of the proposed development site to nearby properties, a construction environmental management plan should be submitted in order to ensure that residential amenities are safeguarded during the construction period.

RBC Arboricultural Officer

No objections are raised provided the Oak Tree and hedge line to be retained on the boundary of Wirehill Drive are afforded full protection in accordance with BS5837:2012 during construction works. An arboricultural method statement should be provided for the Councils consideration together with a full landscape plan and specification to include the intended routing of all utility service lines.

Severn Trent Water

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

RBC Community Safety Officer

Has recommended and communicated measures to the applicant's agent which would improve the scheme from a community safety perspective. Comments that boundary treatments need to be robust to the rear of Plots 1 and 12. Gable end windows should be introduced at Plots 1 and Plots 8 in order to increase overlooking and natural surveillance in the interests of designing for community safety

North Worcestershire Water Management

Notes that the site is not located within an area of fluvial flood risk and there is no evidence of the site being affected by past surface water flooding. A public foul sewer is located nearby and therefore connection to this is unlikely to be a problem provided the applicant has received consent from Severn Trent Water to connect

WCC Educational Services

Confirm that a financial contribution towards education provision would NOT be required in this case

Waste Management team

Wheelie bin requirement confirmed for inclusion in the planning obligation

Background

Planning permission was granted for residential development in outline form under 2008/305/RC4 following this applications presentation at the RBC Planning Committee on 4th November 2008. The application site under that application included a much smaller triangular wedge to the immediate north of the hedgerow containing the oak tree referred to earlier and included the land right up to the Wirehill Drive / Gaydon Close road junction. Under the current application, no dwellings are proposed to be erected on this area of land as was the wish of the RBC Planning Committee in 2008, although the

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proposed vehicular access linking Wirehill Drive to the larger triangle of land would need to cross this area.

The outline consent granted in 2008 has now lapsed and therefore no consent for residential development (in principle) exists. It is therefore necessary to re-examine the principle of whether residential development should be permitted together with the other details submitted as part of this (full) planning application.

Assessment of Proposal

The key issues for consideration are as follows:

- a) Principle of development
- b) Design, appearance and layout
- c) Impact of the development upon nearby residential amenities
- d) Impact of the proposals on highway safety
- e) Sustainability
- f) Planning Obligation requirements

Principle of development

The site which would contain the proposed twelve new dwellings is designated as Primarily Open Space within the Local Plan, where Policy R.1 applies. The smaller triangle of land as referred to above, from which access to the site is to be gained, is undesignated within the Local Plan and thus can be considered as incidental open space under Policy R.2. Policy R.1 is a criteria based policy, whereby in assessing applications for development on Primarily Open Space certain factors will be taken into account. These factors and *your Officers responses* to these are listed as follows:

- i), The environmental and amenity value of the area

Given the topography of the land the site has no particular or notable amenity value

- ii) The recreational, conservation, wildlife, historical and visual and community amenity value of the site

The site as a whole performs a visual open space function but has little wildlife or community value

- iii) The merits of retaining the land in its existing open use, and the contribution or potential contribution the site makes to the character and appearance of the area

The hedgeline and protected oak tree, together with the triangle of land to the immediate north adjoining Wirehill Drive make a contribution to

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the open character and appearance of Wirehill Drive, although the larger triangle which is proposed for residential development does not

- iv) The merits of protecting the site for alternative open space uses.

It would be difficult to suggest appropriate alternative open space uses on the site given the topography of the land

- v) The location, size and environmental quality of the site.

The location, size and quality of the open space is considered to be compromised by the sites close proximity to Wirehill Drive

- vi) The relationship of the site to other open space areas in the locality and similar uses within the wider area

There are other open spaces within Lodge Park, including the Lodge Park Pool area, which lies within 300 metres of the site by means of the nearest footpath

- vii) Whether the site provides a link between other open areas or a buffer between incompatible land uses.

In this case the site neither provides a link between other open areas nor a buffer between incompatible land uses as it is surrounded by residential development

- viii) That it can be demonstrated that there is a surplus of open space and that alternative provision of equivalent or greater community benefit will be provided in the area at an appropriate, accessible locality.

The Councils Open Space Needs Assessment shows that there is a deficit and therefore no surplus of open space in the Lodge Park ward. However, the ward abuts the Arrow Valley Park and therefore is in close proximity to high quality open space provision

- ix) The merits of the proposed development to the local area or the Borough generally.

The merits of the proposal should be considered holistically against the positive and negative points raised above and will be addressed further in the conclusion of this section.

The assessment of the site in relation to the above criteria has shown that the smaller triangular area to the immediate north performs a visual open space function and that it lies in a ward with a deficit of open space in relation to the Borough average. For these reasons your Officers have continued to

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resist the construction of new dwellings within the smaller area to the north which is incidental open space and subject to Policy R.2 in the Local Plan. This area therefore remains free from development. This serves to protect the hedgerow and maintain the visual amenity of the flatter area of the site in relation to Wirehill Drive.

Members will be aware that the Council cannot at present demonstrate a five year supply of housing land as required under the NPPF, a fact that should be given weight in the consideration of this application. Having carefully re-assessed this application afresh from that submitted in 2008, your officers have concluded that there are no 'in principle' policy reasons why the site cannot be developed for housing purposes subject to acceptability of the other matters as listed below and consider that the need for housing outweighs the benefits of protecting this small and low quality area of open space.

Design, appearance and layout

Policy both nationally and locally requires new developments *inter alia* to respect and respond to the local distinctiveness of an area. The layout of the development is that of a simple cul-de-sac arrangement, similar albeit smaller in scale to the existing development of Gaydon Close (to the west) which is similarly accessed via Wirehill Drive.

It is noted that the surrounding character and pattern of development varies between approximately 36-60dph, and comprises some semi detached, but mostly terraced housing. The proposed detached development of 12 new dwellings would represent a low density development with a resultant lower number of vehicle trips than might occur if the site were to be developed at a higher density commensurate with the sites surroundings.

The hedge line clearly visible from Wirehill Drive would be retained and therefore much of the development would be partially screened from Wirehill Drive.

The proposed development is considered to be acceptable in appearance, with each plot easily achieving garden sizes which accord with minimum sizes set out in the Councils adopted SPG 'Encouraging Good Design'. Officers have concluded that the development would not be inappropriate and over-intensive in appearance. The dwellings would complement in appearance those of the existing surrounding area.

The proposed use of a cul-de-sac layout is encouraged from a secured by design perspective. Defensible space to properties has been introduced, and the lack of terraced properties has prevented the use of shared rear access alleyways which are not generally encouraged. Passive surveillance over parking areas has been accommodated as per the requests of the Community Safety Officer by the introduction of windows to side gable elevations.

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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 Council's minimum separation distance of 22 metres would be achieved between rear facing windows serving a proposed development and rear facing windows to existing development. The 22 metre distance is achieved in respect of each plot.

Representations received comment that the site was originally to be retained as a sound barrier to prevent noise from the adjoining highways such as Wirehill Drive. Officers would comment that road noise from traffic travelling along Wirehill Drive would be unlikely to be higher than presently experienced by occupiers of numbers 1 to 7 Gaydon Close due to the presence of the proposed Plots 1 to 6 (running parallel to the rear gardens of these properties) which would be more likely to reduce noise spill arising from vehicles travelling along Wirehill Drive.

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, it is recommended 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.

Worcestershire Regulatory Services have commented in respect of the proposed development's proximity to the busy Warwick Highway to the south and the issue of noise intrusion for future occupiers of the development. Officers would comment that only Plots 6 and 7 would be materially closer to the Warwick highway than those of numbers 7 to 15 Gaydon Close further to the west. Although a thick belt of mature trees exists between the southern boundary of the application site and the Warwick Highway further to the south, it is recommended that a condition be imposed in the case of permission being granted which would require an acoustic fence to be provided along the southern boundary to the site, in the interests of protecting the amenities of future occupiers of this development.

Impact of the proposals on highway safety

County Highways officers have examined the proposals and have raised no objection to the proposals on highway safety grounds commenting that the additional vehicle trips associated with such a development would not have a detrimental impact upon the surrounding highway network.

Officers are satisfied that the conditions as requested by Highway Network Control are necessary and reasonable having regard to government guidance which exists with respect to planning conditions (Circular 11/95). The conditions requested are those set out as Conditions 10, 11 and 12 in the

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recommendation below. It is not considered appropriate in this case to seek the infrastructure contribution following legal advice that has been received.

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

Sustainability

The site lies within the urban area of Redditch, and is therefore considered to be in a sustainable location. Officers are satisfied that the site links with cycle and public transport provision in the area, and it is considered that the site could be accessed by a variety of modes of transport, in line with planning policy objectives.

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 to provide refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy

A contribution towards education provision would also normally be sought in accordance with the SPG, however the county team have confirmed that there is no justifiable need for a contribution in this case and it is therefore not included.

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

Other matters

A minor amendment to the submitted site layout plan has been requested which would re-position the row of proposed dwellings (Plots 1 to 6 only) by two metres further to the south (such that Plot 1 would be positioned two metres further into the site). This amendment would result in the retention of a greater length of the hedge referred to in the main report. The plan requested is agreeable to the applicant but at the time of writing has yet to be finalised.

Conclusion

Notwithstanding nearby residents concerns over the proposed new development, the proposals are considered to accord with national and local policy criteria. Officers consider that this detailed application is wholly acceptable having regards to the site's constraints and all other material considerations. Approval of this application would meet some of the demonstrated housing need in the Borough which is considered to outweigh

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the need to retain this area as open space. The proposal is considered to comply with the planning policy framework and is unlikely to cause harm to amenity or safety. Subject to the satisfactory completion of the planning obligation, this application can be recommended for approval.

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:

- 1) the satisfactory completion of a S106 planning obligation ensuring that:**
 - a) Contributions are paid to the Borough Council in respect to off-site open space in accordance with the Councils adopted SPD
 - b) A financial contribution is paid to the Borough Council towards the provision of wheelie bins for the new development;
- 2) the submission of a satisfactory amendment to site layout plan ref: 2012.005-02 showing the minor re-positioning of Plots 1 to 6; and**
- 3) the Conditions and informatives as summarised below:**

Conditions

1. Development to commence within three years
2. Materials to be submitted – walls and roof
3. Landscaping scheme to be submitted to LPA
4. Landscaping scheme to be implemented in accordance with details agreed
5. Arboricultural method statement
6. Tree protection measures for on-site working
7. Development in accordance with plans (listed)
8. Provision of an acoustic fence – details to be provided
9. Limited working hours during construction period
10. H13: Access turning and parking
11. HC41: On site roads – submission of details
12. HC54: Construction Environmental Management Plan

Informatives

1. Reason for approval
2. Drainage
3. S106 agreement is attached to this consent
4. LPA acted in a positive and proactive manner
5. Community safety informative

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6. Highway informatives HN4, HN7, HN8

Procedural matters

This application is being reported to the Planning Committee because the application is classified as 'major'; the recommendation is that permission be granted subject to a planning obligation and because two or more objections have been received.