

**PLANNING
COMMITTEE**

9th July 2014

Planning Application 2014/115/FUL

Erection of 46 dwellings, garages, landscaping and associated works (Phase 3)

Land Adjacent, Harris Close, Greenlands, Redditch, Worcestershire

Applicant: Mr James Hughes
Expiry Date: 11th June 2014
Ward: GREENLANDS

(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

This predominantly level and grassed urban greenfield site, which is roughly triangular in shape, measures approximately 1.02ha in area. It is defined as Site 158 in the Borough of Redditch Local Plan No.3. It is bounded to the west by Greenlands Drive, to the east by an existing public footpath and bridleway, to the south by a row of protected oak trees and to the north, by the existing scout hut, beyond which lies Oakenshaw Road. The land is privately owned by the Borough Council.

Proposal Description

Full planning permission is sought for the erection of 46 new residential units. These would be a mixture of detached and semi-detached properties, with the exception of 6 of the units which would form a single block of apartments.

The site would be accessed via Harris Close, which itself is formed off Oakenshaw Road, to the north.

The 46 residential units would be provided as follows:

- 6 x 1 bed apartments
- 12 x 2 bed houses
- 12 x 3 bed houses
- 16 x 4 bed houses

Of the 46 units, 18 would be affordable units.

The breakdown of affordable housing to be provided as part of this development is as follows:

- 6 x 1 bed apartments
- 8 x 2 bed houses
- 4 x 3 bed houses

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12 of the units are to be provided as social rented accommodation (6 x 1 bed flats, 4 x 2 bed houses, and 2 x 3 bed houses). 6 of the dwellings are to be provided as intermediate affordable housing for shared owner occupiers (4 x 2 bed houses and 2 x 3 bed houses).

All of the dwellings on the site would be two storey with the exception of a three storey apartment block to be located along the eastern edge of the site. The development would be constructed in brickwork (walls) under tiled roof, with material colours to harmonise with the sites surroundings.

The proposals would require alterations to public right of way no.612 by diverting part of the PROW through the site from its current position (to the eastern boundary of the site).

Relevant Policies :

Borough of Redditch Local Plan No.3:

CS01 Prudent Use of Natural Resources
CS02 Care for the Environment
CS05 Achieving Balanced Communities
CS06 Implementation of Development
CS07 The Sustainable Location of Development
CS08 Landscape Character
BHSG05 Affordable Housing
BHSG06 Development within or adjacent to the curtilage of an existing dwelling
BBE13 Qualities of Good Design
BBE19 Green Architecture
BNE01 Overarching Policy of Intent
BNE01A Trees, Woodland and Hedgerows
S01 Designing out Crime
CT02 Road Hierarchy
CT12 Parking Standards

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 6: Affordable Housing
Policy 39: Built Environment
Policy 40: High Quality Design and Safer Communities

Others:

NPPF National Planning Policy Framework
SPG Encouraging Good Design

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SPD Open Space Provision
SPD Affordable Housing Provision
SPD Designing for Community Safety
SPD Education contributions

Worcestershire Waste Core Strategy (WWCS)

Constraints

Borough of Redditch Tree Preservation Order (TPO).140
Footpath and Bridleway No. 612

Relevant Planning History

None

Consultations

Arboricultural Officer

No objection

Community Safety Officer

No objection

North Worcestershire Water Management

Notes that the site is not susceptible to fluvial flood risk. Public and surface water sewers are located in the nearby surrounding area. Connection will be required by the relevant water authority (in this case Severn Trent Water). No objections are raised to the proposed development.

Housing Strategy

No objection. Housing Strategy has agreed the affordable housing provision, its location and mix with the developers which meets the prevailing housing needs of the Borough.

Highway Network Control

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

RBC Development Plans

Comments summarised as follows:

At the time of the BOR LP No.3 examination, the Planning Inspector supported the principle of housing on the site. The site is now identified under LP No.3 as Site 158 as land reserved for residential development to meet the Strategic Housing Requirement if required following subsequent housing monitoring. Having regards to draft Policies 3 and 4 of Local Plan No.4, the proposal is considered to be acceptable. The site is identified in the Redditch Strategic Housing Land Availability Assessment (SHLAA) as having

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potential for development and would deliver necessary housing in line with the emerging plan. The density of the proposed development is acceptable in policy terms

WCC Public Rights of Way

Note that the proposal requires alterations to the PROW and understands that liaison with this department has already taken place. Notes that it is likely that the development cannot be carried out without temporarily closing the PROW for the safety of the public during the construction period. Such an application should be made to WCC at least 6 weeks in advance of construction works beginning

Ramblers Association

Comments summarised as:

Alternative ways of diverting the public right of way could have been considered. The new alignment is less convenient than the existing. The PROW is a bridleway although it is probable that it is not used to any great extent by horse riders

Police Crime Risk Manager

No objection

Severn Trent Water Ltd

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

Area Environmental Health Officer

No objections subject to the inclusion of standard conditions covering potential land contamination

Education Authority

If development goes ahead in this area, there will be a need for a contribution towards local education facilities in accordance with your Supplementary Planning Document on planning obligations for education facilities.

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

5 letters received. Comments are summarised as follows:

- Loss of light, outlook and privacy to existing properties
- Over-development of the site
- Concerns about impact upon wildlife in the area
- Volume of traffic will increase: highway safety concerns
- Noise in the area will increase harming residential amenity

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.

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Background

To the immediate north-east of the site lies the site formerly referred to as 'Site 125' in the Borough of Redditch Local Plan which granted permission in December 2002 for 24 dwellings (application 2002/094/FUL refers). This development was referred to as 'Phase 1' and formerly contained the school buildings at Ipsley First School. To the immediate east of the site, beyond the public bridleway, lies Site 157, as identified in LP3. This site has been referred to as 'Phase 2'. Phase 2 was granted permission in September 2013 for the erection of 35 houses and 6 apartments (application 2013/078/FUL refers).

These proposals however, solely concern the redevelopment of what has been referred to as 'Phase 3' and the full application submitted shows the precise positioning of dwellings contained within a layout plan, including the size and design of the dwellings, external appearance and means of landscaping. Access to the site would be via Harris Close utilising an existing access serving the scout hut. This is located to the immediate north of number 24 Harris Close (erected under Phase 1).

Assessment of Proposal

The key issues for consideration in this case are listed as follows:

Principle

The site has no public right of access over it and is therefore of little beneficial community use. Further, at the time of the BOR LP No.3 examination, the Planning Inspector supported the principle of housing on the site. The site is now identified under LP No.3 as Site 158 as land reserved for residential development to meet the Councils Strategic Housing Requirement. Members will be aware that LP No.4 was submitted to the Planning Inspector on 12th March 2014 with the site again appearing as Site 158 (a site allocated for housing development in the Borough in order to meet the Strategic Housing Target for the period 2011-2030).

The site is close to a bus route with regular services to the Town Centre. Public footpaths surrounding the site link to a network of routes with a number of schools in close proximity to the site. The site is therefore considered to be in an accessible location with the proposals being in full compliance with the National Planning Policy Framework (NPPF) which states that there should be a presumption in favour of sustainable development.

There are therefore no 'in principle' policy reasons why the site cannot be developed for housing purposes.

Design and Community Safety Considerations

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 takes its lead from the cul-de-sac arrangement of both the Phase 1 and Phase 2 developments but particularly Phase 2, where proposed dwellings along the sites eastern boundary align with the consented dwellings under Phase 2 to ensure that there are no negative impacts from overlooking and / or shadowing.

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The density proposed here is broadly commensurate with that proposed under the earlier consents and contains a large number of detached and semi-detached dwellings within the same cul-de-sac arrangement. Such an approach 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 encouraged having regards to Secured by Design. Houses within the development largely face towards the proposed spine road which is centrally located and represents the most logical and appropriate method of developing this triangular shaped site. Dwelling heights would complement the form of dwellings present in Harris Close and at two storey would not appear visually incongruous in appearance when viewed from Greenlands Drive. A three storey office block is to be located to the south-east corner of the site and would not appear overly dominating in appearance when viewed against the 2.5 storey development to its immediate east (the pair of semi-detached dwellings consented under the Phase 2 development). A three storey apartment block was granted permission under the 2013/078/FUL application referred to earlier in this report.

Highways and access

As stated by County Council Network Control, officers would agree that the proposal would have no highway safety implications and would not adversely affect the road network. Proposed parking arrangements comply with local standards and highways have confirmed that details so far submitted satisfy them that the proposed new road could be adopted by the County Council, subject to the standard Section 38 agreement. Planning conditions and informatives are recommended for inclusion in the case of permission being granted.

On site open space / amenity requirements

For a development of this size, it would not be normal to provide on-site communal open space and leisure services have expressed their preference for a commuted sum to be paid in order to improve and enhance existing open space within the vicinity.

Private amenity space for all of the houses would be in compliance with the Councils adopted SPG 'Encouraging Good Design' and as such, officers are satisfied that the scheme could not be regarded as an over-development of the site.

Impact on amenity

Very few representations from the public have been received despite the extensive neighbour consultation process carried out by your officers. The proposals meet stated separation distances between existing and new residential development and therefore Officers are satisfied that the scheme would not prejudice the amenities enjoyed by the occupiers of either the existing dwellings located Harris Close (those erected under Phase 1) or those (which are currently under construction) under Phase 2.

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Trees and landscaping

Following receipt of the Tree Officers original comments, further tree survey work has been undertaken and amendments have been carried out. The Tree Officer is now satisfied with the proposed development.

Affordable Housing

Discussions have taken place between the Housing Strategy Team who state that they are in agreement with the provision, location and mix between social rented units and intermediate affordable housing and therefore this issue is considered to have been addressed.

Other matters

Clearly the development as proposed could not take place without agreement to the partial diversion of the public right of way. An application has been submitted to divert the PROW as stated by the County Councils rights of way team. Discussions between the developers and officers are on-going with this respect. The scheme as submitted fully satisfies your officers including the Community Safety Officer and the Police Crime Risk Manager since the proposed diversion represents a far safer method of walking the short section of path which is to be diverted. By retaining the PROW in its current location (running north to south between the current site and the adjacent residential site to the east) would have presented serious safety and crime implications by virtue of the 'tunnelling effect' created by the close proximity of boundary fences either side of the right of way.

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 County education facilities. The County have confirmed that there is a need in this area to take contributions towards three schools: Oak Hill First School, Woodfield Middle and Trinity High School
- The provision of 18 units on the site to be restricted to affordable housing in perpetuity

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

Conclusion

Officers consider that this detailed application is wholly acceptable having regards to the sites constraints and all other material considerations. Approval of this application would

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meet some of the demonstrated housing need in the Borough. 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:

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 Borough Council towards the provision of wheelie bins for the new development
- * Contributions are paid to the County Council towards County education facilities in accordance with the Councils adopted SPD
- * 18 units on the site are restricted to affordable housing in perpetuity

and

b) Conditions and informatives as set out 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.

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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) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be erected within the curtilage of Plots 25 to 42 as defined on planning layout drawing without first applying for planning permission.

Reason:- To ensure that the health of protected trees and their root protection areas (RPAs) is not prejudiced in accordance with Policy B(NE).1a of the Borough of Redditch Local Plan No.3.

- 5) Prior to the commencement of any site preparation works or development on site, tree protection fencing shall be agreed in writing with the Local Planning Authority and then put in place and shall thereafter remain in place until the occupation of the development.

Reason: In the interests of protecting the trees in accordance with Policies B(NE)1a and CS8 of the Borough of Redditch Local Plan No.3.

- 6) 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.

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- 7) Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme as been constructed in accordance with the approved drawings.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 8) The Development shall not be occupied until the roadworks necessary to provide access from the nearest publicly maintained highway have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 9) A Construction Environmental Management Plan shall be submitted to and approved in writing by the local planning authority prior to commencement of development. This shall include the following:-
- a. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - b. Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The measures set out in the approved Plan shall be carried out in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To protect the amenities of nearby properties during the construction of the development and to protect the natural and water environment from pollution.

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

appropriate references to be added here to include plans and other associated documents

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

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- 11) 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.

- 12) No development approved by this permission shall be commenced until:
- a) A desktop study identifying previous site uses, potential contaminants and other relevant information and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been undertaken and submitted in approval for writing by the LPA;
 - b) If deemed necessary as a result of the desktop study, a site investigation has been designed using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model), and has been submitted to and approved in writing by the LPA;
 - c) The site investigation has been undertaken in accordance with details approved and a risk assessment has been produced;
 - d) A method statement detailing the remediation requirements using the information obtained from the site investigation has been approved in writing by the LPA.

Reason: To identify contamination which may pose a risk to the environment or harm to human health and in accordance with National Planning Policy Framework.

- 13) If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the LPA) shall be carried out until either;
- a site investigation has been designed and undertaken in accordance with details approved in writing by the LPA, a risk assessment has been produced and a method statement detailing the remediation requirements using the information obtained from the site investigation has been approved by the LPA or;
 - If the above has been previously undertaken, the developer has submitted and obtained written approval from the LPA for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

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Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters and in accordance with National Planning Policy Framework.

- 14) All remediation works detailed in the method statement shall be undertaken and a report submitted to the LPA providing verification that the works have been carried out in accordance with the approved details.

Reason: To protect controlled waters by ensuring that the remediated site has been claimed to an appropriate standard and in accordance with 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 pre-application advice and discussion.
- 2) The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 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) If it is the Developer's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to the County Council's Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act, 1980, entered into.
- 5) It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be

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provided, the County Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the Engineering details referred to in this conditional approval to the County Council's County Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP at an early date to enable surface water disposal arrangements to be assessed

- 6) 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.
- 7) 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

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.