

**PLANNING
COMMITTEE**

8th October 2014

Planning Application 2014/009/FUL

Erection of 14 detached three bedroomed houses

Land at Moons Moat Drive, Church Hill, Redditch

**Applicant: Mr David Baker
Expiry Date: 4th July 2014
Ward: CHURCH HILL**

(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

The site is undeveloped and measures approximately 0.5 ha. It is surrounded by roads on all sides with Moons Moat Drive forming the northern boundary. Beyond this, to the north lies Moons Moat First School and residential development off Rickyard Lane, with Arley Close and Acton Close being closest to the site.

Moons Moat Drive is accessed via a roundabout to the west with the Coventry Highway to the south of the site. Battens Drive is an exit from the roundabout to the south of the site with the Arrow Valley Park lying a short distance away to the south-west.

The site is level throughout and contains a large number of young trees, grasses and other low lying vegetation. It is a poorly maintained site and generally overgrown. An informal footpath crosses the site linking Moons Moat Drive to the north, to the slip road off the roundabout to the south.

Proposal Description

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

Three house types are proposed. Types A and B would have integral garages whilst Type C would have attached garages. All would have additional in curtilage parking.

Every house would be formed of brickwork walls, with smaller elements of render (to be used on Types A and B only) under a concrete tiled roof.

Vehicular access to serve the development is proposed to be formed from Moons Moat Drive. This would be at a point approximately 35 metres to the west of the Rickyard Lane junction from Moons Moat Drive.

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Relevant Policies

Borough of Redditch Local Plan No.3

CS2 Care for the environment
CS6 Implementation of development
CS7 Sustainable location of development
CS8 Landscape character
B(BE)13 Qualities of good design
C(T)12 Parking standards
B(NE).1a Trees, Woodland and Hedgerows
S1 Designing out crime

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)

The site itself is undesignated within both Local Plan No.3 and the draft Local Plan No.4.

Constraints:

Tree Preservation Order (New Town No.8 1965);

Relevant Planning History

None

Consultations

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 and on site roads specification.

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

Arboricultural Officer

This site is currently of dense tree cover, and sits within an area Tree Preservation Order (New Town No.8 1965); however none of the trees on site are mature enough to be covered by this Order.

A visual barrier should be retained to screen the development from the adjacent roundabout and slip road. The tree retention plan does indicate that a decent amount of tree cover will remain to the Western and Southern boundaries.

A landscaping condition is needed to ensure that internal and boundary retentions and/or suitable replacement plantings are provided to the density indicated on the Tree Retention Plan and to provide further screening to parts of the Southern boundary.

Education Authority

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

Area Environmental Health Officer

Given the proximity of the dual carriageway, noise impact from this source on the proposed development should be taken into consideration.

It is recommended that the applicant be directed to the WRS Technical Noise Guide which contains guidance including remediation. Standard contaminated land conditions should be attached to any consent.

North Worcestershire Water Management

Notes that the site is not located within an area of fluvial flood risk although it will be important to consider drainage so as not to cause or exacerbate flood risk elsewhere.

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.

With regards to the discharging of any additional surface water created by the proposed new dwellings, the applicant has proposed to use soakaways. Porosity tests will be required in order to ascertain whether soakaways would be appropriate. The applicant is asked to consider other forms of SuDS techniques to dispose of surface water, such as

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rainwater harvesting or permeable paving. Subject to the imposition of and agreement to a drainage condition, no objections are raised.

Crime Risk Manager

No objection to the general layout of the development. From a Crime Risk point of view, it is unfortunate that the development has a footpath running through it since this has the potential to increase the risk of crime. Ideally, I would like to see the footpath removed and the development completely enclosed by fencing although this may be contrary to sustainability objectives.

Severn Trent Water Ltd

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

Worcestershire Archive and Archaeological Service

The development site is located to the south west of Moon's Moat which is a medieval moated site and to the east of the site lies the Roman road of Ryknild Street. There is potential for below ground archaeological remains dating to the Roman and medieval periods although the disturbance from the construction of the dual carriageway should be taken into account. In this instance, an archaeological watching brief on all groundworks would be a sufficient method of assessing the archaeological remains in this area. This should be required via planning conditions.

Public Consultation Responses

Responses against

2 letters received raising the following summarised comments:

- Accidents are likely to increase as Moons Moat drive becomes busier. Access point too close to the roundabout
- Footpath crosses site allowing access to Arrow Valley Park, Moons Moat First School and nearby employment units and supermarket. Concerns raised if this could not be used
- Construction traffic likely to cause problems

Assessment of proposal

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

Principle

The site is undesignated within both LP No.3 and the emerging LP No.4, and therefore any use should be considered in terms of its appropriateness in that location, and its likely impacts on any surrounding development. In this case, to the north and east lies residential development, to the west lies a small employment area (site IN27). To the

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south of the Coventry highway lies employment land (with access off Battens Drive), and to the south west, public open space in the shape of the Arrow Valley Park.

Given that the nearest uses to the site are those of the residential areas off Rickyard Lane, it is therefore considered appropriate to use the site for residential purposes, as it can be easily contained within the site and is unlikely to cause any significant harmful impacts on surrounding uses. Similarly, existing surrounding uses would not cause harm to the residential amenities enjoyed by future occupiers of this development.

Design and layout

The layout of the development is that of a simple cul-de-sac arrangement which retains the informal footpath link through the site.

It is noted that the surrounding character and pattern of residential development varies and is somewhat more dense than is proposed under this application which comprises a density of 28 dwellings per hectare. The shape and size of the site together with the importance of retaining a footpath link across the site has dictated the general form of the layout with access onto Moons Moat Drive and a turning head within the site for service vehicles.

The layout proposed is considered to be appropriate to the sites constraints which include a significant quantity of vegetation, some of which would be retained, particularly at the western corner of the site to minimise visual impact from the roundabout and to afford an acceptable standard of private amenity for future occupiers.

The site and its resultant layout have led Worcestershire Regulatory Services to comment in respect of the proposed developments proximity to busy nearby roads and the issue of noise intrusion for future occupiers of the development. Although a tree screen would remain to the perimeters, it is recommended that a condition be imposed in the case of permission being granted which would require the provision of acoustic fencing to all perimeters in the interests of protecting the amenities of future occupiers of the development.

Any impact upon the nearest (existing) residents is likely to be minimal given the significant distance which exists between the site and properties to the north, in Acton Close.

It is noted that only two representations have been received in objection despite the extensive consultation process. The representations received concern wider highway safety impact concerns rather than those relating to loss of private residential amenities such as overlooking or loss of sunlight.

Since vegetation to the sites perimeters would be retained, the residential development of the site in the manner proposed would be unlikely to be visually prominent from any surrounding viewpoint and to road users, who will generally be the only viewers of the site.

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The design and appearance of the dwellings is also considered to be acceptable with the development complementing the character and appearance of the surrounding area. The dwellings would be two storey height with standard pitched roofs. All of the dwellings would have red facing brickwork walls with contrasting red brick string courses and detailing. Smaller elements of render would be used to House Types A and B. Cills to the front elevations would be in reconstituted stone in a natural colour. Roofs are intended to be of concrete interlocking tile construction.

Each of the dwellings would comply with minimum garden sizes in accordance with the Councils SPG 'Encouraging Good Design'. The dwellings would comply with other minimum spacing standards as set out in the SPG.

Windows serving habitable rooms have been inserted in gable elevations of the dwellings where appropriate in order to provide passive surveillance over public areas in accordance with secured by design advice.

Landscaping

Shrubs and trees to the perimeter of the site would be retained, whilst the remainder of the growth on the site would need to be cleared to accommodate the proposed development. In order to ensure that this is the case, and to soften the appearance of the development it is recommended that this be ensured through the imposition of a condition regarding landscaping and boundary treatments. It is therefore considered that the proposal would not cause any detrimental impacts to the visual amenity of the site or its surroundings, and as such is considered to be compliant with policy.

Highways, access and parking

Notwithstanding the representations received in respect to highway safety, County Highways officers have raised no objections to the proposed access and parking arrangements, 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 (Para 206 of the NPPF). It is not considered appropriate in this case to seek the infrastructure contribution following legal advice which has been received.

Sustainability

The site lies within the urban area of Redditch, and is therefore considered to be in a sustainable location. The retention of the existing footpath is important since it links the School (immediately to the north) with employment generating uses, a supermarket and public open space to the south of the site. The site is considered to be within easy walking distance of such amenities therefore placing less reliance on the private motor car, in line with planning policy objectives.

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Wildlife

The site has no special wildlife designations and therefore there is no requirement in planning policy terms to pursue the matter further. However, other protections would still apply under other relevant legislation and an informative to that effect is recommended.

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: Moon's Moat First, Church Hill Middle and Arrow Vale High School.
- 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.

Procedural matters

This is a small scale major application on RBC land, and therefore cannot be determined by Officers under delegated powers.

This site has been identified as a potential housing site through the Asset Disposal Programme and declared surplus by Executive Committee.

Conclusion

It is considered that the proposals comply with the relevant planning policy framework, and would be unlikely to cause any harm to amenity or safety. 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

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- A financial contribution is paid to the County Council in respect to education provision
- 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) 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

- 4) 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.

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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

- 5) 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

- 6) Prior to the commencement of development, details of an acoustic fence to be provided shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be erected in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted.

Reason: In the interests of noise control to provide future occupiers of this development with an acceptable standard of amenity, in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

- 7) 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

- 8) Development shall not commence 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. The development shall be carried out in accordance with the approved details.

Reason:- To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and in accordance with the National Planning Policy Framework.

- 9) 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.

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Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied in accordance with the provisions of the National Planning Policy Framework.

- 10) 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.

- 11) 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.

- 12) 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

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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.

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.

- 13) 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.

- 14) A) No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording.
2. The programme for post investigation assessment.
3. Provision to be made for analysis of the site investigation and recording.
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

C) With a written agreed date the site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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Reason: In accordance with the requirements of paragraph 141 of the National Planning Policy Framework.

- 15) The footpath which crosses the site shall remain unobstructed and available for the public to pass through it at all times whilst development works on site are in operation. The footpath shall remain open in perpetuity.

In the interests of allowing the public the opportunity of passing through the site to access amenities in the interests of sustainability and in accordance with the provisions of 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 pre-application advice and discussion.
- 2) 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
- 3) 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.

- 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.

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- 5) 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.
- 6) 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 of the Highways Act, 1980.

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.

- 7) If it is the Developer's intention to request the County Council, as a 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 Worcestershire County Council. 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.
- 8) It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be 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.

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 two (or more) objections have been received.