

**PLANNING
COMMITTEE**

29th April 2015

Planning Application 2014/157/FUL

Erection of 10 residential dwellings consisting of 4 x 2 Bed, 3 x 3 bed and 3 x 4 Bed Units

Land Opposite Tan House Farm, Off Studley Road, Redditch, Worcestershire

**Applicant: Mr Carl Lovell
Expiry Date: 19th September 2014
Ward: GREENLANDS**

(see additional papers for Site Plan)

The author of this report is Sharron Williams, Planning Officer (DM), who can be contacted on Tel: 01527 534061 Email: sharron.williams@bromsgroveandredditch.gov.uk for more information.

Site Description

The site is located to the East of Studley Road adjacent to the administrative boundary with Stratford on Avon and Warwickshire County. The site is adjacent to Park Farm Industrial Estate whilst across the road from the site is open space facilities and residential uses. The site comprises approximately 0.4 hectares and is relatively level. The site is currently enclosed from the road side with tall boarding for security purposes.

Proposal Description

Permission is sought for 10 dwellings. The proposed layout shows an access off Studley Road. Original plans submitted showed 13 dwellings, but amendments have been made to the layout reducing the scheme to 10 dwellings.

8 dwellings are detached whilst 2 dwellings are semi-detached. The plots range from 2 bedroom to 4 bedrooms. The dwellings would be two storeys and be finished in brick and tiles.

A public right of way exists along the eastern boundary of the site and would be enhanced as a result of the scheme. The site abuts the Borough / County boundary, therefore, a tree planting belt is proposed along the north-eastern boundary to screen the proposed development.

Relevant Policies:

Borough of Redditch Local Plan No.3:

EEMP03 Primarily Employment Areas
EEMP03A Development affecting Primarily Employment Areas
CS07 The Sustainable Location of Development
BBE13 Qualities of Good Design

Emerging Borough of Redditch Local Plan No. 4

Policy 4: Housing Provision

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Policy 5: Effective and Efficient use of Land
Policy 2: Settlement Hierarchy
Policy 22: Road Hierarchy
Policy: 40 High Quality Design and Safer Communities

Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
SPG Encouraging Good Design

Relevant Planning History

1989/674	Outline application for industrial development	Ref 8.1.90
2000/012	Outline application erection of Class B2/B8 industrial / storage units	App 14.8.00
2003/159	Renewal of 00/012 Erection of Class B2/ B8 industrial / storage units and access	App 22.4.03
2003/210	Erection of 3 No. warehouses/ office units	W/D 22.5.03
2006/367	Erection of Class B1 units	App 10.1.08

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Consultations

Stratford on Avon District Council

No objection but request an ecological assessment to assess any potential impact on the River Arrow, provision of a natural landscape belt, planting fronting Studley Road.

Development Plans

The site has been identified as an allocation for housing to meet the strategic housing requirement up to 2030 in the emerging Local Plan No.4. Therefore, residential development on this site is considered an appropriate use of the land in this location.

Contaminated Land- Worcestershire Regulatory Services

The history of the site suggests that contamination issues may potentially be a significant issue – Recommend appropriate conditions.

North Worcestershire Water Management

Prior to building work commencing, the applicant must supply a full drainage plan showing the location of all drainage amenities.

Housing Strategy Housing Strategy

Based on original layout of 13 dwellings requested a provision of affordable housing.

Highway Network Control

No objection and recommend conditions. Based on a scheme of 13 dwellings, a financial contribution is sought towards the Redditch Infrastructure Delivery Plan.

Crime Risk Manager

No objections to the proposal.

Sports and Leisure Services Manager

No Comments Received.

Severn Trent Water Ltd

No objection and recommend a standard drainage condition.

Waste Management

No Comments Received.

Worcestershire Wildlife Trust

No Comments Received.

Warwickshire Wildlife Trust

No Comments Received.

Arboricultural Officer

Comments based on the original layout plan requested amendments to the tree belt and additional planting next to the adjacent industrial unit.

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Education Authority

No Comments Received.

Leisure Services Manager

No Comments Received.

Ramblers Association

No Comments Received.

Public Rights Of Way

Objected to the original layout plan and its impact on the right of way. Since the plan has now been amended, Public Rights of Way have withdrawn their objection.

Public Consultation Response

2 letters of objection, one from a local resident who has raised concerns about the volume of traffic and manoeuvring onto the busy Studley Road. The other objection is from a local business expressing concerns about conflict of the different uses in close proximity to each other that may become a nuisance and also raised concerns regarding traffic.

Assessment of Proposal

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

Principle

The site was designated for Employment Development in the Borough of Redditch Local Plan No.3. Planning permission was granted for Class B1 development on this site in 2008. Whilst a hard surfacing for the vehicular access has been provided on site (and implemented the permission), there has been no interest in terms of constructing the rest of the approved scheme.

Para. 22 of the National Planning Policy Framework (NPPF) states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. In addition, it also states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land should be treated on their merits having regard for the relative need for different land uses to support sustainable local communities.

This site has had numerous applications approved for employment uses over the years but apart from an access being provided on site, no further progress has been made to develop the site further for employment purposes. The application site was assessed as part of the 2013 Employment Land Review (ELR) and Strategic Housing Land Availability Assessment (SHLAA) updates and considered suitable for residential development as there appeared no reasonable prospect of the site coming forward for employment uses despite employment related planning consents attached to it since 2000.

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As a result of drafting the emerging Borough of Redditch Local Plan No.4 this site is now designated for housing to meet the Strategic Housing Requirement up to 2030, and as such this is considered to be an important material consideration.

Para. 197 of the National Planning Policy Framework encourages local planning authorities to apply the presumption in favour of sustainable development. Policy CS.7 of Local Plan No.3 deals with the longer term development needs for Redditch and as the end date of Local Plan No.3 has now passed; this policy is now quite relevant to determining where sustainable development should be located. This is further supported by Policy 2 Settlement Hierarchy, in the emerging Borough of Redditch Local Plan No.4.

Policies contained in the draft Local Plan No.4 hold limited weight at present (NPPF paragraph 216), however, the following are relevant policy considerations for this planning application:-

As mentioned above Policy 2 Settlement Hierarchy indicates Redditch urban area as the Main Settlement for development as it provides the highest level of services and facilities provision and offers the most sustainable location for development. As the site has now been re-designated for housing development, and falls within Redditch's urban area, development of this site would comply with this emerging policy.

Policy 4 Housing Provision requires 6,400 dwellings to be constructed and completed between 2011 and 2030. This proposal would contribute towards meeting the housing requirement for the Borough.

Policy 5 Effective and Efficient Use of Land encourages the reuse and regeneration of Previously Developed Land and requires residential development to achieve densities of between 30 and 50 dwellings per hectare for the general urban area of Redditch Borough. The proposal site is identified in the Redditch SHLAA and Appendix 2 of the emerging Local Plan No.4 as having potential for development of 12 dwellings (based on 30 dph). Whilst redevelopment of this site is welcomed, the proposal potentially equates to 25dph which is lower than the density proposed in the policy. However, the site layout includes enhancing the right of way that crosses the site as well as a tree planting belt to screen the development from the neighbouring District / County, reducing the net developable area of the site. It is considered that due to the constraints of the site, the proposed density would be acceptable on this occasion.

The principle of residential development proposed in this application would be compliant with Policy CS.7 of Local Plan No. 3 which is consistent with the NPPF and its principles. The proposal would also comply with policies in the emerging Local Plan No.4 and the limited weight that can be given at this stage in its process. Therefore, on balance, the proposal is considered to be acceptable in principle.

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Layout and Scale

The layout shows one access point with a mixture of semi and detached house types. However, the number of storeys for the dwellings proposed would not exceed 2 storeys. The proposed layout also shows a small informal area of open space land at the side of plot 10, and in front of plots 1 and 2.

The layout appears to comply with the spacing requirements set out in the Borough of Redditch SPG on Encouraging Good Design. The layout has been amended to ensure adequate garden areas. The design of the units is considered to be attractive and would generally enhance the streetscene.

Landscaping and open space

The site has very little screening and given that it is located adjacent to the Borough / County boundary, there is a desire to screen this development from the adjoining land that is designated as Green Belt in the Stratford upon Avon Development Plan. Details of the tree planting has not been provided at this stage but can be appropriately conditioned.

As part of the development, the right of way that crosses the site will be enhanced with a minimum 4 metre wide access and native hedgerow screen planting. The site layout comprises of small pockets of open space that will need to be maintained in perpetuity by a management company. The proposed tree planting area would need to be managed in the same way. It is considered appropriate that a condition be imposed that a management plan be submitted to cover maintenance matters for the open space areas, tree planting belt and the landscaping adjacent to the right of way.

Following comments from the Arboricultural Officer, some provision of tree planting is proposed on the site to screen the neighbouring industrial unit to the side of the site.

Highways and access

The proposal shows a vehicular access off Studley Road. Despite letters of concern from neighbouring occupiers in respect to additional traffic etc. County Highway Network Control has no objection to the scheme and recommends conditions. County Highway Network Control also requested a financial contribution towards the Redditch Infrastructure Delivery Plan.

Planning Obligations

Generally a major residential scheme would require a Section 106 Agreement. However, members may be aware of recent national planning policy that defines specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development. Contributions should not be sought from developments of 10 units or less, which have a maximum combined gross floorspace of no more than 1000sqm (gross internal area). Whilst the scheme is for 10 units, the gross internal floorarea equates to approximately 975.40 sq m. Therefore, a S106 Agreement can not apply to this development.

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Conclusion

The principle of residential development proposed in this application would be compliant with Policy CS.7 of Local Plan No3 which is consistent with the NPPF. The proposal also accords with the emerging Local Plan No.4 and the limited weight that can be given at this stage in its process. The layout of the proposal appears to comply with the Council's SPG on Encouraging Good Design.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:

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) The development hereby approved shall be implemented in accordance with the plans to be defined.

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

- 4) Prior to the commencement of development details of the boundary treatments to be provided on site shall be 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 the development is afforded privacy and security between neighbours and the public realm and in the interest of the visual amenity of the

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street scene and in accordance with Policies B(BE).13 and S.1 of the Borough of Redditch Local Plan No.3.

- 5) 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.

- 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.

- 7) 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.

- 8) Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to, and approved by, the Local Planning Authority and such provision shall be retained and kept available during construction of the development.

Reason:- To prevent indiscriminate parking in the interests of highway safety and in accordance with the National Planning Policy Framework.

- 9) No demolition, site clearance or development shall take place until all trees and hedges to be retained on the site and around the boundaries of the site have been protected in accordance with the specification set out in British Standard BS:5837 2005: Guide for Trees in relation to Construction, and such protection measures

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shall remain in situ for the duration of the development and in accordance with Policies B(NE)1a and B(NE)3 of the Borough of Redditch Local Plan No.3.

Reason:-To ensure the protection of trees and hedgerows in the interests of visual amenity.

- 10) 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.

- 11) 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.

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.

- 12) No part of the development hereby approved shall be occupied or brought into use until full details of a landscape management plan, to include long term design objectives, management responsibilities and maintenance schedules for all landscape areas including open space areas, tree belt area, and landscaping adjacent to the right of way (other than small, privately owned domestic gardens), has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan thus approved shall be fully implemented upon first use or occupation of the development and thereafter, all landscaping to which the plan relates shall continue to be maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To secure the effective and ongoing maintenance and management of landscape areas in the interests of visual amenity and community safety and in accordance with Policy CS.8 of the Borough of Redditch Local Plan No.3.

- 13) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until Parts 1 to 6 have been complied with:

Part 1.

A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

Part 2.

Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

Part 3.

Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".

Part 4.

Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 5.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

Part 6.

Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

Part 7.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors in accordance with the National Planning Policy Framework.

Informatives

- 1) 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.
- 2) This permission does not authorise the applicant to carry out works within the publicly maintained highway.

Dropped kerbs to enable access onto properties for vehicles must only be constructed by Ringway Infrastructure Services, Worcestershire County Councils approved contractor. The applicant is solely responsible for all costs associated with construction of the access. For further information, please contact Ringway direct on 01905 761160 or email : worcestershirevehicle.crossing@ringway.co.uk

- 3) If it is the Developer's intention to request the County Council, as a Highway Authority, to adopt the proposed road works as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed road works, which shall comply with the County Council's requirements,

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together with all necessary drainage arrangements and run off calculations shall be submitted to Worcestershire County Council's Network Control Manager, Business, Environment and Community Directorate, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 01905 763763). 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.

- 4) It is not known if the proposed road works 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 road works as public highways. The applicant is, therefore, advised to submit the engineering details referred to in this conditional approval to the Worcestershire County Council's Network Control Manager, Business, Environment and Community Directorate, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 01905 763763), at an early date to enable surface water disposal arrangements to be assessed.
- 5) 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 reported to Planning Committee for determination because the application is for major development (10 dwellings or more), and as such the application falls outside the scheme of delegation to Officers. Also, this application is being reported to the Planning Committee because two (or more) objections have been received.