

**PLANNING
COMMITTEE**

12th August 2015

Planning Application 2015/042/FUL

35no. 2, 3 and 4 bed houses, 6no. 1 bed apartments, 2no. 2 bed maisonettes and 1no. 2 bed bungalow to be provided as affordable dwellings

Land off Dixon Close, Enfield, Redditch, Worcestershire.

Applicant: Central and Country Developments Ltd in association with Accord Group and Redditch Cooperative Homes

Expiry Date: 5th June 2015
Ward: ABBEY

(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 measures approximately 0.9ha in area. It is bounded to the north-west by the new housing development at the former gas works site (now known as Dixon Close); to the north-east by a small wooded area; to the south-east by a railway line and to the south-west by industrial development forming part of the Enfield Industrial Estate. The site is zoned for Primarily Employment purposes within the Borough of Redditch Local Plan No. 3.

Proposal Description

Full planning permission is sought to erect 44 residential units which would be provided as follows:

- o 6 x 1 bed flats
- o 2 x 2 bed maisonette
- o 1 x 2 bed bungalow
- o 9 x 2 bed houses
- o 24 x 3 bed houses
- o 2 x 4 bed houses

Access to the site would be via Dixon Close, to the north-west of the site where the existing close currently terminates.

All of the properties would be provided as affordable dwellings.

Background

Full planning permission was granted under 2013/289/FUL for the erection of 39 dwellings. The approved scheme allowed for a mix of two, two and a half and three storey

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semi-detached and terraced houses, with the exception of 2 detached bungalows. Of the 39 units approved, a 30% share of these were affordable, which equated to 12 units. This consent is extant but has not been implemented.

The current application (2015/042/FUL) seeks the erection of a further 5 dwellings over and above the previously approved scheme (2013/289/FUL) and was reported to the Planning Committee of 10th June 2015, where the Planning Committee determined to grant planning permission subject to the satisfactory completion of a Section 106 Planning Obligation and conditions set out in the agenda papers for that committee. At that time, officers explained that the site would be developed at a split of 70% (open market housing), with 30% of the units (13 in total) as affordable dwellings in accordance with the Councils minimum requirements for the provision of affordable housing for developments of this size.

The only change proposed under the current (amendment) to application 2015/042/FUL concerns the fact that all of the properties would be provided as affordable dwellings rather than with the 30% and 70% split as proposed under the original application proposals. All other matters (means of access, appearance, landscaping, layout and scale) remain identical and therefore do not need to be re-visited.

Relevant Policies :

Borough of Redditch Local Plan No.3:

EEMP03 Primarily Employment Areas
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
CT12 Parking Standards

Emerging Borough of Redditch Local Plan No. 4

Policy 2: Settlement Hierarchy
Policy 4: Housing Provision
Policy 5: Effective and Efficient use of Land
Policy 6: Affordable Housing
Policy 24: Development within Primarily Employment Areas
Policy: 39 Built Environment

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Policy: 40 High Quality Design and Safer Communities

Others:

NPPF National Planning Policy Framework
SPG Encouraging Good Design
SPD Affordable Housing Provision
SPD Open Space Provision
SPD Designing for Community Safety
Worcestershire Waste Core Strategy (WWCS)

Relevant Planning History

2013/289/FUL	Erection of 39 dwellings comprising 37 houses - mix of 2, 3 & 4 bedroom; and 2 no 2 bed bungalows	Approved subject to Section 106 Agreement	23.05.2014
2015/042/FUL	35no. 2, 3 and 4 bed houses, 6no. 1 bed apartments, 2no. 2 bed maisonettes and 1no. 2 bed bungalow (ORIGINAL SUBMISSION)	Approved subject to Section 106 Agreement	10.06.2015

Consultations

North Worcestershire Water Management

No objection subject to the inclusion of a pre-commencement condition requiring drainage scheme details to be submitted.

Housing Strategy

The Housing Strategy Team has been working with the Developer, Redditch Cooperative Homes and Accord to bring this site forward as affordable housing. This site will bring forward a varied mix of affordable housing and assist in meeting the 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, the submission of a travel plan and a Construction Management Plan together with standard highway informatives.

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

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Development Plans

No objection. The net increase in plot numbers does not have a significant impact on the density of the development and is in keeping with adjacent density levels.

Education Authority

Based on the fact that all of the housing would be provided as affordable dwellings, the County Council would not seek financial contributions under any S106 agreement.

Contaminated Land- Worcestershire Regulatory Services

No objection subject to a suitably worded condition for the protection of contamination

Network Rail

No objection in principle but due to the proposal being next to Network Rail land and infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we would request that conditions be applied in the case of the proposals being granted consent. Such conditions should include a risk assessment and a method statement for the works to be carried out on site details of a suitable trespass proof steel fence of at least 1.8m in height to be installed adjacent to Network Rail's boundary and drainage details to be submitted to the Network Rail Drainage Engineer for comment.

Tree Officer

No objection subject to conditions for soft landscape works including new planting and existing trees/shrubs to be retained and protected during construction works.

Public Consultation Response

22 objections and one letter received in support at the time this application was determined at the Planning Committee of 10th June 2015, at which point authority was delegated to the Head of Planning and Regeneration to grant permission subject to the satisfactory completion of a S106 agreement.

Following amendment of the application such that the proposals are now to provide all 44 units as affordable dwellings, interested parties have been re-notified in writing. Following this exercise, which took place on 22nd June 2015, 5 objections have been received. Comments are summarised as follows:

- * Dixon Close is already congested with insufficient car parking to serve the development. The proposal will make things worse.
- * Pedestrian safety issues raised

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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Assessment of Proposal

Principle

The principle of the development was established under the previously approved residential schemes as set out in the planning history above and is therefore acceptable.

Density, design and mix of development

The density of the development remains unchanged from that which the Planning Committee considered in June 2015. This equates to 55dph, based on a net developable area of 0.8ha and falls within the desired density range for an edge of centre site, and would respect the density of existing development at Dixon Close. The design and appearance of the development is similarly unchanged from that approved in June 2015 and requires no further consideration. Private amenity space for future occupiers of the development 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 nearby residents including highway safety considerations

Representations received from the public concern impact upon amenity due to increased vehicle movement to and from the site and associated highway safety implications.

Parking to be provided as part of the scheme complies with the Borough Councils standards and the highway authority have raised no objection to the application, accepting as they did, that the proposals would not adversely impact on highway safety or the road network, subject to the imposition of planning conditions and informatives. Previously approved application 2013/289/FUL was found to be acceptable in terms of its impact on adjoining occupiers as was application 2015/042/FUL (original submission) when determined in June of this year.

Whilst the conditions as requested by County Highways 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.

To re-iterate previous comments, an emergency vehicular access has been proposed off the Enfield Industrial Estate. Members accepted at the June 2015 Planning Committee, as they did when considering the earlier application that a condition should be included to ensure that the emergency access point is kept available for use by emergency vehicles in perpetuity in order to provide safe and convenient access to the site.

Affordable Housing

Housing Strategy have confirmed that they consider that the proposals offer a good and varied mix of property types with the affordable housing significantly assisting in meeting the housing needs of the Borough.

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Planning obligations

Because the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation, a S106 agreement has been drafted. The obligation in this case would cover:

- A contribution towards play areas at Forge Mill and sports provision at Abbey Stadium, due to increased demand/requirements from future residents, is required in compliance with the SPD
- A contribution for refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire waste Core Strategy
- The provision of all 44 units as affordable housing in perpetuity

The application as originally submitted included a contribution towards County education facilities since 31 of the units were previously to be provided as open-market units. Now that the scheme is proposing 100% affordable housing, the County are no longer seeking this contribution and therefore no longer need to be party to the S106 agreement.

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

Conclusion

Officers consider that this detailed application proposing that all 44 units be provided as affordable dwellings is wholly acceptable having regards to the development plan and to all other material considerations. No additional issues have been identified following the consideration of the original submission proposing a 70% open-market, 30% affordable housing split which would make this amended scheme unacceptable in planning terms. The proposal would continue to meet the demonstrated affordable housing need in the Borough, and 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 and 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;
 - * Contributions are paid to the Borough Council towards the provision of wheelie bins for new development;
 - * All 44 units on the site are restricted to affordable housing in perpetuity

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and

b) Conditions and informatives as summarised 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 their first installation, 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.

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

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- 5) 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

- 6) The development hereby permitted shall not be brought into use until the accesses (including the emergency access), turning area and parking facilities shown on the approved plans 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) The development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator.

Reason: To reduce vehicle movements and promote sustainable access in accordance with the provisions of the National Planning Policy Framework

- 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:-

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- 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 in accordance with the provisions of the National Planning Policy Framework.

- 10) 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.

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.

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

Planning, Design and Access Statement 17.02.15
ADC Acoustic Report dated 24.10.13
Arboricultural Impact Assessment Nov 2013
Drawing 1610/42C (Site Plan)
Drawing 1610/14
Drawing 1610/03, 1610/04, 1610/05, 1610/07, 1610/08A, 1610/29B
Drawing 1610/40, 1610/41,
Drawing 1610/10
Drawing K505-102 Rev A

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

- 12) 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.

- 13) Prior to development commencing full details of a trespass proof fence to prevent pedestrian trespass onto the adjacent railway at a minimum height of 1.8 metres, including details of provision for its future maintenance and renewal shall be submitted to and approved in writing by the Local Planning Authority and Network Rail. The details thus approved shall be fully implemented prior to first use or occupation.

Reason :- In the interests of health and safety and to protect the visual amenities of the area. in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

- 14) Prior to development commencing full details of an acoustic fence to be erected along the south-west and south-east boundaries to the application site including details of provision for its future maintenance 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.

Reason :- In the interests of safeguarding the residential amenities of the area in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

- 15) During the course of all on-site redevelopment works and final fitting out, all construction traffic, contractors and deliveries access and egress from the site shall be via the Enfield Industrial Estate. No development traffic shall access the site via Dixon Close unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of nearby residential amenity in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

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- 16) The emergency access shown on Drawing Number K505-102 Rev A shall be implemented prior to the completion of development works on the site. This access point shall be kept available for use by emergency vehicles in perpetuity.

Reason: In the interests of residential amenity and in order to provide safe and convenient emergency access to the site in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

- 17) The approved emergency access shall be kept available as a secondary access / egress for construction traffic, contractors and deliveries during the construction period. Upon completion of development works this access shall be used for emergency vehicles only.

Reason: To allow a secondary access would allow all construction vehicles to access the site at all times via the Enfield Industrial Estate without having to access via Windsor Road, thereby safeguarding residential amenity in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

Informatives

- 1) This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to the Worcestershire County Council's Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), 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) 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.
- 3) 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.

- 4) The applicant's attention is drawn to the requirement to provide a Risk Assessment and Method Statement for development works which are to be carried out within 10 metres of operational railway land. This should be agreed prior to the commencement of any development on the site. The method Statement should be sent to: Outside Parties Engineer, Network Rail, Desk 122, Floor 1, Square One, 4 Travis Street, Manchester, M1 2NY.
- 5) 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.
- 6) 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 discussion.

Procedural matters

This application is reported to Planning Committee for determination because the application is for major development, requires a S106 Agreement and more than two objections have been received.