

**PLANNING
COMMITTEE**

9th September 2015

Planning Application 2015/137/OUT

Outline application to erect four detached houses together with access road

Land to rear of 123, 125, 127, The Meadway, Headless Cross, Redditch

Applicant: Ms J Newby
Expiry Date: 11th September 2015
Ward: HEADLESS CROSS AND OAKENSHAW

(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, which comprises 0.1245 hectares, is currently garden land associated with the dwellings 123 to 127 The Meadway which lie to the north of the site. The eastern boundary of the site forms the side garden boundary separating 121 and 123 The Meadway. The property 20 Burns Close lies directly to the south, with the dwelling 29 Burns Close positioned to the sites western boundary. Vehicular access to the site would be via Burns Close, to the south. A mature, protected Oak Tree is situated to the south-west corner of the site.

Proposal Description

Outline planning permission is sought for the erection of 4 new dwellings.

Two matters are for consideration under the current application, which are those of vehicular access to the proposed development and layout. Three matters (appearance, landscaping and scale) are reserved for future consideration and therefore do not need to be deliberated further at this stage.

The site layout plan which shows how the four dwellings would be arranged within the site, shows that Plot 1 would be either a three or four bedroomed dwelling, with Plots 2, 3 and 4 being four bedroomed. Parking for two cars would be provided to the frontage of each dwelling with a short access road running west to east across the southern part of the site, joining Burns Close to the north of an existing protected oak tree.

Although not for consideration under this application, the dwellings would likely be of two storey height and of brick and tile construction as per the construction of existing dwellings in Burns Close.

The application has been accompanied by an arboricultural report.

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Relevant Policies :

Borough of Redditch Local Plan No.3:

CS07 The Sustainable Location of Development
BHSG06 Development within or adjacent to the curtilage of an existing dwelling
BBE13 Qualities of Good Design
BNE01A Trees, Woodland and Hedgerows
CT12 Parking Standards

Emerging Borough of Redditch Local Plan No. 4

Policy 2: Settlement Hierarchy
Policy 16: Natural Environment
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

Constraints

Borough of Redditch TPO.1 (1976)

Consultations

Highway Network Control

The proposed development is acceptable in highway terms and therefore no objections are raised subject to the inclusion of conditions covering access turning and parking, together with standard highway informatives.

North Worcestershire Water Management

Comments summarised as follows:

Severn Trent Water sewer records show there to be public foul and surface water sewers within the nearby vicinity.

The applicant proposes to dispose of additional foul water created by the proposed development via the existing mains sewer. Please bear in mind that it will be necessary for the applicant to gain permission to connect from the relevant Water & Sewerage Authority, in this case Severn Trent Water Ltd. in order to do this.

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Regarding the discharging of additional surface water created by the proposed development, the use of soakaways is proposed, in which case, proof of porosity testing will be required to ensure there is sufficient capacity for water to drain. In the event infiltration is not possible it is recommended that the applicant explores the use of alternative SuDS techniques such as porous surface materials, water butts, wherever viable on site in order to attenuate as much surface water on site as is possible.

No objections are raised subject to the imposition of a condition to address the above matters.

Area Environmental Health Officer

With reference to noise impacts, no objections are raised.

The site is located within 250m of an area of unknown filled ground which may have received waste material likely to produce gas from degradation processes. As such a planning condition should be imposed requiring the applicant to carry out a risk assessment to establish whether the proposed development is likely to be affected by gas emissions in order to ensure that any risks to future occupants of the dwellings are adequately addressed. Subject to the imposition of such a condition, no objections are raised.

Arboricultural Officer

There is a large mature Oak tree standing in the South-Western corner of the site and adjacent to the front left side of number 20 Burns Close. This tree is protected within Borough of Redditch Tree Preservation Order (1) 1976 and is a highly prominent, good quality tree. I agree that the Root Protection Area (RPA) required for the tree is as identified on drawing number 14-607-2 being 11.4 metres radial distance from the main stem. Therefore as already identified within this plan and application, the proposed main driveway serving the frontage of the new properties will cause an incursion into the BS5837: 2012 recommended RPA of this tree. The installation of the drive in the position shown will be possible due to the sympathetic existing ground levels and will need to be constructed using a No Dig Ground Support material.

Public Consultation Response

Responses

11 letters received in objection. All comments received summarised as follows:

- This would be an overdevelopment of the site
- Noise disturbance concerns raised
- Additional demands for car parking have not been fully considered
- Highway safety concerns
- Loss of light and overshadowing from development
- Current character of Burns Close will be lost
- Disturbance to protected tree and root system likely
- Concerns regarding future subsidence to nearby properties
- Damage to integrity of Burns Close (the road itself)
- Drainage concerns

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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.

Assessment of Proposal

Principle

The National Planning Policy Framework (NPPF) advises, in Paragraph 49, that planning applications for residential development should be "considered in the context of the presumption in favour of sustainable development".

The site lies within a sustainable urban location where the principle of developing private gardens for residential purposes can be supported subject to compliance with other relevant policies contained within the development plan. Therefore, there are no objections to the principle of a residential scheme on the site, providing the details are considered to be acceptable.

Layout of development

Policy B(HSG).6 of the adopted Local Plan is supportive of new residential development within the curtilage of a dwelling house so long as it respects the character and appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development.

The layout of the development would broadly respect the form and layout of development located to the immediate west of the site (the development of 5 no. houses: numbers 21 to 29 Burns Close) which was granted under consent 2000/463/FUL, in March 2001.

The proposals would meet all of the Council's spacing standards, as contained within the adopted SPG 'Encouraging Good Design' including minimum separation distances between flank walls of the proposed new dwellings and minimum garden areas. In addition, minimum separation distances between existing dwellings and the proposed new dwellings would be maintained.

Although the matters of scale and appearance are not for consideration at this stage, your officers consider that a future proposal under a reserved matters application could adequately address these matters based on the layout proposed here. As such, any future reserved matters application would respect the character and appearance of the area.

Residential amenity considerations

Your officers are satisfied that no loss to residential amenity would result from the proposed development by virtue of loss of light or visually intimidating impact given the separation distances that would exist between the proposed dwelling and nearby properties. Although noise disturbance during construction is an inevitable consequence of granting permission for new development, such noise and general inconvenience is temporary and not in itself a reason to refuse permission.

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Impact of the proposals on highway safety

Representations have been received questioning the acceptability of the access to serve such a development. County Highways have however, concluded that the access is acceptable, and that there are no highway implications which might result in the proposed development giving rise to harm to highway safety subject to the inclusion of planning conditions.

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

Drainage

NWWM have raised no objection to the proposals subject to the imposition of a drainage condition which would cover foul and surface water drainage provision. In addition, your officers would recommend that permeable surfaces be used in the construction of the proposed drive and parking areas, to be retained as such thereafter. A condition to this effect is recommended.

Impact upon protected oak tree

The Councils Tree Officer has raised no objection to the proposed development, considering that the proposed driveway serving the frontage of the new dwellings would not have any detrimental impact upon the root protection area (RPA) of the protected oak tree provided a 'no dig' ground support material is used in this area (as recommended in the applicants arboricultural report). The tree would need to be protected by means of protective fencing in accordance with BS5837:2012. These matters can be adequately addressed by planning conditions (set out later in this report).

Conclusion

It is considered that the proposals comply with the planning policy framework and would be unlikely to cause any harm to amenity or safety. Subject to the compliance with conditions as listed in full below, a favourable recommendation can be made.

RECOMMENDATION:

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

Conditions

- 1) (a) Application for approval of matters reserved in this permission must be made not later than the expiration of three years beginning with the date of the grant of this permission.
- (b) The development to which this permission relates must be begun not later than whichever is the later of the following dates:-

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- (i) the expiration of three years from the date of the grant of outline planning permission; or
 - (ii) the expiration of two years from final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
- (c) The matters reserved for subsequent approval include the following:-
Appearance, Landscaping, Scale

Reason:- In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.

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

Drawing 14-607-1
Drawing 14-607-2 revision P2
Drawing 14-607-3 revision P1
Marlow Consulting Ltd Arboricultural Report: 15th April 2015

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 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.

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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 site is within 250m of a former landfill site. A risk assessment should be undertaken to establish whether the proposed development is likely to be affected by gas emissions from the site. Where significant risks are identified or insufficient data hinders an appropriate risk assessment, a targeted site investigation proposal or proposed remedial measures must be carried out. Details in this respect should be submitted to and approved in writing by the Local Planning Authority, prior to commencement of the development. Any remediation measures approved shall be fully implemented prior to first use or occupation of the development.

Reason:- To ensure that the risks to buildings and their occupants from former landfill sites are adequately addressed in accordance with the National Planning Policy Framework.

- 7) 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.

- 8) The proposed drive and parking area shall be finished in a permeable surface and retained as such thereafter. Prior to their first installation, details of the permeable materials to be used 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 adequate surfacing for the parking area and driveway that enables permeable drainage and in accordance with Policy B(BE).19 of the Borough of Redditch Local Plan No.3.

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- 9) The Oak tree, protected under BOR TPO (1) 1976 and located to the south-west corner of the site shall be protected in accordance with the requirements of BS5837:2012 during the course of all on-site development works in accordance with the Arboricultural Report prepared by Marlow Consulting Ltd dated 15th April 2015. A 'No Dig' ground support material of the type specified in the Arboricultural Report above shall be used in the construction of the access road (where indicated) and as shown on drawing number 14-607-2, revision P2.

Reason: To ensure adequate protection to a protected tree in the interests of the visual amenities of the area and in accordance with Policy B(NE).1a of the Borough of Redditch Local Plan No.3.

Informatives

- 1) The local planning authority has 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 negotiation and amendment.
- 2) 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.
- 3) 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.

Procedural matters

This application is being reported to the Planning Committee because two (or more) objections have been received.