

**PLANNING
COMMITTEE**

10th August 2016

Planning Application 2016/131/OUT

**Outline Planning Application for up to 80 residential units.
Land At Church Road, Church Road, Webheath, Redditch, Worcestershire**

**Applicant: Mr John Williams
Ward: WEST**

(Site Plan attached)

The author of this report is Sarah Hazlewood, Planning Officer (DM), who can be contacted on Tel: 01527881720 Email: sarah.hazlewood@bromsgroveandredditch.gov.uk for more information.

Site Description

The site largely comprises agricultural land, with land to the road frontage currently associated with Woodyard Garage, lying on the south west side of Church Road.

Abutting and forming part of the south eastern site boundary are properties accessed from Hilltop, off Church Road. Hilltop also forms a public right of way which continues beyond the application site boundary in a westerly direction. Further to the west of the site is agricultural land and to the North West beyond the brook course is land which benefits from planning permission for 200 dwellings.

Proposal Description

The application seeks outline planning permission with all matters reserved except for access for the construction of up to 80 dwellings.

In addition to technical drawings in relation to the proposed site access, the application is supported by the following documents:

- Transport Assessment
- Planning Statement
- Heritage Statement
- Geo Environmental report
- Flood Risk Assessment
- Ecological Appraisal
- Design and Access Statement

Relevant Policies:

NPPF – National Planning Policy Framework
NPPG – National Planning Practice Guidance

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Borough of Redditch Local Plan No. 3

Policy CS.2 – Care for the environment
Policy CS.6 – Implementation of Development
Policy CS.7 – The Sustainable Location of Development
Policy CS.8 – Landscape Character
Policy B(HSG)5 – Affordable Housing
B(HSG)6 – Development within or adjacent to the curtilage of an existing dwelling
B(BE)13 – Qualities of Good Design
Policy B(RA)2 Housing in Open Countryside Outside the Green Belt
Policy B(RA).3 – Areas of Development Restraint

Emerging Borough of Redditch Local Plan No.4

Policy 2 Settlement Hierarchy
Policy 3 Development Strategy
Policy 4 Housing Provision
Policy 5 Effective and Efficient Use of Land
Policy 6 Affordable Housing
Policy 39 Built Environment
Policy 48 Webheath Strategic Site

Others:

SPG Encouraging Good Design
SPD Affordable Housing Provision
SPD Open Space Provision

Relevant Planning History

2000/495/OUT	Outline Application - Residential Development	Withdrawn	15.12.2000
2001/295/OUT	Residential development	Refused Appeal dismissed	19.10.2001 18.07.2002
2003/548/OUT	Outline Application - Residential	Refused	13.05.2004
2005/147/OUT	Erection Of 9 No. Detached Houses Plus Roads And Sewers	Withdrawn	20.05.2005
2005/444/OUT	Outline Application - Residential Development	Application disposed of Appeal withdrawn	13.06.2006

Consultations

Arboricultural Officer

- All the trees to be retained within the development are afforded relevant protection in accordance with BS5837:2012 throughout any ground or construction works on site.
- An Arboricultural Report and Method Statement are provided with a full application.
- Plans showing all utility services to be installed and their routing throughout the development are submitted with a full application.
- The properties in close proximity to the two Oaks located on the Southern boundary are relocated out of the RPA to prevent any encroachment and consideration is taken into the future pruning pressure on the trees.
- Any properties encroaching within 1 metre of the existing hedgelines are relocated and a buffer strip of 2 metres along the hedgelines is put in place to prevent any encroachment.

Development Plans

From a planning policy perspective, the principle of residential development proposed in this application can be supported.

Parks & Green Space Development Officer Martin Lewis

Comments received making recommendations for conditions in relation to protected species and landscaping

Education Authority

Current data shows quite clearly that there are few places available in years reception to 4. It will therefore be necessary to secure a planning obligation to mitigate the impact of the development on these year groups. The middle and high school year groups appear to have sufficient capacity to absorb the impact of the development. No planning obligation is therefore being sought for these year groups. The contribution will be used to support capital projects at Webheath Academy and/or Our Lady of Mount Carmel Catholic First School. Appropriate projects will be nominated in consultation with the schools to address the impact of the proposed development.

Contaminated Land- Worcestershire Regulatory Services

Knowledge of the site suggests that contamination issues may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and accordance with the NPPF, conditions recommended for inclusion on any permission granted.

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Worcestershire County Council Highway Authority

The County Council as Highway Authority is satisfied that the access proposals are safe and comply with the relevant design criteria for this development in this location. The County Council recommends that any permission which the District Planning Authority may wish to give includes conditions.

Leisure Services Manager

Financial contribution sought for offsite funding for Morton Stanley Park with a focus on Café/Toilets and/or outdoor fitness equipment.

North Worcestershire Economic Development And Regeneration

Having now reviewed the application, NWEDR do not have any specific comments to make on this occasion.

Ramblers Association

No Comments Received To Date

Public Rights Of Way

No Comments Received To Date

Worcestershire Archive And Archaeological Service

Conditions recommended to secure a programme of archaeological works across the site.

Waste Management

No Comments Received To Date

Severn Trent Water Ltd

I can confirm we have no objections to the proposals subject to the inclusion of conditions

Fire Officer

The Fire and Rescue Service have no comments to make at this stage with regard the proposed development. Full consultation will take place under Building Regulations following a full plan submission.

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Natural England

Natural England has no comments to make on this application.

Worcestershire Wildlife Trust

No Comments Received To Date

Town Centre Co-ordinator

No Comments Received To Date

Public Consultation Response

A total of 37 representations have been received in relation to the application. The matters raised that are material planning considerations are:

- The principle of developing land at Webheath
- Highway Safety, including visibility, traffic volumes, traffic speeds and pedestrian safety
- Additional noise and pollution
- Loss of and impact on the countryside
- Oversubscription of schools in the area
- Flood Risk
- Protected species
- Prematurity, in relation to the adoption of the emerging plan

Where comments have been made that are not material planning considerations these have not been reported.

Assessment of Proposal

Principle of developing the site for housing

The site comprises part of an Area of Development Restraint (ADR) within the Borough of Redditch Local Plan No.3 (BORLP3), which means that the land has been safeguarded to meet the Borough's future development needs post 2011. This designation has been carried forward in to the emerging Borough of Redditch Local Plan No.4 (BORLP4) with the site being identified as a Strategic Housing Site to meet the development needs of the Plan period up to 2030.

The Council has received proposed Main Modifications from the Inspector following Examination of the BORLP4 and the policies contained within the Submission version of

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the Local Plan should now be given more weight despite the Plan not being adopted, as they are relevant policy considerations for this planning application.

Taking these matters in to account it is considered that the principle of developing the site for housing is acceptable.

Technical matters

The application is made in outline form, with all matters other than the access to the site reserved for future consideration. Any plans submitted with the application which shows the layout of housing across the site is indicative only and shows one possible way in which the site could be developed. Details matters such as the size, height, layout and overall appearance of the development would be dealt with at the reserved matters stage.

In relation to the access in to the site, the highway authority have confirmed following a speed survey and measuring out on site that adequate visibility splays can be achieved in relation to the proposed access. It is noted that a previous application on the site was refused planning permission on highway safety grounds with an appeal subsequently being upheld, however, the access at this time was proposed in a different location and required land outside the applicants control in order to provide adequate visibility splays. This is no longer the case in relation to this application.

Conditions are recommended by the highway authority to secure the provision of adequate visibility splays. A financial contribution has also been requested to mitigate the impact on highway junctions affected by the development.

The protected species survey submitted with the application recommended further survey work is undertaken in relation to the potential habitat for reptiles on the site. This work is on going and members will note the recommendation that approval is delegated to the Head of Planning and Regeneration only on the receipt of a satisfactory survey addressing this matter as well as the attaching of conditions in relation to protected species across the whole of the site.

In respect to all other technical matters, no objections have been raised by consultees, with conditions recommended to ensure any necessary further investigation, such as contaminated land investigations, are completed.

Other matters

The comments regarding school places is noted, however Worcestershire County Council as Education Authority have not objected to the proposal and are seeking a financial contribution towards additional school places.

Whilst the proposal will result in the loss of countryside, it is on a site where the principle of developing this land for residential purposes has been long established.

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It is noted that part of the site requires land that currently forms part of Woodyard Garage, however it is considered that the reduction in the site size as a result of this application would not prejudice the long term viability of this business.

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 Outline planning permission subject to:-

- 1) the satisfactory completion of a S106 planning obligation ensuring:**
 - provision of affordable housing on site
 - a financial contribution for mitigating the impact of the development on the highway network;
 - a financial contribution for the provision of enhancements to the Town Centre;
 - a financial contribution for the provision of waste management;
 - a financial contribution for open space provision;
 - a financial contribution for playing pitch provision;
 - a financial contribution for children's play provision;
 - a financial contribution towards education facilities
- 2) the receipt of a satisfactory reptile survey confirming the presence/absence of reptiles on the site and to attach recommended conditions relating to protected species throughout the site; and**
- 3) the Conditions and informatives as summarised below:**

Conditions:

1. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i. The expiration of three years from the date of this permission; or
 - ii. The expiration of two years from the final approval of the reserved matters; or,
 - iii. In the case of approval on different dates, the final approval of the last such matter to be approved.

REDDITCH BOROUGH COUNCIL

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Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development

3. The development hereby approved shall be carried out in accordance with the following plans and drawings –

WHR-BWB-GEN-XX-DR-TR-100 Status S1 Rev P1
SB01 Rev D Dated 07-12-15

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of the Development Plan.

4. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and **2.4** metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of **50.5** metres northerly and **60** metres southerly along the nearside edge of the adjoining carriageway the extremities ending at the nearside running lane of the carriageway in accordance with the guidelines set out in Manual for Streets 2. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

5. Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority.

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

6. The development shall not be occupied until the road works 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.

7. 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 should include, but not be restricted to, details of secure cycle parking (such as details of the location, type of rack, spacing, numbers, method of installation and access to cycle parking). 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

8. A Construction Environmental Management Plan shall be submitted to and approved in writing by the local planning authority prior to commencement of development. This shall include the following:-
- a. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - b. Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);

The measures set out in the approved Plan shall be carried out in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

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

9. 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 conditions (a) to (f) have been complied with:
- (a) A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. 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".

- (b) The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.
- (c) Where the site investigation identified remediation is required, 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.
- (d) 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.
- (e) 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.
- (f) 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 offsite receptors.

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10. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

Reason: To allow proper consideration of the proposed foul and surface water drainage systems

11. No demolition, site clearance or building operations of any type shall commence until a protective fence (of at least 2 metres in height and in all other respects in accordance with BS 5837 (2012) Trees in Relation to Design, Demolition and Construction and previously approved in writing by the Local Planning Authority), has been erected around the trees to be retained within the site and around those trees outside the site whose Root Protection Areas (RPA) (as defined in BS 5837 (2012)) fall within the site, at the outer limit (or beyond) of the their RPA or in a position agreed in writing by the Local Planning Authority. This tree protective fencing should remain in place until all construction and associated ground-works have been completed.

Reason: To secure the wellbeing of the trees to be retained in accordance

12. Any reserved matters application shall be supported by an Arboricultural Report and Method Statement. This shall ensure that any properties in close proximity to the two Oaks located on the Southern boundary are relocated out of the RPA and consideration is taken into the future pruning pressure on the trees and any properties encroaching within 1 metre of the existing hedgelines are relocated and a buffer strip of 2 metres along the hedgelines is put in place to prevent any encroachment.

Reason: To ensure the wellbeing of the trees to be retained and continuity of tree cover and, maintaining and enhancing the quality and character of the area.

13. Prior to the installation of the utility services a plan showing the intended routing of any ground installed utility services shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure the existing trees on site are sufficiently protected.

Informative Notes.

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 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, 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.
3. 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.
4. There may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.
5. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval

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6. The developer should consider the installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh.
7. The developer should consider appropriate cabling and an outside electrical socket to be supplied for each property to enable ease of installation of an electric vehicle charging point (houses with dedicated parking). The charging point must comply with BS7671. The socket should comply with BS1363, and must be provided with a locking weatherproof over if located externally to the building.

Procedural matters

This application is reported to Planning Committee for determination because the application is for major development and as such the application falls outside the scheme of delegation to Officers.