

REDDITCH BOROUGH COUNCIL

**PLANNING
COMMITTEE**

18th January 2017

Planning Application 2016/290/FUL

Erection of nine dwellings, associated access and landscaping

Land At, Far Moor Lane, Winyates Green, Winyates, Redditch, Worcestershire, ,

Applicant: Mr Shaun Hussey
Ward: WINYATES

(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 comprises of a paddock with a detached garage / workshop. Mature tree planting exists around the perimeter of the application site. The application site also includes an established pond that is sited between two fields. The site is adjacent to Lower House which is a grade II listed building.

Proposal Description

Nine dwellings are proposed to the south of Lower House. The house types are varied and incorporate architectural features that are evident on the listed building. An informal open space area has been provided directly to the south of Lower House in order to maintain a natural spacing between the listed building and the proposed dwellings. This open space provision would create a link to the pond that forms part of the site and is intended to be enhanced as a result of the development.

Relevant Policies :

Borough of Redditch Local Plan No.3:

BRA03	Areas of Development Restraint
BBE13	Qualities of Good Design
BHSG05	Affordable Housing
BHSG06	Development within or adjacent to the curtilage of an existing dwelling
BNE01A	Trees, Woodland and Hedgerows
BNE03	Wildlife Corridors
CS06	Implementation of Development
CS07	The Sustainable Location of Development
S01	Designing Out Crime
CT02	Road Hierarchy
R03	Provision of Informal Unrestricted Open Spaces
R04	Provision and Location of Children's Play Areas
R05	Playing Pitch Provision

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Emerging Borough of Redditch Local Plan No. 4

Policy 1	Presumption in Favour of sustainable Development
Policy 2:	Settlement Hierarchy
Policy 4	Housing Provision
Policy 5	Effective and Efficient Use of Land
Policy 6:	Affordable Housing
Policy 12	Open Space Provision
Policy 16	Natural Environment
Policy 22:	Road Hierarchy
Policy 36:	Historic Environment
Policy 37:	Historic Buildings and Structures
Policy: 39	Built Environment
Policy: 40	High Quality Design and Safer Communities

Others:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SPD	Affordable Housing Provision
SPD	Open Space Provision
SPG	Encouraging Good Design
Worcestershire Waste Core Strategy (WWCS)	

Relevant Planning History

No planning history.

Consultations

Arboricultural Officer

I have no objections to the proposed development and recommend conditions.

Development Plans

The proposal site is located immediately north and adjacent to the Local Plan No.4 (BORLP4) housing site (No.211, former A435 ADR). The proposal site is identified as white land on the emerging BORLP4 Policies Map; therefore any development proposal needs to be assessed with regard to its compatibility with surrounding land uses. In this instance, the proposed residential development would be appropriate in this location. This application can be supported from a Planning Policy perspective.

North Worcestershire Water Management

Recommend conditions.

Highway Network Control

Additional information required in relation to car parking provision and visibility splay.

Crime Risk Manager

No objections to this application.

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Perimeter security is important. The proposed boundary treatment plan shows the use of either 1.8 metre high fencing or brick walls which is good, however on many of the plots it is not clear if this treatment applies for the whole of the perimeter of the rear gardens, or, will there be a combination of fencing and natural vegetation. If natural vegetation is to be relied on to form part of the perimeter security it is essential that there are no gaps in it.

Parks & Green Space Development Officer Martin Lewis

I have no objections to this development.

Worcester Regulatory Services- Contaminated Land

The application site is within 250m of a significant area of unknown filled ground which could potentially produce landfill gas. It is considered necessary to condition the application requiring the applicant to incorporate gas protection measures within the foundations of the proposed new structure or to undertake a gas survey to ascertain if gas protection measures are required.

Stratford On Avon District Council

No Comments Received To Date.

Nick Joyce Architects

Principal concern is the location of units closest to the listed building over which it will have views. Whilst this is a relatively low density development, the layout should be such as to maintain open views out from the listed dwelling so that at least it retains the feeling of open space.

Public Consultation Response

7 letters of objections raising the following concerns as summarised:-

Concerns about construction noise during development, over intensive development, traffic issues, impact on trees and wildlife, concerns of overlooking from existing properties.

Assessment of Proposal

Principle of development

Under the emerging Borough of Redditch Local Plan No. 4 the site is identified as white land. Due to the advanced stage of preparation of the emerging Local Plan No. 4, greater weight can now be given to its policies, in accordance with the NPPF paragraph 216. The principle of residential development is therefore acceptable on this site.

The density of the proposal equates to 19 dwellings per hectare (dph). Whilst this figure is lower than the 30 to 50dph sought through Policy 5 of the emerging Local Plan No.4, It is considered that the density of this proposal is appropriate for its location, bearing in mind that it is located adjacent to a listed building and that the site is on the edge of the urban/ rural fringe.

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Design and layout of the proposed scheme

The design of the nine dwellings has been carefully considered incorporating distinctive architectural features that exist on the adjacent listed building (Lower House). As such the dwellings have a unique appearance that would contribute positively to the local character of the area.

Lower House remains one of the more interesting listed buildings in the area and was an important farmstead in its time. Farm buildings associated with the house remain to the north of Lower House and though now converted, they still provide some context to the house. So too and more importantly does the large stretch of open paddock and the pond to the south of Lower House.

Original plans submitted showed dwellings positioned close to the northern site boundary that abuts Lower House. Officers considered that positioning dwellings in this location would have a direct and substantial impact upon the setting of the farmhouse. Officers negotiated with the agent to amend the layout plan accordingly to ensure some provision of spacing between the listed building and the proposed dwellings. The revised plan still shows the provision of 9 dwellings; however, an informal 'green' has now been incorporated within the scheme. This provision will form part of the informal open space required for the scheme and also provide a good connection to the pond that is within the application site boundary. This revision now maintains open views out from the listed dwelling. The Conservation Advisor considers this revision to be acceptable.

As a result of the changes to the scheme, all plots have adequate garden provision except for plot 2 which has been compromised. Members will be aware that a minimum of 70 sq m of garden area or a garden length of 10 metres is required to comply with the guidance set out in the Borough of Redditch Supplementary Planning Guidance (SPG) on Encouraging Good Design. However, the garden area for plot 2 equates to 69 sq m with a 1 sq m shortfall. It is considered unlikely that the shortfall of 1 sq m is unlikely to be detrimental to the amenities of the potential occupiers and as such the proposed garden provision for all the plots are acceptable despite plot 2 not fully complying.

With respect to plots 2 - 3 and 4 – 5, the design of these units will have the front door facing the drive areas. Secondary windows for the living room and kitchen will also face onto the drive areas too. However, it is likely that these windows for plots 3 and 4 could potentially overlook each other as they are in close quarters to each other. As the windows concerned serve habitable rooms, generally a spacing of 22 metres would be required. However, these are secondary windows with the main principle windows serving these rooms being provided at the front and rear of these plots. Whilst a spacing of approximately 8.5 m would be maintained between the windows themselves, the positioning of them is at oblique angles to each other. In addition, this shortfall applies to new dwellings and not existing properties, therefore, it would be a case of 'buyer beware' when they purchase the properties. Taking into consideration that the windows concerned are secondary and would be oblique to each other, it is considered reasonable that the spacing normally applied be relaxed on this occasion.

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Comments have been made by neighbouring occupiers in relation to overlooking. However, the distance between existing properties and the proposed dwellings would be at least 27 metres and as such would comply with the 22 m minimum distance set out in the SPG on Encouraging Good Design. Concerns also relate to over intensive development, however, as stated above, the scheme would be a very low density scheme and as such would not be an over intensive development in this location.

Officers consider the revised layout is acceptable and complies with policies in Local Plan No. 3 and the emerging Local Plan No.4 and would not seriously conflict with guidance set out in the SPG on Encouraging good Design.

Means of access

The means of access would utilise the existing gated access to the site and is proposed to be off Far Moor Lane which is designated as a Local Distributor Road in Local Plan No. 3 and 4. Whilst County Highways do not object to the proposal, clarification is sought in respect to the visibility splay.

Objections have been made in relation to traffic. However, County Highways are satisfied with the number of units that would be served off this road.

Crime Risk

There is no objection from the Crime Risk Manager in respect to this proposal, however, the officer raised concerns in respect to rear boundary treatment for plots 1 – 7. A post rail fence is shown that will be 1.2 m high. This matter can be addressed as part of the landscaping scheme as indicated under condition 4.

Trees and landscaping

Although the Landscaping Officer has no objection to the scheme, slight adjustments have been made to the scheme to address encroachment of the Root Protection Areas of existing trees. It is expected that a new native tree is proposed to be planted (species to be agreed as part of the landscaping scheme) along the south eastern boundary of the site where there is currently a gap along this side of the application site.

Ecology matters

An ecological appraisal has been provided for the site and revealed very little evidence of ecological activity. A recommendation to apply care whilst digging during construction has been highlighted in the report's conclusion and recommendations. However, it is considered appropriate that an ecological enhancement scheme condition be imposed in order to apply measures to encourage ecology into this area.

Other Matters

A Section 106 Agreement is proposed for this development to cover the following matters:-

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Affordable Housing Provision – Although nine dwellings are proposed, the combined gross internal floor area of the dwellings concerned exceeds 1000 sq m therefore; a financial contribution for affordable housing is required in the form of a planning obligation. This would be in line with policy 6 of the emerging Local Plan No. 4 and para 31 of the National Planning Practice Guidance (NPPG).

Waste Core Strategy - A financial contribution to cover the cost of wheelie bins will be required for the development.

Open Space Provision - Under the Open Space Provision SPD the provision of unrestricted open spaces, provision of children's play areas, and provision of playing pitch facilities need to be provided for the scale of this housing development. Some provision of unrestricted open space provision will be provided on site, however, a financial contribution will still be required to cover the shortfall of unrestricted open space, playing pitch provision and equipped play area provision. These contributions would be used to provide a new facility or enhance existing facilities nearby.

Conclusion

Due to the advanced stage of preparation of the emerging Local Plan No. 4, greater weight can now be given to its policies, in accordance with the NPPF paragraph 216. Therefore, the principle of residential development and its means of access proposed in this sustainable location would be compliant with Policies in the emerging Local Plan No.4 and consistent with the NPPF.

The design of the dwellings are considered to be acceptable, whilst the scheme does not fully comply with guidance set out in the Council's SPG, it is considered that the shortfall on the spacing would not be detrimental to the amenities of the potential occupiers.

Whilst there are still some outstanding matters in respect to highway queries and boundary treatment, it is considered that these matters will be resolved and be provided in the Update Report.

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 the following provision:-**
- b) A financial contribution for the provision of affordable housing,**
- c) A financial contribution for the provision of waste management.**
- d) A financial contribution for open space provision.**
- e) A financial contribution for playing pitch provision.**
- f) A financial contribution for children's play provision.**

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g) And subject to the following conditions and infomatives 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 the commencement of development details of the form, colour and finish of the materials to be used externally on the walls and roofs and boundary walls / fencing 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 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) 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.

- 5) 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

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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.

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

- 7) No works or development shall take place until a scheme for foul and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. If infiltration techniques are used then the plan shall include the details of field percolation tests. The scheme shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area and in accordance with National Planning Policy Framework.

- 8) No works or development shall take place within at least 5 metres alongside all ordinary watercourses allow for an appropriate buffer strip.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area and in accordance with National Planning Policy Framework.

- 9) Finished floor levels within the development shall be set no lower than 150 mm above the surrounding finished ground levels.

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Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area and in accordance with National Planning Policy Framework.

- 10) Recommendations set out in the Ecological Appraisal dated 6 May 2016 shall be implemented during construction of the development.

Reason:- In the interests of ecology in the local area and in accordance with Policy B(NE).3 of the Borough of Redditch Local Plan No.3 and paras 9 and 109 of the National Planning Policy Framework.

- 11) No development shall take place until full details of an ecological enhancement scheme has been submitted to and approved in writing by the Local Planning Authority. These details shall include measures to encourage / maintain ecology in this area including the use of the site as a wildlife corridor and enhancements to the pond. The approved schemes shall be fully implemented prior to the first occupation of the development.

Reason:- In the interests of ecology in the local area and in accordance with Policy B(NE).3 of the Borough of Redditch Local Plan No.3 and paras 9 and 109 of the National Planning Policy Framework.

- 12) Any highway conditions recommended by County Highways.
- 13) Gas protection measures should be incorporated within the foundations of the proposed structure, approved in prior to commencement of the development by the Local Planning Authority, or a risk assessment should be undertaken to establish whether the proposed development is likely to be affected by gas emissions from this area, provided to and approved by the Local Planning Authority, prior to commencement of the development.

Where significant risks are identified or insufficient data hinders an appropriate risk assessment, a targeted site investigation proposal or proposed remedial measures must be provided to and approved in writing by the Local Planning Authority, prior to commencement of the development.

REASON:- To ensure that the risks to buildings and their occupants from potential landfill gas are adequately addressed.

- 14) 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 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.

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

- 15) No site clearance, demolition, excavation or development shall take place until full details of tree protection measures and a detailed working methodology of construction near the tree(s) to be retained has been submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented throughout the course of development.

Reason:- To prevent damage to, and preserve the tree(s) in the interests of visual amenity and in accordance with Policy B(NE).1a of the Borough of Redditch Local Plan No.3

Notes

- 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) The applicant is advised that due to the close proximity of other properties, the applicant should be directed to Worcester Regulatory Services 'Code of Best Practice for Demolition and Construction Sites' which can be found on the WRS website.
- 3) Any highway informatives recommended by County Highways.
- 4) In respect to condition 7 the applicant is advised that the peak runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event plus an appropriate allowance for climate change must never exceed the peak runoff rate for the same event. The scheme shall be designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event and not in any part of any building for the 1 in 100 year rainfall event plus climate change. Flows resulting from rainfall in excess of a 1 in 100 year rainfall event shall be managed in exceedance routes that minimise the risk to people and property.

The runoff volume from the development in the 1 in 100 year 6 hour rainfall event shall not exceed the Greenfield runoff volume for the same event.

Procedural matters

This application is being reported to the Planning Committee because the application requires a S106 Agreement and because two (or more) objections have been received. As such the application falls outside the scheme of delegation to Officers.