



Planning Committee

Batchley & Brockhill Ward

30th March 2010

**2010/008/FUL 14 DWELLINGS, ACCESS ROAD AND PUBLIC OPEN SPACE
PROVISION
LAND AT HEWELL ROAD, BROCKHILL
APPLICANT: PERSIMMON HOMES
EXPIRY DATE: 21ST APRIL 2010**

The author of this report is Ailith Rutt, Development Control Manager, who can be contacted on extension 3374 (e-mail: ailith.rutt@redditchbc.gov.uk) for more information.

Site Description

(See additional papers for Site Plan)

Existing open land that has been left to grow wild as meadow, with informal pedestrian routes across. The site lies between housing at Brockhill (west of the site) and some housing and commercial development to the east, as well as facing housing to the south on Salters Lane and open farmed fields to the north. The land rises towards the north, with Lowans Hill Farm on the peak of the first rise. The site is in close proximity to the roundabout where Brockhill Lane, Brockhill Drive, Hewell Road and Salters Lane converge. There is no evidence of any previous development on site and therefore the land is considered to be greenfield.

Proposal Description

The application proposes to take a further arm off the roundabout to the north between Brockhill Lane and Hewell Road to access the site, and to provide an approach into the land to the north east of the site. From this spur, a development of fourteen houses is proposed. The housing would be grouped into two parts, the first, fronting the new access road and the existing housing located opposite on Wheelers Lane, and the other group at the south east end of the site adjacent to Lowans Hill Cottages. In the centre of the site some POS would remain, and the applicants propose to transfer this to the Council with a maintenance contribution.

The dwellings proposed would be market housing, nine with 2 bedrooms and five with 3 bedrooms. They are all two storey, with front and rear gardens and allocated parking.

The application is accompanied by an initial landscape and visual appraisal (2005 with 2009 update), ecological appraisal (July 2009), tree assessment report (Aug 2006 updated May 2009), West Midlands sustainability checklist (largely minimum ratings), climate change statement (Nov 2009), FRA (Nov 2009), transport statement (May 2009), design and access statement (Jan 2010) and a planning statement included within a lengthy covering letter.

Relevant Key Policies

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk

www.wmra.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National Planning Policy

PPS1 (& accompanying documents) Delivering sustainable development
PPS3 Housing
PPG13 Transport
PPG17 Planning for open space, sport & recreation
PPS25 Development & flood risk

Regional Spatial Strategy

SR2 Creating sustainable communities
SR3 Sustainable design and construction
UR4 Social infrastructure
QE3 Creating a high quality built environment for all
QE4 Greenery, urban greenspace and public spaces
T7 Car parking standards and management

Worcestershire County Structure Plan

SD3 Use of previously developed land
CTC5 Trees, woodlands and hedgerows
T4 Car parking
RST12 Recreational provision in settlements
IMP1 Implementation of development

Borough of Redditch Local Plan No. 3

CS1 Prudent use of natural resources
CS2 Care for the environment
CS6 Implementation of development
CS7 Sustainable location of development
CS8 Landscape character
S1 Designing out crime
B(HSG).6 Development within or adjacent to the curtilage of an existing dwelling
B(BE).13 Qualities of good design
B(BE).19 Green architecture
B(BE).28 Waste management

B(NE).1a	Trees, woodlands and hedgerows
E(EMP)3a	Development affecting primarily employment areas
E(EMP)6	North West Redditch Masterplan – Employment
CT12	Parking standards
R.1	Primarily open space
R.3	Provision of informal unrestricted open space
R.4	Provision and location of children’s play areas
R.5	Playing pitch provision

SPGs and SPDs

Encouraging good design
Designing for community safety
Planning obligations for education contributions
Open space provision

The site is designated on the local plan proposals map as Primarily Open Space.

Other relevant corporate plans and strategies

Worcestershire Community Strategy (WCS)
Redditch Sustainable Community Strategy (SCS)

Relevant Site Planning History

Application ref	Proposal	Decision	Date
09/103/FUL	14 dwellings, open space and access road	Refused	11 Aug 2009
06/290/OUT	Mixed use A1 retail, B1a office and D1 nursery	Refused Part allowed (not A1 use) at appeal	14 Sep 2006 30 Nov 2007
05/411/OUT	Mixed use development	Withdrawn	11 Oct 2005

The appeal against the mixed use development was allowed in respect of the office, nursery and access uses, but the A1 retail proposal which was considered likely to harm the vitality and viability of the Batchley District Centre was dismissed. Thus the road shown on the current proposal has already been granted consent by the Inspector.

The 2009 application was refused under Officers’ delegated powers for the following reasons:

1. Unjustified loss of Primarily Open Space contrary to LP3 Policy R1 as incomprehensive development negates an enabling development argument

2. Layout unacceptable – not in compliance with secured by design principles and thus likely to result in an insecure environment for occupiers, contrary to Policy S1, partly due to design and number of dwellings proposed
3. Lack of planning obligation means no education money and no open space infrastructure, contrary to policy and depriving the community and especially occupiers of the future development - SPDs
4. Green architecture and sustainability details not included in proposed development, contrary to PPS1 and Policy BBE19
5. Unsustainable scheme – overprovision of parking and lack of cycle parking provision results in too much reliance on car too close to town centre – PPS1, PPG13
6. Flood risk assessment (FRA) inappropriate (out of date) – difficult to consider impact of development on flood risk – contrary to PPS25.

Public Consultation Responses

Responses against

5 comments received raising the following points:

- Loss of primarily open space not outweighed by need for housing
- Site is currently a buffer between residential development to west and industrial premises to east and this benefit would be lost
- Residential uses preferable to commercial/industrial uses allowed by the Inspector
- Increased light, noise and air pollution
- Previous reasons for refusal not overcome
- Insufficient on-site parking provision proposed
- Increased access to adjacent sites not desirable
- Potential land contamination from historic burning on site
- Open space landscaping should occur prior to commencing residential development
- Would open up access to additional land and enable further development in the area to occur
- Noise from access road would cause harm to existing adjacent residents
- Additional roundabout arm likely to cause highway safety concern
- Tree protection report should be implemented in order to ensure trees are protected on the site during and post construction
- Should restrict construction hours to protect residential amenity adjacent

Consultee Responses

County Highway Network Control

No objection subject to conditions and informatives

Development Plans team

- Notes that some of the policies referred to in the applicant's supporting information are no longer applicable
- Notes that the density of the proposed development falls broadly within the range stated in PPS3
- Note that there is a policy requirement to allow sufficient separation between proposed dwellings and adjacent designated employment site to east so that future employment development is not prejudiced by this housing proposal
- The Inspector considered that the access road, which would allow access to the employment site to the east, would be of sufficient benefit to outweigh the loss of open space in policy terms
- Keen to encourage future development of the designated employment land once the road is in place
- This and adjacent land have been put forward in the current consultation on the emerging core strategy for future residential development in response to the emerging regional policy framework which identifies a need for additional residential development within the Borough.
- As this site falls within the larger Brockhill East development area, but this particular parcel falls below the affordable housing threshold of 15 units, then under the SPD these houses should be carried forward when calculating affordable housing provision on future parcels of the development area.
- The mix of house sizes proposed addresses the housing need in the Borough and is therefore welcomed
- It is acknowledged that the Borough does not currently have a five year land supply for housing, and as such finding sites for residential development, such as this, are to be welcomed in order to assist in meeting the target/need for the Borough.

Environmental Health

No objections raised subject to conditions regarding potential contaminated land

Crime Risk Manager

No objection subject to informative recommending the application for Secured by Design accreditation

Severn Trent Water

No objection subject to a condition regarding drainage details

Drainage officer

No comments received

Landscape Manager

No comments received

Waste Management team

No comments received

County Cycle Route Co-ordinator

No comments received

County education co-ordinator

No response received

County archaeologist

No objection subject to condition regarding watching brief.

Note – this was not raised previously, and therefore this request has been withdrawn by the County team on further examination of the case.

Procedural Matters

The site history, including the relatively recent Inspector's decision relating to the site (and other land), are material considerations in the determination of this application. However, these should be weighed against all other material planning considerations in the determination of this proposal.

Given the similarity between this proposal and that refused in 2009, Members should consider whether the previous reasons for refusal, as detailed above, have been addressed to an acceptable extent, as well as considering any other relevant material considerations.

Assessment of Proposal

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

Principle

The site is designated as Primarily Open Space and as such the local plan policies seek to protect its openness and visual contribution to the amenities of the area. There would therefore be a presumption against

development on this site, unless there are reasons why the development need outweighs the value and/or benefit of the land as an open area.

It is acknowledged that there is an outline permission existing on this site for a commercial development (nursery and office accommodation) and an access road to the adjacent site which has been designated for future employment uses. However, the Inspector makes it clear that this commercial development is part of the wider development area and is required to fund the infrastructure provision of the access road in order to enable employment uses to be implemented in accordance with the identified need in the Borough. It therefore needs to be considered whether it is unacceptable to develop this site in isolation. Furthermore, adjacent industrial and residential uses should generally be resisted in order to prevent any future harm between the two potentially incompatible land uses.

The decision of the Inspector to allow some built form on the designated open space, but also to require a 'cone of vision' be maintained to make the visual impact acceptable and allow views across the site to the landscape beyond should also be taken into account. This cone of vision has been left clear of proposed development in this application proposal.

The current case differs from the previous case, in that the employment land is included within the blue line and thus shown to be land within the control of the applicant. However, as no details of how the site might be developed are included, it is not possible to ensure that the employment site is developed in a timely manner to assist in the delivery of additional employment opportunities. The previous decision took into account the identified shortfall of employment uses within the town. The enabling development argument is therefore not accepted in this case, as it relates to land beyond the red line of the application site.

It has been suggested that allowing the road sets a precedent for allowing development in the area for which it provides access. However as the land to the east is designated within the local plan for employment uses, and the Inspector previously considered the road to be acceptable in visual terms, the consideration of this proposal should have regard to these matters.

Since the previous refusal of a similar scheme on this site, the RSS Phase 2 revision has been published, and it has become apparent that the access road would lead not only to the designated employment site but also to the ADR (Area of Development Restraint) which will now need to come forward for residential development before 2016. Therefore there are additional benefits to granting consent for the current scheme, as it would provide the infrastructure necessary to bring forward further development, and alleviate difficulties in meeting the current land supply deficit.

It is considered that when balancing the factors relating to the principle of the development and whether or not this is acceptable, that the benefit of opening up the access to a large area of land for development by providing

the necessary infrastructure outweighs the potential harm caused by the loss of the open space to a small residential development such as that proposed, especially given that the cone of vision and wider visual amenity would be protected.

Density & affordable housing

The applicant has included in their submission a plan showing the different areas of development and open space on the site, and demonstrated that the proposed housing would be at a density of 38.25dph, which falls above the minimum stated in PSP3 of 30dph. Therefore, the density can now be considered to be acceptable. Further, due to the site being part of a wider development area, the affordable housing that was previously considered to be a missed opportunity as a result of the low density can also now be gained through later stages of development. Thus the proposal is now considered to be acceptable in this respect.

Open space

The proposal includes 4150m² of on-site open space, an over-provision relative to the requirement of 1582.64m², however, this is a result of the applicant providing the cone of vision between built form on the site in line with the previous Inspector's decision. Clearly the retention of open space, or its provision, would normally be welcomed, however, there would still be a net loss in this case given the proposed development on the remainder of the site. The SPD requires that this land would then be transferred to Redditch Borough Council for ongoing maintenance, along with a sum towards this. (For further information see the planning obligations section below.) However, on balance, due to the existing surplus of open space within the Batchley Ward, and the proposed retention of open space on the site, it is not considered reasonable to refuse on this basis.

Design and layout

The proposed dwellings would be simple two storey brick and tile houses in appearance, uniform in style and materials, and similar to those of the adjacent recent residential development to the west, some of which front on to this site and the proposed new road. Some would have feature panels of render.

The layout plan shows rear conservatories on all the proposed dwellings, however the house elevation plans do not include them, they are shown on a separate plan. The supporting text suggests that these would be built if required by the initial purchasers. As plans and details are provided, this is considered to be acceptable and included within the application proposal. However, for those dwellings where the conservatories are added, the garden areas would decrease in size and function, and so it is recommended that Permitted Development Rights (PDRs) for extensions and outbuildings be removed at this stage from all the dwellings to prevent any further additions in the gardens, in order that sufficient amenity space per dwelling is retained. This would not prevent the future submission of applications and their consideration for items such as garden sheds and other features.

It is not considered that the proposed development would cause any detrimental impacts on amenity or privacy either on the site itself or across the site boundaries to the existing residential properties, and it is considered that the proposal is in accordance with the SPG on good design in this respect.

The location of residential development adjacent to both existing industrial uses and land identified for such uses in the future should be carefully considered in terms of compatibility. In this case, the separation between the proposed dwellings and the designated site in the local plan, together with the similar separation distances between the local plan site and existing dwellings, which is comparable, is considered to be acceptable in this case. It is considered that future employment uses could be developed without causing any detrimental impacts on the existing and proposed residential development.

The layout of the proposed development is considered to be acceptable, given the constraints of the site such as sewer easements and the favourable retention of the cone of vision.

Secured by design

The proposed layout of the residential development has been designed with security in mind, such that it would be difficult to gain rear access to properties, and preventing opportunities for public access in circuits around the development. The 'dead ends' caused are thus more secure as they prevent escape and are therefore considered to be acceptable.

Landscaping and trees

One of the representations includes comments regarding trees. Whilst some trees which benefit from TPOs have already been granted consent to be removed (by the Inspector in the previous appeal) there are no other protected trees on the site which are to be removed.

The proposed landscaping scheme for the site has been drawn up in consideration both of landscape and visual amenity and also security on the site, and as such is considered to be acceptable, as well as appropriate to the site and its context.

Parking and access

The proposal shows two spaces provided for each of the three bed dwellings, one space for each of the two bed dwellings and two visitor spaces, making a total of 21 spaces, four of which are within garages. This is compliant with the maximum standards set out in Local Plan 3, although these standards do not incorporate visitor spaces. On this occasion, however, where there is minimal opportunity for 'on-street' parking provision, it is considered reasonable to allow these two spaces.

The adopted cycle parking standards require a minimum of 2 spaces for a 2 bed unit and 4 spaces for a 3 bed unit, and as such, secure provision for 38

cycle parking spaces, which are secure and accessible to residents, should be included in the proposal, in line with the aims of sustainability and the details of the local plan policies. The application includes proposals for equipment to be attached to the rear garden fencing, within the rear garden areas, to which cycles can be secured. Whilst this would not be a covered and weatherproof solution, those dwellings with garages could use their garages to store cycles securely. Although this is not an ideal solution, it is considered that it complies sufficiently with the spirit of the planning policy, and is therefore not a sufficient ground for refusal.

There are several technical objections relating to the proposed access road, however the highway adviser has confirmed that there are no objections, and the details submitted are the same as those allowed by the Inspector at the previous appeal. There are therefore no reasons to justify refusal on this basis in this case, as it is considered acceptable in terms of amenity and safety.

Sustainability

The applicant is proposing to provide compost bins and water butts for every property, in an attempt to make the development more sustainable. However, these appear to be the only features proposed, and the applicant argues that to do more would make the scheme financially unviable, but their claim is not supported with any evidence. However, given the nature and requirements of the current planning policy framework, it is not considered by Officers that it would be possible to refuse the application on this basis, due to a lack of evidence and criteria based policy framework.

The applicant states that the developers would not meet more than the simple minimum building control standards and therefore the development proposed would not even meet level 3 of the Code for Sustainable Homes, which fails to achieve the objectives set out in the emerging core strategy and other local policy documents. However, at this stage of the policy process, this can only be afforded very little weight when considering the overall scheme.

Planning obligations

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation. Normally, the following would be required under the adopted policy framework:

- A contribution towards County education facilities in compliance with the SPD; and
- A contribution towards playing pitches and play areas in the area due to the increased demand/requirement from future residents in compliance with the SPD; and
- That the on-site open space provision be maintained for use by the public in perpetuity. This is usually done by transferring the land to the

Council for future maintenance and making a contribution towards this in line with the calculations set out in the SPD.

The applicant claims that there is an overprovision of places in the schools within the catchment area and therefore that no education contribution is required in this case. It is known that this is the case currently, and in the absence of any comment from the education authority, it is not possible to argue to the contrary for any future circumstance.

The applicant has agreed to provide the appropriate open space maintenance, play equipment and pitch provision contributions as detailed in the SPG.

Drainage/Ecology

A new, up to date Flood Risk Assessment (FRA) has been provided with this application, and comments on its acceptability have been sought from the Environment Agency. These are awaited, and will be reported on the Update paper. However, the deadline for responses is over, and therefore under the regulations it can be assumed that no comments raised means that there are no objections. Further, Officer experience shows that where sites are of concern, contact is made and concerns raised very promptly in response to consultations.

Other issues

No details regarding the proposed method of storing and leaving for collection the waste receptacles on the proposed development have been provided. Whilst this is quite a small detail, it is important to ensure that all the proposed dwellings can be properly serviced, and thus further details would be required on this matter. However, these can be sought through the imposition of a condition.

Contact was made with the County Archaeology team to clarify the need for the condition regarding a watching brief that they had requested, given that this was a new requirement over what had previously been raised. It was conceded that nothing had changed in this regard since the previously refused scheme in 2009, and therefore that it was not reasonable to require the attachment of the condition. It is therefore not included below, as it is not considered reasonable.

Conclusion

Following the refusal of the previous scheme on one matter of principle and five matters of detail, the detailed matters have all now been addressed and, as outlined in the above considerations are now thought to be acceptable. On balance the principle of development is now also considered to be acceptable, due to changes in the policy framework since the previous decision. It is therefore considered that this proposal would be unlikely to cause harm to amenity or safety, and is largely in compliance with the objectives and details of the planning framework.

Recommendation

Officers are seeking an either/or resolution from Members in this case as follows, in that officers would carry out whichever of the two recommendations below applied:

Either:

1. **That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Building Control to GRANT planning permission subject to:**
 - a) **a planning obligation ensuring that the Council are paid appropriate contributions in relation to the development for pitches and play areas and that the on site open space provision be transferred to the Council with a maintenance contribution; and**
 - b) **conditions and informatives as summarised below:**
 1. Time limit for commencement of development
 2. Limited hours of work during construction
 3. Contaminated land – what to do if discovered
 4. Bin storage details to be submitted, agreed and provided before occupation
 5. Hard surfaces to be permeable
 6. Remove PDRs for rear garden structures
 7. Approved plans specified
 8. Landscape scheme to be implemented prior to occupation
 9. Boundary treatment to be implemented prior to occupation
 10. Provide parking prior to occupation
 11. Compost bins/water butts to be provided prior to occupation
 12. Highways details as requested

Informatives

1. Secured by design accreditation should be sought by applicant
2. Affordable housing quota likely to be carried forward into later phases of development
3. NB S106 planning obligation associated with this consent
4. Any highway informatives requested

Or:

2.
 - a) **In the event that the planning obligation cannot be completed by 21st April 2010, Members are asked to delegate authority to Officers to REFUSE the application on the basis that without the planning obligation the proposed development would be**

contrary to policy and therefore unacceptable due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements, and that none of the dwellings could be restricted to use for affordable housing in line with current policy requirements; and

- b) In the event of a refusal on this ground and the applicant resubmitting the same or a very similar planning application with a completed legal agreement attached, authority be delegated to the Head of Planning and Building Control to GRANT planning permission subject to the conditions summarised above as amended in any relevant subsequent update paper or by Members at this meeting.**