

**PLANNING
COMMITTEE**

10th August 2011

PLANNING APPLICATION 2011/177/OUT

**MIXED USE DEVELOPMENT OF 171 DWELLINGS, PUBLIC OPEN SPACE
AND OUTLINE APPLICATION FOR 4,738 SQUARE METRES OF CLASS
B1 (BUSINESS) FLOORSPACE AND ACCESS**

LAND EAST OF BROCKHILL LANE, REDDITCH, WORCESTERSHIRE

APPLICANT: PERSIMMON HOMES LTD

EXPIRY DATE: 4TH OCTOBER 2011

WARD: BATCHLEY & BROCKHILL

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(See additional papers for Site Plan)

Site Description

The site consists of a large area of land which includes the following areas:

The area of land leading from the roundabout at the junction of Salters Lane, Brockhill Drive, Brockhill Lane and Hewell Road north and east where an access road has previously been granted planning permission to the south of the existing residential development at Wheelers Lane.

The area of land east of the access track that leads from Hewell Road to Lowans Hill Farm which includes the land rear of the existing industrial uses on Hewell Road.

Proposal Description

There are two distinct elements to this proposal:

- 1) The first is the full detailed application for 171 dwellings which would be accessed via the road leading from the roundabout, across the existing open space and then along leading eastwards and roughly parallel with the southern site boundary. The existing track to Lowans Hill Farm would be improved to provide access along the side of the open space corridor containing the Red Ditch. At approximately the mid point along the access road, a road leading north would join, and that road would be used to access the remainder of the housing. The housing would front the main access roads and the open space to the west of the site, and as such the layout incorporates rear parking areas and pedestrian routes which permeate the site. To the northern end of the site on the steeper slope between the proposed dwellings and the site of Lowans Hill Farm would be public open space provision.

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The dwellings would be a mix of 2, 3 and 4 bed units as follows:

Size	Private Market	Affordable	Totals
2 bed	8	34	42
3 bed	54	20	74
4 bed	49	6	55
	111	60	171

The dwellings proposed are similar in style and design to those on the adjacent recent Brockhill development at Oaklands. They are of brick and tile construction, and 2 – 2½ storeys in height, arranged in small blocks or detached. Around the periphery the dwellings face west across the open space towards the Oaklands, south onto the main spine road proposed and across the valley towards the town centre, and north onto the open space and up the hill towards Lowans Hill Farm. All the dwellings have street frontages. To the eastern boundary of the site, the dwellings face east beyond the site towards what is shown on the masterplan as future open space.

- 2) The second element is the outline application including access details for commercial development. Matters of appearance, landscaping, layout and scale are reserved for future consideration, and therefore only the principle of the use and the access details provided are to be considered here. The approximate location of the units is shown on the layout plan, as a result of the access details being provided.

The proposal is for B1 office/business uses to be located to the southern end of the site, along the boundary at the rear of the existing industrial occupiers. The main access road into the site would lie to the north of these units, with the residential accommodation beyond and further north. Access points from the main route into the site are shown, with an indication of how six buildings might be arranged with car parking around them to accommodate these uses, however these details are indicative only at this stage.

The application also includes the access details for these developments, which are the road layout, including the main spine roads and the roads that would serve the residential development.

A masterplan has been included within the application to demonstrate how this application could be Phase One of a larger development area which would include significantly more housing and a district centre including a school. However, the application for consideration here today could be built as a 'stand alone' housing development as it is a comprehensive scheme in its own right. Therefore, there should be no further consideration of further phases at this stage.

The application is supported by a design & access statement, a climate change statement, a Secured by design statement, an open space

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assessment, an affordable housing delivery plan, a statement of community involvement, a completed West Midlands sustainability checklist, a transport assessment, a residential and workplace travel plan, a flood risk assessment, a noise assessment, a landscape and visual appraisal, an ecological appraisal, a tree assessment, a contaminated land study and an archaeological assessment.

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
PPS4	Planning for sustainable economic growth
PPS5	Planning for the historic environment
PPS7	Sustainable development in rural areas
PPS9	Biodiversity & geological conservation
PPG13	Transport
PPG17	Planning for open space, sport & recreation
PPG24	Planning and noise
PPS25	Development & flood risk

Regional Spatial Strategy

Whilst the RSS still exists and forms part of the Development Plan for Redditch, it does not contain any policies that are directly related to or relevant to this application proposal. Therefore, in light of recent indications at national level that such policy is likely to be abolished in the near future, it is not considered necessary to provide any detail at this point in relation to the RSS.

Worcestershire County Structure Plan

SD2	Care for the environment
SD4	Minimising the need to travel
D6	Affordable housing needs
T1	Location of development
T3	Managing car use
T4	Car parking
T10	Cycling and walking
RST4	Recreational walking routes
RST5	Recreational cycling routes

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IMP1 Implementation of development

Borough of Redditch Local Plan No.3

CS2 Care for the environment
CS5 Achieving balanced communities
CS6 Implementation of development
CS7 Sustainable location of development
CS8 Landscape character
S1 Designing our crime
B(HSG)5 Affordable housing
B(BE)13 Qualities of good design
B(BE)19 Green architecture
B(BE)28 Waste management
B(BE)29 Construction waste
B(NE)1a Trees, woodland and hedgerows
B(NE)3 Wildlife corridors
B(RA)3 Areas of development restraint
L2 Education provision
E(EMP)6 North west Redditch master plan – employment
C(T)2 Road hierarchy
C(T)12 Parking standards
R1 Primarily open space
R3 Provision of informal unrestricted open space
R4 Provision and location of children's play areas

Supplementary Planning Guidance / Supplementary Planning Documents

Encouraging good design
Open Space
Education
Designing for community safety
Affordable housing

Other Relevant Corporate Plans and Strategies

Worcestershire Community Strategy (WCS)
Worcestershire Local Area Agreement (WLAA)
Worcestershire Local Transport Plan (WLTP)
Redditch Sustainable Community Strategy (SCS)

Local Plan Designations

The site includes land designated under 'IN67' for employment purposes, an area designated as an ADR (area of development restraint) and some Primarily Open Space.

The relevant policies seek to protect IN67 land for employment generating uses such as B1, B2 and B8; ADR land for residential development beyond April 2011 where it has been subject to a review in a Development Plan

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Document; and POS from most types of development under the criteria in Policy R1 of the Local Plan.

Core Strategy Update

The Core Strategy is the document that will eventually replace the local plan, and is currently working through the process towards adoption. It has been published and consulted upon, and therefore counts as emerging policy to which some weight can be given in the decision making process. The current version is the 'revised preferred draft core strategy' (January 2011).

The Core Strategy contains objectives for the overall approach to development in the Borough up until 2026, as well as strategic policies. The policies that could be considered of relevance to this decision are:

- 4 Sustainable travel and accessibility
- 8 Housing provision
- 9 Effective and efficient use of land
- 21 Historic environment
- 29 Brockhill East strategic site

Policy 29 includes a list of criteria which development on this site and others near it should meet in order for proposals to be considered favourably.

Relevant Site Planning History

Application reference	Description	Decision	Date
2011/054/OUT	171 dwellings fully detailed and outline B1 space	Refused	25 May 2011
2010/008/FUL	14 dwellings, open space and access road	Granted	21 April 2010
2009/103/FUL	14 dwellings, open space and access road	Refused	11 Aug 2009
2006/290/OUT	Mixed use A1 retail, B1a office and D1 nursery	Refused Part allowed (not A1 use) at appeal	14 Sep 2006 30 Nov 2007

Application 2011/054/OUT was for a very similar scheme to that proposed here however it also included some land designated as Primarily Open Space. It was refused for the following reason:

The proposed development would represent an intrusion into designated Primarily Open Space as designated within the Borough of Redditch Local Plan No.3. Policy R1 seeks to protect such

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designated land and the proposal would conflict with criteria i, ii, iii and v of this policy.

These policy criteria relate to the protection of Primarily Open Space for its environmental and amenity value, its recreational, conservation, wildlife, historical, visual and community amenity value, the contribution the site makes to the character and appearance of the area and the location, size and environmental quality of the site.

This application has been submitted to address this reason for refusal, following amendments to the proposed scheme.

Public Consultation Responses

Responses in favour

The **Barn Owl Trust** has commented that subject to conditions the development is acceptable from their perspective.

Responses against

88 letters of objection have been received raising the following concerns:

- No proven need for the development – there are existing vacant residential and commercial units in the town that should be brought back into use
- Site is unsustainable as it is not close to shops and services
- Approving this application would assume future approval of the masterplan and therefore the loss of Green Belt in the future
- Loss of Green Belt is unacceptable
- Minimal difference from previous application so should be refused for the same reason
- Other issues raised last time not addressed
- The link road along the edge of the open space has not been relocated
- The scheme is an average suburban scheme with insufficient sustainability features, no good design and no CHP scheme included
- Affordable housing is clustered together
- Affordable housing is not clustered together and should be
- Affordable housing should be for purchase not rent, to match the existing tenure patterns in the area
- Car parking areas are not overlooked
- Increase in highway safety issues on existing road network
- 5 arm roundabout will be a highway safety disaster
- The development would cause noise, light and air pollution
- Loss of hedgerows is unacceptable
- Insufficient infrastructure capacity
- Flooding will still occur
- Impact of carcasses from F&M not taken into account
- Inadequate parking provision for office accommodation likely to lead to parking overspill

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- Premature application as the core strategy is not yet adopted
- Developer/resident negotiations should take place first and developer should listen to local concerns

The last 4 points are not material considerations in the determination of this application and should therefore be discounted.

It should be noted that some of the representations stated that whilst they do not object to the principle of the development, some of the details are of concern, as noted above.

Whilst we have received 88 representations, they do not represent as many as 88 properties, as there are several cases where we have received more than one letter from the same address. There are also several letters that are identical and have been received from several different addresses..

Some anonymous representations have been made, however they are not reported here as they cannot be taken into consideration in the determination of this application.

Members of the Committee are reminded that it is the content of the representations and not the quantity that is a material consideration in the determination of this application.

Consultee Responses

County Highway Network Control

No objections in relation to details of access/parking arrangements. Negotiations regarding the details relating to planning obligations are currently ongoing because the evidence of need for contributions towards off site highway improvements are marginal, and therefore more work is required in order to confirm this matter. Further information will therefore be provided on the Update paper in relation to these matters.

Worcestershire Regulatory Services Environmental Health

No objection subject to conditions and informatives including the provision of noise mitigation prior to occupation of any residential properties to protect residents from noise from the adjacent power station.

Drainage Officer

No objections subject to conditions and informatives.

Economic Development Unit

Support the proposals as they would work towards meeting the identified needs of the Borough in employment terms.

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Development Plans

Confirm that the proposals are largely compliant with existing and emerging policy framework and raise a few minor issues that are dealt with separately.

Biodiversity Officer

No objections subject to mitigation measures being implemented.

Tree and Landscape Officer

Broadly in support of proposals, subject to additional recommendations which could be addressed through the imposition of conditions.

Leisure Team

No objections

Housing Officer

The tenure type, the mix of sizes of dwellings proposed for affordable provision comply with the requirements of the current housing policies and therefore would go some way towards meeting the identified local housing need in this area and so housing officers are able to support this scheme.

Waste Management Team

No objection subject to the provision of litter and dog bins on primary paths which can be dealt with through the imposition of conditions and via clauses in the planning obligation.

County Education Officer

No objection subject to clauses within the planning obligation as proposed by the applicant. Confirmation that capacity in local schools exists for this site, but not sufficient to cater for any further phases of development in this area. Therefore, it is suggested that contributions be sought towards the provision of a new school on a later phase, rather than in relation to places that would be needed by the development. This has been included within the draft planning obligation.

County Archaeology

No objection subject to a condition requiring the recording of the Iron Age enclosure found on the site prior to the commencement of any development.

Crime Risk Manager

No objection subject to the imposition of conditions regarding secured by design and agreement of details of the access and gating arrangements.

Worcestershire Wildlife Trust

Welcome design features that encourage biodiversity and so raise no objections subject to conditions to ensure their full implementation and the enhancement of biodiversity opportunities on the site.

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Severn Trent Water

No objection subject to a condition regarding drainage details and an informative regarding the protection of on site sewers.

Environment Agency

No objection subject to agreement and implementation of mitigation measures.

Bromsgrove District Council

No comments received

Health and Safety Executive

No comments to make – scheme not of sufficient size to be considered.

Procedural Matters

This application is reported to Planning Committee for determination because it is a major application recommended for approval, because it has a planning obligation requirement and because more than two letters of objection have been received.

Assessment of Proposal

The assessment section of this report has been split into two sections below, one to deal with the detailed residential element of the application and one to deal with the outline business element. A section at the end will conclude comprehensively.

Detailed Residential Proposal

Principle

The residential element of the proposal is located within an area designated within Local Plan 3 as an ADR and as such the site is protected for potential residential development to meet local needs beyond the end of the plan period, subject to consideration in a Development Plan Document. The emerging core strategy identifies this site and other land around it as a sustainable location for mixed use development including residential to meet local needs and thus considers it a strategic site. It also identifies a local housing need.

The other evidence that has been compiled to inform the compilation of the core strategy has also identified a need for residential development and that a development of this size would be required in order for the Borough's housing land supply to be met. The residential development potential at this site contributes towards the Council's five year land supply.

Therefore, it is considered that the principle of the development of this site for residential purposes accords with both the current and the emerging local policy framework and consideration of the details follows.

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Affordable Housing

The previous approval of 14 residential units on the adjacent site fell below the threshold at which affordable housing provision is sought (15 units) and thus did not contribute to the Borough stock. However, it was noted that should further development come forward on the adjacent site (i.e. this application site) that the previous consent should be taken into consideration when determining the quantum of affordable housing provided on the site.

Therefore, the 171 units proposed here and the 14 already approved have been added together, before establishing the 40% policy requirement of 74 units. These will largely be provided across the current application site, although all of the 14 units previously approved will now be provided as affordable housing as part of this development and the remaining 60 be located within this site. This is considered to be an appropriate approach, as it takes a holistic view of the two sites together, which are in the same control, in order that the Borough as a whole benefits from the full provision in accordance with policy requirements.

Open space, play and recreation

The open space shown on site is greater in area than the policy requirement and includes some informal equipped play. It is noted that it is the intention of the applicant to transfer the open space to the Council for future maintenance, with a commuted sum towards the maintenance costs and the provision of play equipment. This also complies with the policies set out in the SPD and the identified local need.

It is likely that if further development phases were to occur as per the proposed masterplan and emerging Strategic Site policy, playing pitches would be provided in the vicinity of the current application site as the demand for them would rise to a sufficient level that their provision would be required.

The only designated Primarily Open Space included within this application lies to the south west of the site. It is the triangular area facing the roundabout. The only proposed development within it is the access road that has already been granted planning permission and therefore this application represents no further loss of open space. The residential development proposed in this application is located entirely within the designated ADR.

Design and layout

The design and appearance of the proposed dwellings is similar in style, materials, bulk, massing and size to those of adjacent residential estates at Brockhill further to the west, particularly the recent Oaklands development. It is therefore considered that the overall character of the proposed residential development would be appropriate to the surrounding developments in the area.

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The layout of the proposed dwellings is such that each property would have sufficient amenity space and separation to meet the adopted standards. Therefore there are no concerns regarding overlooking, loss of light, privacy etc between the proposed dwellings.

Both the layout and the design of the dwellings is sympathetic to the topography of the site, such that taller buildings are further down the slope and therefore the overall impact in landscape terms is considered to be appropriate and acceptable.

The crime risk manager has indicated that the design and the features such as boundary treatments are such that the site would be secure and it is recommended that the conditions are imposed as advised. It is therefore considered that the proposals would not result in any features that would increase crime or safety issues, and that it complies with the policy framework.

The design and location of development is such that it would be unlikely to result in any noise, light or air pollution and there have been no objections on these grounds from environmental health officers when commenting on the proposals.

Landscaping and trees

There is minimal existing planting on the site currently, with the exception of some hedgerows that form field boundaries. These are retained in the form and layout of the proposed new development. The survey of the site and the proposals are considered to be acceptable and the new development proposed includes significant additional trees, including tree-lined avenues along the main thoroughfares.

Highways, parking and access

The highways engineers have raised no objections to the layout and parking arrangements proposed and as such these are considered to be acceptable. The application proposes two spaces per dwelling, which is above the standards for the smaller units, but meets the standards for the larger units. Now that standards are for guidance only, due to the recent change in PPG13 which removed the concept of maximum standards.

Due to the significant size and nature of the proposal, the County Highway Officer is also advising on the impact of the proposed development on the wider highway network, in order that appropriate requirements can be included in the planning obligation. It is likely that contributions towards the upgrading of existing junctions near the site would be required in order to mitigate any potential harm caused by the additional traffic flows in the area generated by the new development.

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The applicant has indicated a willingness to provide contributions towards upgrading the Hewell Road roundabout outside the swimming pool and the Birmingham Road/Windsor Road junction adjacent the railway bridge. The applicant also proposes to put some money in a bond for a set period in case it becomes apparent that further highway measures such as adding double yellow lines or other road markings are required once the development is implemented. The bond would then be used to pay for such identified works. Negotiations between the applicant and the County Council continue and further details will be reported in the Update paper.

The main spine route shown proposed through the site, which would access both the residential and B1 elements of the proposal, would be considered as a local distributor road. The Local Plan policies seek to ensure that such roads do not include individual residential driveways and industrial/commercial access points from these roads where they serve more than 150 dwellings, however in this case the Highways Officer has advised that it is considered to be acceptable because the design policies of the Local Plan have been superseded by the national guidance contained within Manual For Streets 1&2. Further, the number of accesses off the main spine route has been minimised through the design process such that each residential access serves several properties, and similarly one of the B1 accesses is to serve several units. There is therefore not perceived to be any likely harm to highway safety from the proposed design, and the junctions all meet the required specifications.

The applicant has also agreed to enter into a bond (for a specified period) to be used for any future unanticipated highway works such as the addition of double yellow lines, in case of need. This is dealt with in the planning obligation section below, and remains under discussion.

It is not considered that the location of an access road adjacent to, but not intruding into, the designated open space would cause any harm to the amenity value of the open space. This road accesses residential properties, but does not show any continuation that could link in the future to other sites, and therefore previous issues about its future extension no longer apply.

Sustainability

Due to the increasing standards demanded through the Building Control regulations separate from the planning process, it is anticipated that this development would be implemented to a highly sustainable standard, if consent is granted. The supporting information indicates that in most areas the proposal is to a good standard of sustainability, and that every dwelling would have features such as water butts, compost bins and secure cycle storage. Building regulations will further require sustainability features to be integrated into the buildings.

Planning Obligation

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The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation:

- A contribution towards County education facilities would normally be required in relation to the private market housing proposed; and
- A contribution towards playing pitches, play areas and open space in the area due to the increased demand/requirement from future residents is required in compliance with the SPG; and
- The proposal would also require that 40% of the dwellings be provided as affordable units for social housing in line with SPD policy and their retention for this purpose in perpetuity.

However, in this case, the issues are slightly different, as noted under the separate headings above. Therefore, in this case, the planning obligation as proposed would seek the following:

- A contribution towards a future school in the area and a time limit for return of unspent funds; and
- The transfer of the on-site open space to Council ownership with a commuted sum for ongoing maintenance; and
- A contribution towards play equipment; and
- 74 residential units to be provided as affordable housing and retained as such in perpetuity; and
- Highways matters as agreed with County colleagues.

An agreement has been drafted with input from the applicant's and the Council's solicitor on this basis, however some matters of detail are not yet agreed at the time of writing, as noted above.

Outline Business Proposal

The location of the B1 units proposed falls within the IN67 designation within Local Plan 3, which is designated for B1 (business), B2 (general industrial) and B8 (storage and distribution) uses. Both the Local Plan and the evidence base for the emerging core strategy identify a need for this type of development and an appropriateness to site it in this location. As such, the principle of the B1 units proposed in this location is considered to be acceptable.

There are no concerns raised by the Highways Officer in relation to the access road and the access points leading from it to the B1 locations, and therefore there are no concerns raised regarding access and safety. Matters

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of pedestrian/cycle access and parking requirements would be dealt with under the detailed layout provided in a future application and so are not of concern here. The adjacent highway is of a suitable standard that it could support a future bus service which might assist in accessing the site sustainably, however bus service provision is not a matter that can be controlled through the planning arena.

Other Issues

Matters of scale, appearance, layout and landscaping are reserved for a future application where such details would be provided and considered under the policy framework at that time. There are no planning obligation requirements directly related to the business element of the proposal, although the highway works required clearly relate to the proposed development as a whole and the likely volume of traffic and trips generated.

Linked Issues

The policy framework identified the need for the B1 units within the plan period 2006-2011 on site IN67, however the residential development of the ADR land was not required until after that plan period. Due to the timing of this application beyond the beginning of 2011, and therefore the current local plan period, it is not considered necessary to require that the B1 units be provided ahead of the residential development as the need for the residential element of the proposals here is as current as that for the B1 uses. In fact, the residential development and resultant implementation of the spine road would make the use of the IN67 land for employment uses more likely and thus to some extent the residential development could be seen as enabling the potential employment uses to come forward.

The regulations require a time limit for commencement of development to be attached to a planning consent, and also, where reserved matters are involved, that a time limit for the submission of further details be attached. In this case, two linked conditions are recommended, to cover the full residential element of the proposal and also the outline B1 elements, such that the residential should commence within the usual three years from granting of consent, and that the B1 element cannot commence until the relevant outstanding reserved matters have been granted and that these should be submitted within three years of the consent being granted and implemented within five years. This reflects the usual standard conditions, but combines them appropriately for the nature of this application.

Conclusion

It is acknowledged that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, it is considered necessary to place weight on the emerging core strategy as well as the local plan.

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In consideration of all the above matters, it is therefore considered that the proposal complies with the relevant local and national planning policy framework (including the draft national planning policy framework document) and would be unlikely to cause harm to interests of amenity or safety, providing sufficient conditions are imposed.

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 & Regeneration to GRANT planning permission subject to:**
 - a) **a planning obligation ensuring that**
 - **On site open space is provided and maintained in perpetuity; and**
 - **A contribution towards equipped play facilities is paid to the Council; and**
 - **74 residential units are for the provision of social housing in perpetuity; and**
 - **A financial contribution is paid to the County Council towards the future provision of a school in the vicinity of the site; and**
 - **A contribution towards off site highway improvements is provided to the County Council as agreed; and**
 - and**
 - b) **conditions and informatives as summarised below:**

Conditions

1. Development to commence within three years
2. Development to occur only once all reserved matters approved for the part of the site being developed
3. Reserved matters – define and require submission within five years
4. Materials to be agreed
5. Landscaping – what further details required and when to be implemented
6. Tree protection and mitigation
7. Litter and dog bin provision
8. Secured by design
9. Drainage as per STW request – implement agreed mitigation

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10. As requested by highways
11. As requested by WRS
12. Implementation of appraisals and assessments in full
13. Recording of Iron Age enclosure prior to commencement of development
14. Approved plans specified
15. Marketing strategy for B1 uses to be agreed and implemented.
16. Gate/access details to be agreed
17. Biodiversity enhancement opportunities to be maximised
18. As requested by EA – mitigation work to be agreed and implemented

Informatives

1. Reason for approval
2. Note that there is a S106 agreement attached
3. Secured by Design
4. Drainage info
5. Highways info
6. Environmental health info

Or:

2. **In the event that the planning obligation cannot be completed by 3rd October 2011, Members are asked to delegate authority to the Head of Planning & Regeneration 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.**