

2010/670 LAND OFF WELHAM CROFT SHIRLEY

Application No: 2010/670/S

Ward/Area: BLYTHE

Location: LAND OFF WELHAM CROFT SHIRLEY SOLIHULL

Date Registered: 30/04/2010

Applicant: CAMERON HOMES LTD

Proposal: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (16 UNITS) INCLUDING MEANS OF ACCESS AND LAYOUT TO BE DETERMINED AT THIS STAGE. (RESUB OF 2009/1030).

PROPOSAL

Outline planning permission is sought for a residential development on land beyond the head of the cul de sac forming Welham Croft. Matters of access and layout are sought to be determined under this application, with matters of appearance, landscaping and scale reserved for future determination. This is a revised submission, following refusal of outline planning permission for a similar proposal last year (2009/1030).

The scheme would provide 10 no. detached properties and an apartment block accommodating 2 no. 1 bed units and 4 no. 2 bedroom units. The apartments would provide affordable provision for social rent as opposed to being offered for sale on the open market.

The dwellings would be arranged in an L-shape extending eastwards and southwards into the site.

Access would be achieved via Welham Croft between existing houses, comprising a variable width access road (minimum 4.8m width) with two verges of 1.8m width. A traffic calmed section of highway narrowing to 3.5m width over a maximum length of 15m at the site access point. The apartment block has 6 spaces indicated, equating to 1 per dwelling, plus 2 no. visitor spaces to the frontage. The remaining plots have approximately 2 spaces, excluding garages.

The layout locates the apartment block to the northern portion of the site. Plots 1 and 2 face out towards the head of Welham Croft and lie to the north of the proposed access road into the site. Rear gardens of plots 9, 10 and 12 –16 are arranged to face out over open space, including The Marl Pits to the south west. Plot 11 backs on to the side garden boundary of plot 10. The front elevations face the roadway and the mature vegetation, which runs along the public footpath, which separates the site with dwellings on Elmbridge Drive to the east.

Information regarding the maximum and minimum heights of the dwellings have been submitted with the lowest height dwelling comprises plot 2, at the entrance of the site, which would have an eaves height of 5.1m and a ridge height of 8.3m. The tallest plots would be that of the apartments, at 10.3m to roof ridge. Plot 10 is the tallest house, at 9.2m, with the lowest being plot 15 at 8.1m. Roof ridges are based on a 37 and a half degree pitch for the houses and 45 degrees for the apartments. The apartments would allow 3 floors of accommodation, including rooms within roofspaces.

Background

Application 2009/1030 was refused for the following reasons:

(1) The proposed layout, by reason of the introduction of a prominent two and a half to three storey development to the northern part of the site, prominent location of parking areas and poor relationship with surrounding land would be incongruous and out of character with the surrounding area, local distinctiveness and townscape. The proposal is therefore contrary to Policies H1, H5 and ENV2 of the Solihull UDP 2006 and to provisions within Supplementary Planning Guidance 'New Housing in Context' and to provisions of good design as advocated within PPS1 'Delivering sustainable development' and PPS3 Housing.

(2) Insufficient information has been submitted to demonstrate that the proposed access road, boundary treatments and site levels do not cause unacceptable encroachment to existing trees within the site and their root protection areas, contrary to British Standard BS:5837 'Trees in relation to construction' 2005. The trees, which are protected by TPO (No.807) make an important contribution to the character of the surrounding landscape. Their loss is therefore considered to have a detrimental affect on the visual amenities of the area. In the absence of any evidence to the contrary, the proposal is contrary to policy ENV14 of the Solihull UDP 2006.

(3) Provision of one parking space for plots 12 and 13 is likely to lead to displaced parking on-street and within a designated turning area. This is likely to obstruct and restrict the available turning area for refuse vehicles and will, in turn, lead to reversing manoeuvres over long distances. This is not considered in the interest of highway safety. The proposal is therefore contrary to Policy T1 of the Solihull UDP 2006.

(4) The proposed lengths of carriageway narrowing are not clearly defined and do not provide an indication to motorists as to the lane which has priority. This is likely to lead to motorists being unable to ascertain those points where the carriageway would be insufficient to allow two vehicles to pass. This is not considered to be in the interests of highway safety. The proposal is therefore contrary to Policy T1 of the Solihull UDP 2006.

(5) Insufficient information has been submitted to demonstrate that the proposal would not result in the loss of designated open space. In the

absence of any evidence to the contrary, the proposal is considered to result in the loss of an important buffer and open area which currently mitigates for the relatively high density of surrounding development, contrary to Policy R2 of the Solihull UDP 2006.

(6) The site lies within Flood Zone 1 defined by PPS 25. Insufficient information has been submitted to demonstrate that the proposal would not result in flooding on and off site. In the absence of any evidence to the contrary, the proposal is considered to pose an unacceptable risk of flooding, Policy ENV21 of the Solihull UDP 2006 and to PPS25.

The revised submission is accompanied by additional information with regard to landscaping and flooding, along with revisions to the layout in an attempt to overcome the reasons for refusal related to highways and urban design.

CONSULTATION RESPONSES

Highway Engineers	: No objection subject to conditions
Severn Trent Water	: No objection
Forward Planning	: No objection in principle provided that the application site does not form land identified as designated open space
Housing Strategy Officer	: No objection, subject to signing of s106 agreement to secure affordable housing for social rent as opposed for sale on the open market.
Environmental Health	: Comments awaited
Landscape Architects	: No objection subject to conditions and signing of a s106 agreement to secure a landscape and ecology management plan
Urban Design	: No objection
Ecology	: No objection, subject to conditions
Natural England	: No objection
Environmental Protection	: Views awaited
Site notice posted	: 19/5/2010
Press Notice posted	: 14/7/2010
Neighbours Notified	: 6/5/2010

REPRESENTATIONS

10 letters of objection have been received, including an objection from Caroline Spelman M.P., plus a petition containing 41 signatures. A summary of objections raised is as follows:

- Increased traffic, noise and pollution.
- Through road would impact upon currently unspoiled rural outlook.
- Footpath would cause overlooking of No.19 Welham Croft.
- Loss of privacy and security.
- Defective tree within Notcutts ownership overhanging no.19 should be appropriately pruned.
- Prominent 2 and a half storey dwellings and 3 storey apartment block wholly out of character for the area.
- Limited and inadequate parking provision leading to congestion from overspill parking.
- Any felling or lopping of existing trees beyond that necessary would not be welcome.
- Additional pressure on drains should be avoided.
- Run off from development would exacerbate existing flooding problems along the Monkspath footpath and neighbouring gardens.
- Development could detrimentally affect wildlife.
- Area was designated as compensatory open space in around 1988.
- Proposed layout is virtually the same as application 2009/1030 which was refused on 6 counts.
- Loss of hedges a concern.
- Carriageway narrowing not in the interest of highway safety
- Buildings would tower over Elmbridge Drive gardens which lie at a lower level.
- Insufficient provision for emergency vehicles access.
- Threat to wildlife.
- Loss of public amenity for residents.
- Loss of green belt greenery.

POLICY

Solihull UDP (2006)

H1 Provision of Housing Land
H3 Type of Dwellings
H4 Affordable Housing
H5 Density, Design and Quality of development
ENV2 Urban Design
ENV3 Crime Prevention
ENV10 Important Nature Conservation Sites
ENV11 Conversion of Biodiversity
ENV12 River Blythe Catchment Area
ENV13 Wildlife Species
ENV14 Trees and Woodlands

ENV17 Contaminated Land
ENV18 Noise
ENV20 Water Conservation
ENV21 Development in Flood plains
ENV22 Energy Conservation
ENV23 Renewable Energy
R2 Protection of Existing Open Space
R7 Rights of Way and Cycling
T1 An integrated and Sustainable Transport Strategy

Government Guidance

PPS1 Delivering sustainable Development
PPS3 Housing
PPG13 Transport

SPGs

New Housing in Context
Vehicle Parking Guidelines

PLANNING HISTORY

2009/1030 (18 Sept 10) [Refused] Outline application for residential development comprising 10 no. dwellings and one 6 unit apartment block (means of access and layout to be determined at this stage)

The following applications for residential development on neighbouring sites, relevant to the consideration of this application are listed as follows:

1987/877 (Approved) Erection of 50 no. 1 and 2 storey detached dwellings, roads and associated works.

2006/1686 (03 Oct 06) [reserved matters approval] Reserved matters for design, external appearance and landscaping for the erection of 5 no. residential properties.

2006/182 (21 Mar 06) [full plans approval] Outline application for the siting and means of access of 5 no. residential properties. (re-sub of 2005/1596).

2005/1596 (01/12/2005) [Full plans refusal] Outline application for the siting and means of access of 5 no. residential properties consisting of 4 no. bedroom detached properties and 1 no. 5 bedroom detached property with integral garage.

SITE DESCRIPTION

The site lies at the end of the Welham Croft cul-de-sac on the Monkspath estate in Solihull and comprises some 1.07 hectares of land. The houses on

Welham Croft are two storey-detached properties constructed in the 1980s/1990s, with 5 further properties built following planning permission in 2006 (2006/182) lying closest to the application site.

The site is within the defined built up area of Solihull and is bound by The Porters Croft Pit Wood SINC (Site of Importance for Nature Conservation) to the south-west and Monkspath Meadow SSSI (Site of Special Scientific Interest) to the south. Further to the east is a public right of way with residential development beyond. Land levels are greater at the eastern edge than properties below on Elmbridge Drive, to the extent that the ridge height of properties on Elmbridge Drive are approximately 0.7m above the ground level of the application site. The site falls away in level from north to south, by approximately 5m.

Mature trees, protected by TPO (Tree Preservation Order) (No.807) lie at the north and eastern boundaries, with further mature trees lining the entrance point to the west of the site off Welham Croft itself.

MAIN ISSUES

- Principle of development
- Character and appearance of the surrounding area
- Amenity
- Highway safety
- Ecology
- Landscape
- Noise and contaminated land
- Other matters

APPRAISAL

Principle of development

The whole of the application site, together with adjoining land is identified within the Green Spaces Strategy.

However, the Urban Capacity Study (2001) identifies part of the site as a vacant and left over from development. However this does not amount to development plan policy in support of the proposals.

The status of the additional land included within the application is unclear. The wider area was identified as an area of residential land release, and not public open space in the Cranmore Widney Area Local Plan Written Statement (April 1983). According to the planning history related to the land when planning permission was granted for 50 dwellings (1987/877), part of the land within the application site, namely The Copse to the Eastern part of the site, is identified as “dedicated open space”. However, it has not been possible to demonstrate that such a dedication took place and it does not appear to be owned by the Council.

Policy R2 of the Solihull UDP 2006 is relevant. This states that the Council will not permit the loss of existing open space through development, where it is of value for formal and informal recreation, urban quality, nature conservation, visual amenity and strategic purpose, or as a community resource. Where development takes place, the Council will require appropriate compensatory measures for the loss of existing recreational facilities and open space.

The land is currently fenced off and does not afford public access. Although the land has been fenced off at the entrance from Welham Croft and access is not easily achieved from the footpath along The Monkspath, I consider that the land should still be considered in the light of Policy R2 as it forms a valuable piece of open space, of visual quality and contribution to urban quality, forming a buffer between surrounding residential development. In the absence of any evidence to the contrary, it would appear, from the records associated with application 1987/877, that the land was intended to form open space and therefore, its loss would be contrary to UDP Policy R2 as it provides a significant visual amenity function, even if it does not have public access.

The site has an area of 1.07 hectares, which with the 16 dwellings proposed results in a density of 15 dwellings to the hectare. PPS3 has recently been amended, removing the minimum density of 30 dwellings per hectare so that there is now minimum density to be achieved. It is acknowledged that the mature trees limit how much of the site can be developed and, notwithstanding the open space issue, the density proposed is considered to be appropriate in this instance, the interests of the character of the area.

Character and appearance of the surrounding area.

As the application has been submitted in outline form, only matters of access and layout can be considered at the current time. Nevertheless, the applicants have indicated the minimum and maximum heights of the proposed dwellings, to inform the suggested scale of dwellings that could be provided on site. The application submission documents also indicate that the apartment block would be 2 and a half storeys in height, at 10.30m with the remainder being two storey dwellings at between 8.1m and 9.2m in height.

With regard to the layout, while the cul-de-sac will still present a dead-end for the development it is acknowledged that the topography and shape of the site and sensitive adjacent features mean that connections to the wider area would be difficult and that the use of the cul-de-sac is a notable feature of the surrounding area. The proposal for a footpath link to the Monkspath along the east of the site is a welcome addition and will allow wider pedestrian connections to neighbouring residential areas and Monkspath centre.

Officers were concerned that the previous scheme (2009/1030) gave little rationale for the development of two and a half to three storey development of an apartment block, given that there is little precedent in the surrounding area to suggest that such built form would be appropriate in this location. In response to this, the applicants are in the process of commissioning a cross

section drawing to demonstrate that the houses and apartment block could be designed in a manner that was similar in height and mass to existing two storey dwellings, which would allow the new houses to blend in with the surrounding character. Subject to receipt of these drawings and your urban designers views on the scheme in the light of this information, the proposal could be acceptable in design terms. Members will be updated on this point at the forthcoming meeting.

Conditions attached to any approval could require details of boundary treatment to be submitted as part of a detailed scheme, to ensure that sympathetic boundary treatment is utilised to maximise open space and vegetation within the site. The parking to the apartments is now within a reduced area of hardstanding, allowing relief around the building to allow a suitable amenity area and afford visual relief.

The parking to plot 16 now fronts onto the street, in common with remaining dwellings and affording surveillance, which the previous scheme 2009/1028 failed to achieve. Where garages are provided, these are now located wither in line or behind front elevations and, unlike the previous application, do not dominate the streetscene or building frontage.

The gap between plots 1 and 2 and 19 Welham Croft at the entrance of the site remains as previously submitted, enforced by the retention of existing trees and associated protection zones. Furthermore, the separate garage unit is as previously positioned. This continues to leave an area of dead space between existing and proposed units that would be poorly surveyed and leave vulnerable edges exposed, with little opportunity for overlooking of the existing footpath, which is currently quite isolated. However, it is not considered that this reason alone would be sufficient to refuse planning permission for the proposal.

Officers consider that there is merit in taking the approach of backing onto the SINC, on the assumption that sufficient buffering can be provided to protect it from the surrounding private gardens. The precedent for backing on to this space can be seen along the western edge of the SINC by properties in Horton Grove and Welham Croft. The SINC was also well-fenced off and there was little sign that public access is available, or would be encouraged, therefore, the proposed development may provide some extra protection. While the Monkspath would not be visible from the ground floor of the proposed properties (as it lies within a trench of around 3.0m depth in places), it would seem beneficial to front development on to this route as the proposals have indicated. Indeed, being set back from the Monkspath would allow the sense of openness beyond the trees to remain while the glimpses of upper floor development would give some feeling of being overlooked. They would also provide natural surveillance to the proposed link to the Monkspath.

For these reasons, the proposal is considered to pay due regard to your SPG New Housing in Context and therefore is considered to be acceptable, in accordance with policy ENV2 of the Solihull UDP 2006.

Amenity

There is not considered to be an adverse affect on amenity as a consequence of the development. At the site entrance, plots 1 and two face the side elevation of no.19 Welham Croft at a distance of 28m at its closest point, with detached garage to the front, while plots 9 and 10 sit side by side adjacent to no.18 Welham Croft at a distance of 21m away. Within the site, plots 11 to 16 are orientated east to west, facing out onto plots 9 and 10 and the SINC from rear elevations and towards the footpath and Elmbridge Drive from front elevations. Although levels are significantly higher on site compared to the footpath, by approximately 2m, it is considered that the separation distance of 43m to rear elevations of Elmbridge Drive properties, is sufficient to avoid any unacceptable overshadowing, overlooking or overbearing impact. The apartment block is set to the northern corner of the site, set at least 12m to surrounding boundaries. No significant impact to existing dwellings would arise from this positioning.

With regard to the amenities of future occupiers, many of the dwellings are set side by side and would not unduly compromise amenities. Where plots face each other, the distance is sufficient to avoid overlooking, overshadowing and overbearing impact, given that 22m would be maintained from the rear of plot 2 to the side of the apartment block and 15m would be retained from the main rear elevation of Plot 11 to the side of plot 10. 13m distance is retained from the front of plot 11 to the front of the apartment block and therefore, careful orientation of windows within any reserved matters scheme would be necessary to avoid any adverse overlooking between units.

On this basis, the proposal is considered to be acceptable in accordance with Policy ENV2 of the Solihull UDP 2006.

Highway safety

The site is accessed using the existing end of Welham Croft, via a newly created access point at the head of the existing driveway area to the recently erected dwellings adjacent to the site. The access road into the site would be of variable width. It is 4.8m at the entrance, with two verges of 1.8m width, with traffic calmed section of highway narrowing to 3.5m width.

All individual dwellings now have at least 2 spaces provided off street, excluding garages. The apartment block has 6 spaces indicated, equating to 1 per dwelling, plus two visitor spaces to the site frontage, located off the highway. Your Highway Engineers are now content that sufficient parking is provided to serve the dwellings and therefore, previous concerns with application 2009/1030 regarding insufficient parking provision and thus potential for displaced parking on the highway on a relatively narrow road have now been overcome. The applicants have also demonstrated that large service vehicles can access and egress the site satisfactorily.

Subject to conditions requiring the submission of a layout which demonstrates a package of measures provide a self enforcing 20mph speed limit, achieved

through differing surfacing materials and horizontal deflection, plus the submission and implementation of a residential travel plan and provision of pedestrian/cycle improvements to the existing public right of way, your highway engineers raise no objection to the proposal. These measures could be secured via the imposition of appropriately worded conditions.

For these reasons, the proposal is considered overcome previous concerns regarding highway and pedestrian safety, as well as the free flow of traffic. The proposal therefore complies with Policy T1 of the Solihull UDP 2006.

Ecology

The site lies adjacent to a mature hedgerow with two SINC's and a SSSI beyond, therefore the effect on ecology in the area is an important factor. Your Ecologist considers that the site is of negligible ecological value, however, is bounded by more sensitive habitats of greater ecological value. An Environmental Performance Statement has been submitted with the application, which states that two areas of open amenity space are proposed in locations that create a focal point within the development whilst also giving potential play provision for younger age groups. It states the open amenity green space together with new shrub/tree planting will maintain wildlife habitat opportunities and that these areas will be the subject of a management arrangement which will be detailed through a legal agreement. Your ecologist and Natural England are satisfied that protected species would not be adversely affected, subject to the imposition of conditions to secure suitable management and mitigation to maintain the sensitive ecological site in the vicinity. The proposal therefore accords with policy ENV13 of the Solihull UDP 2006.

Landscape

The site is surrounded on three sides by mature trees and hedgerow. The existing trees, protected by TPO pose a constraint to the developable area of the site and it is important that any development proposals safeguard the health and vitality of these trees.

Under the previous application, 2009/1030, your landscape architect was concerned that the information submitted within that application did not offer sufficient comfort that the roots of trees would not be adversely affected by the proposal as it did not appear that the access road could be constructed in accordance with British Standards without adversely affecting existing trees or that construction could be achieved that would satisfy both your landscape architects concerns and that of your highway engineers. Furthermore, the garden wall indicated to the rear of Plot 1, appeared to cut through the root protection area of a category A tree, T23. A further wall was proposed through category B and C trees, T12. The loss of these trees was not acceptable and would significantly harm the visual amenities and character of the area.

The applicant has submitted revised plans, which confirm that any boundary treatments that fall within the Root Protection Area of trees within the site will

be fencing and not walls. Furthermore, additional information has been submitted to indicate that construction of the access road can be implemented in accordance with British Standards without harm to existing TPO trees. Subject to the imposition of suitably worded conditions to ensure appropriate construction methods to protect tree roots and mitigation measures applied to ensure hydrological impact is prevented at the point the new access road crosses the line of existing TPO trees by piping the existing ditch beneath the new access road, plus the implementation of a section 106 agreement to ensure positive conservation management of the site, your landscape architect raises no objection to the proposal.

On this basis, the proposal is considered to be unacceptable and contrary to policy ENV14 of the Solihull UDP 2006.

Noise and contaminated land

A noise assessment has been submitted for consideration, which concludes that, subject to appropriate mitigation measures to ensure that the proposed dwellings would not experience adverse noise due to the M42 motorway noise, the proposal would be acceptable to future residents. The views of your environmental protection officer are awaited and members will be updated with his views at the forthcoming meeting.

In terms of land contamination, the site lies adjacent to an area where some tipping of material was undertaken historically. This appears to have been spoil from construction of the M42 motorway and has already been built on. Therefore, while no harm is anticipated, it is recommended that a condition be attached to any approval requiring further investigation and mitigation where appropriate.

Other matters

The applicants have submitted a flood risk assessment for consideration. The Environment Agency have considered these details and, subject to conditions that any planning permission is carried out in accordance with the details contained within the assessment, no objection is now raised to the proposal. The previous reason for refusal related to potential flood risk has now been overcome and the proposal is considered to accord with the provisions of PPS25.

CONCLUSION

The proposal would not result in loss of amenity for existing or proposed occupiers of residential dwellings and would not cause harm to ecological species or existing landscape features. Furthermore, subject to receipt of satisfactory cross section drawings, which demonstrate that the new dwellings would blend in with existing built form, the proposal is considered to be acceptable in terms of its visual impact in character terms. The proposal would not give rise to issues of adverse impact on highway safety or free flow

of traffic. The proposal would not give rise to concerns of potential flooding on or off site.

However, the application site lies within an area which appears to be designated as open space. In the absence of any evidence to the contrary, the proposal would result in the loss of such open space, which would be contrary to Policy R2 of the Solihull UDP, with insufficient mitigation for its loss.

RECOMMENDATION

For the reasons outlined above I recommend refusal on the following grounds:

(1) Insufficient information has been submitted to demonstrate that the proposal would not result in the loss of designated open space. In the absence of any evidence to the contrary, the proposal is considered to result in the loss of an important buffer and open area which currently mitigates for the relatively high density of surrounding development, contrary to Policy R2 of the Solihull UDP 2006

NOTE: For the avoidance of doubt this decision refers to the plans as follows:

Plan Number(s): 09/022-01/E; 09/022-02; 09/022-03[C]; 09/022-04[C];

EDP329/08; 07-019/511D.