

Planning Committee - 22/05/2014

UPDATES

ITEM 07

Major Application

Planning Ref:	Site:	Ward Councillor	Recommendation
W/14/00367/OU	Land Off, Dilmore Lane, Fernhill Heath	Cllr Alan Fisher Cllr Tony Miller	Approve - Outline

Proposal: Outline planning application for up to 120 dwellings (Use Class C3) with means of site access from Dilmore Lane and formation of emergency access onto Firlands Close for consideration and all other matters (layout, scale, appearance and landscaping) reserved for subsequent approval; open space; earthworks to facilitate surface water drainage; and all other ancillary and enabling works.

Officer: Simon Rees

Parish/Town Council: North Claines

Applicant: Taylor Wimpey UK Ltd

Consultation Responses

Worcestershire County Highways:

There are on-going discussions between the County Council and Mr Hope over the status of land at Dilmore Lane. At present we are unable to confirm the status of the land, or if it is available for the delivery of the planned highway improvements.

Ramblers Association:

When part of this site first appeared in the draft South Worcestershire Plan as a possible site for allocation for residential development we were concerned about its suitability. Our concern related to the elevated nature of the site and its high visibility from the open countryside. Eventually we took the view that the development would mask the existing residential development which occupies the ridge skyline and is so damaging to the countryside. We now note that almost the whole of the site is included within the proposed residential allocation in the draft plan. Whilst we would prefer to see any favourable determination of this application awaiting the outcome of the examination of the development plan we are aware of the difficulties faced by Wychavon District Council in respect of land availability and so are not opposed to this development in principle.

We are pleased to note that the developers envisage a built edge to the proposed development which will offer a far more pleasant aspect to the open countryside than do the existing dwellings. The main elevations of dwellings at the inter face with the open countryside face north, east or west and landscaping will soften impact when it matures. We also welcome the provision of open space to the west and north of the site as illustrated on the illustrative layout in the design and access statement and on the master plan. The provision, layout and long term maintenance of these spaces should be secured in granting planning permission as should access by walkers and the public.

The retention of the walking accesses to the site utilising Footpath NC-550 is welcomed as is the utilisation of the emergency access as a pedestrian link.

We are however, unhappy with the proposed diversion of Footpath NC-550 along the main access road footway. This will effectively deprive the village of one of its most popular off road walking routes. As things stand we consider that the application does not comply with DEFRA guidance on how to deal with public rights of way in new development and we therefore object to the application and will also object to any subsequent diversion order based on this scheme. We would however point out that we believe that our concerns can be overcome relatively easily and without major changes to the applicants scheme. We would be happy to discuss this with the applicants and yourselves if required.

Representations Received

Objections -

Kevin Mcgettrick
Mr RA Hollis
Mr Hope (via Douglas Godwin)

Representations Made

- No new material objections - further land ownership queries raised.

Update Officer Appraisal

Highway Capacity; Access and Safety Issues:

The Highway Authority are still in discussions with third party land owners on the whether the proposed widening works along Dilmore Lane fall within the confines of the highway boundary.

Notwithstanding this, land ownership disputes are civil matters and not a material planning consideration. The application red line site does not encroach upon any third party land. Therefore, the application is considered valid.

The widening works proposed would be subject to an agreement under Section 278 of the Highways Act 1980. There is also a condition (No. 12) on the main report, which requires the widening works as set out on drawing no. 20051_03_013 (TA Appendix M) to be approved and that no dwellings shall be occupied until such works are carried out.

It is therefore recommended that planning permission be granted subject to confirmation that the proposed widening works as proposed by the applicants can be carried out solely in the confines of the highway boundary.

Subject to this confirmation, it is considered that the proposed development is acceptable on highway grounds.

Impact upon Public Rights of Way:

Notwithstanding the comments raised by the Ramblers Association, it is considered that the diversion of the footpath can be designed without detriment to its function and users at reserved matters stage.

Additional Information/plans

None.

Recommendation

Approval subject to a). confirmation that the widening works proposed along Dilmore Lane (as set out on drawing no. 20051_03_013 (TA Appendix M)) can be carried out in the confines of the highway boundary; b). satisfactory additional information with regards to foul water drainage and c). the satisfactory completion of a section 106 legal agreement for contributions relating to affordable housing; cycling; recycling; education; built sport; on site formal sports and highways infrastructure improvements.

Also authority be granted to the Head of Housing and Planning Services to refuse the planning application if the proposed section 106 legal agreement/undertaking is not completed within 24 weeks from the date of the receipt of the application and no extension of time to determine the application beyond a date 26 weeks from the start date has been agreed in writing between the council and the applicant.

Additional Conditions:

1. Prior to commencement of development, details of barriers or other methods of restricting the use of the emergency link by unauthorised vehicles shall be submitted to and approved in writing and development shall be carried out in accordance with those details and maintained thereafter.

Reason - In the interests of highway safety.

2. No development shall take place until an Ecological Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i) An appropriate scale plan showing 'Ecological Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- ii) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- iii) A timetable to show phasing of construction activities to avoid periods of the year when activities could be harmful, such as the bird nesting and other wildlife breeding or hibernation seasons or times at which habitats may be most sensitive.
- iv) Persons/ contractors responsible for:
 - Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation;
 - Installation of physical protection measures during construction;
 - Implementation of sensitive working practices during construction;
 - Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - Provision of training and information about the importance of 'Ecological Protection Zones' to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise agreed in writing with the local planning authority.

Reason - To prevent damage to protected species and retained habitats in accordance with paragraphs 109 and 118 of the Framework.

3. No development shall take place until full details of an Ecological Mitigation and Enhancement Strategy based on up-to-date survey information is submitted to and approved in writing by the local planning authority. The details shall include:

- i) updated ecological surveys if appropriate;
- ii) a review of the site's ecological constraints and potential;
- iii) a description of target habitats and range of species appropriate for the site;
- iv) extent and location of proposed works;
- v) details of precautionary and protection measures to ensure protected species and retained habitats are not harmed during and after construction;
- vi) appropriate strategies for creating / restoring target habitats or introducing target species;
- vii) method statement for site preparation and establishment of target features;
- viii) sources of habitat materials (e.g. plant stock);
- ix) timing of the works and
- x) monitoring.

The Ecological Mitigation and Enhancement Strategy shall be implemented in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason - To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 109 and 118 of the Framework.

4. No development shall take place until a Nature Conservation Management Plan is submitted to and approved in writing by the local planning authority. The Plan shall include:

- i) description and evaluation of features to be managed;
- ii) ecological trends and constraints on site that may influence management;
- iii) aims and objectives of management;
- iv) appropriate management options for achieving aims and objectives;
- v) prescriptions of management actions;
- vi) preparation of work schedule, including a 5 yearly project register, an annual work plan and the means by which the plan will be rolled forward over a 25 year period;
- vii) personnel responsible for implementation of the plan; and
- viii) monitoring and remedial / contingency measures triggered by monitoring.

The plan shall be carried out fully in accordance with the approved details.

Reason - To provide a reliable process for after care and remedial measures to ensure the protection and survival of important protected and notable species and features of nature conservation importance.