



Planning Committee

Greenlands Ward

6 January 2009

**2008/361/OUT OUTLINE APPLICATION – RESIDENTIAL DEVELOPMENT
LAND AT LINGEN CLOSE / MORDIFORD CLOSE, WINYATES
APPLICANT: PROPERTY SERVICES, REDDITCH BOROUGH COUNCIL
EXPIRY DATE: 8/1/09**

(See additional papers for Site Plan)

Site description

Site consists of uneven ground and mature tree and hedge planting. It is enclosed on two sides with houses and rear gardens backing onto the site, whilst a road and footpath abut the other two site boundaries.

Proposal description

This is an outline application for residential development with all matters reserved for future consideration (access, layout, scale, appearance and landscaping).

The application is supported by a Design & Access Statement, a sustainability checklist and details relating to any potential planning obligation.

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

Regional Spatial Strategy

UR4 Social infrastructure
 CF5 Delivering affordable housing and mixed communities
 QE3 Creating a high quality built environment for all

Worcestershire Country Structure Plan

CTC5 Trees, woodlands and hedgerows
IMP1 Implementation of development

Borough of Redditch Local Plan No.3

CS6 Implementation of development
CS7 Sustainable location of development
CS8 Landscape character
S1 Designing out crime
B(HSG).1 Housing provision
B(HSG).4 Density of development
B(HSG).6 Development within or adjacent to the curtilage of an existing dwelling
B(BE).13 Qualities of good design
B(NE).1a Trees woodland and hedgerows
CT5 Walking routes
CT6 Cycle routes
CT12 Parking standards
R2 Protection of incidental open space

SPDs

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

Relevant site planning history

None

Public Consultation responses

Responses against

5 comments received raising the following points:

- Loss of privacy.
- Loss of wildlife.
- Impact on protected trees.
- Additional noise.
- Loss of amenity space for children.
- The two open space areas complement each other and should remain undeveloped

Other issues which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application.

Consultee responses

County Highway Network Control

No objection subject to standard highway conditions

Environmental Health

Suggest that the following issues be considered:-

- Noise, recommend that working hours during construction be limited.
- Light nuisance, external security lighting should not affect the amenities of neighbouring occupiers.
- Odour nuisance, suggest no burning on site, and that measures be taken to prevent migration of dust particulates beyond the site boundary.

Severn Trent Water

No objection subject to a condition regarding drainage details.

Council's Arboricultural Officer

No response received

Worcestershire County Council

No response received

Drainage Officer

No response received

Procedural matters

This is an outline application with all matters reserved, and as such, only the principle of development can be considered at this stage. However, if there are reasons why the development could not be designed to be appropriate to the site, these can be raised as concerns at this stage.

The application plans and documents include an indicative layout and demonstrate that 4 dwellings could be accommodated on the site, and a tree retained. However this is for illustrative purposes only to demonstrate how the site *could* be developed, and not how it *would* be developed. This therefore has no weight in the determination of the application.

Under normal circumstances, some matters might be required through entering into a S106 planning obligation to ensure the provision of certain matters. However, in this case the applicant is the Council, and the Council as Planning Authority cannot enter into an agreement with itself as land owner. Therefore, in this case, conditions can be attached in the place of an obligation. Should the site be sold and then subsequent applications be made by the new owner/developer, then a planning obligation could be entered into at that stage if necessary in order to ensure future control and provision of facilities as necessary.

Assessment of proposal

The key issue for consideration in this case is the principle of the development, as all other matters are reserved for future consideration. As part of this, matters regarding density, sustainability and planning obligations can be considered.

Principle

The site is undesignated within the Local Plan, and thus can be considered as incidental open space under Policy R2. This is a criteria based policy, whereby development is considered to be acceptable provided that it meets these 6 criteria:

Criteria i) states that:

It should be demonstrated that the site has no particular local amenity value.

Your Officers would state that comments have been made by residents that the site is used by local children. However, there is an area of informal open space land at the side of the application site that would still be available for children to use for play. Therefore, the implementation of the development would only reduce the informal open space provision in this area rather than lose it completely.

Criteria ii) states that:

It should be demonstrated that the site has no wildlife conservation value.

There are no known wildlife interests on this site worthy of protection and therefore the proposal is also considered unlikely to cause significant harm to wildlife in this location.

Criteria iii) states that:

The need for the development should outweigh the need to protect the Incidental Open Space.

Given the limited importance of the site in terms of its use the need for the development does outweigh the need to protect this Incidental Open Space.

Criteria iv) states that:

It should be demonstrated that there is alternative provision of equivalent or greater community benefit provided in the area at an appropriate and accessible locality.

In this respect, there is considered to be alternative provision in the form of larger areas of open space in the near vicinity which offer greater community benefit and which are in a highly accessible location (Arrow Valley Park).

Criteria v) states that:

The site should not have a strategic function separating clearly defined developed areas or acting as a buffer between different land uses.

The site is enclosed by general housing; therefore, it does not act as a buffer between different land uses.

Criteria vi) states that:

The incidental open space should not play an important role in the character of the area.

Whilst there is mature tree planting within the site, the quality of the space does not contribute significantly to the character and appearance of the area. In addition, it is hoped that the existing trees would be retained as part of this development to maintain the visual quality of this area.

The reasoned justification for Policy R2 comments that there should be a surplus of open space in that area for the development proposal to be acceptable. Your Officers would inform Members that under the 'Open Space Needs Assessment' a deficit of open space exists in this ward. However, given that the more usable area of open space to the north of the site would remain, and the overall benefit to the Borough of the additional leisure provision that would result from the need for this application, on balance in this case it is considered that the principle of development on this site is acceptable.

Given that the supporting information provided with this application demonstrates that the proposal meets the criteria listed under Policy R2, in principle there are no objections to the development of the site for residential purposes.

The site measures 0.14ha and therefore development at a minimum of 30dph as recommended in PPS3 would result in at least 5 dwellings on this site. The density of the surrounding development is higher than 30dph, however, given that it would be possible to retain a protected tree, a reduction in density on this site for the development is considered to be acceptable and be appropriate to the surrounding area on this occasion.

There are mature trees on the site (some of which are protected with a Tree Preservation Order), however, it is considered that these trees could be retained and form part of the overall residential development being designed for the site in the future.

Sustainability

The site lies within the urban area of Redditch, and is therefore considered to be in a sustainable location. The applicant has provided a plan demonstrating the links to the site with the cycle and public transport provision in the area and it is considered that the site could be accessed by a variety of modes of transport, in line with planning policy objectives.

Planning obligations

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 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 SPD;
- A contribution towards County education facilities would normally be required, however confirmation from County that this is required in this case is awaited, and further details will be reported on the Update paper.

As noted above, a planning obligation cannot be entered into in this case; however these matters can all be achieved through the imposition of a condition.

Conclusion

The proposal is considered to comply with the planning policy framework and unlikely to cause harm to amenity or safety and as such is therefore considered to be acceptable.

Recommendation

That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to conditions and informatives as summarised below:

1. Time limit for commencement of development and for submission of reserved matters, including definition of reserved matters to follow
2. Planning obligation content requirements
3. Materials to be submitted.
4. Development shall incorporate the retention of the existing trees and their protection during construction
5. Access, turning and parking.
6. Limited working hours during construction.
7. Parking for site operatives.

Informatives

2. Mud on highway.
3. Private apparatus within the highway.
4. Alteration of highway to provide new or amend vehicle crossover.
5. Drainage details to be submitted.
6. Advise that public sewer crosses the site.
7. External security lighting to comply with guidance to ensure that it does not adversely affect neighbours amenities.
8. No burning on site.
9. Note contents of letter from Severn Trent Water