

**PLANNING
COMMITTEE**

14th November 2018

Planning Application 18/00169/FUL

Full application for 42 dwellings, following the design parameters set within application: 17/00542/OUT. Residential development on previously approved employment area.

Land On Green Lane, Green Lane, Wire Hill, Redditch. Worcestershire.

**Applicant: Mr Luke Webb
Ward: Greenlands Ward**

(see additional papers for site plan)

The author of this report is Helena Plant, Planning Officer (DM), who can be contacted on Tel: 01527 881335 Email: h.plant@bromsgroveandredditch.gov.uk for more information.

RECOMMENDATION:

That Members endorse the revised recommendation as detailed below and the associated comments under the heading Officer appraisal.

Background

Members will recall that at the meeting of Redditch Borough Council on 12th September 2018, they resolved;

That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration to GRANT planning permission subject to:-

a) The satisfactory completion of a suitable legal mechanism ensuring that:

1. Highways matters as agreed with the County Highways Authority including:- S278 and S38 agreements for improvements to the local highway network.
2. A contribution for highways improvements off site to the local and highway networks as agreed in a raft of measures identifies by the highways Authority. This will also include selected Traffic Regulation Orders.
3. A contribution towards County education facilities in relation to the private market housing proposed.
4. An off-site contribution towards playing pitches and open space in the area due to the increased demand/requirement from future residents in compliance with the SPG. An off-site contribution towards a play area in the area (or the satisfactory

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provision of such an area within the application site) due to the increased demand/requirement from future residents in compliance with the SPG.

5. The proposal would also require that 30% of the dwellings be provided as Affordable units for social housing in line with SPD policy and their retention for this purpose in perpetuity. In this instance 13 affordable units retained as such in perpetuity (insofar as Right to Buy or Acquire legislation permits)

6. A contribution towards the provision of wheelie bins for each dwelling on the Development.

7. Town centre strategy contributions.

and

b) Conditions and informatives as summarised in the report pack.

Procedural Matters

This matter is reported to members because the scheme of delegation to planning officers requires that:

All planning decisions, actions or advice/responses on behalf of the Local Planning Authority cannot be dealt with under delegated powers (so must be reported to committee) where:

- The proposal involves the Borough as landowner
- The application is for major development (more than 10 residential units) where the recommendation is for approval
- Any application where the Council will be required to become a party to a Planning Legal Agreement under Section 106
- Any application where two or more individual letters of objection from separate addresses raising material planning considerations are received from separate members of the public and the officer recommendation is for approval

The Amendments

Following the resolution of the Planning Committee on 12th September 2018, drafting of the associated legal mechanism has commenced. As part of that process the off-site contribution towards open space (as detailed in criteria 4 of the resolution) has been considered more closely.

The agents for the application express the view that;

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- In laying out and developing the adjacent site under the revised hybrid application (reference 17/00542) that they have provided excess open space.
- The level of that over provision would enable the needs of the residents arising from the current application to be fully addressed.
- As a consequence it is not appropriate and proportionate to collect open space monies on this application and this requirement should be omitted from criteria 4 of the resolution.

Officer Appraisal

Policy 12 of the Borough of Redditch Local Plan No 4. sets out the requirement for new developments over a certain size to provide open space, sports and recreational facilities in accordance with the Borough Council's Adopted SPD.

The SPD calculates the requirement. It considers the number of residents living within a development alongside a base line provision of 54m² of space per person. Considering the combined number of residents occupying the original development and those additional units proposed under application 18/00169, a requirement for 23,035 m² (2.3 hectares) of open space provision is generated. A plan has been received demonstrating that 29,263 m² (2.9 hectares) of open space was secured under the original permission. That space related to a linear swathe of land running parallel with Green Lane which contains a number of mature trees, a substantial attenuation pond at the eastern margins and centrally sited recreational space around a proposed play area. A footpath links these features together and provides good connectivity from the residential properties. Sufficient provision has therefore been secured to address the needs of residents living in both schemes, whilst still providing an excess of approximately 6,00m² of open space.

Furthermore the siting of the open space in close physical proximity to the development which it serves has functional advantages for the residents. These are combined with visual advantages of the space being associated with the treed buffer area and the connectivity the space allows to the cycleway to the west. These factors favour the use of this area for the new residents and have support of your Leisure services Officers.

The laying out, completion and long term maintenance of the public open and drainage facilities is already controlled through the existing Legal Agreement associated with application 17/00542. This ultimately includes transfer of this space to a Management Company, protects the recreational use of these areas and ensures their retention in perpetuity. Your officer's are therefore satisfied that the area is both sufficient in its extent, is available and protected in the long term.

Paragraph 56 of the NPPF (2018) identifies that planning obligations should only be sought where they meet all of the relevant tests, which include; being directly related to the development, and fairly and reasonably related in scale. It is your officers' opinion that requiring further on site provision, or off site contributions for open space in excess of that which has already been secured, would not meet the established tests.

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Conclusion

Your Officers conclude that there is sufficient open space provided under application 17/00542 to address the needs of residents living on that scheme and the additional residents proposed under 18/00169. It would therefore be unreasonable to seek additional provision.

There is a need for a consequential change to the terms of the original resolution, as taken on 12th September 2018 and subsequently minuted.

Criteria 4 required contributions associated with three elements; playing pitches, open space and play areas. The contributions associated with playing pitches and play areas are still required but the open space element is now removed, as detailed in the revised recommendation. All other requirements as set out in criteria 1 – 7 and associated conditions and informatives remain.

Revised recommendation

4. An off-site contribution towards playing pitches in the area due to the increased demand/requirement from future residents in compliance with the SPG. An off-site contribution towards a play area in the area (or the satisfactory provision of such an area within the application site) due to the increased demand/requirement from future residents in compliance with the SPG.

Background Papers

Appendix 1 - Report re application 18/00169/FUL dated 12th September 2018