

**PLANNING
COMMITTEE**

9th January 2019

Planning Application 18/01428/OUT

Outline application for the erection of 8 No. 2-bed dormer bungalows with associated infrastructure

Land To The Rear Of Nos 213-229 Ibstock Close And To The Rear Of Nos 23-31 Foxcote Close, Winyates East, Redditch

**Applicant: Redditch Borough Council
Ward: Winyates Ward**

(see additional papers for site plan)

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: steve.edden@bromsgroveandredditch.gov.uk for more information.

Site Description

The site is a grassed area approximately 2900 sqm (0.29 ha) in size and comprises an area of Primarily Open Space as designated on the Borough of Redditch Local Plan No.4 Policies Map.

To the northern-eastern premier of the site lie protected trees and hedging and then rear boundary fences serving numbers 23 to 31 Foxcote Close. To the west of the site lie numbers 211 to 217 Ibstock Close. Immediately beyond the south-west boundary of the site is an apartment block containing numbers 218 to 229 Ibstock Close. Beyond the south-eastern boundary lies Whitehouse Lane, which itself gains access from Alders Drive to the east.

Proposal Description

This is an outline application for residential development comprising 8, two bedroomed dormer bungalows with all matters reserved for future consideration (access, layout, scale, appearance and landscaping).

Although the matter of access is not for consideration at this stage, an indicative plan has been submitted showing vehicular access to the site from Ibstock Close at a point between number 217 Ibstock Close (to the north) and the apartment block containing numbers 218 to 229 Ibstock Close (to the south). It should be noted that an access from Ibstock Close already exists in this position and serves a total of 14 car parking spaces (in two rows of 7 spaces).

The application is supported by a design and access statement and a Preliminarily Ecological Survey (PEA).

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Relevant Policies :

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

Policy 11: Green Infrastructure

Policy 13: Primarily Open Space

Policy 16: Natural Environment

Others

NPPF National Planning Policy Framework (2018)

SPG Encouraging Good Design

Relevant Planning History

None

Constraints

New Town TPO 12

Consultations

WCC Highways

No objections in principle. The site is located within a residential area that promotes sustainable modes of transport including a high frequency bus service along Winyates Way, Local Cycle Routes 11, 12, and 15, National Cycle Route 5 and the area is criss-crossed by pedestrian footways. The area in the vicinity benefits from footpaths and street lighting.

Based on the indicative plan submitted no objections are raised. Parking provision (2 spaces per dwelling) would conform to the County Councils Parking standards for 2 bed dwellings. Visibility to and from the proposed means of access is considered to be acceptable.

Any future full / reserved matters application submitted at a later date should take on board the following recommendations

- a 6m radius be provided to the entrance off Ibstock Close.
- Drop Kerbs to be provided adjacent to the existing footpath and also across the road.
- Relocation of the existing street light may be required due to the increase in junction radius to 6m on Ibstock Close
- Possible relocation of the street light located adjacent to plot 1

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- The footpath along one side of the access road to be provided with a 1m service margin strip on the opposite side
- It is recommended the applicant provides a suitable visibility splay at the point where the existing divorced footpath crosses the proposed site access road, to minimise the risk to pedestrians crossing the road.

Drainage Engineer: North Worcestershire Water Management

The site is in flood zone 1 (low risk of modelled river and tidal flooding), we have no records of flooding at this location. There is a surface water flood risk to the north west of the site however the applicant has left a buffer here therefore this flood risk is negligible. Usually Building Regulations Hierarchy of surface water drainage requires discharge to a ditch/watercourse to be ruled out before discharge to a sewer. In this case however given the nature of the ditch, the downstream mapped surface water flood risk and lack of easement between downstream properties and the ditch I recommend the applicant discharges surface water to the sewer network. Before discharging surface water the applicant is required to attenuate surface water to 5L/s and use SuDS measures. Some SuDS measures which could be applicable for this site are rainwater harvesting, rain gardens, and permeable paving.

There are no reasons to object to this application on flood risk grounds subject to the imposition of a suitably worded drainage condition.

Arboricultural Officer

Comments summarised as follows:

The site is covered by (New Town) 'blanket' / 'area' Tree Preservation Order 12. There are several mature Oak Trees at the rear of 23/24 Foxcote Close.

T1: nearest to the footpath (adjacent to Whitehouse Lane) is in heavy decline and needs to be removed, which the Council's Tree team would do.

T2: Oak is in good health and condition but does have a low and wide canopy, extending to 11m into the proposed development, this tree has an Root Protection Area of 10.20m. At this stage, a crown lift is likely to be needed.

T3: Oak is on the rear boundary fence line of No.24 Foxcote Close. I do not envisage any issues with this tree.

T4: a mature oak at the rear of 26/27 Foxcote Close, is in good health and condition, this tree has been subject to a reduction in the past and would not interfere with the proposed development.

T5: a semi-mature Oak at the Rear of 28 Foxcote Close. I do not envisage any issues or encroachment with this tree.

T6: a young Oak to the front of 216 Ibstock Close stands in hedgerow, is in good health and would not be affected by development.

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At the rear of the block of Flats 218-229 there are 2 Robinia's T7: &T8: and 1 Alder T9: which would need to be removed to which I would have no objection.

RBC Strategic Planning team

Comments summarised as follows:

As an area of Primarily Open Space, Policy 13 of the Borough of Redditch Local Plan No.4 (BORLP4) would apply.

Policy 13 (Primarily Open Space) states: "Open space will be protected and, where appropriate, enhanced to improve quality, value, multifunctionality and accessibility. In order to maintain the levels of open space provision in the Borough, proposals which would result in the total or partial loss of Primarily Open Space will not normally be granted planning permission unless it can be demonstrated that the need for development outweighs the value of the land as an open area."

Applicants need to demonstrate that the need for a proposed development outweighs the value of the open space, based on a number of criteria (1 to 9), otherwise planning permission will not be granted.

In terms of Primarily Open Space standards, Winyates Ward has a deficit of open space per 1000 population of 1.61ha. The Borough standards have recently been recalibrated to take account of updated Census information and an audit of all open spaces. A revised standard for Winyates Ward shows a reduction in the deficit of open space (-0.93ha per 1000 population). However, it should also be noted that the open space standards do not take account of sub-regional open spaces such as the Arrow Valley Park. If the sub-regional open space is taken into account, Winyates Ward would have a surplus of around 12ha per 1000 population.

Public Consultation Response

Four representations have been received raising objections which are summarised as follows:

- The land should remain for recreational purposes and should not be built on. Children and young people use this land for playing ball games and enjoying general pastimes all year around, under the watchful eye of their parents due to the close proximity of the field to the existing houses. Children will suffer long-term
- Highway safety concerns arising from increased use of vehicular access
- Inadequate parking provision for the development
- The proposal would be an overdevelopment of the site
- Drainage concerns
- The proposed development will degrade the natural environment in the area creating a health hazard during construction
- There are no other 'safe' play areas in close proximity. The current play area with its soft borders around the fence lines provides safety and privacy
- What will happen to the remaining 'triangle' of green which backs on to No 32 and 33 Foxcote Close?
- Where will bins be stored?

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- Concerns about future health of the protected trees
- Wildlife in the area will be adversely affected.

One representation has been received which neither supports or objects to the application. Comments are summarised as follows:

- The land for the development is of poor quality and drainage. Adequate drainage should be provided and steps taken to ensure that water does not naturally soak away into the gardens in Foxcote Close and those in Ibstock Close.
- There are several protected Oak trees to the northern boundary to the site. These should not be harmed in any way since they are a haven for wildlife, particularly bats.
- Whitehouse Lane is already a very busy thoroughfare feeding the arterial cul-de-sacs off it. The new development will add to the already busy traffic flow and should be taken into consideration.
- I am satisfied that the privacy of the existing residents would not be compromised providing all trees and hedgerows remain.

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 include an indicative layout, however this is for illustrative purposes only to demonstrate how the site **could** be developed to accommodate eight dormer bungalows, and not how the site **would** be developed.

Assessment of Proposal

An Independent Preliminary Ecological Appraisal has been commissioned by the Council and has been carried out. The report concludes that the site is of low ecological value and that further surveys are not necessary. Development of the site is deemed to be acceptable from an ecological perspective subject to the imposition of appropriate conditions to cover biodiversity enhancement and to ensure that construction working is appropriately managed to ensure that wildlife is not prejudiced.

The key issue for consideration in this case is the principle of the development as all other matters are reserved for future consideration.

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Principle of development

The site is designated as Primarily Open Space in the Borough of Redditch Local Plan No.4 (BORLP4). As such, Policy 13 would apply.

Policy 13 comments that: "Open space will be protected and, where appropriate, enhanced to improve quality, value, multifunctionality and accessibility. In order to maintain the levels of open space provision in the Borough, proposals which would result in the total or partial loss of Primarily Open Space will not normally be granted planning permission unless it can be demonstrated that the need for development outweighs the value of the land as an open area."

Policy 13 is a criteria based policy where in the consideration of applications for development on Primarily Open Space, the following (9 criteria) will be taken account:

i. the environmental and amenity value of the area;

Your officers have concluded that the environmental and amenity value of the area is relatively low. The applicant comments that there is existing community provision at Petton Close which offers a larger linear open space within a 5 minute walk time from the site (165m south-east) which meets the needs of local people for formal and informal recreation. This site includes two goal posts as well as a linear link opportunity to maintain green corridors and infrastructure.

ii. the recreational, conservation, wildlife, historical, visual and community amenity value of the site;

The Ward sits within a landscape of larger parks and green spaces with Ipsley Alders Marsh Nature Reserve situated to the east (included in the Open Space Needs Assessment). This Nature Reserve provides an important conservation, environmental and wildlife provision in the vicinity that has greater biodiversity and ecology benefits. There is no evidence of historical value to the area of open space.

iii. the merits of retaining the land in its existing open use, and, the contribution or potential contribution the site makes to the Green Infrastructure Network, character and appearance of the area;

This matter has been considered in the design and layout shown on the indicative plan. Green Infrastructure and wildlife corridors including important mature trees have been retained within the layout.

iv. the merits of protecting the site for alternative open space uses;

The applicant has demonstrated that there is alternative open space use at Petton Close within easy walking distance from this site along with diversity and variety of provision at Arrow Valley Country Park.

v. the location, size and environmental quality of the site;

The proximity and location of Petton Close, Arrow Valley Country Park and Ipsley Alders Marsh demonstrate these factors are not compromised within the Ward.

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vi. the relationship of the site to other open space areas in the locality and similar uses within the wider area;

Arrow Valley Country Park (900 acres) is positioned to the west of the site (excluded in the Open Space Needs Assessment as a Sub-Regional Park). Due to its exclusion there is a deficit of open space within this Ward of 0.93ha per 1000 population, however, if AVCP was included in the calculations of the assessment this would result in a larger surplus provision. As such, your officers consider that it would be reasonable to suggest that AVCP (classed under the typology of parks) should be taken into account when reviewing the value of open space in Redditch and Winyates East, due to its far reaching diversity and benefits along with evidence of the park attracting larger than average visitor numbers from across the Borough by the nature of the facilities provided.

vii. whether the site provides a link between other open areas or as a buffer between incompatible uses;

It can be demonstrated that alternative open space uses can be provided at the larger, linear open space at Petton Close given the size and accessibility of the site. Also within a 5 minute walk time facilities at AVCP would provide far greater diversity for alternative open space usage. The site does not provide a buffer between incompatible uses since all uses within the immediate area fall within the (C3) residential use class.

viii. that it can be demonstrated that there is a surplus of open space and that alternative provision of equivalent or greater community benefit will be provided in the area at an appropriate, accessible locality; and

see comments under vi. above

ix. the merits of the proposed development to the local area or the Borough generally.

Currently, the Council cannot demonstrate a 5 year supply of housing land within the Borough. Paragraph 11 of the National Planning Policy Framework (NPPF) says that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. The so called tilted balance as advocated by the framework is engaged and the presumption in favour of sustainable development, as set out in the Framework applies. Where relevant policies are out of date, Paragraph 11 advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.

Your officers have concluded that any adverse impacts arising from granting permission for the residential development of this site would NOT significantly and demonstrably outweigh the benefits of the scheme as a whole which would provide affordable housing to meet the Boroughs identified housing needs.

Therefore, no objections are raised to the principle of a residential scheme on the site.

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Scale, layout and appearance of development

Policy is supportive of new residential development so long as it respects the character and appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development.

Whilst scale, layout and appearance are not for specific consideration at this stage, the indicative plan does demonstrate how 8 dormer bungalows could be accommodated within the plot without compromising the amenities enjoyed by occupiers of nearby occupiers. Whilst the submitted plan is only for illustrative purposes, separation distances between existing dwellings and the proposed new dwellings would comply with standards contained within the Councils SPG on Encouraging Good Design and gardens serving the new dwellings would also comply with minimum requirements.

Your officers therefore consider that the proposed development would respect the character and appearance and density of existing development within the wider area.

Trees and Ecology

Policy 16 (Natural Environment) aims to protect and, where appropriate, enhance the quality of natural resources including wildlife corridors, ancient and important trees and biodiversity.

The Councils Arboricultural Officer has raised no objections to the development. The mature Oak Trees would remain under the protection of the New Town Tree Preservation Order 12. Conditions to protect the trees during the construction phase may be appropriate to impose on any later reserved matters application when the matters of layout and landscaping are set.

The Independent Preliminary Ecological Appraisal (PEA) has concluded that the site is of low ecological value and that further surveys are not necessary. Development of the site is deemed to be acceptable from an ecological perspective subject to the imposition of appropriate conditions to cover biodiversity enhancement and a requirement to ensure that the tree line along the eastern boundary (rear of Foxcote Close) is not illuminated.

Paragraph 175 of the NPPF comments that opportunities to incorporate biodiversity in and around developments should be encouraged. The site is adjacent to well established green network corridors and as such, to enhance ecological biodiversity, permanent bat and bird nesting opportunities should be integrated within the scheme. An appropriately worded planning condition is recommended to be imposed at this outline stage.

It is reasonable to expect that lighting associated with the construction and operational phases of the development could have an adverse impact on habitat which is suitable for roosting and foraging and bats since the site is part of a 'green corridor' between other larger areas of habitat. One of the recommended biodiversity conditions (the submission of a CEMP – Biodiversity) is therefore recommended as pre-commencement of development condition.

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The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 require the applicant's written agreement to the terms of any pre-commencement condition. Written agreement to the terms of the condition has been sought and agreed by the applicant.

Impact of the proposals on highway safety

The matter of access to and from the development would be considered in more detail under a future reserved matters application. That said, the most obvious means of vehicular access to the site would be that shown on the indicative and illustrative plan (from Ibstock Close).

Representations have been received questioning the acceptability of the access to serve such a development. County Highways have however concluded that the access is acceptable, and that there are no highway implications which might result in the proposed development giving rise to harm to highway safety. Two off-road car parking spaces would be provided for each of the 8 dormer bungalows, meeting the Council's parking standards. The two rows of 7 car parking spaces serving existing properties in Ibstock Close as referred to earlier in this report would not be affected by the proposals.

There are therefore no objections to this application having regard to highway safety considerations.

Drainage and other matters

The Drainage Engineer (NWWM) has raised no objection subject to the imposition of a drainage condition.

A refuse and recycling point which is located adjacent to the two rows of 7 car parking spaces referred to above would need to be relocated in order to facilitate vehicular access to the site. Your officers have raised this matter with the applicant who is aware of the requirement for its relocation. Whilst this is a detailed matter, alternative locations near to the existing location will be examined and any relocation would be carried out following consultation with nearby residents.

Conclusion

Having regard to the requirements set out under Policy 13 above, your officers have concluded that the demonstrated need for the development outweighs the value of the land as an area of Primarily Open Space.

As referred to earlier in this report, the Council cannot currently demonstrate a five year supply of housing. Significant weight should be afforded to the fact that the scheme would make a meaningful contribution to the Council's housing figures and in particular the provision of affordable housing. Account should be taken of the opportunities the development would create for local businesses in the construction of the development. Limited environmental harm would be caused in this case and any adverse impacts arising from granting permission for the residential development of this site would NOT

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significantly and demonstrably outweigh the benefits of the application. As such, and in accordance with Paragraph 11 of the NPPF, permission should be granted.

The proposal would amount to sustainable development, and would not conflict with the Borough of Redditch Local Plan No.4 as a whole.

Subject to compliance with conditions as listed in full below, a favourable recommendation can be made.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, OUTLINE planning permission be GRANTED subject to the following conditions:

Conditions:

- 1) Details of appearance, landscaping, layout, access and scale (hereafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:- In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.

- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason:- In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.

- 3) The development hereby permitted shall begin no later than two years from the date of the approval of the last of the reserved matters to be approved.

Reason:- In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.

- 4) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Drawing No: P2049/142/2: site location plan edged red dated 15th November 2018

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

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- 5) No development above foundation level of the dwellings hereby approved shall take place until a site drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented prior to first use or occupation of the development.

Reason:- To allow proper consideration of the proposed foul and surface water drainage systems and to ensure that the development is provided with a satisfactory means of drainage and in accordance with National Planning Policy Framework.

- 6) During the course of any site clearance and development, the hours of work for all on-site workers, contractors and sub-contractors shall be limited to between;
0800 to 1800 hours Monday to Friday
0900 to 1200 hours Saturdays
and NO WORKING shall take place at any time on Sundays, Bank Holidays or Public Holidays or at any time outside of the above permitted working hours unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbours amenity

- 7) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

a) Direction of security/construction lighting away from protection zones, tree canopies and watercourses.

b) Responsible persons and lines of communication.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason:- To minimise impact of the development on biodiversity in accordance with the requirements of the National Planning Policy Framework.

- 8) Prior to the first occupation of the development, details shall be submitted that shall include bird nesting boxes, bat roosting boxes, and appropriate native species planting to take account of the need to recreate habitat for wildlife and biodiversity. The details thus approved shall be fully implemented prior to first use occupation of the development. The existing tree line along the eastern boundary of the site (rear of Foxcote Close) shall not be illuminated without first obtaining the approval of the Local Planning Authority.

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Reason:- To ensure the creation of wildlife habitat and wildlife corridors within development and minimise impact of the development on biodiversity in accordance with the requirements of the National Planning Policy Framework.

Informatives

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.

Procedural matters

This application is being reported to the Planning Committee because the applicant is Redditch Borough Council. As such the application falls outside the scheme of delegation to Officers.