

**PLANNING
COMMITTEE**

15th September 2021

Planning Application 21/00148/FUL

Change of use from adopted highway land to residential garden

Land adjacent to 1 Blackstitch Lane, Redditch, Worcestershire, B97 5TE

Applicant: Mr Nick Bennett
Ward: West Ward

(see additional papers for site plan)

The case officer of this application is Charlotte Wood, Planning Officer (DM), who can be contacted on Tel: 01527 64252 Ext 3412 Email: Charlotte.Wood@bromsgroveandredditch.gov.uk for more information.

Site Description

The application site comprises a parcel of land which is situated on the corner of Blackstitch Lane and Middle Piece Drive and adjoins the north east boundary of number 1 Blackstitch Lane. The piece of land is broadly rectangular in shape and is heavily covered with trees and vegetation. The site lies within the residential area of Webheath, on the western side of Redditch, however as it currently falls outside of any residential boundary, it remains as open space. Policy 14 of the Borough of Redditch Local Plan no. 4 (BoRLP 4) clarifies that any areas of open space that are not 'Primarily Open Space', should be considered 'Incidental Open Space'. Therefore, as the area of open space subject to this application is not indicated on the BoRLP 4 proposals map to be Primarily Open Space, it should be regarded as Incidental Open Space.

The land is currently owned by Worcestershire County Council and forms part of the adopted highway verge. Given its prominent roadside location, close to the nearby mini roundabout, the application site is highly visible when travelling east and west along Middle Piece Drive.

Proposal Description

The application proposes the change of use of the highway verge to residential garden land, in order to incorporate the land into the residential boundary of number 1 Blackstitch Lane. The proposal does not include the erection of any structures or boundary enclosures and does not seek to carry out any engineering operations. However, it should be noted that these types of development may not require planning permission in the future should the change of use of land be granted planning permission.

It should also be made clear that land ownership remains a separate matter to planning. The change of use of land would not affect the ownership status of the land; a separate non-planning process is required to purchase the land.

PLANNING COMMITTEE

Relevant Policies :

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

Policy 14: Protection of Incidental Open Space

Policy 16: Natural Environment

Others

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

Relevant Planning History

No relevant planning history

Consultations

Highways Redditch

No objections. Vehicular visibility is not affected, therefore there are no highway implications.

Arboricultural Officer

No objections. The land is a highway barrier bed with mixed species of semi-mature trees, which are not of the best quality.

Public Consultation Response

Seven neighbour letters were sent, and one site notice was erected in order to publicise this application. Three letters of objection were received, which raised the following concerns:

- The land provides a habitat for a number of wildlife species.
- Development of the land would leave houses behind open to security risk.
- Development of the land would lead to a significant increase in noise and pollution from the road.
- Stability of the bank needs to be considered.
- Development could lead to flooding.
- Impact to trees
- Impact to character
- Overlooking to neighbouring properties
- Concerns that land will be built upon.
- Work on the land has already begun.

PLANNING COMMITTEE

Assessment of Proposal

Given that the site currently comprises incidental open space, the main issues to consider with this proposal are the principle of development, having regard to the loss of the open space and its implications on the character and appearance of the area, the impact to residential amenity, and the impact of the development on trees and highway safety.

Principle of Development

Policy 14 of the BoRLP 4 states that incidental open space can make an important contribution to the Green Infrastructure Network in the Borough. Whilst the policy acknowledges that it may be necessary to develop some areas of incidental open space, it states that development should be resisted unless the following criteria are met:

- i. the need for the development is considered to outweigh the need to protect the incidental open space;
- ii. it can be demonstrated that the site does not make an important contribution to the Green Infrastructure Network and has no particular local amenity or wildlife conservation value;
- iii. the site does not have a strategic function separating clearly defined developed areas or acting as a buffer between different land uses;
- iv. it can be demonstrated that there is alternative provision of equivalent or greater community benefit provided in the area at an appropriate and accessible locality; and
- v. the incidental open space does not play an important role in the character of the area.

The reasoned justification section of this policy states that applicants will be required to demonstrate the merits of their development in relation to the value of the open space; if the merits of retaining the land in its existing open use outweigh the merits of the proposed development, planning permission will not be granted.

Having regard to this and the criteria listed above, it is considered that the need for the development in this case would not outweigh the need to protect the incidental open space. Number 1 Blackstitch Lane already benefits from an adequate size garden and increasing the garden size would only provide a limited personal benefit. With regards to criteria (ii), the application site currently forms a green highway buffer, which is highly visible from public viewpoints. Given that the land is currently covered with trees and is undeveloped it would likely provide habitats for local wildlife. Whilst the proposal may not propose to remove the trees, domestic activity within this location would likely have some impact to the trees and local wildlife over time. Finally, with regards to criteria (v), it is considered that this piece of incidental open space does play an important role in the character of the area. The wide green highway verge is a feature that is present all along this southern part of Middle Piece Drive. Furthermore, wide green highway verges are notable throughout Redditch and they therefore form an important part of the borough wide character, adding to the green and verdant appearance of Redditch. Although harm to the green and open appearance of the land could be reduced through the removal of permitted development rights for fences and outbuildings, there would still be some impact to the land as a result of domestic storage and other paraphernalia, which could

PLANNING COMMITTEE

not be controlled through the planning system. Encroachment into this area just from changing the use of the land would have an impact to the character of the area.

Trees

The Tree Officer has commented on this application and has raised no objections, stating that the trees on the land are comprised of semi-mature mixed species trees, which are not of the best quality. During the application process it has been clarified that the majority of the trees on the land are subject to a Tree Preservation Order (TPO) and would therefore need consent to be removed. Notwithstanding this, it is recognised that the incorporation of the land into the residential boundary could result in future pressure for the removal of trees.

Highway Safety

As the proposed change of use of land would not affect vehicular visibility, the Highways Officer has confirmed that there would be no highway implications arising from the proposal and has therefore raised no objections.

Residential Amenity

Whilst the proposal does not include any building operations, officers have considered the impact of the change of use of land on the amenity of surrounding neighbours. The rear boundary of the application site lies closest to the rear boundaries of number 24 and 25 Weatheroak Close to the south east. Although changing the use of this land to residential may result in some increase to noise and activity levels, the proximity and relationship of this land to neighbouring properties is typical of that which is found within a residential area with back-to-back gardens. Furthermore, whilst there are some level changes in this location, given the existing vegetative screening and boundary treatments in place there would be no adverse loss of privacy to 24 and 25 Weatheroak Close that would warrant refusal of planning permission. As no structures are proposed in this area, there would also be no adverse loss of light or outlook to these properties.

Third Party Representations

Three third party representations were received from neighbouring properties (23, 24 and 25 Weatheroak Close to the rear of the site). All of the comments raised in these letters have been considered, however a summary of the main issues raised and an officer response has been provided in the table below.

Concern raised	Officer response
The land provides a habitat for a number of wildlife species. Neighbouring property 24 Weatheroak Close is a "nursery" for pipistrelle bats.	As the proposal does not include building operations or demolition works and does not indicate trees for removal, an ecological assessment was not requested to support the application. Given that protected species are afforded protection under alternative legislation to planning, this was considered adequate in this instance.
Development of the land would leave	It is not considered that the change of use of

REDDITCH BOROUGH COUNCIL

**PLANNING
COMMITTEE**

houses behind open to security risk.	this land would result in any additional security risk, given that the land is more likely to be monitored if it were to become used for residential purposes. Other measures can also be used to combat security concerns.
Development of the land would lead to a significant increase in noise and pollution from the road.	It is not expected that the change of use of land would result in neighbours experiencing any significant increase in noise or pollution from the road.
Stability of the bank needs to be considered.	This is not a planning matter.
The land should be retained for screening purposes and should not be built upon.	Whilst there are no building operations proposed as part of the application, the impact of the proposal on the character and appearance of the area has been considered in the report above.
Work on the land has already begun.	This does not affect the merits of the proposal and consideration of this current application. This matter will be considered separately to the current planning application.
Removal of trees would lead to flooding issues.	The trees on the site are protected by a blanket Tree Preservation Order (TPO) and there is no other development proposed within the application that would affect local flooding.
The development would introduce overlooking to neighbouring properties.	This has been considered above in the neighbouring amenity section of the report.
A tree survey should be carried out.	A Tree Officer has visited the site, however, as the proposal does not include building work and as the trees on site are protected, the submission of a tree survey is not considered necessary.
A site visit should be undertaken.	A site visit has been undertaken by both a Planning Officer and a Tree Officer.
Removal of trees would affect character.	Whilst the trees on site are protected, the impact of the change of use of land on the character of the area has been assessed in the report above.
If further housing developments take place in Webheath it is likely that traffic and noise will increase.	The proposal does not include the construction of any new houses. If a future application relating to new houses was received, it would be assessed at that time based on its planning merits and in accordance with local and national policy.

PLANNING COMMITTEE

Conclusion

Whilst it is not considered that the proposed change of use of land would result in any direct impact to trees or highway safety, it would lead to an adverse impact to the character of the area. As the need for the development would not outweigh the need to protect the open space, officers consider that the proposal would not comply with key Policy 14 of the BoRLP 4.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, planning permission be **REFUSED.**

Reasons for Refusal

The proposal would comprise the change of use of land which is incidental open space and currently plays an important role in the character of the local area by contributing to a substantial section of open green highway verge which is free of development. Incorporating this land into the residential boundary of 1 Blackstitch Lane would have a significant detrimental impact to this character by eroding the open appearance of this land by the introduction of domestic paraphernalia and storage, resulting in visual clutter. As the benefits of the development would only be limited and personal to the occupiers of 1 Blackstitch Lane, the need for the change of use of land would not outweigh the need to protect the incidental open space, contrary to Policy 14 of the Borough of Redditch Local Plan no. 4.

Procedural matters

This application is being reported to the Planning Committee because the land subject to this application is currently owned by Worcestershire County Council. As such the application falls outside the scheme of delegation to Officers.