

**PLANNING
COMMITTEE**

18th January 2023

Planning Application 22/01358/FUL

Change of use of highway land to private residential garden

29 Ansley Close, Redditch, Worcestershire, B98 0AX

Applicant: Mr Anthony Guy
Ward: Matchborough Ward

(see additional papers for site plan)

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

Members will be aware that this application was considered at Planning Committee on 7th December 2022. The application was deferred to allow Members to visit the site. The site visit, accompanied by the case officer took place on Saturday 17th December 2022.

Site Description

The site lies within the residential area of Matchborough East and comprises a small strip of land to the north-west of the property. Adjacent to the fence line to the north-west lies a pedestrian pathway which leads from Winward Road (to the north) to Milhill Road (to the south).

The land is currently owned by Worcestershire County Council and forms part of the adopted highway.

Proposal Description

The application, which is retrospective, proposes the change of use of highway land to private residential garden. The area in question is separated from the adjacent footway via timber fence panels erected by the current or former occupier of the property.

It is important to note that land ownership remains a separate matter to that being considered under this planning application. The change of use of the land would not affect the ownership status of the land; a separate non-planning process is required to purchase the land and to 'stop up' the highway.

Relevant Policies

Borough of Redditch Local Plan No. 4

Policy 14: Protection of Incidental Open Space

Policy 40: High Quality Design and Safer Communities

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Others

NPPF National Planning Policy Framework (2021)

Relevant Planning History

None

Consultations

WCC Highway Authority

No objection

West Mercia Police Designing out Crime Officer

Comments summarised as follows:

I carried out a site visit on Wednesday 14th December 2022 and have walked the footpath adjacent to the application site. Whilst such footpaths can make properties more vulnerable to crime, the footpath is of good width, with clear sight lines and is also lit. The footpath was being used whilst I was present at the site. Acceptable natural surveillance exists and I do not object to the application.

Public Consultation Response

No representations received

Assessment of Proposal

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 as areas of 'Incidental Open Space'. Therefore, as the area of open space subject to this application is not indicated on the BoRLP 4 Policies map to be Primarily Open Space, it should be regarded as Incidental Open Space.

In evaluating the application against the provisions of Policy 14 it is necessary to consider the overall quality of the space in question in terms of its contribution and value to the local community. In this particular case, assessing the proposal on its merits, the site does not make an important contribution to the Green Infrastructure Network and has no particular wildlife conservation value; nor does it have a strategic function or form natural buffer between different land uses. The area is very small and would not materially impact on the overall quantity of equivalent areas of Incidental Open Space in the vicinity of the application site. Larger areas of Incidental Open Space exist to the southwest of No. 20 Ansley Close and areas of Primarily Open Space providing far greater community benefits are already provided at nearby and accessible locations including sites to the north of Winward Road and to the north of Milhill Road. These sites are indicated by arrows on a slide which accompanies the presentation document.

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No public representations have been received following the expiry of the publicity period and no residential amenity concerns have been identified. Worcestershire County Council Highways Authority have been consulted and have raised no objections to the application.

Following the resolution to defer consideration of this application until a site visit had been made, your officers have consulted the Police Designing out Crime Officer whose comments are set out above. Members will note that the Officer in question walked the site on the 14th December 2022 shortly before the accompanied site visit with Members which took place on the 17th December. The Police Designing out Crime Officer raises no objection to this application.

To aid members in their considerations of this and the two other planning applications for similar works at Ansley Close which also return to the Planning Committee following the earlier December meeting, an additional plan has been provided within the presentation pack showing the extent of title areas associated with numbers 20, 21 and 29 Ansley Close prior to the retrospective works being carried out, compared to the arrangement as proposed under this and the (other two) planning applications. The adopted highway (footpath and verge) is shown in yellow with title areas shown in pink.

The application is deemed to comply with the provisions of Policies 14 and 40 of the Borough of Redditch Local Plan and there are not considered to be any reasons to withhold issuing consent in this case.

RECOMMENDATION:

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

Conditions:

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

Drawing P2115/32 Layout Plan
Drawing P2115/33 Site Location Plan

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

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.