



Planning Committee

Headless Cross and Oakenshaw Wards

4 November 2008

**2008/303/OUT OUTLINE RESIDENTIAL DEVELOPMENT
LAND AT PETERBROOK CLOSE, OAKENSHAW, REDDITCH
APPLICANT: PROPERTY SERVICES, REDDITCH BOROUGH COUNCIL
EXPIRY DATE: 17 NOVEMBER 2008**

Site Description

(See additional papers for Site Plan)

The site is approximately 1497 sqm (0.1497 ha) and is an open area of land on a corner of a cul-de-sac surrounded by 3 and 4 bed detached owner occupied dwellings. This grassed area slopes gently away from number 3 Peterbrook close towards number 8 Peterbrook Close to the North. A thick mixed hedge forms the Eastern boundary to the site, with domestic garden fencing and trees forming the Southern and Western boundary. Access into the site is via the predominantly open Northern boundary opposite the entrance to number 8 Peterbrook Close.

This is a residential area characterised by detached development dating from the early 1980's, and formed of red brick and red/brown tiles. Parking is generally within the curtilage of each property.

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

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).5 Affordable housing

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

B(NE).6 Contaminated land

B(NE).9 Flood risk and surface water drainage

C(T).5 Walking routes

C(T).6 Cycle routes

R2 Protection of incidental open space

SPDs

Encouraging good design

Design for community safety

Planning obligations for education contributions

Open space provision

Affordable housing

Relevant site planning history

None.

Public Consultation responses

Responses in favour

1 letter received raising the following points:

This small incidental open space is in close proximity to more open land referred to as a park. The area has a network of footpaths leading to the park.

There is no evidence of constant use and therefore no actual loss of space need by local children with the park being nearby (Policy R2 of the Local plan applies).

Some support is given to the principle, but full support is reserved until that 'reserved matters application' is received.

Responses against

46 letters received raising the following points:

- Existing properties totally overlook this area
- Trees were planted on this site originally to enhance the visual qualities of the site – would be wrong to remove them
- To build additional dwellings on this plot would be detrimental to highway safety
- Site is on a blind bend. Further development will lead to accidents
- A natural spring is under the land and there are as a result drainage problems on the site. This is why trees have been planted near to

- the site – to soak up excess water. Trees and shrubs should not be removed, nor the land disturbed
- The land has been kept as a play area. It is open space and should not be developed
 - Why was the land not developed in the first place?
 - By developing this site it would represent the loss of safe play space
 - Nearby areas are unsuitable as play area due to history of criminal damage and misuse – vandalism, use of drugs, areas being set fire to etc
 - This development will have a negative impact upon wildlife and eco-system
 - Existing residential area's nearer to the town centre should be developed before green spaces such as this
 - Five dwellings on the site is excessive and would be out of character with surrounding area

Consultee responses

County Highway Network Control

No objection subject to informatives regarding the design of the future proposals.

Environmental Health

No objection subject to conditions / informatives regarding construction times, lighting and odour control

Drainage Officer

No response received

Crime Risk Manager

No objection subject to the imposition of an informative to ensure that security and safety are designed into any scheme on this site

Severn Trent Water

No objection subject to a condition regarding drainage details

County Education Team

Identified need for contributions in relation to three local schools, in compliance with the adopted SPG

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, as no details are available. 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, 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 the requirements of the conditions would remain in force regardless of ownership.

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 agree with the representations received in support of the application in that the land would appear to be little used by nearby residents and that the site has little local amenity value.

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. It is also noted that open spaces within close proximity to this site provide a larger area for such species and therefore the loss of this smaller area in comparison is insignificant.

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 and amenity value, in this case the need for the development does in deed 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 area's of open space in the near vicinity which offer greater community benefit and which are in a highly accessible location.

Criteria v). states that:

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

The clear lack of a strategic function separating developed area's and lack of a buffer function between different land uses leads your Officers to conclude that the proposed development would satisfy this criteria.

Criteria vi). states that:

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

Your Officers have concluded that the land does not contribute significantly to the character and appearance of the area, and that therefore the site does not play an important role in the character of the 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 Update' a significant surplus of open space exists within the Headless Cross and Oakenshaw Ward, and that therefore the proposals comply with the RJ for Policy R2.

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 0.1497ha and therefore development at a minimum of 30dph as recommended in PPS3 would result in at least 5 dwellings on this site. The indicative layout showing five detached dwellings would equate to a density of 33.3 dph meeting the government guidelines as stated in PPS3. The surrounding character and pattern of development is at approximately 30-35 dph, and therefore it is considered that development could occur on this site in such a way that it would be acceptable and not inappropriate to the surrounding area.

There are no site specific concerns regarding the proposal, and no constraints known that would prevent acceptable 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 easily 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 County education facilities would normally be required, and the County have confirmed that there is a need in this area to take contributions towards three schools – Harry Taylor First, Walkwood Middle and Kingsley College;
- 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;

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

Other issues

There are either no comments received / no concerns or objections raised by consultees, including County Highways and the Councils Land Drainage Officer. The issues raised by residents in relation to highway matters and drainage in particular cannot therefore be substantiated, and thus the proposal is considered to be acceptable. Matters of design that could result in concerns such as privacy will be considered at the reserved matters stage when the details are submitted for consideration.

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 the following conditions:

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 at reserved matters stage
3. Limit on operating hours during construction

Informatives

1. Lighting
2. Odour control
3. Highways
4. Secured by design – note comments of Crime Risk Manager