



Planning Committee

Astwood Bank and Feckenham Ward

4 November 2008

**2008/304/OUT DESCRIPTION: OUTLINE RESIDENTIAL DEVELOPMENT
ADDRESS: LAND OFF BANNERS LANE, CRABBS CROSS
APPLICANT: PROPERTY SERVICES, REDDITCH BOROUGH COUNCIL
EXPIRY DATE: 17 NOVEMBER 2008**

Site Description

(See additional papers for Site Plan)

Sloping piece of grass to rear of properties at 12-28 (evens) Banners Lane, located between rear gardens and school playing fields. A thick hedge forms the boundary to the school site, and fencing with trees forms the boundary to the rear gardens. The site is accessed from a turning head off Banners Lane.

This is a residential area characterised by terraced development dating from the mid twentieth century, and formed of red brick and red/brown tiles. Parking is not generally within the curtilage of each property, but on street or in communal areas.

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 County 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
CT5 Walking routes
CT6 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

The site is undesignated on the Local Plan proposals map and has TPO trees to the eastern boundary where the rear gardens meet the site.

Relevant site planning history

None.

Public Consultation Responses

Responses in favour

None received.

Responses against

8 comments received raising the following points:

- Object to loss of green space unless there is another area available instead
- Danger and noise disturbance from likely increase in traffic
- Loss of safe play space
- Current inadequate parking would worsen with more residents trying to park
- Negative impact on local wildlife
- Green space should be protected under climate change agenda
- Should build park not housing on this site

Petition

A petition of 138 signatures has been received from residents raising concerns of parking and road safety, environment and children.

Other issues which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application. Similarly, anonymous representations and signatures cannot be considered and so these are also not reported.

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 regarding construction times and informatives regarding lighting and odour control

Crime Risk Manager

No objection subject to condition and 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 consider that the site has little local amenity value and that the scheme complies with this criteria.

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 the adjacent school playing field sites 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 indeed 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 areas 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 areas or acting as a buffer between different land uses.

The clear lack of a strategic function separating developed areas 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' a surplus of open space exists within the Astwood Bank and Feckenham 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 0.16ha and therefore development at a minimum of 30dph as recommended in PPS3 would result in at least 5 dwellings on this site. The surrounding character and pattern of development is at approximately 52-60dph, 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. It is considered that the row of TPO trees along the eastern boundary could be accommodated and remain protected as part of a detailed proposal on this site.

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.

There are no concerns or objections raised by consultees, and therefore the issues raised by residents in relation to highway matters and noise disturbance cannot 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.

It is considered possible to achieve a residential scheme on this site without causing harm to the protected trees along the southern boundary, and therefore no objection is raised in this regard.

The Committee must consider the development proposed in the application and not any alternative proposals suggested by residents, within the terms of the planning legislation.

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, Ridgeway 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;

- If the reserved matters application to follow proposes more than 14 units this Council would also require that 40% of the dwellings be provided as affordable units for social housing in line with SPD policy. A clause should be included in their provision to ensure the retention of the units for this purpose in perpetuity.

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.

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. Planning obligation content requirements if 15 or more units proposed at reserved matters stage (or any other policy threshold applying at time of determination)
4. Limit on operating hours during construction
5. Secured by design principles to be incorporated into reserved matters scheme and a statement submitted with application(s) to demonstrate how this has been done

Informatives

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