

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
TAYLOR WIMPEY UK LIMITED 'B'	<p>Outline application with means of access from Selsdon Close and pedestrian/cycle access from Lea Green Lane to be determined (internal access, layout, scale, appearance and landscaping reserved for subsequent approval), for the erection of up to 76 dwellings (Class C3), public open space, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking, and other ancillary works</p> <p>(as amended by letter received 22.11.2010 and Flood Risk Assessment and Preliminary Drainage Strategy and plans received 10.12.2010 and augmented by email received 18.02.2010 including highway report and drainage report)</p> <p>Land at Selsdon Close, Wythall</p>	ADR	10/0920-DMB 28.02.2010

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:

- (a) play space provision
- (b) balancing pond maintenance
- (b) education provision
- (c) the promotion of sustainable access schemes, to comprise improvements to the walking and cycling network in the locality, to include accessibility to Wythall Station
- (d) the securing of 30 affordable housing units

MINDED TO APPROVE

This application was deferred at the meeting of Planning Committee on 7th February 2011 at the request of Councillor S. R. Peters in order to obtain further information on:

- (a) highway issues
- (b) drainage issues

and to present this information back to Members for consideration.

The applicant has provided a technical note for Members on highway and drainage matters and this information is presented in full as two addendum reports in **Appendix A** (drainage) and **Appendix B** (highways) attached to this Committee report.

Worcestershire Highways has also provided an additional report on highway matters. This summarises the documents submitted as part of the planning application and the

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resultant conclusions of Worcestershire Highways. This document is presented in full as an addendum report in **Appendix C** attached to this Committee report.

Consultations

WH

Consulted - views received 08.11.2010:

- No objection subject to Conditions
- The applicant should enter into a Section 106 Agreement to promote sustainable access schemes. This will comprise of improvements to the walking and cycling network between the railway station, application site and Wythall Village centre. The required contribution is £40,000 this should be paid prior to the commencement of development.

Drainage
Engineer

Consulted - views received 03.11.2010:

- No objection

EHM:

Consulted - views received 05.11.2010:

Contaminated
Land

- No objection subject to Conditions

EHM: Noise

Consulted - views received 24.01.2011:

- Subject to clarification on the noise measuring methods employed, I would agree with the recommendations of the Noise Assessment and confirm that passive acoustic ventilators will be required within the walls of habitable rooms that have rooms facing the railway and a 1.8m high close-boarded timber noise fence shall be located along the garden boundaries adjacent to the railway.

EHM:

Consulted - views received 24.01.2010:

Air Quality

- No objection

Urban Designer

Consulted - views received 18.10.2010:

General

- The Design and Access Statement is an exemplary document, clearly setting out a set of site planning and design principles based upon analysis and good practice, and resulting in sound decisions.

Density

- The proposed density of 31 dwellings/hectare seems appropriate for this context. Higher denser houses are intended for the main road which is appropriate.

Site Planning

- The planning of the site is based on analysis and intelligent decision-making. The access to the site is limited, but within this limitation sound decisions are made. There is an uncertainty about the location of the "main street". In the illustrative plans in the Design and Access Statement, this is shown running from Selsdon Close to the pedestrian connection to Lea Green Lane. However, in the whole site block layout plan which is submitted separately from the Design and Access Statement, it is shown running from Selsdon Close to the railway. I consider that the former is more appropriate, as it reflects the predominant movement route of residents and visitors, connecting to the street network beyond the site.

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Block, Street and Building Types

- These are all very rationally developed, are good of their kind, and are appropriate for this context.

Sustainable Design

- This is mentioned as being something to be developed more at detailed planning submission stage. We have intentions stated for a sustainable drainage system, but I consider that we should expect at an outline stage information about intended principles for other strategic issues such as passive and active solar energy collection.

Tree Planting

- Paragraph 4.6 describes a good strategy for street tree planting, with streets being differentiated by species of native trees.

Summary

- Allowing for one or two areas of uncertainty, this is an exemplary description of intentions at an outline planning stage, resulting in a very good masterplan for development. It is important that the same high level of professional guidance is maintained through the subsequent stages of detailed planning and architectural design, in order to ensure the delivery of a high quality outcome.

Planning Policy

Consulted - views received 01.12.2010:

- The above site is situated within an Area of Development Restraint (ADR) adjacent to the residential area of Wythall in the Bromsgrove Local Plan. The proposal is for housing development.
- It is important to consider the issue of Housing supply in the determination of this application but following the change in Government the policy situation is complex. On the 6th June 2010 a Parliamentary Statement was released stating that Regional Spatial Strategies were being revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and will thus no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004. However, on the 9th August Cala Homes submitted a High Court challenge against the decision of the Secretary of State for the Communities and Local Government (CLG). On the 10th November the High Court ruled that the Secretary of State's decision to revoke RSS was unlawful on 2 grounds. Immediately after this ruling the CLG Chief Planner wrote to all local authorities stating that the ruling changed little and the intention to remove RSSs was still a material consideration in the determination of planning applications. On the 19th November Cala Homes then issued a second claim, seeking a declaration from the Court that the government's stated intention to revoke Regional Strategies is not a material consideration for the purposes of making planning decisions. On 29th November the court placed a temporary block on the government's claim that its plans to abolish Regional Strategies must be regarded as a material consideration in planning decisions. A full hearing is currently pending to assess the CLG advice. Whilst the future of the RSS and the localism agenda is not entirely clear

currently the RSS remains part of the Development Plan and needs to be considered when assessing planning applications.

- The determination of whether the Council has a five year supply of housing land should be based on the most up to date and relevant information. For Bromsgrove specific housing issues this is considered to be the planning inspectorates report into phase 2 revision of the RSS which recommended an initial housing target of 4,000 dwellings. It should be remembered that this figure was also put forward by the Council at The Examination in Public. It was considered that this initial allocation of 4,000 houses would help to address affordable housing needs and begin to re-balance the housing market; a significant element of the justification for this level of development was the existence of deliverable ADR sites across the district which could help meet the needs whilst not requiring green belt development or a full green belt review. The Council's approach of carefully targeting smaller units to meet identified needs across the district was strongly endorsed by the Panel. As this figure of 4,000 was based on robust local evidence and conforms with what was the emerging RSS it is considered by officers as the most relevant target to use when addressing matters of housing supply.
- At April 2010 when using the 4000 figure a supply of only 2.19 years can be demonstrated when taking into account completions and current commitments since 2006 which is the start of the plan period the 4000 dwellings figure relates to.
- In this case clearly material factors other than just housing supply still need to be considered when releasing an ADR for development. Of particular relevance is BDLP policy DS8 which states that permission for the permanent development of an ADR should only be granted following a local plan review. The BDLP policy was written before the introduction of the current planning regime, which itself is under scrutiny by the coalition government and as outlined above is partially the subject of ongoing legal proceedings. The review of the Local Plan is taking place in the form of the Core Strategy. The Core Strategy is still emerging and has been developed with regular Member involvement over a considerable number of months. Subject to the resolution of the high court proceedings and the publication of the localism bill the Draft Core Strategy 2 is to be published in early 2011. It should be noted that the purpose of the ADR designations in the BDLP was to provide a sufficient reserve of land to allow development post 2001 but to ensure the permanence of Green Belt boundaries to 2021, this approach is consistent with emerging policy contained in the both the existing published draft of the Core strategy (October 2008) and also the emerging draft core strategy 2.
- The Council's Strategic Housing Land Availability Assessment identifies the potential for the delivery of at least 4,000 dwellings within the plan period. This site is included within the SHLAA and

therefore has the ability to contribute towards the delivery of the 4,000 figure. Whilst the main purpose of the SHLAA is to inform the plan-making process it does highlight that there are no obvious constraints on the site and that the site is suitable and available for housing delivery.

- When considering releasing any of this ADR land before the adoption of the Core Strategy (or other successor document) the Council would need to be confident that the proposal is in conformity with national guidance and the emerging Core Strategy. Within the submitted Planning Statement the applicant has considered the proposal against relevant policies in the Draft Core Strategy (October 2008) and appears to be in general conformity. For instance the applicant proposes a high proportion of 2 and 3 bedroom properties (70%) and up to 40% affordable housing which will help to address housing need in the district.
- The Affordable Housing Delivery Plan highlights that the proposed breakdown of affordable housing is 2/3 social rented and 1/3 intermediate. This conforms with the Council's long term strategy although the views of the Strategic Housing Manager will be pertinent as in the current economic climate a higher percentage of social rented may be preferable.
- In conclusion there is currently not a 5 year supply of housing land and it appears that the proposal would not undermine the emerging Core Strategy. In this instance there appears to be no policy basis for resisting the release of the ADR. The proposal should begin to address the shortfall in housing supply, however to achieve this the prompt submission of a reserved matter application would be required as it is a significant part of the applicants justification that we currently do not have a 5 year supply of housing land. It is therefore recommended that a condition is imposed requesting the submission of a reserved matters application within 6 months of the approval of the outline scheme and once the reserved matters have been determined a similar condition placed on commencing the scheme, it is important that this development does actually happen within five years.

Planning Policy
Open Space

Consulted - views received 01.12.2010:

- As the proposal is for 76 units SPG11 should be applied. The amount of play space generated by this development is 7,564 square metres. As the scheme is larger than 50 units a local equipped area of play (LEAP) should be provided on-site. The scheme includes a LEAP within the total of 5300 square metres of open space to be provided on site. This on-site provision generates maintenance costs of £199,916. The scheme does however; leave a shortfall of 2,264 square metres to be provided off-site. This generates a commuted sum of £504,281.92.

Head of Leisure
Services

Consulted - views received 18.10.2010:

- In line with PPG17 report and strategic vision of greenspace and infrastructure please accept the following comments:

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- Insufficient detail of formal and informal POS, with little reference to calculation of provision and SPG11
- Balancing Pond: full 20 year maintenance schedule calculation for Balancing Pond and associated works - i.e. dredging, risk assessments, security/safety fencing if required flooding risk, etc.
- Poor buffer strip in its current design - poor quality and lacks amenity value of this space and has potential associated ASB issues
- Responsibility of the boundary to the railway line - should remain with Network Rail or developer due to on-going maintenance and health and safety issues
- Poor green space linkages from Selsdon Close to the formal POS -
- Ecological survey required on the natural POS and associated 20 year habitat management plan

Strategic Housing Consulted - views received 15.11.2010:

Manager

- The above application presents an opportunity to achieve delivery of affordable housing in a part of the District where need is strong and where affordable family housing has been depleted through the Right To Buy. In response to the 40% affordable housing provision proposed by the applicants which consisted of 2 and 3 bedroom houses, in October I responded setting out the requirements for affordable housing across a range of property types to include one bedroom flats, 4 bedroom houses and bungalows for older people.
- As at the 15th November the applicant's representative has indicated a willingness to now also incorporate 4 x one bedroom flats and 2 x four bedroom houses within the affordable housing development. However the tenure split continues to reflect a 2/3 social rent and 1/3 intermediate housing provision. I have responded repeating my original request that the affordable housing delivery should reflect a 75% rent 25% intermediate housing split which I feel is more compatible with post recession levels of affordability.

Worcestershire
County Council
Landscape
Officer

Consulted - views received 20.10.2010:

- The site has been identified by the County Landscape Character Assessment as being part of an area of Landscape Character Type "Timbered Pastures" that extends across Wythall and occurs only in the north-east of the county. This Landscape Type is characterised by densely scattered hedgerow oak trees, a small scale pattern of hedged fields and pastoral land use.
- The application site consists of a single large field and the remnant of a smaller field to the south. These have in the past, been subdivided by fences. Land use is rough grassland, used unofficially as an amenity space and also for horses. There are a number of trees in the boundary hedges and within the short section of hedgerow separating the two land parcels. Most of these are shown as retained on the application drawings. The area is in poor landscape condition and is typical of areas within a peri-urban context. The subdivision of the fields, quality of grassland, lack of

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mature hedgerow oaks and heavy use of the land all contribute to this poor condition.

- In terms of visual impact, the location of the application site is relevant, being situated adjacent to a densely populated area of Wythall and bordered by the railway line. Development here would relate both visually and physically to the existing fabric of the urban area. The site is not overlooked from higher vantage points and is not visually prominent except from the adjacent railway track. However, even from here the site is seen in the context of an urban situation.
- I would therefore recommend that refusal of this application on landscape grounds, either landscape character or visual impact, could not be justified.

Natural England Consulted - views received 10.11.2010:

Protected Species

- Based on the information provided, Natural England has no objection to the proposed development in respect of legally protected species subject to any outline planning consent (if approved) incorporating a suitable condition securing adequate safeguards for ecological issues both during construction and afterwards.
- We propose this is achieved through the preparation and implementation of a suitable Construction and Environmental Management Plan.

Enhancing biodiversity

- Natural England welcomes the range of ecological mitigation and enhancement measures set out in the Ecological Appraisal. Section 4.47 summarises these but careful consideration should be given to the preceding text in order to ensure the full breadth of points needing attention is addressed. In order to ensure these safeguards are delivered adequately and the gains offered are realised (e.g. in relation to the northern boundary watercourse and the need to safeguard water quality in the River Cole) we propose that any planning consent should incorporate a planning condition setting out the need for a suitable Construction and Environmental Management Plan (CEMP).
- The Council may wish to consider stipulating the need for an 'ecological clerk of works' in order to oversee implementation of the CEMP.

WWT Consulted - views received 17.11.2010:

- I am happy that the ecological recommendations are appropriate.
- Accordingly I am happy to defer to Natural England's position on this application and do not wish to make any further comments at this stage.

Tree Officer Consulted - views received 25.01.2010:

- No objection subject to Conditions

Contaminated Land Officer Consulted - views received 05.11.2010:

- No objection subject to Conditions

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WCC(CA)	Consulted - views received 28.10.2010: <ul style="list-style-type: none">▪ The Archaeological Desk Based Assessment which accompanied the application has confirmed that there are no known heritage assets that would be affected by the proposed development.▪ This area of the county is very under recorded in terms of archaeological remains partly due to the high predominance of pasture and the lack of active local history groups, and so it is not easy to determine the sites significance. However, subtle earthworks lie on the northern boundary and are of unknown origin.▪ Consequently as a condition of planning consent I advise a programme of archaeological work prior to and during development. This will entail evaluation trenches to determine the land formation process and potential for buried remains. Should the potential be sufficient, then a programme of strip map and sample excavation may be required as part of the development process.▪ In this instance it is believed, on current evidence, that the site is not of such significance to warrant pre-determination evaluation or preservation <i>in situ</i>, and that the impact of the proposed development on the historic environment can be appropriately mitigated by a conditional programme of archaeological work.
West Mercia Constabulary	Consulted - views received 21.10.2010: <ul style="list-style-type: none">▪ Whilst I appreciate this is an outline application and subject to potential changes, I must object on the submitted design layout.▪ The link path from the development to Lea green Lane leave the first set of dwellings to attack providing an escape route for offenders.▪ This path is at risk of becoming a site of anti-social behaviour or crime due to the layout of the houses and lack of natural surveillance. I understand the concept of encouraging pedestrian traffic to the station but this path could put those users at risk.
Community Safety	Consulted 01.11.2010: views awaited
Climate Change Officer	Consulted 05.10.2010: views awaited
Central Networks	Consulted - views received 18.10.2010: <ul style="list-style-type: none">▪ No objection
National Grid	Consulted 05.10.2010: views awaited
Network Rail	Consulted - views received 08.10.2010: <ul style="list-style-type: none">▪ No objection
WCC Education	Views received 04.10.2010 and 11.11.2010: <ul style="list-style-type: none">▪ If development goes ahead in this area, there will be a need for a contribution towards local education facilities in accordance with the Supplementary Planning Document on planning obligations for education facilities.▪ The catchment area schools are Meadow Green Primary School and The Woodrush High School. Under our current table of charge there is a contribution due for both schools.▪ The high school is certainly popular and generally fills. A significant

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proportion of its pupils come from across the county border in Birmingham, partly because the high school recognises two Birmingham LA primary schools as contributory schools.

- The primary school is more up and down in terms of numbers but does fill in some years. Again, a proportion of pupils come from across the border.

Solihull MBC
Wythall PC

Consulted 29.10.2010: views awaited

Consulted - views received 18.10.2010:

- Objection on grounds of access
- Since the ADR was established on this land, two backland developments have been created exiting onto Lea Green Lane thus already increasing traffic flow on this narrow country lane.
- Consider the Lane has reached its capacity for any further development and an excessive number of additional vehicles that would emanate from this site if permission were to be granted.

Wythall Residents
Association

Views received 20.10.2010:

- Our objection is the access to Lea Green Lane and its junctions, we think it will be extremely difficult to cope with the expected extra traffic

CPRE

Views received 23.10.2010:

- The land is potentially suitable for development, but the application is several years premature
- It fails to provide housing of the kind shown by the Housing Market Assessment to be needed (ie. strong inclusion of four and three bedroom houses.

Publicity

21 letters sent 05.10.2010 (expired 26.10.2010)

5 identical site notices posted 19.10.2010 (expired 09.11.2010)

1 press notice published 15.10.2010 (expired 05.11.2010)

214 letters objecting to the scheme on the following principal grounds:

- Loss of Green Belt site
- Loss of character
- Loss of view
- This large scale, high density housing development is an area of mainly individual detached housing, is entirely out of keeping and will destroy the local character of the area
- Lack of local need for development, including affordable element
- There are brownfield sites that should take priority over this development that would alleviate the building proposals in Wythall
- It is noted that the application is in outline and therefore the agreed number of dwellings in the final scheme could be increased significantly
- Existing infrastructure cannot cope with the volume of traffic, with major impact on traffic flowing through village to get to Birmingham, Shirley and Solihull as well as the M42 junction
- Traffic congestion
- Proposed access opposite Three Oaks Road is dangerous

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- Lack of public transport links
- Bus network is not satisfactory
- Lea Green Lane is too narrow and lack of pavement will make it dangerous for pedestrians with extra traffic
- Impact on amenity of the occupiers of existing dwellings
- Regular use of the link access to Lea Green Lane will lead to accessibility issues and invasion of privacy
- Disturbance of excessive noise, dust and disturbance during construction phase
- Flooding and surface water run-off concerns
- Sewers are not adequate to cope with increased usage
- Loss of wildlife and wildlife habitat
- Increase in anti-social behaviour, potential vandalism, criminal damage and property theft
- Increased noise
- Increased air pollution
- Prospect of lighting pollution for any additional security car park lighting
- Impact on medical services
- Impact on school places
- Lack of local facilities

Members are encouraged to review all submitted documentation, including the third party letters summarised above. These are available to view online via the Council's Public Access system or within the planning application file.

The site and its surroundings

The application site consists of 3.15 hectares (2.48 hectare net) of undeveloped agricultural pasture land to the east of Lea Green Lane. A gated entrance located via an unmade track located between 36 Lea Green Lane and 40 Lea Green Lane currently provides access to the site. The site lies to the south east of Hollywood and to the north from Wythall train station, which connects to Birmingham and Stratford. The eastern boundary is bordered by the railway line which levels with the site at this point and elevates to the northern boundary. Pylons cross the site adjacent the railway boundary. Rear gardens of residential properties fronting Lea Green Lane are located to the southern and western boundaries. The northern boundary is formed by rear gardens of residential properties along Lea Green Lane and Selsdon Close, as well as an open field. Lea Green Drive is located to the southern boundary. Open countryside is located on the opposite side of the railway line to the east.

The site consists of a single field and the remnant of a smaller field to the south. The land, consisting of rough grassland, has a sloping nature which divides the site into two topographical recognisable areas: the higher, south-western portion - a relatively flat, narrow plateau lying at approximately 149 metres AOD, part of which aligns existing

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development on the south western and southern boundaries; and the lower, north-eastern corner of the site occupying the valley basin at approximately 140.5 metres AOD, bounded to the east by the railway embankment and to the north by a hedgerow and beyond that a field pasture.

There is a perimeter hedgerow to the north, south and west, with a single internal hedgerow, with evidence of subdivision in the past by fencing. These hedgerows contain a number of trees. The site is in poor landscape condition. A collection of former stable buildings and containers associated with this equestrian use presented in a poor state of repair are located to the south-western boundary.

The site is designated as an ADR (Area of Development Restraint) under the Bromsgrove District Local Plan and the Draft Core Strategy 2 (retitled "Development Site"). In agricultural classification terms, the site is deemed Grade 4 land, surrounded by Grade 3.

Proposals

This development relates to an outline application for the erection of up to 76 dwellings (Class C3), public open space, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking, and other ancillary works, with means of access from Selsdon Close and pedestrian/cycle access from Lea Green Lane.

Members will note the application has been submitted in outline, with internal access, layout, scale, appearance and landscaping reserved for subsequent approval. For the reference of Members, outline applications have to clearly demonstrate that the proposals have been properly considered in the light of relevant policies and the site specific constraints and opportunities. Outline permission can be granted subject to a condition requiring the subsequent approval of one or more reserved matters. Paragraph 52 of Circular 01/2006 states that detailed consideration on the use and amount of development of an outline planning permission will be required. In this respect, the applicant is duty bound to submit indicative parameter plans to detail the extent of the proposed development for consideration by the Local Planning Authority.

In line with the requirements, the applicant has submitted a Master Plan indicating a possible form for the development, with an accompanying Design and Access Statement that details the underlying development principles to ensure a high quality scheme is delivered on the site. The Master Plan indicates that 2.48 hectares of the site would be development for residential purposes (including play space) and 0.67 hectares for informal public space, structural landscaping and balancing pond provision.

Access is to be determined at this stage with vehicular and pedestrian access obtained off Selsdon Close to the north through the extension of the existing cul-de-sac, which serves the existing eleven dwellings. The existing 5.5 metre wide carriageway and footway will be extended into the site to form the principal access road. A dedicated walking/cycling access only formed by the existing track to the south leading off Lea Green Lane is also proposed.

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An illustration of the layout is shown on the Master Plan, with design principles set out in the Design and Access Statement. An equipped area of play is proposed to the south of the site, with a landscape buffer to the majority of the eastern, southern and western boundary. A balancing pond is located to the north-east boundary. The watercourse is retained to the northern boundary.

The development will provide a mix of dwelling types and sizes, with the net residential density equating to 31 dwellings per hectare. The anticipated mix below indicates an emphasis on 2 and 3 bed dwellings.

Property Type	No. of bedrooms	No. of units	Proportion of mix
House	2 bed	15	20%
	3 bed	38	50%
	4 bed	23	30%
Total		76	100%

The mix will vary through the development but will predominantly comprise semi-detached and detached family dwellings, of predominantly 2-storey with occasional 2.5 storeys (up to 10m to ridge). Car parking will be provided on site within the curtilage of a plot, on a private driveway, or within small groups relating to a small group of dwellings.

Thirty affordable units are provided, which equates to a provision of 40% affordable housing made within the site. This is consistent with Policy S15 of the adopted Local Plan.

This mix of affordable homes is as follows:

Proposed Mix	Rent	Intermediate
1 Bed 2 Person Flat	4	
2 Bed 3 Person House		7
2 Bed 4 Person House	8	
3 Bed 4 Person House		3
3 Bed 5 Person House	6	
4 Bed 6 Person House	2	
	20	10

An area of public open space of 0.35 hectares is provided in the north eastern corner of the site and informal/casual children's play space in the south of the site in the form of a LEAP. The layout shows the provision of an equipped children's play space with an activity zone of 907 square metres. There is also an identified 0.16 hectares of informal/casual children's play space.

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Surface water from the proposed development currently drains into the local watercourse along the northern boundary of the site. Surface water will be restricted to ensure run off does not exceed the existing greenfield condition. Suitable attenuation will be provided through the use of a balancing pond in the north eastern corner and storage of 345 square metres is provided.

A Planning Statement, Design and Access Statement (including Master Plan), Affordable Housing Statement, Statement of Community Engagement, Energy Statement, Waste Statement, Transport Assessment and Travel Plan, Phase 1 Ground Investigation, Flood Risk Assessment, Drainage Assessment, Services Report, Noise Assessment, Phase 1 Ecology Report, Protected Species Report, Desktop Archaeological Survey, Arboricultural Report and Landscape and Visual Appraisal have accompanied the application and are available in the planning file and online via Public Access should Members wish to view them.

Relevant Policies

WMSS	UR3, UR4, RR1, RR3, RR4, CF2, CF3, CF5, CF6, PA1, QE1, QE2, QE3, QE4, QE6, QE7, QE8, QE9, T1, T2, T3, T4, T5, T7
WCSP	SD.2, SD.4, SD.5, CTC.1, CTC.5, CTC.6,.CTC.8, CTC.9, CTC.14, CTC.15, D.6, D.43, T.1, T.3, T.9
BDLP	DS3, DS8, DS11, DS13, S7, S14, S15, C4, C5, C12, C16, C17, C36, C37, C38, C39, RAT5, RAT6, TR1, TR8, TR11, TR13, ES1, ES2, ES4, ES6, ES7, ES11, ES14A, WYT15
Draft CS 2	CP2, CP3, CP4, CP6, CP7, CP14, CP17, CP19, CP20, CP21, CP22, CP23
Others	PPS1, PPS1 Climate Change Supplement, PPG2, PPS3, PPS5, PPS7, PPS9, PPG13, PPG17, PPS22, PPG24, PPS25, Circular 05/05, Circular 06/98, Circular 06/05, SPG1, SPG11, Bromsgrove District Housing Needs Study (2004), Strategic Housing Market Assessment (2007), Housing Market Assessment (2008)

Relevant Planning History

None

Notes

As the site constitutes a designated Area of Development Restraint (ADR) the main issue in determining the application is whether the site should be released for development, in the context of relevant Development Plan policies, and other material considerations such as changes in national policy, the Draft Core Strategy 2 and housing supply. Other issues to be considered include:

- Sustainability issues
- Design, form and layout
- Density
- Whether the type, tenure and form of accommodation proposed is suitable
- The affect on residential amenity and the character of the locality

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- Highway and traffic implications
- Landscaping and tree issues
- Open space and play space provision
- Ground conditions, flood risk and drainage issues
- Ecological and biodiversity Issues
- Noise
- Air quality
- Archaeological issues
- Crime prevention
- Climate change
- Educational and Services Infrastructure

ADR Status and Land Release

Members will note the site is designated as 'An Area of Development Restraint' (ADR) on the Proposals Map of the Adopted Bromsgrove Local Plan (i.e. the site has been removed from the Green Belt which otherwise surrounds Wythall). The Draft Core Strategy 2 defines such designations as "Development Sites". While stating that ADR's should receive full Green Belt protection for the duration of the plan period, the policy also acknowledges that they constitute areas where development might be considered in the future and thus Policy DS8 refers to selected sites where land will be held in reserve for future development and the accompanying text to this policy confirms the site represents a suitable location for development. Policy WY15 is a site specific policy that confirms that the site is designated as an 'Area of Development Restraint' (ADR) in accordance with Policy DS8. The site was promoted for development through the last Local Plan Review. An Inquiry was held to consider objections to the Bromsgrove District Local Plan in August 2001, and the Inspectors Report (March 2002) considers the Application Site in this document and concludes in paragraph 21.6.7 that the site is a suitable ADR site "Not only is it a sustainable location convenient for public transport and served by a range of local services and development here would have a minimal impact on Green Belt functions". Members will be aware that policies DS8 and WY15 have been saved until such time as they are replaced by the Core Strategy or other policies.

Following the recommendations of the Local Plan Inspector, the ADRs listed in Appendix 3A of the Local Plan, including Land at Selsdon Close, are intended to provide sufficient safeguarded land until approximately 2021. The Council believe ADRs are "... considered to provide the necessary degree of flexibility and prudence to allow adjustments as planning policies change, without running the risk of serious over provision" (Bromsgrove Local Plan, Appendix 3B).

The Inspector recommended that sufficient provision should be made to provide land reserves to about 2021. This equates to approximately 140 hectares. The quantity of ADR land is derived from the housing and employment targets in the Worcestershire County Structure Plan to 2011 and a projection of those targets in the following period to 2021. The Housing and Employment Land Availability Studies that were available at the time were used as well as an estimated contribution from potential large scale brownfield sites.

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Since the adoption of the Bromsgrove Local Plan in January 2004, the site has subsequently been promoted for housing development through the LDF, most notably the application site is included in the Council's Strategic Housing Land Availability Assessment (SHLAA), which concludes that the site is suitable, available and deliverable (ie. has a green rating). The Bromsgrove Draft Core Strategy (October 2008) identifies the site as a potential Area for Growth.

As detailed above, policy DS8 of the Local Plan indicates that the site should be subject to the full Green Belt restrictions for the duration of the Local Plan period and therefore Policy DS2 applies. This policy confirms that permission for development in the Green Belt will not be given, except in very special circumstances.

Members should note that policy DS8 was written before the imposition of the current planning regime, which itself is now under scrutiny by the new coalition government. The review of the Local Plan is taking place in the form of the emerging Core Strategy, which is imminently due for consultation. The purpose of the Local Plan was to provide a sufficient reserve of land to allow development post 2001 but to ensure the permanence of Green Belt boundaries to 2021.

In my view, the Policy would not explicitly prohibit the release of ADR land for development, provided there are material considerations to justify such a decision. Members will recall that development has previously been approved on ADR land, for example the Bromsgrove District Housing Trust housing scheme at Perryfields Road (08/0758 approved 29.01.2009; 09/0518 approved 25.09.2009).

In simple terms, the ADRs were designated to be kept in reserve as sustainable locations for potential long term future development, in order to reduce the need to review Green Belt boundaries in the period up to 2021. Therefore, development should only be allowed in the WY15 ADR where a requirement for it can be demonstrated. In the case of housing development, this requirement is in large part determined by whether the District has an achievable five-year housing land supply in accordance with the 'plan, monitor, manage' approach to housing set out in PPS3: Housing.

Paragraph 71 of PPS3 states that 'where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing', having regard to other policies in PPS3.

The views of the Strategic Planning Manager are noted. The SPM concludes that there is currently not a 5 year supply of housing land and it appears that the proposal would not undermine the emerging Core Strategy.

Paragraph 71 of PPS3 makes clear that the duty upon the Council to 'consider favourably' this application in the absence of a five-year housing supply is subject to other material considerations, including paragraph 69 of PPS3 which requires the Council to have regard to:

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- Achieving high quality housing;
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- The suitability of a site for housing, including its environmental sustainability;
- Using land effectively and efficiently; and
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

It is therefore considered that other material factors must be considered, including the above matters and whether the approval of the application would undermine the emerging Core Strategy or prejudice the future delivery of the wider ADR, and whether the proposal would ensure a sustainable and well designed development.

Members will be aware that the Council's Strategic Housing Land Availability Assessment identifies the potential for the delivery of at least 4,000 dwellings within the plan period. This site is included within the SHLAA and therefore has the ability to contribute towards the delivery of the 4,000 figure. Whilst the main purpose of the SHLAA is to inform the plan-making process it does highlight that there are no obvious constraints on the site and that the site is suitable and available for housing delivery. The applicant has considered the proposal against relevant policies in the Draft Core Strategy and the scheme would appear to be in general conformity, for example the scheme proposes a high proportion of 2 and 3 bedroom properties (70%) and up to 40% affordable housing which will help to address housing need in the District. Given these circumstances there appears to be no policy basis for resisting the release of the ADR.

The proposal should begin to address the shortfall in housing supply. However to achieve this I am of the view that Members should insist on the prompt submission of a reserved matter application due to the lack of a 5 year supply of housing land. It is therefore recommended that a Condition is imposed requesting the submission of a reserved matters application within 6 months of the approval of the outline scheme and once the reserved matters have been determined a similar condition placed on commencing the scheme. This should ensure that the development is delivered within five years.

Sustainability Issues

The site is located on the north-eastern edge of Wythall and 2km south of Hollywood. A few small convenience stores are located within 600 metres walking distance of the site on Station Road to the south-west. The existing facilities include a pharmacy, hairdressers, newsagent and two take-away restaurants. The nearest doctor's surgery is also located on Station Road, approximately 900 metres walking distance from the Selsdon Close. A further surgery is located on Beaudesert Road in Hollywood approximately 1.5km from the site. Coppice Primary School and Woodrush Community Senior School are located at the same site in Hollywood 1km north-west of Selsdon Close. Tidbury Green Junior School is on Dickens Heath Road 1km east of the development site. There is also a children's nursery 300m north of Tidbury Green Primary

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School. The site also benefits from public transport opportunities in the form of bus and train modes (detailed in further detail in the section entitled *Traffic and Highway Implications* below).

As such I am of the view that the site is in a sustainable location and I raise no concern on this issue and thus would comply with the key sustainability aims of national policy aims detailed in PPS1 and PPS3.

Design, Form and Layout

PPS1 states that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development (paragraph 13). Paragraph 38 of PPS1 goes on to state that local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Members will note the BDLP does not contain any specific Policy relating to design.

Policy CTC.1 of the WCSP sets out a general requirement that the Local Planning Authority in considering development proposals should take every opportunity to safeguard, restore or enhance, as appropriate, the landscape character of the area in which they are proposed. Proposals for development and associated land use change or land management must demonstrate that they are informed by, and sympathetic to, the landscape character of the area in which they are proposed to take place. Policy SD.5 states that development proposals should help to sustain and improve the balance of housing, employment, community and social facilities in settlements, and should maximise the use of existing infrastructure and self-containment and the building of communities.

Policy DS13 of the BDLP requires development to protect the Plan area's essential character and main environmental assets, including the open and undeveloped nature of the countryside and the Green Belt. Policy C4 states that development will not be permitted where it would have a materially detrimental effect on the landscape, especially within Landscape Protection Areas (LPAs).

Local Plan policy S7 states that proposals involving development of new dwellings outside the Green Belt will be considered favourably providing that they meet the following criteria:

- the proposal does not lead to development at a density inappropriate for the site;
- the form and layout of the development is appropriate to the area;
- the proposal minimises the loss of mature hedges, trees and landscaping;
- the proposal does not adversely affect the existing amenities of adjoining occupiers;

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- the proposal does not involve a loss of open space, allotments or other amenity areas which it is desirable to maintain;
- the development can be appropriately serviced;
- the proposal would not have unacceptable traffic implications or perpetuate a traffic hazard;
- it conforms with other relevant policies of the Plan.

SPG1 states that residential layouts should make a positive contribution to the local environment and respect the character of the surrounding area. Paragraph 5.10 sets out a series of design objectives including adequate daylight and sunlight, adequate privacy and outlook for new and existing dwellings, and provision of private and shared amenity space.

Members will be aware that the application is submitted in outline, with internal access, layout, scale, appearance and landscaping reserved for subsequent approval. In this respect, the finished design of the development is not set at this outline stage. However, the application contains a Masterplan and extensive information on design principles, architectural style, materials and how the development would integrate within the character of the surrounding locality. This issue is important in two respects. Firstly the site is clearly visible from existing residential properties on three sides and the wider Green Belt landscape to the north and east, beyond the railway line.

The development would relate both visually and physically to the existing fabric of the urban area and is not visually prominent in a wider sense, with the exception of views afforded from the adjacent railway track and limited views from the access road in Selsdon Close and the track leading off Lea Green Lane. Views from Lea Green Lane would be, for the most part, masked by a combination of the existing houses, mature vegetation and the topographical features of the site. The development would result in the loss of open land, but having regard to its design and visibility, I am of the view that the impact of the development on the landscape and visual character would be moderate to low and there would be no material loss of an attractive landscape.

As such the site would fit into the context of the wider urban landscape and provide a sensitive extension to the existing urban area. Furthermore, I am of the view that the containment of the development benefits from the strong boundaries and physical features that enclose the site, with particular reference to the existing established residential development to the northern, southern and western boundary, and the elevated character of the railway line to the north-eastern boundary. These features create a strong and defensible boundary to the development, and these would remain following development of the site, with enhancement created by additional planting. This would benefit both existing and future residents.

The views of the Urban Designer are noted, with particular reference to the submitted Design and Access Statement. The UD considers this to be an exemplary document that sets out a clear set of site planning and design principles based upon analysis and good practice. I am therefore of the view that the submitted information is sufficient to determine the quality of design and the level of sustainability of the proposals, and it is clear that the design aims of the scheme are high, with attention given to sustainable and

attractive layouts, substantial planting and the use of external materials prevalent in the locality (red/grey roof materials, red/orange brickwork with half or full render in cream/off white). This leads me to conclude that the site is able to comfortably accommodate up to 76 dwellings, with associated landscape and open space measures. I thus raise no concern on these issues and consider the development to be able to achieve high quality in all respects as advocated by the Master Plan and the design principles.

Members, of course, will be aware that such matters are all reserved matters, with details for illustrative purposes only. Such a high quality design, as advocated by the submitted Design and Access Statement, cannot be secured by Condition at the outline stage, or assessed and assured by the Council until such details have been submitted. As such I would emphasize that these cannot therefore carry any weight in favour of the development when considering the scheme before them. However, to provide some comfort to Members, the Design and Access Statement states that the detailed layout of the development will generally meet the Master Plan principles set out in this document (Section 1.5 refers). Furthermore, the Master Plan does not preclude alternative layouts coming forward at the detailed design stage providing the underlying development principles established in the Design and Access document are satisfied.

Density

The total developable area 2.48 hectares. This provides a density of 31 dwellings per hectare based on the erection of 76 dwellings. Whilst the density thresholds have been removed from PPS3, there is still a requirement to make the most efficient use of land. I consider the character of the locality and the site-specific constraints to be material circumstances in this instance to permit the development at this density to be acceptable. The UD considers the density at this scale to be acceptable.

Type of Accommodation

Members will note that the site contains an anticipated mix of dwelling types, with an emphasis on smaller house types of 2 and 3 bed dwellings, together with an element of affordable housing. Thirty affordable units are provided, which equates to a provision of 40% affordable housing made within the site. These dwellings will need to be designed to Lifetime Homes Standard, whereby the design of each unit must have in built flexibility to suit all lifestyles and to respond to changing circumstances of the family unit from first time home to retirement.

Local Plan Policy S15 states that on any major site which comes forward, the District Council will negotiate with developers to achieve a mix of housing types and to ensure that a proportion of affordable housing is provided. Satisfactory arrangements should be made to ensure that:

- occupancy of affordable housing will be restricted to those in housing need;
- affordable dwellings will always be available for occupation at a tenure appropriate to and at a price which is and which will remain affordable by persons on low incomes;
- affordable housing will be available to all initial and subsequent occupiers on these terms; and

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- occupancy criteria will be controlled, by planning conditions or a planning obligation where a registered social landlord is not involved.

As such I consider the scheme accords with Policy S14 and S15 of the Local Plan.

Impact on the Amenity of Adjacent Occupiers

A number of third parties have expressed concerns that the proposal would harm their amenities by reason of outlook, privacy and loss of light.

SPG1 sets out design guidance for residential development including separation distances to existing dwellings so as to avoid detriment to residential amenity due to overlooking, overshadowing and overbearing affects. The Guidelines suggests that new development with main windows overlooking existing private spaces should be set back by a distance of 5 metres per storey from the site boundary where it adjoins a private garden area.

Members will be aware that such detailed matters of layout and scale are reserved for future consideration. Given the site characteristics and based on the submitted Master Plan and design principles set out in the Design and Access Statement which illustrates landscaping buffers between existing and proposed dwellings, I am reasonably satisfied that any resultant development can be accommodated without detrimentally affecting the existing amenities of the adjoining occupiers and to be able to secure and accommodate an acceptable level of privacy and separation as detailed in the guidance within SPG1. Any overlooking issues can be controlled through a subsequent Reserved Matters application and the imposition of suitable Conditions.

For reference, Paragraph 29 of PPS1 notes that the planning system does not exist to protect the private interests of one person against the activities of another. While I note local residents whose properties overlook the site (Lea Green Lane/Lea Green Drive/Selsdon Close/Fulford Close) would not wish to lose their existing view, the fact that they would be replaced by views of dwellings would not amount to a loss of amenity which ought to be protected in the public interest.

Traffic and Highway Implications

PPG13 sets out the objectives of promoting sustainable transport choices for people, promoting accessibility choices to destinations by public transport and walking and cycling as well as reducing the need to travel by car. These objectives are supported by policies in the WMRSS and Structure plan policies. The Bromsgrove District Local Plan sets out the need for applicants to incorporate safe access and egress and provide sufficient off street parking (TR11), incorporate traffic calming (TR6) and promote the use of variety of transport means (TR13).

Members will be aware that third party representations have raised concern with regard to highways safety and traffic, with particular regard to traffic congestion, the use and status of the existing access leading off Lea Green Lane located opposite Three Oaks Road and inadequate public transport provision.

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With regard to public transport opportunities, the nearest bus stop to the site is located less than 100 metres away on Lea Green Road. This road is part of a bus route and stops for frequent services are located along here. Bus services 177, 178 and 179 run through Wythall and provide connections to Redditch and Smallbrook Queensway in Birmingham. The journeys from Wythall to Birmingham and Redditch both take approximately 37 minutes by bus. Wythall railway station is located 200 metres from the site on Lea Green Lane. The main railway company which operates this station is London Midland, which runs hourly services from Wythall to London Paddington in 2 hours 46 minutes. Rail journeys to Birmingham New Street leave hourly and take 30 minutes. Given these circumstances I consider the site benefits from good public transport opportunities and is thus sustainable in this respect, with a number of alternative modes of transport available to future occupiers of the development.

Members will note that the scheme in its amended form includes means of access to the site off Selsdon Close to the north, which is subject to a 30mph speed limit and pedestrian/cycle access only from the existing access leading off Lea Green Lane. The internal road network is not for consideration at this stage.

Although I note the views relating to highway safety and egress raised by third parties and whilst the proposal would increase the number of vehicle movements in the locality, Members will note that WH has raised no objection to the revised scheme subject to the imposition of Conditions and the applicant entering into a Legal Agreement to promote sustainable access schemes. This will comprise improvements to the walking and cycling network between the railway station, application site and the commercial aspect of Wythall located at Drakes Cross. WH have requested a contribution of £40,000 for such measures. The applicant has agreed to this contribution.

Members will note the submitted Transport Assessment demonstrates that there will be no adverse impact on highway capacity as a result of the development traffic. Accident analysis of the network indicates no problems at the key junctions for this site and this is agreed by Worcestershire Highways. The road width of Selsdon Close accords with Worcestershire County Council's adopted highway design guide and is suitable to accommodate the proposed development. The financial contribution requested by WH is considered to comply with Circular 05/2005 and the submitted Travel Assessment clearly illustrates greater level of contributions to provide major infrastructure improvements are not justified.

The applicant has provided additional information on highway matters as a direct response to the request from Members at your Committee on 7th February 2011. This is detailed in full in Appendix B attached to this report. Worcestershire Highways has also provided a full summary of the documents submitted as part of the application and further information on the resultant conclusions. This report is detailed in full in Appendix C attached to this report.

I therefore remain of the view that there would not be any material harm to the safety or free flow of traffic on this part of Lea Green Lane and that there would be capacity within the existing network to cope with the development proposal, including Selsdon Close. The use of the existing access leading off Lea Green Lane for walking and cycling

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opportunities would also promote sustainable transport choices for future residents, with particular reference to accessibility opportunities to Wythall Station. This would also enable greater permeability.

With regard to the status of the existing access to the site leading off Lea Green Lane to the west of the site, the applicant is the registered owner. However, there are rights reserved from a conveyance of the land on 21st January 1955 over the access for the benefit of the adjoining or adjacent properties for a 'party way'. In practice this means that the two properties either side of the access track have a right of way across it to access their properties (36 Lea Green Lane and 40 Lea Green Lane). Members will note both properties also benefit from driveways off Lea Green Lane and parking to the front of the properties. Concern has been raised by the occupiers of these two dwellings that the use of the access as a pedestrian footpath and cycleway will impede their existing access rights.

In order to perpetuate the right of these occupiers to use the track to access the rear of their properties (which they are entitled to do under the terms of their lease), the applicant has agreed to install a drop bollard or lockable/key pad gated system to serve this access. This will prevent vehicular access by third parties other than these two occupiers who will be supplied with the relevant access mechanism. The method to be installed can be controlled through a suitable Condition. WH has raised no objection to the solution.

Landscaping and Tree Issues

The site comprises two fields of deteriorated pasture in the form of semi-improved grassland and scrub, with a single internal hedgerow approximately 4 metres high on its eastern extent dropping to approximately 1.2 metres on its western extent. This hedgerow has been 'punched through' to allow vehicular access. Perimeter hedgerows of between 1.2 metres to 4 metres are located to the northern, southern and western boundaries. A number of mature stands of hawthorn are located within the eastern section of the site.

Members will note the agricultural land on the application site is predominantly Grade 4, surrounded by Grade 3 under the Agricultural Land Classification. Together with Grades 1 and 2, Grade 3 land is considered to be the best and most versatile farmland. Paragraph 28 of PPS7 states that the presence of such land should be taken into account by Local Planning Authorities when determining planning applications. Where significant development of agricultural land is unavoidable, Local Planning Authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations (paragraph 28). Members will note the view of the WCC Landscape Officer and the condition of the land. As such the classification of the land does not present me with any concerns.

Views from properties in Selsdon Close adjoining the northern boundary are to be mitigated by replacement native tree planting at the development entrance, landscaping along the restored River Cole tributary watercourse and tree planting. Retained and

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enhanced boundary planting is proposed along the north western, western and south western boundaries.

The majority of trees on the site are not worthy of retention. Three young oak specimens located within the hedgerow near the southern aspect of the site are judged to be Category 'A' trees which offer excellent long term potential both in terms of visual and landscape amenity. These trees will therefore be retained and incorporated into the development.

Members will note the views of the Tree Officer are awaited and I will update Members on this issue at the meeting of the Committee.

Open Space and Play Space

Members will note the views of the Open Space Officer and the use of SPG11 which uses a standard formula for the calculation of contributions and is used as a starting point for negotiation. SPG11 relates to the assessment of the need to make contributions towards the maintenance of on-site open space and commuted payments in lieu of on-site provision. Such monies are thus made available for the capital expenditure towards the quantitative and qualitative improvement of areas of open space which residents of the development could then make use of. Members will be aware that the circumstances under which financial contributions should be considered appropriate are detailed in Circular 05/2005 *Planning Obligations*.

The views of the Head of Leisure and Cultural Services are noted. The application is submitted in outline and as such Members are being tasked with dealing with matters of principle. The submitted Design and Access Statement contains information on the balancing pond, including a section detail and operational details of how this feature will function.

The Master Plan layout shows the provision of an equipped children's playspace (LEAP) with an activity zone of 907 metres square. There is also identified 0.16 hectares of informal/casual children's play space. Both these totals meet the space requirements of SPG11. It is intended that the requirement for the youth/adult play space will be met by providing an appropriate commuted sum for suitable off-site provision or enhancement. The applicant has agreed to this process and I will update Members at the meeting of the Committee on this issue.

Ground Conditions and Drainage Issues

Following the request from Members at the meeting held on 7th February 2011, the applicant has provided a technical note on drainage issues that seeks to provide clarification on this issue and to clearly outline the proposed drainage strategies. This information has been prepared following discussions with the Drainage Engineer at both Bromsgrove District Council and Redditch Borough Council, the Environment Agency and Severn Trent Water. This document is presented in full in Appendix A attached to this report.

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The submitted Phase 1 Ground Investigation Survey indicates that ground conditions do not pose any risks to the proposed development and for future occupiers. Members will note the Contaminated Land Officer has raised no objection to the scheme, subject to the imposition of suitable Conditions.

Policy ES2 of the Bromsgrove District Local Plan states that proposals involving new development will not normally be permitted where there is a known risk of flooding, or where the Environment Agency indicates there are potential problems. A Flood Risk Assessment (FRA) has accompanied the application. The application falls outside the threshold for consultation with the Environment Agency.

PPS25 states that a sequential approach to site selection should apply in relation to flood risk, which gives preference to sites within Flood Zone 1 (lowest risk), before Flood Zone 2 and finally Flood Zone 3a (high risk). Where development is proposed in Flood Zones 2 and 3, it must usually be demonstrated that there are no available sites at a lesser risk of flooding, in order to direct development to areas that are at the lowest risk.

Although I note the views of third parties in relation to flooding in the locality, the FRA indicates that the site is located in Flood Zone 1, which indicates that the site is at little or no risk of flooding with an estimated annual probability of river flooding of less than 1 in 1000 years (i.e. a less than 0.1% chance in any given year), and therefore has the lowest category of flood risk attributable.

The drainage strategy for the site will ensure that surface water run-off will be attenuated to less than greenfield discharge rates through the integration of Sustainable Urban Drainage Systems (SUDS) including an attenuation basin. The piped surface water network will cater for the 1 in 30 year storm event and will be adopted and maintained by Severn Trent Water. Flows will be restricted to existing greenfield runoff rates into Rush Brook using a hydrobrake. Flows above this level will be attenuated into a new attenuation basin located in the northern part of the site. The applicant has agreed to contribute £50,000 towards adoption and maintenance of this feature and this figure will be incorporated into the Section 106 Agreement. The Council's Drainage Engineer has raised no objection to the scheme, subject to the imposition of suitable Conditions.

In summary:

- The foul and surface water drainage strategies to serve the proposed development will not exacerbate flooding within the locality
- The site is not located in a flood zone
- The watercourse within the site is a suitable size to accommodate its catchment area
- A suitable balancing pond to attenuate surface water drainage flows from the site can be provided and this will provide betterment in discharge rates over existing greenfield conditions
- Overland flow from the site will be captured in the new sewer network which will be directed and contained within the balancing pond. This is likely to reduce flows in other sections of the watercourse further west along the site boundary
- Severn Trent Water has confirmed sufficient capacity exists within the 225mm foul sewer located along the northern boundary of the site

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- This sewer does not connect to the foul sewers in Lea Green Lane and therefore the proposed development will not exacerbate any existing issues which may be present

Ecological and Biodiversity Issues

The Habitats Regulations implements the requirements of the Habitats Directive for species listed in Annexe IV of the Directive (European protected species). Stricter provisions than those contained in the Wildlife and Countryside Act 1981 apply for these species and regulation 3(4) of the Habitats Regulations places a duty on Local Planning Authorities, in the exercise of their functions, to have regard to the requirements of the Directive so far as they might be affected by those functions. All European protected species are also separately protected under the Wildlife and Countryside Act 1981.

The site comprises two fields, bounded to the east by the railway line and to the west by the residential dwellings flanked by Lea Green Lane. There is a single internal hedgerow with perimeter hedgerows to the north, south and west. The boundary with the railway line is delineated by high tensile fencing. The fields are dominated by semi-improved grassland, including more marshy grassland near the northern site boundary. Aside from the hedgerows, other habitats present include a seasonally wet ditch with marginal vegetation, scrub, immature trees and tall ruderal vegetation and the abandoned structures to the southern field.

An Ecological Appraisal has accompanied the application. This included a hedgerow survey. The ecological survey undertook a herpetile survey for reptiles and amphibian species (including great crested newts) and due to the presence of potential suitable bat foraging and commuting habitat in the form of hedgerows, a bat survey was undertaken to ascertain the species present and their activity levels.

There are no statutory designations within or immediately adjacent to the site boundary and there are no internal designations within 5 kilometres of the site. There are two SSSIs within a 2 kilometre radius of the site, Berry Mound Pastures and Clowes Wood and New Fallings Coppice. Due to the absence of habitat linkages, and given the nature of intervening land use, it is not considered that the development to the site would have a significant negative impact on the SSSIs. A further 33 non-statutory sites are located within the 2 kilometre range. It is also considered that the proposed development is not likely to have any adverse impact on these designations and no constraints have been identified from Habitats and Species surveys undertaken.

The scrub and hedgerows within the site offer potential nesting habitat for common and widespread bird species, which are legally protected during the breeding season. It is not considered likely that the site would support a notable bird assemblage. In relation to bats, low levels of bat activity were recorded in most parts of the site surveyed, with a relatively higher frequency of bat encounters recorded along the scrub, trees and hedgerow in the north-east corner of the site and along the northern site boundary. However, the bat species and level of foraging/commuting activity recorded is not unexpected in the context of the habitats present and the site position in the landscape. The site contains not mature trees or buildings of appropriate construction and materials to support roosting bats (the various stable associated buildings are all of a lightweight

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and temporary nature, being constructed from wooden board, corrugated metal and corrugated asbestos cement, with a lack of voids, felt backing or other features capable of supporting such species). As such it is not considered that the site supports a significant bat population.

The site is not considered to contain suitable or sufficient habitat to support the widespread legally protected mammal species (dormouse, water vole, otter) and the likelihood of the site supporting great crested newts is negligible (based on the findings of the herpetile survey and taken in the context of the nearest potential breeding ponds). No badger setts or other definite evidence of the species (e.g. latrines or guard hairs) were recorded within site during the Phase 1 survey. These species are therefore not currently considered to present a constraint to the scheme.

The reptile survey did record a small population of grass snakes within the site. The grass snake is also a legally protected species.

The Ecological Appraisal considered that in overall terms, the site is considered to be of low ecological value. The hedgerow survey concludes that the two species-rich hedgerow sections do not qualify as important under the Hedgerow Regulations. However, the hedgerows and the seasonally wet ditch within the site are considered to be features of local value as wildlife corridors and Members will note the ditch and the majority of the hedgerows will be retained, with the northern boundary hedgerow forming part of a band of open space which includes the attenuation pond at the eastern end of the scrub and grassland habitat. The Appraisal puts forward the following recommendations:

- (a) Reduction of excessive run off/pollutants entering the northern ditch during construction to avoid/minimise potential water quality impacts to the River Cole Ecosite/SWS
- (b) Protection of the existing hedgerows and northern ditch during construction and the use of native species in new planting as part of habitat creation or restoration
- (c) Any potential bird nesting habitat should be removed outside the breeding season
- (d) Minimise light spillage onto retained and newly created bat foraging habitat through sensitive lighting design
- (e) Prepare and implement a mitigation strategy for grass snake (to involve gradual habitat modification and exclusion measures) to ensure the species is not present within the development footprint prior to works commencing

Natural England has commented that provided the recommendations of the survey are followed, the outline application should meet with the requirements of PPS9 and the relevant Policies set out in the WCSP and the BDLP relating to biodiversity. This stance has been reinforced by WWT. Members will note NE suggest a suitable Condition securing adequate safeguards for ecological issues both during construction and afterwards should be imposed, with this achieved through the preparation and implementation of a suitable Construction and Environmental Management Plan. This document will incorporate the recommendations (a)-(e) listed above.

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Noise Issues

Policy ES14A of the BDLP states that proposals for noise-sensitive developments (for example, housing) must be located away from existing sources of significant noise. Proposals potentially noisy developments must be located in areas where noise will not such an important consideration or where its impact can be minimised. This is the stance set out in PPG24. Members will be aware that the impact of noise is a material planning consideration and the impact of this issue can have a significant effect on environment and on the quality of life enjoyed.

Members will note that the railway line runs along the entire eastern boundary of the site in an north/south direction. The railway line is considered the dominant noise source to affect the site and for the most part is level with the site. The line rises to the northern boundary.

A detailed assessment of the site and its potential impact upon noise and vibration levels has accompanied the application. The results indicate that any impact related to noise from the railway line is likely to be minor and can be dealt with through glazing specification and a 1.8m close boarded fence at the rear gardens of properties adjoining the railway line. This can be dealt with via Condition.

The EHM has raised no objection on this issue, subject to the imposition of the Condition detailed above.

Air Quality

The EHM has raised no objection to the scheme on air quality grounds.

Archaeological Issues

The views of the County Archaeologist are noted. The CA has raised no objection to the scheme, subject to a programme of archaeological work as a condition of planning consent should Members be mindful to approve consent.

Other Issues

Crime Prevention

Section 17 of the Crime and Disorder Act 1998 states that a LPA has a duty "*to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.*" Policy DS13 is a general policy relating to sustainable development. Amongst other things it sets out a requirement for all development to reflect the need to safeguard and improve the quality of life of residents by ensuring social progress which recognises the needs of everyone and by protecting the area's character and environmental assets, including the character of settlements.

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I am also mindful of the government's aim to create safe and accessible environments where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion (paragraph 36 of *Planning Policy Statement 1: Delivering Sustainable Development*).

Members will note the views of the Crime Risk Manager. The application is submitted in outline and contrary to the views of the CRM, contains a Master Plan which is purely indicative at this stage. The aim of the applicant is to make the route leading off Lea Green Lane as safe, open and inviting as possible within the existing constraints of the site. The route can be lit or slight adjustments made to the position of dwellings at the reserved matters stage if required.

On this basis I am of the view that the scheme has paid regard to planning policy and guidance on this issue and thus raise no objection with respect to this at this outline stage.

Climate Change

Local Plan Policy DS13 states that the Council will take full account of the need for future development to be sustainable so that present demands do not compromise the ability of future generations to meet their own demands or enjoy a high quality environment. The Climate Change Supplement to PPS1 makes climate change considerations integral to the planning system, including in the design of new developments. Paragraph 105 of the Guidance on Information Requirements and Validation states that Design and Access Statements for outline planning applications should:

'demonstrate how climate change mitigation (through the minimisation of energy consumption, efficient use of energy, and the supply of types of energy including from low-carbon and renewable sources to help reduce overall carbon emissions) and adaptation measures (to provide resilience to future climate impacts) have been considered in the design of the proposal.'

The submitted Design and Access Statement details a thorough strategy to deal with this issue, from layout and urban form (for example, optimising solar exposure through block orientation and architecture to promote good levels of natural daylight), building design and energy strategy (to include water drainage measures, construction and materials, waste and transport).

As such I consider regard has been paid in the submission to matters of climate change mitigation and adaptation measures. I am therefore of the view that the proposal complies with Local Plan policies DS13 and PPS1 and its supplement.

Educational and Services Infrastructure

Members will note that views of third parties relating to the impact of the development on existing services and functions. This is with particular regard to school places. Members will be aware that it is particularly difficult to accurately assess what school place pressures would in fact arise from a development upon occupation and in subsequent

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years, particularly due to issues such as demographic change, parental choice and/or with flexible or overlapping school catchments. No definitive evidence has been submitted to substantiate the perceived increased demand for education and health facilities in Wythall.

Members will note, however, that Worcestershire County Council Education Services has commented that monetary contributions towards education provision will be required in this instance based on the adopted SPG for residential developments. The catchment schools are Meadow Green Primary School and The Woodrush High School. The High School is popular and generally fills. A significant proportion of its pupils come from across the County border in Birmingham, partly because the High School recognises two Birmingham Local Authority Primary Schools as contributory schools. Numbers at the Primary School fluctuate, but does fill in some years. Again, a proportion of pupils come from across the border. The applicant has agreed to enter into a suitable legal mechanism to deal with this matter and whilst not objecting to the principle of payment of education contributions, the final financial contribution has not been agreed to date and negotiations are ongoing. This is due to the out of County intake to both schools. I will update Members at your Committee on this issue.

Conclusions

Members will be aware that Local Plan Policies still form the Development Plan for the area, and any decision needs to be made in accordance with these policies unless material considerations indicate otherwise.

The Strategic Planning Manager advises that ADR land should not be released before the adoption of the Core Strategy unless the Council is confident that the proposal is in conformity with national guidance and does not undermine the emerging Strategy. Members will note the view of the SPM whereby there is currently not a 5 year supply of housing land and that the proposal would not undermine the emerging Core Strategy. In this instance there appears to be no policy basis for resisting the release of the ADR and the proposal should begin to address the shortfall in housing supply.

I am aware that paragraph 71 of PPS3 seeks favourable consideration where there is a shortfall in the 5 year supply but Members will be aware that the wider context should be taken into account. PPS1 sets out that sustainable development is the core principle underpinning planning, the heart of which is a spatial planning approach. The site has been identified as a suitable site for housing development in the adopted Local Plan and the Draft Core Strategy 2. The development of this site would therefore not conflict with the key sustainability aims of PPS1 and PPS3 and thus would contribute to housing in a sustainable location, in addition to addressing the shortage of affordable housing in the District by supporting a 40% element of such dwellings.

Advice within National Planning Policy Guidance Notes and Statements and Policies within the WCSP and BDLP makes it clear that the impact upon the character of the locality, as well as the relationship of proposed developments to the surrounding area to be legitimate material factors to take into account in the determination of planning proposals. Indeed, Government guidance advocates the rejection of poorly designed

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developments, including those that are clearly incompatible with their surroundings. The proposed public open space, the approach to high quality design advocated by the Design and Access Statement and new landscaping would be of local benefit which are factors that weigh in favour of the proposals.

With respect to the process for dealing with this outline application, Circular 08/05 states:

"Where a Local Planning Authority is considering an application for outline planning permission under section 92 of the 1990 Act, it must grant outline planning permission subject to conditions imposing two types of time-limit. The first sets the time-limit within which applications must be made for the approval of reserved matters. This will normally be three years from the grant of outline permission, **but an Authority could chose to direct a longer or shorter period as appropriate**. The second sets the time-limit within which the development itself must be started. This will usually be two years from the final approval of the last of the reserved matters, **but may be longer or shorter as directed by the Local Planning Authority.**"

In order to address the shortfall and to achieve the prompt submission of a Reserved Matters application, Members are recommended to impose a suitable Condition requesting the submission of a Reserved Matters application within 6 months of the approval of the outline scheme and once the reserved matters have been determined a similar condition placed on commencing the scheme. This will ensure that the development occurs within five years and satisfy the lack of a five year supply as advocated by the applicant in support of the scheme.

I am content that the site is able to support the erection of up to 76 dwellings in a well-designed manner, which will integrate well with surrounding development and the use of existing natural features. The scheme provides a density that is considered to be appropriate in order to balance the need to make more efficient use of land, in line with the requirements of PPS3. Furthermore, the scheme offers an opportunity for the provision of on-site affordable housing units, together with elements of ecological enhancement works. The site is extremely sustainable and this factor weighs in favour of the application. Having considered all material considerations I am thus minded to approve outline planning permission.

The applicant is in the process of submitting a legal agreement to deal with financial contributions towards play space provision, balancing pond maintenance, education provision, the promotion of sustainable walking and cycling access schemes and the securing of the 30 affordable housing units. I am thus seeking delegated powers from Members to deal with this matter upon submission and completion.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the outline application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:

- (a) play space provision
- (b) balancing pond maintenance
- (b) education provision

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- (c) the promotion of sustainable access schemes, to comprise improvements to the walking and cycling network in the locality, to include accessibility to Wythall Station
- (d) the securing of 30 affordable housing units