



# Planning Committee

Wed 15 Jul  
2020  
7.00 pm

Virtual Meeting

**REDDITCH** BOROUGH COUNCIL

*making  
a  
difference*

[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

**If you have any queries on this Agenda please contact**

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# **REDDITCH BOROUGH COUNCIL PLANNING COMMITTEE**



## **GUIDANCE ON VIRTUAL MEETINGS AND PUBLIC SPEAKING**

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Due to the current Covid-19 pandemic Redditch Borough Council will be holding this meeting in accordance with the relevant legislative arrangements for remote meetings of a local authority. For more information please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police Crime Panels meetings) (England and Wales) Regulations 2020.

The meeting is open to the public except for any exempt/confidential items. Where a meeting is held remotely, “open” means available for live viewing. Members of the public will be able to see and hear the meetings via a live stream to the Council’s YouTube Channel which can be accessed using the link below:

<https://youtu.be/q7R3tz8iDDo>

Members of the Committee, officers and public speakers will participate in the meeting using Skype, and details of any access codes/passwords will be made available separately.

If you have any questions regarding the agenda or attached papers please do not hesitate to contact the officer named below.

### **PUBLIC SPEAKING**

The usual process for public speaking at meetings of the Planning Committee will continue to be followed subject to some adjustments for the smooth running of virtual meetings. For further details a copy of the amended Planning Committee Procedure Rules can be found on the Council’s website at:

<https://moderngovwebpublic.redditchbc.gov.uk/documents/s39137/Urgent%20decision%20form%20-%20public%20participation%20at%20Planning%20Committee.pdf>

The process approved by the Council for public speaking at meetings of the Planning Committee is (subject to the discretion and control of the Chair), as summarised below:

- 1) Introduction of application by Chair
- 2) Officer presentation of the report
- 3) Public Speaking - in the following order:-
  - a) Objectors to speak on the application;
  - b) Supporters to speak on the application;
  - c) Ward Councillors
  - d) Applicant (or representative) to speak on the application.

Speakers will be called in the order they have notified their interest in speaking to the Democratic Services Team and invited to unmute their microphone and address the committee via Skype.

Each individual speaker will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair.

Each group of supporters or objectors with a common interest will have up to a maximum of 10 minutes to speak, subject to the discretion of the Chair.

- 4) Members' questions to the Officers and formal debate / determination.
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**Notes:**

- 1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Team on 01527 64252 Extn.2884 or by email at [sarah.sellers@bromsgroveandredditch.gov.uk](mailto:sarah.sellers@bromsgroveandredditch.gov.uk) before 12 noon on Monday 13<sup>th</sup> July.
- 2) Advice and assistance will be provided to public speakers as to how to access the meeting and those registered to speak will be invited to participate via a Skype invitation. Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting by Skype, and those speakers will be given the opportunity to submit their speech in writing to be read out by an officer at the meeting. Please take care when preparing written comments to ensure that the reading time will not exceed three minutes. Any speakers wishing to submit written comments must do so by 12 noon on Monday 13<sup>th</sup> July.
- 3) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the Council's website [www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)
- 4) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Borough of Redditch Local Plan No. 4 and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the Development Plan and the "environmental factors" (in the broad sense) which affect the site.
- 5) Although this is a public meeting, there are circumstances when the committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded and for any such items the live stream will be suspended and that part of the meeting will not be recorded.
- 6) Late circulation of additional papers is not advised and is subject to the Chair's agreement. The submission of any significant new information might lead to a delay in reaching a decision. The deadline for papers to be received by Planning Officers is 4.00 p.m. on the Friday before the meeting.

# Planning

COMMITTEE

Wednesday, 15th July, 2020

7.00 pm

Virtual Meeting - Skype - Virtual

## Agenda

### Membership:

Cllrs:

Gemma Monaco (Chair)  
Salman Akbar (Vice-Chair)  
Tom Baker-Price  
Roger Bennett  
Michael Chalk

Andrew Fry  
Julian Grubb  
Bill Hartnett  
Jennifer Wheeler

### 1. Chairs Welcome

### 2. Apologies

### 3. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests and / or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

### 4. Confirmation of Minutes of the Planning Committee meeting held on 17th June 2020 (Pages 1 - 6)

### 5. Update Reports

To note Update Reports (if any) for the Planning Applications to be considered at the meeting (circulated prior to the commencement of the meeting)

### 6. Application 19/01575/FUL Former Play Area Edgeworth Close Redditch B98 8QQ - Mr Matthew Bough (on behalf of Redditch Borough Council) (Pages 7 - 30)

### 7. Application 19/01630/FUL - St Benedict's, Church Hall, Rowan Road Batchley Redditch B97 6NB - Birmingham Roman Catholic Diocesan Trustees (Pages 31 - 46)

### 8. Application 20/00328/REM - 44 Okaham Close Oakenshaw South Redditch B98 7YG - Mr T Geraghty (Pages 47 - 58)

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## Planning Committee

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Wednesday, 17 June 2020

### MINUTES

#### Present:

Councillor Salman Akbar (Chair), Councillor Gemma Monaco (Vice-Chair) and Councillors Brandon Clayton, Andrew Fry, Anthony Lovell, Nyear Nazir, Gareth Prosser, Jennifer Wheeler and Yvonne Smith

#### Also Present:

Karen Hanchett and Sukhvinder Agimal - County Highways

#### Officers:

Helena Plant, Steve Edden, Amar Hussain, Anthony Young, Clare Flanagan, Pauline Ross and Jo Gresham

#### Democratic Services Officer:

Sarah Sellers

#### 94. CHAIRS INTRODUCTION

The Chair welcomed the Committee members, public speakers and officers to the virtual Planning Committee meeting being held via Skype. The Chair explained that the meeting was being live streamed on the Council's YouTube channel to enable members of the public to observe the committee.

#### 95. APOLOGIES

Apologies for absence were received from Councillor Bill Hartnett. Councillor Yvonne Smith attended the meeting as substitute for Councillor Hartnett.

#### 96. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 97. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 27TH MAY 2020

.....  
Chair

**RESOLVED that**

**The Minutes of the Planning Committee held on 27<sup>th</sup> May 2020 be confirmed as a correct record and signed by the Chair.**

**98. UPDATE REPORTS**

Members confirmed that they had received the Updates Report.

**99. APPLICATION 19/01312/HYB - LAND NORTH OF GREENLANDS BUSINESS CENTRE, STUDLEY ROAD, REDDITCH - MR S SPENCE**

Hybrid planning application for mixed use development, consisting of (1) full planning permission for 2 commercial units (B1 and B8 uses) and (2) outline planning permission (all matters reserved except access) for the erection of up to 8 residential units and associated infrastructure

Officers outlined the application and described the access arrangements and proposed layout of the site to the Members with reference to the images included in the presentation. It was noted that the full planning permission was being sought in relation to the eastern side of the site, being an application for two commercial units of B1 and B8 use with associated parking. For the western side of the site which fronted on to Studley Road, the application was for outline permission only for up to 8 residential units. As such the plans for that portion of the site were illustrative only with all matters to be determined at a future date save for access.

It was noted that an earlier application made in 2019 (ref 19/00899/FUL) for a scheme consisting entirely of employment use had been refused on the grounds of unacceptable impact on the neighbouring residential occupiers and the appearance of the streetscene. The current scheme differed considerably from the previous application in that proposed employment units fronting on to Studley Road had been removed, and this area of the site would now consist of residential units.

With regard to section 106 contributions, Members were referred to the Update Report and the clarification that contributions sought from the developer were linked to the employment use and not to the residential units. Members were also referred to the amendment to the recommendation detailed on page 1 of the Update Report.



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Mr Gary Moss, agent for the applicant, addressed the Committee under the Council's Public speaking rules.

In debating the application Members referred to a number of matters including the condition to control lighting (Condition 17), access, future configuration of the 8 residential units and the proposed roof height of Unit 1.

Officers from County Highways confirmed that the access to the site had been fully assessed and found to be suitable for HGV movements and refuse vehicles. There were no issues arising from the fact that access would be shared by residential users and employment users. The configuration of the 8 residential units might change at reserved matters stage, but the number of units could not increase above 8.

## **RESOLVED that**

**Having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration to grant Full Planning Permission (commercial) and Outline Permission (residential) subject to:**

**(a) The satisfactory completion of a S106 planning obligation ensuring that:**

- **Contributions arising from the employment element of the proposed development are paid to Worcestershire County Council to support Active Travel Infrastructure and to improve the existing bus stops closest to the applications site, and**
- **S106 monitoring fees are paid to the Borough Council.**

**And**

**(b) The conditions and informative listed on pages 13 to 26 of the Agenda.**

**100. APPLICATION 19/01600/REM - VICTORIA WORKS, EDWARD STREET, REDDITCH, B97 6HA - MR GEORGE STOYAN  
ACCORD HOUSING GROUP**

Reserved Matters Application seeking consent for access, appearance, landscaping and layout, following outline planning application approval ref 18/01515/OUT: Outline approval for the demolition of redundant factory and erection of up to 75 residential units (matter of scale approved)

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Officers outlined the application which was for 75 units of affordable rented accommodation to consist of 19 one bedroom apartments, 30 two bedroom apartments, 20 two bedroom terraced houses and 6 three bedroom terraced houses. The apartments would be in a block and the terraced houses in two parallel rows of 13.

On site parking would consist of two spaces for each of the terraced houses, one space for each of the two bedroom apartments and the remaining 19 one bedroom apartments would have no parking.

The scheme was acceptable as to layout and appearance and Members were referred to the highly sustainable town centre location and the close proximity of the site to public transport links (bus and rail). The applicant had submitted evidence through a parking survey that there were 50 on street parking spaces in the vicinity available after 7 pm. County Highways had assessed the scheme and not raised any objections. There had been no objections to the scheme from the other statutory consultees or from the public.

At the request of the Chair Mr George Stoyan, the Applicant, addressed the Committee under the Council's Public Speaking Rules.

In debating the application, Members welcomed the scheme and commented in support of the sympathetic re-use of the town centre location and the provision of affordable residential units. With regard to parking provision, officers confirmed that residents of the one bedroom apartments would be aware in advance that their properties did not have parking, and all residents would be provided with a welcome pack promoting sustainable forms of access (Condition 11).

Members debated this issue further, and in particular the concern that demand for parking spaces might lead to overspill with those residents who did have allocated parking finding that other vehicles were using their spaces. In order to address this, an amendment was proposed and agreed to add some extra wording to Condition 8 to require the parking spaces to be marked out for each particular unit.

## **RESOLVED that**

**Having regard to the development plan and to all other material considerations, planning permission be granted subject to:**

- (a) the Conditions and informatives listed on pages 36 to 38 of the agenda;**

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and

**(b) The re-wording of Condition 8 as set out below:-**

**The Development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed, including an indication of allocation of space for each unit, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.**

**Reason: in the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and in accordance with the National Planning Policy Framework.**

**101. APPLICATION 19/01622/FUL - CAR PARK LAND ADJACENT CLIVE WORKS, EDWARD STREET, REDDITCH - MR GEORGE STOYAN ACCORD HOUSING GROUP**

Erection of two three storey buildings to provide 19 one bed apartments for affordable rent and 90 sq. m. of office space for use by Accord Group

It was noted that this site was located off Edward Street and opposite the former Victoria Works site which had been considered under agenda item 7 (Planning Application 19/01600/REM).

Officers outlined the application for 19 one bedroom apartments set out in two blocks to include 90 sq. m. of office space to be used by the applicant, the Accord Group. Block 1 would consist of office space at ground floor with 3 one bedroom flats on the first floor and three one bedroom flats on the second floor. Block 2 would consist of 12 one bedroom apartments in total over three storeys, 4 apartments per floor.

Parking provision would consist of 19 spaces for use by the apartments and 5 spaces for users of the office. Section 106 contributions would be payable for this scheme and Members were referred to the proposed contributions set out in the report.

The location had been assessed as suitable and there were no objections from statutory consultees or the public. Members were referred to the sustainable location and the proximity to town centre transport links.

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At the invitation of the Chair Mr Carl Taylor from Co-operative Homes addressed the Committee under the Council's Public Speaking Rules in support of the application.

As with the previous agenda item, Members welcomed the scheme and commented in support of the sympathetic re-use of the town centre location and the provision of affordable residential units.

## **RESOLVED that**

**Having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration to grant Planning Permission subject to:**

**(a) The satisfactory completion of a S106 planning obligation ensuring that:**

- Contributions are paid to the Borough Council in respect to off-site open space, and equipped play in accordance with the Councils adopted SPD
- Contributions are paid to the Borough Council towards the provision of waste and recycling facilities for the new development
- Contributions are paid to the Borough Council towards the provision of improvements and environmental enhancements to the Town Centre
- Contributions are paid to Worcestershire County Council for localised improvements to local walking and cycling infrastructure, a bus shelter on Bromsgrove Road, lining and signing for cycle routes.
- Contributions are paid to the NHS Clinical Commissioning Group (CCG) towards GP Surgeries
- Contributions are paid to the NHS Acute Hospitals Trust (final figure to be agreed)
- A minimum of 5 units of accommodation are restricted to affordable housing in perpetuity
- A S106 monitoring fee/s are paid to the Borough Council

**(b) The conditions and informative listed on pages 51 to 55 of the agenda.**

The Meeting commenced at 7.00 pm  
and closed at 8.41 pm

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**Planning Application 19/01575/FUL****Residential development of 19 affordable dwellings with associated parking.****Former Play Area, Edgeworth Close, Redditch, Worcestershire, B98 8QQ,****Applicant: Mr Matthew Bough**  
**Ward: Church Hill Ward****(see additional papers for site plan)**

The case officer of this application is Sharron Williams, Planning Officer (DM), who can be contacted on Tel: 01527 534061 Ext 3372 Email: sharron.williams@bromsgroveandredditch.gov.uk for more information.

**Site Description**

The application site is located in Church Hill within an established residential area. The site itself is designated as Primarily Open Space in the Borough of Redditch Local Plan No.4 and originally a play area was situated on part of the application site, providing play facilities for the neighbouring occupiers. However, the play equipment has since been removed. The land within the application site boundary comprises of a generally sloping grassed area, with mature hedgerows and tree planting and also an area of land that is covered by scrub and poor quality trees to the west of the application site. A number of public footpaths connect within the site as well as around the perimeter of the site.

**Proposal Description**

Permission is sought for the provision of 19 affordable rented housing units, 3 No. 2 bed bungalows, 6 No. 2 bed dwellings and 10 No. 3 bed dwellings. The dwellings would be 2 storey units and all the units would be finished in brickwork and tiles.

Access to the site would be via an existing access road situated at the side of No.s 96 and 104 Edgeworth Close. This access road also provides access to a row of garages and the rear gardens of 97 – 103 Edgeworth Close. The units are a mix of bungalows, semi-detached and terraced properties. Two car parking spaces are provided for each unit as well as a car charging point and secure cycle storage.

Due to the former use of the site as a play area comprising of soft landscaping and tree planting, it is evident that some trees and hedges would need to be removed in order to implement the development.

The development is proposed to be built by the Council for new Council homes to be part of the Housing Revenue Account.

**Relevant Policies:****Borough of Redditch Local Plan No. 4****Policy 1: Presumption in Favour of Sustainable Development**

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Policy 4: Housing Provision  
Policy 5: Effective and Efficient use of Land  
Policy 6: Affordable Housing  
Policy 12: Open Space Provision  
Policy 13: Primarily Open Space  
Policy 16: Natural Environment  
Policy 18: Sustainable water Management  
Policy 19: Sustainable travel and Accessibility  
Policy 20: Transport Requirements for New Development  
Policy 39: Built Environment  
Policy 40: High Quality Design and Safer Communities

### **Others**

NPPF National Planning Policy Framework (2019)  
NPPG National Planning Practice Guidance  
Redditch High Quality Design SPD  
Open Space Provision SPD  
Town Centre Strategy  
Worcestershire Waste Core Strategy

### **Relevant Planning History**

None

### **Consultations**

#### **Severn Trent Water Ltd**

No objections to the proposals subject to the inclusion of a drainage condition.

### **WRS - Contaminated Land**

Historic maps indicate that the overgrown area in the west of the site is a former unspecified pit which was later developed into a landscaped playground, now disused. No evidence of contamination was noted during the walkover. However, potentially contaminated land uses include unspecified pits (potentially infilled) on site and 208m north, electrical substations (closest 92m) and a number of infilled ponds located between 10 and 100m from the site.

Given the sensitive nature of the proposed use of the site and the potential for ground contamination to be present, contaminated land conditions are considered to be necessary as the degree and extent of contamination is currently unknown.

### **WRS - Noise**

The submitted noise assessment appears satisfactory in terms of the methodology used and the conclusions reached. However, in terms of minimising noise from road traffic I would recommend that a close boarded acoustic fence be installed along the boundary of plots 1-5 adjacent to Church Hill Way.

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### **Highways Redditch**

No objection subject to conditions and financial obligations.

### **Arboricultural Officer**

Recommend conditions to protect existing trees to be retained before and during construction and landscaping details. Opportunity to make more use of the dense woodland area to the west of the site?

### **Education Authority**

As the dwellings are all affordable rent, an education obligation will not be sought.

### **Crime Risk Manager**

No objection.

### **Worcestershire Archive and Archaeological Service**

There are no archaeological issues that would prevent or constrain development, but it is likely that archaeological deposits could be encountered in the north-east of the site due to the possibility of an earlier building on site and possibly remnants of an earlier moated site. Therefore, a condition is recommended to secure a programme of archaeological works comprising an evaluation trench in the first instance over the location of the former farmhouse followed by further mitigation should archaeological deposits of significance be uncovered.

### **Red Kite Network Nat Healy (Ecology)**

Having reviewed the documents it is considered that ecological matters have been dealt with appropriately given the context of the area and proposed development. In conclusion support the application and recommended conditions to safeguard biodiversity and protected species.

### **North Worcestershire Water Management**

The proposed development would be located within flood zone 1 and the risk to the site from surface water flooding is indicated as low based on the EA's flood mapping (indicated above). There is some surface water risk indicated on small parts of the site (north and western areas), but suitably designed site drainage can adequately mitigate these risks. The FRA provided sufficiently identifies the potential sources of flood risk to the site.

Drainage condition is recommended to provide details of the proposed means to drain the site as a result of the development.

### **RBC Parks and Open Space**

Informal comments submitted refer to other local open space facilities available nearby that have recently been refurbished in Heronfield Close and Upperfield /Northleach Close, as well as a new play facility at Willowtrees which was installed recently.

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The Team note the loss of open space to housing provision but suggest that the remaining area of open space that forms part of the application site needs tidying up to make it accessible for use for recreation, as it is currently overgrown and unkempt. If it were opened up it could be a pleasant area for the locals to use for informal play etc. This would mainly involve tree thinning and removal and making to grass perhaps with pathways through it etc.

### **NHS Acute**

Request a contribution to enable the Trust to provide services needed by the occupants of the new homes and the community at large.

### **NHS/Medical Infrastructure Consultations**

No Comments Received To Date

### **Cllr Hartnett**

Concerns raised by local residents regarding the access to the site, there are garages on the right hand side and parking bays to the left of what will be the access road. The concern being how can safe access and egress of the garages and parking bays operate.

### **Cllr Rouse**

Support the development of additional affordable homes to meet a need for housing, especially bungalows in Church Hill. This will enable elderly and disabled residents to downsize and move to a more appropriate dwelling, which will in turn free up much-needed 3 and 4 bedroom homes for Redditch families who desperately need them, many of whom live in Church Hill.

However, I would like to draw attention to concerns raised by nearby local residents, in particular:

The visibility for emerging and entering traffic into the new proposed estate is not great owing to the current design and layout of Edgeworth Close. Work will need to be done to cut down vegetation and improve visibility wherever possible.

Concerns around overbearing and overlooking are addressed by angling properties appropriately to ensure privacy for existing and new residents.

Residents are very concerned about the additional traffic coming in to Edgeworth Close and construction traffic during the construction phase. The builders should work with local residents to agree strategies and they should communicate regularly with residents and local councillors on topics that are likely to cause disruption.

Parking remains an issue in Edgeworth Close with not enough spaces to accommodate all residents. With only 2 spaces per house any visitors to the new estate are likely to put additional pressures on parking elsewhere in Edgeworth Close.



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### **Strategic Planning**

- The proposed provision of affordable housing to help meet the Borough's identified need is welcomed.
- The loss of open space is largely justified and the enhancements to the remaining open space are welcomed, as addressed through the Public Open Space Masterplan.
- Whilst the development of the site would lead to significant improvements to the accessibility, quality, and overall usability of the remaining open space within the site's boundary, there are some concerns relating to enhancing natural surveillance and the connectivity between the built and natural aspects of this proposal. If addressed, this could help to reduce the threat of anti-social behaviour and fly-tipping. Whilst not necessarily essential to the viability of the scheme, some consideration could be given to better integration of the open space with the built form to integrate the open space more effectively into the residential development.

### **Public Consultation Response**

5 objections and 1 representation asking a personal query should the development be approved. Comments summarised as follows:-

- 19 dwellings in such a small plot of ground will cause a volume of traffic. There's inadequate parking for residents as it is.
- Residents directly involved will lose their privacy and car parking.
- Shrubs and trees will need to be cut down.
- Park has been removed to allow for houses to be built. There are enough empty houses in Redditch without building more and infringing on people lives.
- Children use the green in the summer.
- Access to the new dwellings will be at the back of properties 97 to 99 Edgeworth Close and will result in an increased risk of injury due to increased traffic flow in a very restricted area where visibility and access is already compromised. The increase in through traffic at the back of the properties will result in increased noise levels and inconvenience. Access to the garages will be impossible as to get in we have to park at right angles across the road. Concern about construction traffic using the access road.
- Limited parking by our property at present so this will only exasperate the situation and it is not fair that the new developments have two dedicated parking spaces each while existing residents struggle to park.
- The main part of Edgeworth Close is not suited to increased traffic volume this poses a health and safety issue and an alternative access to the new housing development should be considered.

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- Removal of established hedgerows and potential loss of wildlife.
- Lack of pavement links on this section of Edgeworth Close in respect to gaining access to Arrow Valley
- There's currently a parking bay for the adjoining houses or for vans/deliveries to those homes. When it goes where will they park? Care workers and supermarket deliveries are also frequently parking up. This area is already busy!
- This road gets even busier when Marlfield Barn is used for events.
- Edgeworth Close has become a rat race, had a few near misses coming out of Close.

**Assessment of Proposal****Principle of the development**

The site is within an area designated as Primarily Open Space in the Borough of Redditch Local Plan No. 4. Therefore, Policy 13 of the Local Plan would apply. The policy states that open spaces should be protected and where appropriate, enhanced to improve quality, value and multifunctionality and accessibility. Proposals that would result in the total or partial loss of Primarily Open Space will not normally be granted planning permission unless it can be demonstrated that the need for development outweighs the value of the land as open space.

As this proposal involves the partial loss of primarily open space, justification is required to demonstrate that the need for the development outweighs the value of the land as open space.

The developer's justification is summarised as follows:-

- The proposed development has a number of merits to the local area which outweigh the loss of the open space on site. The Council's SMHA shows a shortfall of over 300 units of affordable housing per year to meet the need in the Borough. This application is for the development of affordable housing which will assist the Council in meeting this need and meet its strategic purpose of 'Finding somewhere to live'. Church Hill has lost significant amount of social housing through the Right to Buy scheme and this application will assist in balancing the local housing market in the area.
- The site consists of 0.99 hectares of primarily open space and woodland. Residential development is proposed on 0.75 hectares of the site, leaving 0.24 hectares to the west of the site that is currently dense woodland. The remaining open space provision will be enhanced as part of the development, and as such would be an improvement to the remaining open space.

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- The site is of low recreational, amenity and ecological value, and due to its location is used by the local community around Edgeworth Close, however, even the community amenity value of the site is relatively low. The site is no longer used as a children's play area due to the removal of the equipment, and is now only used as dog walking and informal recreation.
- Although the play area facility has been removed from the application site, there are similar uses in the local area that provide opportunities for local recreation, sports and play within a 13 minute walk of the site; some of these facilities have recently been upgraded.
  - Upperfield Close (open space & children's play area) 0.7 miles
  - Bomford Hill Park (open space, woodland) 0.7 miles
  - Willow Trees Community Centre (children's play area) 0.6 miles
  - Heronfield Children's Play Area 0.3 miles
  - Arrow Valley Country Park 0.5 miles. Arrow Valley Park is within reasonable distance of the application site.
- Whilst it is recognised that the proposed development will result in a loss of open space to the local community. In order to mitigate the impact of this loss, the proposal includes improvements to the woodland area to the west of the site. The landscape improvements to this area will provide a space that is more usable for dog-walking and informal recreation.
- A Preliminary Ecological Appraisal carried out on the site has categorised the site as having low biodiversity value. However, there is scope to provide biodiversity enhancement to the site and it is proposed that such enhancements will form part of the landscape proposals for the development.
- The proposal will be able to improve connectivity through the site, through providing better permeability, and improving the safety of the area.
- The site has been subject to fly-tipping and travellers in recent years and has caused significant maintenance issues for the Council to maintain.

### The enhanced open space facility

The dense wooded area to the west of the site is proposed to be enhanced as compensation for the loss of the wider open space area to be developed. This area is proposed to be opened up to allow more opportunities for informal recreation and more opportunities for wildlife and biodiversity enhancements. Plans submitted show an indicative 'Woodland Walk' meandering around the space; this will be an informal path that will link into the existing footpath network. A timber bench seat will be incorporated at the northern end of the space and interpretation panel focusing on the wildlife and plant species within the site will be situated at the entrance in the south-west corner. 2 No. timber totem/sculptural elements will be included within the scheme.

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The existing vegetation will be subject to selective clearance of brambles to encourage regeneration of existing saplings and wildflowers. Some additional trees/ native saplings will be planted to ecologically enhance the species range within the space as well as providing aesthetic potential. Selected areas will be managed to encourage wildflowers. Additional oversowing of wildflower seed and incorporation of wildflower plug plants will help to facilitate this transition. In addition, some edible, native woodland plants will be incorporated within the new planting scheme to provide an additional way for local residents to enjoy the space, with species such as wild strawberries, wild garlic and berrying shrubs.

Strategic Planning have been consulted and refer to Policy 6 and 13 of Local Plan No.4 stating that the provision of affordable dwellings is welcomed by policy. However, there are some concerns relating to the fact that the proposed development is located on a site designated as Primarily Open Space.

Strategic Planning consider that whilst there is no longer a children's play area on the site, this does not automatically mean that the recreational and amenity value is low, as the site is still used as a form of amenity space, which comprises a valuable component of the Borough's open space. The applicant states that there are plenty of small open spaces provided in courtyards across Edgeworth Close and Heronfield Close which would provide better and safer places for children's play; however, it is important to consider the current provision of other nearby open space.

The Council's 2009 Open Space Needs Assessment (OSNA) is the most recently published document, and indicates that the Church Hill Ward has a deficit per 1000 population of -2.47 ha. The Borough standards have recently been recalibrated to take account of updated Census information and an audit of all open spaces. A revised standard for Church Hill Ward now shows a reduction in the deficit of open space (-2.08 ha per 1000 population). The applicant notes that there is a deficit in the Ward but argues that if Arrow Valley Park was included within the equation due to its proximity to the site, there would be an over provision of open space. The OSNA deliberately excludes Arrow Valley Park in any Ward as it is considered a sub-regional park that attracts the highest number of users from throughout the Borough, but also from further afield. Therefore the applicant's argument to develop the site based on a potential over provision of open space in the local area is disputed.

Policy 12 of Local Plan No. 4 requires new development to make provision for new and/or improvements to open space, sports and recreation facilities in accordance with the Borough Council's Adopted Open Space Provision Supplementary Planning Document (SPD) or any other form of planning obligation the Borough Council adopts. New open space should be strategically located in order for it to contribute to the Green Infrastructure Network and increase its multifunctionality". The 0.22ha of dense woodland to the south west of the site will be retained as open space as part of the scheme. Strategic Planning generally supports the open space improvements detailed in the masterplan. However, the development of this site should aim to improve connectivity, which it has partly been done with the provision of pathways which connect the improved

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area of Open Space to Marlfield Lane, and the existing dwellings on Edgeworth Close, but, as the scheme is orientated that it turns its back onto the improved open space there is no direct integrated connectivity between the two elements. Para 91a of the NPPF encourages open space to be integrated into the scheme where possible, to promote(s) social interaction'.

Planning Strategy conclude that the proposed provision of affordable housing to help meet the Borough's identified need is welcomed. Also, the loss of open space is largely justified and the enhancements to the remaining open space are also welcomed.

Officers consider that it is regrettable that the proposed scheme would lead to the partial loss of some open space provision in this location, particularly as there is a deficit in the Ward. However, due to the contours of the land, the limited amenity quality of this open space, and taking into account existing open space facilities that are nearby that are of superior provision, the partial loss of this open space is likely to be negligible.

The benefits of the scheme would be the mix of affordable residential accommodation that is needed in this area of the Town, and the potential enhancement of the remaining open space provision that is currently densely wooded and inaccessible. Officers accept the comments made by Planning Strategy to further integrate the residential scheme with the enhanced open space facility, however, due to the restricted shape of the site, the possibility of rearranging the residential layout could reduce the number of proposed units. In addition, whilst it is accepted that the enhanced open space facility does not directly flow from the scheme itself, good connectivity/accessibility would still be provided and maintained for new and existing occupiers by utilising the adjoining footpath network.

The proposed development outweighs the value of the land as open space and as such would not conflict with Policy 13 of Local Plan No.4. The intended enhancements to the remaining open space facilities would also be in accordance with Policy 16 of Local Plan No. 4 which promotes the enhancements of the natural environment and landscape.

### Density of Development

The 2019 NPPF requires local planning authorities and developers to make effective use of land, especially if this would help to meet identified needs for housing where land supply is constrained. Section 11 of the NPPF emphasises the importance of making effective use of land, and with respect to density, Para 123 states that "where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site."

The total site measures approximately 0.99 hectare in area, however, approximately 0.75 hectares is the developable area. 19 units of accommodation in the developable area represents an approximate density of 26dph. Policy 5 of the Local Plan No. 4 requires a general density of 30-50 dwellings per hectare. Whilst this may be slightly below the density requirement set out in policy 5, it is important to note that para.5.3 of the policy allows for some lower density developments on smaller sites, or when providing

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bungalows. It is considered that due to the shape of the application site and desire to retain some of the existing vegetation, as well as providing bungalows for the scheme; has resulted in a slight reduction in the overall density for the site. However, the density of the scheme would be acceptable in this location as it is comparable to that of the surrounding area, and as such the proposal complies with Policy 5 of Local Plan No.4.

### Layout and appearance

Despite the shape of the application site, the layout makes the best use of the site, resulting in generous garden provision for some of the units. Whilst the scheme generally adheres with the guidelines set out in the Council's High Quality Design SPD, the distance between the rear of bungalow plot No.s 17 and 18 and the front of flats 75-80 Edgeworth Close is approximately 11.5m. This does not conflict with the Council's guidelines in the SPD but it is a unique situation. Further enhancements are being considered such as mature tree planting to reduce any potential overlooking. However, despite the extent of public consultation for the application, no objections have been submitted by the occupiers of the existing flats concerned.

The units will generally be brickwork and tile. Whilst the designs of the units are quite simplistic, the overall appearance of the units is lifted with a protruding brickwork detail on sections of the front elevation to provide visual interest to the scheme as a whole. The aesthetics of the scheme will complement the surrounding housing in the area.

### Scale

The scale of the development is comparable to the surrounding properties. Apart from the 3 bungalows that would be one and a half storeys, the rest of the scheme would be a maximum height of two storeys. The scale of development proposed is considered to be acceptable given the context of the sites surroundings.

### Highway matters

Each unit would have 2 off street car parking spaces, a vehicle charging point, as well as secure cycle storage within the garden area and complies with the requirements set out in the County's 'Streetscape Design Guide'. The site is adjacent to Church Hill Way which is used as part of the circular bus route for this area of the Town. Bus stops in the two directions of the bus route are 2 minutes away from the site, enabling very good public transport links for the scheme.

County Highways agree with the Summary and Conclusions set out in the applicant's Transport Statement which states that the site benefits from good existing infrastructure that allows access by a range of non-car transport modes. The development would have a negligible impact on the local highway network in terms of associated development traffic. Trip generation calculations show that the proposed development would not have a severe impact on the local or wider highway networks

Access to the site is via an existing access road that serves a row of garages, car parking bay, and the rear gardens of existing properties in Edgeworth Close. Several comments submitted by local residents and ward members relate to the access arrangements to the

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site. Officers have expressly queried this matter with County Highways who have stated the following:-

- In highway safety terms the proposals are not considered to be unsafe and we are still of the opinion that safety would not be compromised by the proposed development.
- There would not be a severe highways impact since the majority of pedestrian movements will be in the opposite direction.
- Vehicular speeds will be low due to the design of the access road.
- Sufficient forward visibility is available to enable drivers to see cars waiting to enter/exit a garage.
- The vehicular trips / vehicular movements generated in the vicinity of the garages will be low.
- The road would also be lit so the vehicles would be visible when waiting to enter/exit a garage at night.
- The width of the access road and short footway would also enable a car to pass a car waiting whilst the driver locks/unlocks a garage.

The speed limit would be 20mph due to the location, constraints and design of the scheme, and County Highways are happy with the visibility arrangements for the scheme.

Trip generation calculations have been included in the Transport Statement and confirm that during the highway peak hours the proposed development would generate 10 two-way vehicular trips during the morning and evening peak hours. This would equate to approximately 1 additional vehicle trip every 6 minutes. In terms of impact upon the local highway network, this level of traffic would not result in a material impact.

Section 9 of the NPPF requires that "significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help reduce congestion and emissions, and improve air quality and public health." It is considered that the application site does offer some choice of transport modes given its adjacent to a circular bus route that provides a regular public transport service to the Town and its environs. Policy 19 of the Local Plan (Sustainable Travel and Accessibility) focuses on the need to reduce private car use and increase the use of public transport. County Highways raise no objection to the scheme, and recommend conditions and financial contributions.

### Sustainability

As mentioned above, the application site is located close to a regular bus route that provides a prompt public transport route to the Town and wider area. The proposed development therefore benefits from the NPPF's "presumption in favour of sustainable development" and also complies with the NPPF's objective of significantly boosting the supply of housing. In addition, the scheme meets the NPPF's requirement to make "effective use" of under-utilised land in a relatively sustainable location.

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Members will be aware that the Council cannot demonstrate a 5 year supply of housing land within the Borough. Para. 11 of the NPPF says that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. The so called tilted balance as advocated by the NPPF is engaged and the presumption in favour of sustainable development, as set out in the NPPF applies. Where relevant policies are out of date Para. 11 advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, significant weight should be afforded to the fact that the scheme would make a meaningful contribution to the Councils housing figures where the Council cannot demonstrate a 5 year supply of housing land as required under the NPPF.

### Landscape

The proposed development sits on an area of land once used as a playground and recreational area. Currently the area is mainly dominated by un-kept vegetation and hedgerow trees, mainly Ash. There is a semi-mature Oak tree on the south eastern boundary that is to be retained as part of the scheme. The hedgerows around the site are acting as a litter trap and in parts have collapsed and are overhanging the footpaths. On the northern boundary a large volume of fly tipping is noticeable making the area look untidy.

Some vegetation and trees will need to be removed to facilitate the new development. However, tree and hedgerow planting that runs along the Marfield Lane would be retained. The semi-mature Oak tree on the south eastern boundary is in good condition with no signs of defect with 40+ year's life years remaining and has been incorporated within the scheme.

Due to the nature of the site, it will be necessary to remove some existing trees and hedges to enable the development. Members will be aware that the remaining Primarily Open Space land (that forms part of the application site) comprise of vegetation and trees of poor quality. In order to comply with the requirements of policy 13 of Local Plan No.4 it is intended that this area will be enhanced to make it more accessible and useable to members of the public providing an improved open space facility that would be beneficial to people and wildlife in the area. Details of the open space enhancement have been described earlier in this report and the implementation of the enhancement works will form part of the Heads of Terms of the S106 Agreement for the scheme. The enhancement of this open space area is supported by the Tree Officer and Parks and Open Space Officer.

### Drainage

Whilst a simple Flood Risk Assessment has been submitted for the scheme, no further drainage details have been supplied, however, NWWM do not raise any objections to the application and recommend the imposition of a drainage condition.



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### Residential Amenity Considerations

5 objection letters have been submitted mainly raising concerns in respect to traffic, means of access and car parking and well as construction disruption. These issues have been addressed above as part of the Highway considerations. Comments have been made in respect to any potential overlooking and these matters have also been considered in respect to the layout of the scheme.

### Planning obligations

Contributions are required for the scale of the development proposed. This would be sought via a planning obligation and cover the following matters:

#### Open Space

Contributions towards off site open space provision due to increased demand from future residents, required in compliance with the SPD. In this case, a contribution to improvements to pitches and facilities in Arrow Valley Park, improvements to access paths and park surfacing, upgrade to ball court and play equipment at Heronfield Close play area, tree works and enhancement of two areas to create more usable spaces, on land adjacent to the old play area at Northleach Close and the existing play area in Heronfield Close.

#### Bins and Waste Management

Contributions for refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy.

#### Town Centre Enhancements

Contributions towards Town Centre Enhancements within Market Place/Church Green specifically towards improved lighting / street furniture including bins and benches in accordance with the Town Centre Strategy.

#### Affordable Housing

Borough of Redditch Local Plan No.4 Policy 6 requires the provision of 30% affordable housing on sites of 11 or more dwellings, incorporating a mix of tenure types. Due to the number of units proposed, a total of 6 units would be required.

#### Infrastructure Delivery Plan (Highways)

A financial contribution is sought to be used towards improvement to local walking and cycling infrastructure, Community transport and footway improvements.

#### NHS – Worcestershire Acute Hospitals NHS Trust (WAHT)

Worcestershire Acute Hospitals NHS Trust has requested a contribution to enable the body to provide services needed by the occupants of the new homes and the community at large.

The Trust has made representations in relation to this application. It is considered that the request made by WAHT is compliant with guidance in the NPPG, support can also be found in local planning policy, and the request made by the Trust complies with the three

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tests in Regulation 122 of Community Infrastructure Levy Regulations and paragraph 56 of the NPPF (2019).

Paragraph 56 states: "Planning Obligations (the financial contribution requested by the Trust) must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development and
- (c) fairly and reasonably related in scale and kind to the development".

Following a review of the information provided by the Trust officers consider that the Trust's request is a material consideration and should be taken into consideration as a consequence.

### Education

County Education state that a contribution would be payable for education provision in accordance with the adopted SPD in the case of development providing two bedroomed (or more) open market dwellings. However, as the scheme is intended to be an affordable housing scheme, the County will not be seeking a contribution on this occasion.

### Enhancement of remaining Open Space Area

Negotiations have been held with the agent/applicant to provide an enhancement to the remaining open space area in order to improve accessibility to the area concerned for the benefit of the wider public. It is considered prudent that this matter forms part of the S106 to ensure the enhanced facility is provided on site.

The applicant is agreeable to the S106 Heads of Terms but has queried the WAHT contribution given the nature of the scheme. To take this matter forward officers are seeking authority from the Committee for a Delegation to the Head of Planning and Regeneration to agree the final sum of the financial contribution with the Trust. The purpose of agreeing this Delegation is for officers to further review the reasonableness of the sum that is being requested by the Trust.

### Monitoring

A Section 106 monitoring fee (as of 1 September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met.

### Other matters

Sections 100ZA(4-6) of the Town and Country Planning Act 1990 requires the applicant's written agreement to the terms of a pre-commencement condition. Written agreement to the terms of relevant recommended conditions has been sought and agreed by the applicant.

### Conclusion

Whilst it is regrettable that the site involves the loss of Primarily Open Space, the scheme would provide much needed and mix of housing required in this area of the Borough. The

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loss of Open Space provision is offset with the enhancement of adjoining land that is currently inaccessible to members of the public and would be an enhanced open space facility for local residents. As such the scheme is considered to be acceptable in accordance with policies in Local Plan No. 4. The location of the site to public transport links to a wide range of facilities within the Town Centre and beyond means the site is ideally located for residential development, and benefits from the NPPF's presumption in favour of sustainable development.

### **RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration to GRANT planning permission subject to:-**

- a) The satisfactory completion of a S106 planning obligation ensuring that:**
  - 1. Contributions are paid to the Borough Council in respect to off site open space and equipped play and sport provision in accordance with the Council's adopted SPD.**
  - 2. Contributions are paid to Borough Council towards the provision of domestic and recycling bins for the new development in accordance with the County's Waste Strategy.**
  - 3. Contributions are paid towards Town Centre enhancement in accordance with the Town Centre Strategy.**
  - 4. 30% Affordable housing be provided on site as part of the scheme.**
  - 5. Contribution to be paid to the Worcestershire Acute Hospitals NHS Trust (WAHT) to be used to provide services needed by the occupants of the new homes and the community at large. Agreement of a final sum to be Delegated to the Head of Planning and Regeneration Services (subject to verifying any deductions based on services already provided by the WAHT).**
  - 6. Contribution to be paid to County Highways to be used towards improvement to local walking and cycling infrastructure, Community transport and footway improvements.**
  - 7. The remaining open space area to be enhanced in accordance with the approved plans shall be provided as part of the scheme before the development is first brought into use and maintained as such thereafter.**
  - 8. A Section106 monitoring fee (as of 1 September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met.**

**And**

- b) Conditions and informatives as summarised below:**

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**Conditions:**

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason:- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with plans and drawings (to be defined)

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

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

- 4) The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

- 5) No demolition, site clearance or development shall take place until all trees and hedges and their root protection areas (RPA) to be retained on the site and around the boundaries of the site must be protected during clearance and construction phase in accordance with British Standard BS:5837 2012, and shall remain in situ for the duration of the development.

Reason:-To ensure the protection of trees and hedgerows in the interests of visual amenity.

- 6) No development above foundation level of the scheme hereby approved shall take place until all hard and soft landscaping details have been submitted to and agreed by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme

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agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason:- In the interests of the visual amenity of the area.

- 7) The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-
- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
  - Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
  - The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
  - Details of any temporary construction accesses and their reinstatement.
  - A highway condition survey, timescale for re-inspections, and details of any reinstatement.
  - Hours of work during construction.
  - Proposals to minimise dust from construction.
  - Construction noise suppression.
  - Provision of boundary hoarding and lighting.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

- 8) No development above foundation level of the scheme hereby approved shall take place until details of acoustic fencing to be installed along the rear boundaries of plots 1-5 adjacent to Church Hill Way has been submitted to and approved by the Local Planning Authority. The approved acoustic details shall be implemented before the plots concerned are first brought into use.

Reason:- In the interests of amenities of the occupiers of those plots concerned.

- 9) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

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- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

- 10) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (9) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

- 11) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 have been complied with:
1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
  2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment.  
The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
  3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and

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risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

6. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 12) The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

REASON: In the interests of highway safety.

- 13) The Development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be

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of the same specification or a higher specification in terms of charging performance.

REASON: To encourage sustainable travel and healthy communities.

- 14) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

REASON: To comply with the Council's parking standards.

- 15) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on Drawing No. (to be defined).

Reason: To ensure conformity with submitted details.

- 16) The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

REASON: To reduce vehicle movements and promote sustainable access.

- 17) No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a. Protection of vegetation to BS5837:2012, including scrub
  - b. A Reasonable Avoidance Measures method statement for great crested newts, meeting Natural England guidelines
  - c. Ensure no materials are stored, vehicles permitted to track or fires lit within specific protection zones
  - d. Direction of security / construction lighting away from protection zones and tree canopies
  - e. Responsible persons and lines of communication
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local authority.

Reason: In the interests of protecting biodiversity in the area.

- 18) Prior to commencement of development a biodiversity strategy for the site should be submitted to and approved in writing by the local planning authority and shall



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include general precautionary measures (RAMs) and proposals for on site biodiversity enhancements.

Reasonable Avoidance Measures (RAMs) should be implemented as follows:

- i) A Reasonable Avoidance Measures (RAMs) method statement should be prepared and implemented to facilitate pre demolition/ construction checks for reptiles, amphibians, bat species and small mammals.
- ii) A Reasonable Avoidance Measures (RAMs) statement should be prepared and implemented in relation to badgers during demolition and construction.
- iii) A Reasonable Avoidance Measures (RAMs) method statement should be prepared and implemented in relation to breeding birds prior to demolition and construction i.e. removal of trees, buildings and hedgerows.

Biodiversity enhancements shall include measures to increase the value of habitats on site for wildlife species likely or known to occur nearby. Such measures shall include, at least one bat brick for each new house (similar in specification to the bat bricks produced by Habitat), at least one bird box per house, wildflower seeding in public areas and retention or replacement and maintenance of an east-west hedgerow on site.

Reason: In the interests of protecting and enhancing biodiversity in the area.

- 19) Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using or having access to their breeding sites and resting places.

The strategy shall be in compliance with Institution of Lighting Professionals' Guidance Note 08/18. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of protecting and enhancing biodiversity in the area.

- 20) No development above foundation level of the scheme hereby approved shall take place until details of the bench, information boards and totem/sculpture features proposed to be installed in the remaining open space area to be enhanced, has been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the plots concerned are first brought into use.

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Reason:- In the interests of amenities of the general area.

### Informatives

- 1) In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The authority has helped the applicant resolve technical issues such as:

- o impact of the development upon amenity of neighbours,
- o improving the design of the proposed development.

The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.

- 2) This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email [worcestershirevehicle.crossing@ringway.co.uk](mailto:worcestershirevehicle.crossing@ringway.co.uk). The applicant is solely responsible for all costs associated with construction of the access.
- 3) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 4) This permission does not authorise the re-siting of any street lighting columns or illuminated road traffic sign(s) affected by the proposed development. The applicant should contact the Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester WR5 2NP for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority.
- 5) The applicant is advised that Cadent Gas have identified gas service pipes and related apparatus in the vicinity of the site which may be affected by the proposed works. Prior to any works that take place on site, the applicant is advised to contact Cadent Gas.

### Procedural matters

This application is being reported to the Planning Committee because the applicant is Redditch Borough Council, the application is for major development and requires a S106

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Agreement, and there have been more than two objections to the application. As such the application falls outside the scheme of delegation to Officers.

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**Planning Application 19/01630/FUL****Demolition of social club and erection of 11 dwellings (comprising 9no. two bed houses, 1no. two bed maisonette, 1no. one bed maisonette) and associated development****St Benedict's Church Hall, Rowan Road, Batchley, Redditch, B97 6NB****Applicant: Birmingham Roman Catholic Diocesan Trustees**  
**Ward: Batchley and Brockhill Ward****(see additional papers for site plan)**

Case Officer: Steven Edden, Principal Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: [steve.edden@bromsgroveandredditch.gov.uk](mailto:steve.edden@bromsgroveandredditch.gov.uk) for more information

**Site Description**

St Benedict's Social Club is located on the corner of Rowan Road and Foxlydiate Crescent in the neighbourhood of Batchley. Constructed in 1958, it is a single storey predominately brick building measuring 6m tall, with a metal roof and a floorspace of 301m<sup>2</sup>. Flat roof wings project forward and behind the main building.

Vehicular access to the rear of the plot is achieved on the south-east side of the building, adjacent to 16 Rowan Road.

The social club building has amenity grassland to the rear (west), and is bounded to the north and south by residential properties.

The surroundings are characterised by two storey brick and tile houses in pairs of semis, with gabled roofs.

The site is located within the urban area of Redditch and has no particular policy designation. As such, the site appears as 'white land' on the Borough of Redditch Local Plan Policies map where application proposals are considered on their individual merits.

**Proposal Description**

Full planning permission is sought of the erection of 11 dwellings comprising 9 no. two bed houses, 1no. two bed maisonette and 1no. one bed maisonette.

Proposed plots 1 to 8 are orientated to face both Rowan Road and Foxlydiate Crescent, thereby providing active frontages to the two public roads. These frontages comprise three pairs of two storey semis and a detached, double-fronted maisonette on the corner. The dwellings would have pitched roofs and gable ends. The predominant building material is brick and tile, with elements of render used on corner plot 5.

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To the rear of the social club, set back from the public roads would be a terrace of three houses (plots 9 to 11). These two storey houses would share the same vernacular as the frontage houses.

### Relevant Policies :

#### **Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Settlement Hierarchy  
Policy 5: Effective and Efficient use of Land  
Policy 6: Affordable Housing  
Policy 18: Sustainable water Management  
Policy 19: Sustainable travel and Accessibility  
Policy 20: Transport requirements for new development  
Policy 31: Regeneration for the Town Centre  
Policy 39: Built Environment  
Policy 40: High Quality Design and Safer Communities

#### **Others**

Redditch High Quality Design SPD  
SPG Open Space Provision  
SPD Affordable Housing Provision  
Worcestershire Waste Core Strategy (WWCS)  
NPPF National Planning Policy Framework (2019)

### Relevant Planning History

1999/031/FUL      Erection Of Six Dwellings: application  
underdetermined

### Consultations

#### **WCC Highways**

No objections

Comments summarised as follows:

The site is located in a residential and sustainable location off an unclassified road. The site benefits from an existing vehicular access with good visibility in both directions. Rowan Road benefits from footpaths and street lighting on both sides of the road and no parking restrictions are in force in the vicinity. The site is located within walking distance of amenities, bus route and bus stops which are located approx. at 110m and 200m. These are served by the commercial 51 service operated by Diamond Bus operated at 10-minute frequencies Monday to Saturday.

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The proposed development of 11 houses would retain the existing vehicular access adjacent to 16 Rowan Road in order to provide a vehicular courtyard and rear pedestrian and cycle access to plots 1 to 8 and vehicular access to plots 9 to 11 at the rear of the site.

A parking ratio of 2 spaces per house is acceptable.

Rowan Road is subject to a 30mph speed limit. The visibility splay at the junction with Rowan Road is 2.4m x 43m and therefore complies with Manual for Streets standards. In terms of highway safety and promoting safe and convenient access arrangements, the proposed development complies with Policy 20 of the Local Plan.

Financial contributions based on the number of trips to be generated by the proposed development are sought under the terms of the Infrastructure Delivery Plan (IDP) which would be used for localised improvements to highway infrastructure. S106 monies would be used to provide 2 dropped kerb crossings with associated tactile paving's (Rowan Road outside no. 16 and Foxlydiate Crescent outside no. 223); the provision of a bus shelter to an existing bus stop and associated hardstanding (outside no.17 Foxlydiate Crescent) and cycling infrastructure in the form of signing and lining to direct cyclists to cycling routes. Re-kerbing of the footway fronting the development onto Rowan Road would be sought under Section 278 of the Highways Act 1980.

The Highway Authority has concluded that there would not be an unacceptable impact on highway safety and therefore there are no justifiable grounds on which an objection could be maintained.

Planning conditions are recommended in the case of planning permission being granted for the development.

### **North Worcestershire Water Management**

No objections subject to the imposition of a standard drainage condition

### **Worcestershire Regulatory Services - Contaminated Land**

No objection subject to the imposition of a gas protection measures condition

### **Worcestershire Regulatory Services - Noise**

No adverse comments

### **Arboricultural Officer**

Comments summarised as follows:

The site is void of any substantial vegetation and only has a few trees. Two oaks as shown on drawing number P19-101.EX01 are both juvenile trees which are multi stemmed and of poor form with little amenity value. The two small trees on the grassed area are juvenile Cherries. I hold no objection to the loss of any of these trees. No objection subject to the imposition of a landscaping condition

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**Town Centre Co-ordinator**

No objection

**Waste Management**

No objection

**Housing Strategy**

Housing Strategy would require that 3 of the 11 units be provided as affordable housing. Having regard to the site plan and considering the Council's housing needs, either of the following options would meet the Council's identified housing need:

## Option 1

Plot 1 - social rented

Plot 2 - social rented

Plot 3 - shared ownership

## Option 2

Plot 9 - affordable rent not exceeding the local housing allowance (LHA)

Plot 10 - affordable rent not exceeding the local housing allowance (LHA)

Plot 11 - affordable rent not exceeding the local housing allowance (LHA)

**Ecology consultant (Red Kite)**

No objection

**NHS/Medical Infrastructure Consultations**

Redditch and Bromsgrove CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development and will subsequently increase demand upon existing constrained services. Affected practices: St Stephen's Surgery; Elgar House Surgery; The Dow Surgery; Hillview Medical Centre; Maple View Medical Practice; The Bridge Surgery.

A developer contribution will be required to mitigate the impacts of this proposal. Redditch and Bromsgrove CCG therefore requests that the sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 agreement.

**NHS Acute Hospitals Worcestershire**

The Trust has requested a financial contribution which would be used directly to provide additional services to meet patient demand. The Trust is currently operating at full capacity in the provision of acute and planned healthcare. This development imposes an additional demand on existing over-burdened healthcare facilities and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for



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both new and existing local population. The contribution is necessary to maintain sustainable development.

The Trust requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section agreement.

### **Public Consultation Response**

2 representations have been received raising comments which are neutral in nature and which are summarised as follows:

- Are alternative community facilities close enough, suitable, and adequate?
- I would comment that the social club had to close due to the roof not being fit for purpose but through 2019 there were still private functions taking place

9 representations have been received in objection for the following reasons:

- Traffic would increase: highway safety issues raised
- Existing pedestrian safety would be compromised
- The building should be saved as a community facility
- Cramped and an overdevelopment of the site
- Loss of outlook and privacy
- Development too tall given that existing building is only single storey. The dwellings would overshadow neighbouring properties
- Is site contaminated?
- Concerns that resident would park on the roads harming highway safety
- I thought we needed more one bedroomed properties not two bedroomed?
- Where will construction vehicles park?
- Proposals do not represent high quality design
- The club did not close in October 2018 as stated. It has been open since that time
- The development would be out of character and harmful to visual amenities
- Increase in air pollution
- Construction period would be distressing to nearby properties: particularly noise
- Proposed access point to development site is too narrow
- An earlier application in 1999 for fewer dwellings on the site was rejected. Why are a larger number of dwellings being considered?

Other matters 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

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### Background

A planning application was submitted in 1999 for residential development on the site (application ref 1999/031/FUL). This application proposed to retain the social club and to erect six dwellings within the curtilage of the social club. Authority was delegated by the Planning Committee to the Head of Service to grant permission subject to conditions and the completion of a planning obligation. However, the Planning obligation was not completed and as such the permission was not issued. Historical application 1999/031/FUL is not considered to be relevant in the consideration of the current application but has been referred to within the representations received and is therefore reported for information purposes.

### Assessment of Proposal

#### Principle of development

Paragraph 92 of the National Planning Policy Framework (NPPF) comments that planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

The applicant states that "A feasibility study commissioned by the Archdiocese of Birmingham has concluded the club is unable to meet ongoing financial commitments and is therefore not financially viable". The applicant comments that the social club has been officially closed since the 7<sup>th</sup> October 2018, although it is understood through representations received by members of the public that the building has been open on an ad-hoc basis for certain events / gatherings.

The feasibility study carried out in January 2018 identified a number of physical constraints involved with re-opening the club on a full time basis including the following:

- Repair work is needed in the short term, to make the building fit for purpose and compliant with basic Health & Safety requirements. Estimated costs exceed £75,000 to £85,000
- With an expected life of 50 years, the estimated cost of replacing the circa 60 year old roof will be around £200,000.

The applicant states that the Club opened the 2018 financial year with an operating deficit of £12,263. The 2017 opening operating deficit was £25,454. Despite the best efforts of staff 'on the ground', the applicant comments that is highly unlikely that this situation will improve and that further significant bills will be due should the Club re-open.

Further, the applicant comments that opportunities to significantly increase revenue income are limited and inhibited by several factors, including a poor internal and inflexible layout; being run down generally with lack of funding or potential funding to update the club.

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The applicant points to the fact that there are 7 community centres (4 of which are local authority managed) within a 5 mile radius of St Benedict's Social Club: these being Batchley, Windmill, Oakenshaw and Winyates Community Centres. They go on to state that there are 10 social clubs within the same 5 mile radius and believe therefore that there are a number of opportunities for former members of St Benedict's Social Club to choose from in relation to alternative venues.

The site lies within a sustainable urban location where the principle of developing such land for residential purposes can be supported and your officers have concluded that the demolition of the existing social club to be replaced by housing is in principle, acceptable.

### Housing Land Supply

As referred to with respect to recent reports presented to the Planning Committee for new residential development, currently, the Council cannot demonstrate a 5 year supply of housing land within the Borough. At 1st April 2019 the 5 year housing land supply was only 3.29 years.

Paragraph 11 of the National Planning Policy Framework (NPPF) says that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. The so called tilted balance as advocated by the framework is engaged and the presumption in favour of sustainable development, as set out in the Framework applies. Where relevant policies are out of date, Paragraph 11 advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.

Significant weight should be afforded to the fact that the scheme would contribute to the Council's housing figures where the Council cannot demonstrate a 5 year supply of housing land as required under the NPPF.

### Density and design considerations

The NPPF requires local planning authorities and developers to make effective use of previously-developed land, especially if this would help to meet identified needs for housing where land supply is constrained.

Section 11 of the Framework emphasises the importance of making effective use of land, and with respect to density, Para 123 comments that:

"Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site"

The proposals are considered to comply with Policy 5 of the Borough of Redditch Local Plan (Effective and efficient use of land).

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Section 12 of the NPPF relates to the achievement of a high standard of design in new development, and states that design quality should be considered throughout the evolution and assessment of individual development proposals. Policy 40 of the Local Plan comments that good quality design should contribute towards making the Borough a better place to live, work and visit.

The sites immediate surroundings are comprised of predominantly post-war two storey semi-detached houses. Adjoining plots are generally wide and gardens are larger than the minimum garden areas the Councils SPD seeks to achieve for applications proposing new residential development. The proposals would provide occupiers of each new plot with gardens which comfortably meet the Councils minimum requirements where new gardens should be a minimum of 10.5 metres in length and be 70 sq metres in area. Plots 9, 10 and 11 would have gardens ranging from between 17 to 20 metres in length.

Your officers are satisfied that the density of development proposed would be acceptable being commensurate with existing housing within Rowan Road, Foxlydiate Crescent and Rowan Crescent. Accordingly the proposals are not considered to represent an overdevelopment of the site.

The design of the housing would be traditional with predominately red brick (walls) under tiled roofs. Street elevation drawings demonstrate that the proposed two storey development would be no taller than existing two storey housing present in Rowan Road and Foxlydiate Crescent.

Your officers therefore consider that the general layout, scale and appearance of the proposed development would respect the character and appearance of the surrounding area.

### Residential amenity considerations

The Councils spacing standards require that a minimum distance of 21 metres be achieved where existing rear windows face towards proposed rear windows. The submitted site layout plan demonstrates that this minimum spacing standard can easily be met. The Councils SPD does not contain a recommended minimum 'rear window to side window' or 'rear window to flank wall / side elevation' measurement although a distance of approximately 12 metres (where land levels do not appreciably rise or fall throughout the site) would normally be sought in such circumstances in order to ensure that the proposed development does not have an 'overbearing' or visually intimidating impact upon existing occupiers. Ground levels throughout the site are generally even in this case and as such a 12 metre separation would be considered to be sufficient. Where this relationship occurs, the distance separating the existing rear wall serving No. 202 Foxlydiate Crescent to the proposed side wall serving the proposed Plot 9 would be 14.5 metres.

It has been concluded that the proposed development would not have an overbearing or visually intimidating impact upon nearby properties. Officers are similarly satisfied that

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daylight to existing habitable rooms would not be prejudiced and that there would be no loss of privacy caused by any overlooking effect.

Although noise disturbance during construction is an inevitable consequence of granting permission for new development, such noise and general inconvenience is temporary and not in itself a reason to refuse permission.

### Highway considerations

Members will note the comments received by Worcestershire County Highways who believe that the scheme is acceptable having regard to highway safety considerations.

Parking for to serve the development at 2 spaces for every two bedroomed dwelling would meet parking standards based upon Worcestershire County Council's Streetscape Design Guide.

### Affordable housing

The Borough of Redditch Local Plan Policy 6 (Affordable Housing) requires the provision of 30% affordable housing on sites of 11 or more dwellings. Members will note that the Councils Housing Strategy team have commented on the application and would require that 3 of the 11 units be provided as affordable housing and have commented that either Option 1 or Option 2 (as set out in the consultation response above) would be acceptable.

The S106 agreement (as set out below) is the mechanism for controlling the provision of affordable housing on the site in perpetuity.

### Other matters

Paragraph 175 of the NPPF comments that opportunities to incorporate biodiversity in and around developments should be encouraged. The site is adjacent to well established green network corridors and as such, to enhance ecological biodiversity, permanent bat and bird nesting opportunities should be integrated within the scheme. An appropriately worded planning condition is recommended to be imposed at this outline stage.

Sections 100ZA (4-6) of the Town and Country Planning Act 1990 requires the applicant's written agreement to the terms of a pre-commencement condition. Written agreement to the terms of relevant recommended conditions has been sought and agreed by the applicant.

### Planning Obligation

In accordance with Paragraph 56 of the NPPF and Section 122 of the CIL regulations, planning obligations have been sought to mitigate the impact of this major development, if the application were to be approved. A S106 agreement has been drafted and the obligations in this case would cover:

- Contributions towards off site open space provision due to increased demand/requirements from future residents, required in compliance with the SPD.

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In this case, a contribution to provide improvements to the sports pitch and improvements to existing play provision at Rowan Crescent Recreation Ground and open space improvements at Batchley Pond have been agreed

- Contributions for refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy
- Contributions to Worcestershire Highways in accordance with the Infrastructure Delivery Plan (IDP) and the WCC Local Transport Plan Development Control (Transport) Policy
- Contributions to the NHS Clinical Commissioning Group (CCG) towards GP Surgeries
- Contributions towards NHS Worcestershire Acute Hospital Trust (WHAT) Contribution. The agreement to a final sum to be Delegated to the Head of Planning and Regeneration Services (subject to verifying any deductions based on services already provided by the WAHT) – see \*\*\* *below*
- The provision of 30% (3 units) on the site to be restricted to affordable housing in perpetuity
- Contributions towards securing improvements and environmental enhancements to the Town Centre in accordance with Policy 31 of the BOR LP4
- A Section 106 (Planning Obligation) monitoring fee

The applicant confirms its agreement to make financial contributions / obligations with respect to the matters set out above. At the time of writing, the planning obligation is in draft form.

\*\*\* Members will note that the Worcestershire Acute Hospitals Trust (NHS Trust) has requested a financial contribution which would be used directly to provide additional services to meet patient demand. Officers accept that the principle of the request does meet the Community Infrastructure Levy Regulations (CIL) 2010 Regulation 122 tests. Legal advice is currently being sought having regard to the calculation method and as such the final sum is to be delegated to the Head of Planning and Regeneration Services until this matter has been concluded.

### Conclusion

As referred to earlier in this report, the Council cannot currently demonstrate a five year supply of housing. Significant weight should be afforded to the contribution the scheme would make in this respect.

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The detailed design, form and layout of the development is considered to be appropriate in its context and subject to suitable conditions and completion of a legal agreement is considered to be a policy compliant form of development. No issues have been identified which would make this application unacceptable in planning terms.

Having regard to the presumption in favour of sustainable development set out within the Borough of Redditch Local Plan No.4 and the National Planning Policy Framework and in the absence of justifiable reasons to refuse the proposed development, subject to compliance with conditions as listed in full below, a favourable recommendation can be made.

### RECOMMENDATION:

**That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration to GRANT planning permission subject to:-**

**a) The satisfactory completion of a S106 planning obligation ensuring that:**

- \* Contributions are paid to the Borough Council in respect to off-site open space, and equipped play in accordance with the Councils adopted SPD
- \* Contributions are paid to the Borough Council towards the provision of waste and recycling facilities for the new development
- \* Contributions are paid to the Borough Council towards the provision of improvements and environmental enhancements to the Town Centre
- \* Contributions are paid to Worcestershire County Council for localised improvements to highway infrastructure
- \* Contributions are paid to the NHS Clinical Commissioning Group (CCG) towards GP Surgeries
- \* Contributions are paid to the NHS Acute Hospitals Trust (final figure to be agreed)
- \* A minimum of 3 units of accommodation are restricted to affordable housing in perpetuity
- \* A S106 monitoring fee/s are paid to the Borough Council

**and**

**b) The conditions and informatives as listed below:**

### Conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

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Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls (including all windows and doors), roofs and all hardsurfings shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

- 3) No development works shall take place above foundation level until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed boundary treatment and other means of enclosure, hard surfacing materials, and new planting.

Reason: In the interests of the visual amenity of the area

- 4) All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason: In the interests of the visual amenity of the area

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

*appropriate references to be inserted here*

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

- 6) No development shall take place, including any demolition works, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include details of measures to prevent mud or other detritus being carried onto the highway, details of site operative parking areas, material storage areas and the location of site operatives facilities, adherence to construction working hours of 8am-6pm Monday to Friday and 8am-



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1pm on Saturdays with no construction working on Sundays. The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety and the residential amenities of the area.

- 7) Prior to the first occupation of the development hereby approved, a scheme for the provision of bat roost opportunities and bird nest boxes within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented by suitably qualified personnel to the satisfaction of the Local Planning Authority prior to the first use of the development approved.

Reason: In the interests of biodiversity and in accordance with the provisions of National Planning Policy Framework

- 8) a) Gas protection measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement must be incorporated within the foundations of the proposed structure(s). Following installation of these measures, and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Or

b) A risk assessment should be undertaken to establish whether the proposed development is likely to be affected by landfill or ground gas or vapours. The risk assessment must be provided to and approved in writing by the Local Planning Authority, prior to the commencement of development. The assessment shall be carried out in accordance with current UK guidance and best practice.

c) Where the approved risk assessment (required by condition (b) above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Following approval, the remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

d) Following implementation and completion of the approved remediation scheme (required by condition (c) above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

Reason: To ensure that the risk to buildings and their occupants from potential landfill or ground gases are adequately addressed.

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- 9) No works or development shall take place above foundation level until complete details for scheme for surface water drainage have been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. This scheme should be indicated on a drainage plan and the approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

- 10) The Development hereby permitted shall not be first occupied until details of a scheme of electric vehicle charging points has been submitted and approved in writing by the Local Planning Authority. Thereafter the charging points shall be kept available for the charging of electric vehicles.

Reason: To encourage sustainable travel and healthy communities

- 11) The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access

- 12) The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety.

- 13) The Development hereby permitted shall not be first occupied until secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards.

**Informatives**

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.

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- 2) The applicant should be aware that this permission also includes a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) and that the requirements of that and the conditions listed above must be complied with at all times.
- 3) This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email [worcestershirevehicle.crossing@ringway.co.uk](mailto:worcestershirevehicle.crossing@ringway.co.uk). The applicant is solely responsible for all costs associated with construction of the access.
- 4) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway
- 5) This permission does not authorise the re-siting of any street lighting columns or illuminated road traffic sign(s) affected by the proposed development. The applicant should contact the Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester WR5 2NP for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority

**Procedural matters**

This application is reported to Planning Committee for determination because two (or more) objections have been received and the application is for major development. Further, the application requires a S106 Agreement. As such the application falls outside the scheme of delegation to Officers.

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**Planning Application 20/00328/REM****Reserved Matters Application for the Erection of a Dwelling****44 Oakham Close, Oakenshaw South, Redditch, Worcestershire, B98 7YG****Applicant: Mr T Geraghty**  
**Ward: Headless Cross And Oakenshaw Ward****(see additional papers for site plan)**

The case officer of this application is Mr Paul Lester, Planning Officer (DM), who can be contacted on Tel: 01527 881323 Email: paul.lester@bromsgroveandredditch.gov.uk for more information.

**Site Description**

The application site is located within the residential curtilage of 44 Oakham Close between numbers 43 and 45 Oakham Close. The application site is occupied by a wooden single-storey outbuilding/shed, which serves the existing dwelling at 44 Oakham Close. An existing wooden boundary fence (approximately 1.8m in height), with a vehicular access gate, fronts the site to Oakham Close.

The site is within a residential area and it is surrounded by dwellings all built-in the mid-1980s. These are characterised by two-storey detached dwellings and single storey bungalows. The land rises significantly on the application site from 44 Oakham Road up to 43 Oakham Road and slopes significantly downwards towards 36 and 37 Oakham Close.

**Proposal Description**

This application seeks Approval of Reserved Matters – Erection of new detached bungalow including details of access, appearance, landscaping, layout and scale.

**Relevant Policies:****Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development

Policy 5: Effective and Efficient use of Land

Policy 40: High Quality Design and Safer Communities

**Others**

NPPF National Planning Policy Framework (2019)

Redditch High Quality Design SPD

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### Relevant Planning History

18/00455/OUT	Outline application for the subdivision of the existing garden and the construction of a dormer bungalow. The new dwelling is to be of the same appearance, design and materials of the existing dwelling. APPEAL ALLOWED (APP/Q1825/W/18/3207358)	Refused	13.06.2018
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A copy of the appeal decision has been included in Appendix 1.

### Consultations

#### **Highways Redditch**

No objection subject to conditions.

- Pedestrian visibility splays
- Vehicular access
- Electric vehicle charging point
- Cycle parking
- Conformity with Submitted Details
- Vehicular visibility splays

#### **Cllr Bennett**

No Comments Received To Date

#### **Cllr Baker-Price**

No Comments Received To Date

#### **Cllr Beecham**

No Comments Received To Date

#### **North Worcestershire Water Management**

No objection, drainage details are considered satisfactory.

### Public Consultation Response

7 neighbour notification letters sent 23<sup>rd</sup> March 2020 expired 16<sup>th</sup> April 2020.

### **Representations**

5 objections have been received:

- Loss of privacy and amenity, proposed dormer window will look into houses and gardens.

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- Drainage Issues
- Site is insufficient for dwelling of this size
- No provision for secure bicycle parking or electric vehicle charging
- Concerns regarding land stability of the site as a result of the development
- Construction traffic, distribution during build impact on private driveway
- Insufficient parking for 3 bed property
- No need for the dwelling

### Assessment

The principle of the proposal for the erection of a dwelling has been established through the planning appeal APP/Q1825/W/18/3207358 (Appendix 1).

### **Appearance, Scale, Layout and Landscaping**

Policy 40 High Quality Design and Safer Communities of the Borough of Redditch Local Plan (BRLP) together with the Borough Council's High Quality Design SPD states that new development should be of a high quality design that reflects or complements the local surroundings and materials as well as being of an appropriate siting and layout.

The application proposes a 3 bedroom detached dormer bungalow measuring approximately 7.8m wide x 12.5m long x 5.5m high. The proposed bungalow is sited between a detached two storey property and a bungalow. It is considered that the street scene is varied and the bungalow does not appear out of character or scale in the street scene. In terms of external materials, details have been submitted as part of the planning application. These are similar to other properties in the vicinity and are considered to be satisfactory.

The proposed layout is considered acceptable, with sufficient parking provided. The depth of the proposed rear garden is greater than the recommended 10.5m and it totals 96 sq m, which is 26 sq m larger than the minimum required. Therefore sufficient amenity space has been provided. The scheme proposes landscaping in the form of a front and rear lawn, this is considered acceptable for this residential location. Due to the change in levels a retaining wall is proposed between the application site and 44 Oakham Close.

Overall, the appearance, height, scale and massing of the proposal is considered to be acceptable and in keeping with the locality.

### **Impact on Residential Amenity**

Under Policy 5 Effective and Efficient Use of Land, development of private residential gardens will generally not be supported unless the applicant can clearly demonstrate that there would be no detrimental impact on the current and future amenity, character and environmental quality of the neighbourhood. The Council's SPD sets out a range of

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criteria to ensure that new development affords future occupiers an acceptable standard of residential amenity whilst protecting the residential amenity of nearby dwellings.

The impact on neighbouring amenity formed one of the reasons for refusal of the outline application (18/00455/OUT). This considered that, while the separation distances involved would exceed the minimum 22m outlined in the SPD (approximately 25m to 27m), the difference in ground/floor levels between the existing and proposed dwelling would serve to accentuate the impact of overlooking. It was noted that the effect upon the individual existing properties, the gardens and rear elevations of 36 and 37 Oakham Close could be overlooked from a dormer bedroom window in particular.

However, as part of the planning appeal the Inspector considered this issue and commented as follows.

*In paragraph 12 the Inspector indicates that “I am satisfied that a suitably designed dormer bungalow could be achieved within the site with a satisfactory relationship with surrounding properties in terms of privacy and overlooking.”*

*In paragraph 14 “I conclude that a dormer bungalow on the site would not give rise to significant adverse effects on the living conditions of occupiers of Nos. 36, 37, 42, 43, 44 and 45 Oakham Close with regard to privacy and outlook.”*

Therefore while the objections are noted from local residents regarding amenity, it is considered that a detrimental impact on amenity cannot be substantiated as a reason for refusal.

The Inspector did not consider it necessary or reasonable to restrict or remove permitted development rights to install dormer windows in the future property (Class B of the General Permitted Development Order 2015 (GDPO)). The applicant therefore argues that they have a fall-back position, in that a dormer of the same size and position could be provided as permitted development if planning consent was granted and implemented for a building with no dormer to the rear roof slope.

The impact of construction traffic has also been raised by operators, identical concerns were considered by the Planning Inspector, they concluded in paragraph 17 that:

*“Some residents have raised concerns about noise, disturbance, dust and general disruption during construction. This is a likely and inevitable consequence of most development but is generally short-term and is not a reason to withhold planning permission”.*

On balance, given the Inspectors conclusions on amenity matters, the reserved matters submission, which includes a levels plan as required by the Inspector and the potential fall-back position that a dormer window could be installed at the completed property under permitted development. I consider that the proposal is acceptable and do not anticipate any significant adverse impact on residential amenity.



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### Highways / Parking

County Highways have no objection to the proposed development, subject to conditions.

Two car parking spaces to the front of the dwelling have been provided this is in line with The Worcestershire County Council Streetscape Design Guide requires 2 spaces to be provided for 2-3 bedroom dwellings.

Planning conditions within the outline permission require the provision for secure bicycle parking and electric vehicle charging, there is no requirement to replicate these conditions.

### Drainage

A drainage condition was attached to the outline permission that was approved by the Inspector. Details have been submitted in order to discharge the condition as part of the reserved matters permission. North Worcestershire Water Management has confirmed that these details are satisfactory.

### Conclusion

Subject to conditions the proposal would accord with the Development Plan and NPPF. There are no other material considerations of sufficient weight to warrant a determination not in accordance with the Development Plan.

### RECOMMENDATION:

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

#### Conditions:

- 1) The development to which this permission relates must be begun before the expiration of two years from the date of approval of this consent.

Reason: In accordance with the requirements of Section 92(2) of the Town and Country Planning Act 1990

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

Location Plan – A103b  
Site Plan – A102d  
Plans – A101J

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

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- 3) The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of edge of carriageway shall be provided on both sides of the access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

Reason: In the interests of highway safety.

- 4) The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety.

- 5) The Development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 15 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

### **Procedural matters**

This application is being reported to the Planning Committee because two (or more) objections have been received.



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## Appeal Decision

Site visit made on 5 February 2019

**by K Stephens BSc (Hons) MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Friday, 05 April 2019**

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### **Appeal Ref: APP/Q1825/W/18/3207358 44 Oakham Close, Redditch B98 7YG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mrs P Lane against the decision of Redditch Borough Council.
  - The application Ref 18/00455/OUT, dated 16 April 2018, was refused by notice dated 13 June 2018.
  - The development proposed is described as "Subdivision of the existing garden and the construction of a dormer bungalow. The new dwelling is to be of the same appearance, design and materials of the existing dwelling (44 Oakham Close)."
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### **Decision**

1. The appeal is allowed and outline planning permission with all matters reserved is granted for the erection of a dormer bungalow at 44 Oakham Close, Redditch B98 7YG in accordance with the terms of the application, Ref 18/00455/OUT, dated 16 April 2018, subject to the conditions in the attached schedule.

### **Procedural Matters**

2. The application is in outline with all matters reserved, such that access, appearance, landscaping, layout and scale would be subject to separate reserved matters applications should outline planning permission be granted. The submitted plan 2017.29 01 is illustrative only, even if it has not been explicitly labelled as such but provides a useful guide as to how the site could be developed.
3. With regard to the above I have revised the description of the development provided by the application form to provide certainty of the proposal before me. In that respect the description of the new dwelling being of the "same appearance, design and materials of the existing dwelling (No.44 Oakham Close)" is not required, as appearance is a reserved matter and those details would form part of a subsequent reserved matters application. Therefore, I have necessarily simplified the description of development to remove the final sentence of the appellant's description provided in the application form.

### **Main Issues**

4. The main issues are:-
  - the effect on the character and appearance of the area; and
  - the effect on the living conditions of the occupiers of neighbouring residential properties Nos. 36, 37, 42, 43, 44 and 45 Oakham Close with regard to privacy and outlook.

**Reasons***Character and appearance*

5. The appeal site is the side garden to a small detached bungalow, 44 Oakham Close, which has a bigger plot than some other dwellings. An existing shed on the site lies adjacent to the site boundary with 43 Oakham Close, which is a two storey detached dwelling. The site lies within an established housing estate the topography of which means that there are significant ground level differences between some dwellings and roads. Ground levels also vary across the site, rising towards 43 Oakham Close. The highway passes in front of 42 and 43 Oakham Close and effectively stops, before it then becomes a shared driveway leading to the parking areas serving the two bungalows, 44 and 45 Oakham Close.
6. The appeal proposal would see the erection of a dormer bungalow in the side garden of 44 Oakham Close, placing built development closer to the garden boundary with the adjacent two storey property, 43 Oakham Close. Access would be off the shared driveway to the bungalows and the indicative plans show two off-road parking spaces within the frontage of the appeal site. As the application is made in outline, details of the access and parking would be determined at reserved matters stage, should outline planning permission be granted.
7. During my site visit, I observed that this part of Oakham Close is characterised by both two storey dwellings and bungalows that sit adjacent to each other. Moreover, 44 and 45 Oakham Close already form part of a row of four bungalows, albeit the other two are accessed by a separate driveway off a different part of Oakham Close at a lower level. Therefore, bungalows are already a feature of the street scene. However, as the side garden of 44 Oakham Close creates a bigger gap between properties, it serves as a transition between house types that is reinforced by the difference in ground levels. This, therefore, provides an opportunity for a different house type.
8. Dormer windows are not a prevailing characteristic of the area. However, as appearance is a reserved matter and the submitted plans are illustrative, the design and placement of dormers can come in many forms and need not necessarily be on the rear. In that respect, I am satisfied that a suitable design of dormer bungalow could be achieved to complement the local surroundings. Furthermore, I consider the appeal site is of an adequate size to accommodate a modest-sized bungalow with enough private rear garden and off-road parking, when compared to some other plot sizes in the immediate surrounding area, and which could be well-integrated and in-keeping with the street scene without causing harm to the character and appearance of the area.
9. I conclude that a suitably designed dormer bungalow would not harm the character and appearance of the area. I find it would therefore be in general accordance with Policy 5 of the Borough of Redditch Local Plan No.4 (BRLP) which seeks to ensure, amongst other things, that proposed garden development lies within an existing settlement and is integrated into the neighbourhood so there would be no detrimental impact on its character and environmental quality. Furthermore, as the scheme is in outline, I am satisfied that a well-designed scheme could be produced that fully complies with the various requirements of Policy 40 of the BRLP, which seeks to ensure high

quality design that complements the local surroundings. As far as it is relevant, the proposal, subject to details of the reserved matters, would also be capable of according with the guidelines in the Supplementary Planning Guidance (SPG) 'Encouraging Good Design'.

#### *Living conditions*

10. The illustrative plan 2017.29 01 shows the proposed dwelling sited right on the common boundary and with a utility window shown in the side elevation of the dwelling. As matters of appearance, landscaping and layout are reserved, I am satisfied that a dormer bungalow could be appropriately designed in those respects to ensure a suitable arrangement of windows that would not harmfully overlook or cause a loss of privacy for occupiers of 43 Oakham Close. I also observed during my visit that there was a large tree stump on the boundary line and the timber boundary fence kinked around it. Any dispute regarding the alignment of this boundary is a matter between the Appellant and neighbouring residents.
11. Concerns have been raised about the differing ground levels, resultant height of the proposed dwelling and the necessity for retaining walls. I have no substantive evidence before me to indicate that this relatively common engineering operation is not feasible here. The Council has suggested a condition requiring details of ground levels to be submitted with the reserved matters and I consider this is necessary to inform the design and layout and assess any impacts on neighbouring properties. Even if existing ground levels were to be retained, rather than lowered, I am satisfied that a modest sized dormer bungalow would not cause significant overshadowing to the garden of 43 Oakham Close and its vegetable beds, especially considering the orientation of the site and the path of the sun through the sky. Nor would a dormer bungalow create an unduly overbearing outlook considering that the side of No. 43 is a good distance away from the boundary.
12. Nos. 36 and 37 Oakham Close to the rear of the appeal site are at a significantly lower ground level, but I noted there were examples of other dwellings along the street with a similar relationship. The Council and interested parties have raised concerns with respect to the dormer window shown in the rear elevation of drg.no. 2017.29.01 with respect to matters of overlooking. However, the plan is illustrative. In that respect, when considering that the siting and internal layout of the dwelling and the design and positioning of a dormer window relate to reserved matters, and that ground levels can be secured by condition, I am satisfied that a suitably designed dormer bungalow could be achieved within the site with a satisfactory relationship with surrounding properties in terms of privacy and overlooking.
13. The rear gardens of the existing bungalows 44 and 45 Oakham Close, and the two storey dwelling 42 Oakham Close at the end of the road, would not be harmfully overlooked due to the oblique angles of outlook likely from any windows of the proposed dwelling. I am therefore satisfied that a dormer bungalow could be appropriately designed at reserved matters stage to ensure there are no privacy issues to the occupiers of these properties.
14. I conclude that a dormer bungalow on the site would not give rise to significant adverse effects on the living conditions of occupiers of Nos. 36, 37, 42, 43, 44 and 45 Oakham Close with regard to privacy and outlook, subject to the details

of the reserved matters. I find therefore that the proposal would be in general accordance with Policy 5 of the BRLP which seeks to ensure, amongst other things, there would be no detrimental impact on the current and future amenity and environmental quality of the neighbourhood. As far as it is relevant, the proposal could be designed to ensure it accords with the guidelines in the SPG 'Encouraging Good Design'.

### **Other matters**

15. Whilst I note residents' concern about the nature of Oakham Close, the County Highways Officer has no technical highway objection to the erection of a dwelling and the indicative nature of the proposed access and on-site parking provision for two vehicles. I have no substantive evidence before me to contradict this and from what I observed on site I do not disagree. Nor do I have any substantive evidence before me to suggest that the shared driveway to Nos.44 and 45 would be unable to take the additional two vehicles likely for a modest sized bungalow. I am satisfied that at reserved matters stage appropriate on-site parking provision could be achieved without obstructing access to Nos.44 and 45. If other residents are parking inconsiderately in the area, that itself is not a reason to withhold planning permission. Similarly, the maintenance of the shared driveway is a private matter between the Appellant and those who have rights to the land in question. Furthermore, based upon the evidence before me and my observations, I am satisfied that the limited traffic movements associated with an additional dwelling would not unduly increase vehicle activity in the vicinity of the site.
16. Whilst residents may have concerns over drainage, the Council's drainage engineer and Severn Trent have no objection to the appeal proposal. However, local geology and a low infiltration rate would make soakaway (as proposed) unsuitable for surface water disposal and creates uncertainty with respect to the effect on the site and those surrounding. For these reasons and because drainage is not a reserved matter I consider it reasonable and necessary to impose a pre-commencement condition requiring the submission of drainage details to ensure the design of the scheme is resolved prior to its implementation as part of any groundworks.
17. Some residents have raised concerns about noise, disturbance, dust and general disruption during construction. This is a likely and inevitable consequence of most development but is generally short-term and is not a reason to withhold planning permission. Furthermore, other departments of the Council should have the necessary powers to deal with any reported statutory nuisance arising from noise or dust. Following construction, based upon the evidence before me and my observations, I am satisfied that the limited traffic movements and activity associated with an additional dwelling would not unduly increase noise levels experienced by residents in the vicinity of the site. In addition, there is no substantive evidence before me that the development of the site, subject to the approval of subsequent reserved matters, could not be constructed in a manner that would preserve the stability and structural integrity of surrounding land and buildings and avoid damage to them. Ownership and legal rights of access are a private matter between the relevant parties and not within my jurisdiction. Property values and views are not planning matters and are therefore not determinative in this case.

**Conditions**

18. The Council has suggested 9 conditions. Where necessary and in the interests of precision and clarity I have amended them to accord with the Planning Practice Guidance. I have also limited pre-commencement clauses to just drainage, which is necessary for the reasons stated above.
19. I have attached conditions relating to the commencement of development, submission of reserved matters and the time limits associated with this to provide certainty of the outline planning permission granted. I have also included a condition specifying the relevant plan as this provides certainty as to the extent of the development site, but have not included the illustrative plan 2017.29.01 as all matters are reserved.
20. Based upon my previous findings, I am satisfied that a suitable access and associated parking would be feasible, subject to details being provided and assessed as part of the subsequent reserved matters. Consequently, I do not impose the Council's suggested conditions in terms of a bound driveway surface and visibility splays as they relate to details to be provided as part of the reserved matters of access and layout. Conditions are imposed to secure the provision for cycle parking and electric charging points as they do not fall within the reserved matters but are necessary to meet the Council's policies and standards relating to sustainable travel and healthy communities.
21. I am satisfied that it is reasonable and necessary to impose the Council's suggested condition relating to ground levels, as they vary across the site and there could be adverse impacts on living conditions of neighbouring properties if ground levels are not fully considered.

**Conclusion**

22. Having regard to all matters raised, I conclude that the appeal should succeed and that outline planning permission should be granted subject to conditions.

*K Stephens*

INSPECTOR

**SCHEDULE OF CONDITIONS**

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) This permission relates to the site as denoted by the red line on drawing no. 2017.29.01 Rev B.
- 5) No development shall commence until a scheme for foul and surface water drainage has been submitted to and approved in writing with the local planning authority. The approved drainage details shall be implemented in full before the dwelling is first occupied.
- 6) No development shall commence until a scheme for foul and surface water drainage has been submitted to and approved in writing with the local planning authority. The approved drainage details shall be implemented in full before the dwelling is first occupied.
- 7) The reserved matters application shall include scaled plans, including details of the existing and proposed ground levels on the site and the finished floor and ridge levels of the dwelling (with reference to a fixed datum point) for the approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 8) The dwelling shall not be occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide (4 spaces) has been provided in accordance with details which shall first be submitted to and approved in writing by the local planning authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.
- 9) The dwelling shall not be occupied until one of the new parking spaces has been equipped with an electric vehicle rapid charging point. Once installed and operational it shall be retained and maintained as such at all times.