

**PLANNING  
COMMITTEE**

15th January 2014

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**Planning Application 2013/228/OUT**

**Outline application with some matters reserved - 8 no. dwellings providing mix of 4 x 2 bed, 2 x 3 bed and 2 x 4 bed, one of which will be a replacement dwelling**

**The Paddocks, Astwood Lane, Feckenham, Redditch, Worcestershire, B96 6HG**

**Applicant: Mrs Pat Dormer  
Expiry Date: 2nd September 2013  
Ward: ASTWOOD BANK AND FECKENHAM**

**(see additional papers for Site Plan)**

The author of this report is Steven Edden, 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**

The site is located on the northern edge of Feckenham and comprises approximately 0.36 hectares. To the east, the site is surrounded by small fields whilst to the north there is a mix of pasture and arable land adjacent to the Bow Brook. North-east of the Paddocks along Astwood Lane is the retail outlet of outdoor equipment store Winfield (formerly Barretts) and then several cottages. An existing vehicular access to the site is located just before the bend into the village (travelling westwards).

Within the site, the land rises steeply from Astwood Lane, in a north to south direction. The land is partly grassed, but also contains a small pond at a raised plateau within the site. The site is presently occupied by a (B1 Class) business use, stables and a ménage. In addition, a brick building (adjacent to no.68 High Street) which is occupied as a separate residential unit (and which is to be demolished and replaced as part of the application) is contained within the site.

A tall line of evergreen hedging (Leylandii trees) forms the perimeter boundary to the south.

The site lies adjacent to but outside the village settlement boundary/envelope. The site is also adjacent to but outside the Feckenham Conservation Area.

The site is within an area designated as Green Belt in the Borough of Redditch Local Plan No.3.

**Proposal Description**

Outline planning permission is sought for the erection of 8 new dwellings, one of which would be a replacement dwelling.

The only matter which is for consideration here is that of vehicular access to the proposed development. The matters of layout, appearance, landscaping and scale would

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be considered as part of any future reserved matters application, if this application were to be approved.

Although the matter of layout is not for consideration here, an indicative site layout plan has been submitted showing how 8 new dwellings might be arranged on the plot as part of any future application.

At this outline stage, the applicant is asking the Council to consider not just the principle of development but specifically is seeking consent to erect 8 dwellings at the site.

The application has been accompanied by a draft planning obligation; an ecological study (Phase 1 Habitat Assessment) and a Landscape Assessment

**Relevant Policies :**

National Planning Policy

National Planning Policy Framework

Borough of Redditch Local Plan No.3

B(RA).1	Control of development in the Green Belt
B(RA).9	Development at Feckenham
B(BE).13	Qualities of Good Design
B(HSG).6	Development within/adjacent to the curtilage of a dwelling
CS.6	Implementation of Development
CS.7	The sustainable location of development
C(T).12	Parking Standards (Appendix H)

Supplementary Planning Documents

Encouraging Good Design  
Open Space Provision  
Education

**Relevant Planning History**

2005/244/COU	Change Of Use From Commercial Equestrian To Light Storage	Approved	07.12.2005
2010/245/FUL	Demolition and removal of a light industrial unit, stables and ménage and the erection of 6 no. semi detached dwellings and 1 no. detached dwelling	Refused	16.12.2010
1978/179/FUL	Stable block	Approved	07.07.1978

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**Consultations**

**Feckenham Parish Council**

Comments summarised as follows:

An extraordinary meeting of the Council attended by forty seven parishioners was held on 17th October. After much discussion and deliberation, the Council resolved to support this application.

Factors influencing the decision included the brownfield nature of the site, its visual impact on the approach to the village, the small number of houses in total and the inclusion in the plan of a significant proportion of small houses. While it is clear the poor visibility when exiting the site is mitigated by the outline plan, there are a number of outstanding concerns.

The Council welcomes the provision of pavement to the west of the site entrance. A similar pavement provision to the east, which the applicant stated is a possibility, would also be welcomed. This additional pavement will make pedestrian journeys to the village school safer.

The Council understands the current plan for car parking provision on the site complies with policy. However, the Parish Council would wish to see additional car parking provided on the site which is some distance from the village car park.

While the proposed site is outside the development zone, it is permissible to build residential housing on a brownfield site if the impact on the openness of the greenbelt is no greater than that which exists. The proposed development has approximately the same footprint as the existing buildings; however, the increased height of the dwellings will impact on the sightline from the road. Therefore, the Council requests attention to the roofline detail is a matter of priority if a detailed application is to follow.

Many parishioners are anxious this development may increase the risk of flooding in the village. Feckenham Parish Council urges Redditch Borough Council and the developer to take every reasonable precaution to mitigate this risk should a detailed plan be submitted.

**Severn Trent Water**

No objection, subject to imposition of standard drainage conditions

**Highway Network Control**

Highways comment that the proposed development is acceptable in highways terms and therefore raise no objection subject to the inclusion of conditions covering access turning and parking, on site roads specification together with standard highway informatives

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The County request that a contribution under the 'Infrastructure Delivery Plan' be sought as part of the application.

**Area Environmental Health Officer (WRS)**

If the development were to be approved, any contractor should refer to WRS Construction and demolition guidance. Otherwise, no objection.

**County Education Team**

State that in this case, a contribution would be payable to the County Council for education provision in accord with the adopted SPD.

**Police Crime Risk Manager**

No objection

**North Worcestershire Water Management**

Comments summarised as follows:

According to Environment Agency maps the site is not located within an area of fluvial flood risk however the Bow Brook flows directly to the north of the site and the surrounding area to this is within flood zones 2 and 3. There are also some minor spots of historic surface water flooding within the nearby local area but again not to the site itself. Astwood Lane has a history of drainage issues at various points but again, the site itself does not appear to have experienced any issues in the past. Based on this information it will be important to ensure that an adequate way of dealing with any additional surface water runoff created from the proposed development is implemented in order to ensure that it will not create or exacerbate any flood risk on site or within the surrounding local area.

Severn Trent Water sewer records show there to be public foul and surface water sewers within the nearby vicinity.

The applicant proposes to dispose of additional foul water created by the proposed development via the existing mains sewer. Please bear in mind that it will be necessary for the applicant to gain permission to connect from the relevant Water & Sewerage Authority, in this case Severn Trent Water Ltd. in order to do this.

Regarding the discharging of additional surface water created by the proposed development, the applicant proposes to utilise an existing pond on the site. Based on local knowledge of the area I am aware that there are a number of land drainage issues along Astwood Lane including issues with roadside ditches. The applicant would therefore need to demonstrate that the existing pond was able to hold the additional surface water and that the culverted watercourse which the pond then drains to (according to the site plan provided) was able to cope with the additional flow. If this proved not to be the case then the applicant would need to put remediations in place to ensure that it could. The applicant also proposes to use an attenuation tank for domestic rainwater in order to keep the discharge at Greenfield site rate, which I am pleased to

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see. I would also like to recommend that the applicant consider using additional SuDS techniques (such as porous surface materials, water butts, etc) wherever viable on site in order to attenuate as much surface water on site as is possible. Again, regarding connection to the existing public drainage system within the vicinity. It will be necessary to obtain written permission to connect from Severn Trent Water Ltd.

Based on my comments I would like to attach the following information and conditions:

No development shall take place until written evidence has been submitted to the LPA that the Water & Sewerage Company, in this case Severn Trent Water Ltd, has been consulted and is satisfied with the proposed scheme of foul and surface water drainage. Proof will also need to be provided to show that the proposed scheme for surface water drainage is adequate. Details of any remediations put in place to ensure its adequacy will also need to be provided if any have been necessary.

**RBC Development Plans**

Comments summarised as follows:

The site is on land which is designated as Green Belt as depicted on the adopted Borough of Redditch Local Plan No.3 Proposals Map. The site lies on the outskirts of the village, beyond the Village Settlement Boundary and the Conservation Area Boundary.

When applying the National Planning Policy Frameworks principle of the presumption in favour of sustainable development this proposal cannot be supported as it is not considered to be in a sustainable location.

Contrary to the applicant's Supporting Planning Statement, 4.5 (3), Redditch Borough Council can demonstrate a five year supply of land for housing. At 1 April 2013, Redditch Borough Council had a 5.99 years supply of land for housing. Therefore, the Plan is not considered to be out-of-date with respect to this matter and this should not be used as an argument in favour of allowing the proposal.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has not been able to demonstrate that very special circumstances exist to support this proposal. A review of Green Belt land around Redditch (January 2013) has not resulted in Green Belt re-designation for development in this vicinity. Furthermore, the identified affordable housing need for Feckenham has currently been met via the Yeates Acre development. The Needs Assessment for Feckenham is not scheduled for update until 2015. The impact on the openness of the Green Belt remains an issue.

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

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limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Whilst the applicant demonstrates that the overall volume of new development is three cubic metres less than the existing development on site, the positioning of the new dwellings will have a greater impact on the openness of the Green Belt.

Nothing has changed through the publication of the NPPF since the last application (2010/245/FUL) was refused with respect to Green Belt principles and functions, which could be considered to lessen the harm on the Green Belt in this location. It is considered that this application proposes more dwellings than the previously refused scheme, and appears to present a more intensive layout. It is considered that the openness of the Green Belt is at a greater risk of harm through this proposal.

Policy B(RA).9 Development at Feckenham states Development within the settlement of Feckenham will be restricted to:

- i. the limited extension, alteration, conversion or replacement of appropriate buildings within the settlement boundary;
- ii. infilling within the settlement boundary, as defined on the Proposals Map, to meet local needs for employment and/or community facilities and services and local facilities of an appropriate scale; and
- iii. affordable housing on Exception sites in accordance with Policy B(RA).10 (Exceptions Housing at Astwood Bank and Feckenham).

This proposal fails to meet any of the policy's criteria.

The draft Local Plan No.4 is currently out for Proposed Submission Representation (Regulation 19). Consultation began on 30 September and will end on 11 November, with a view to submission of the Plan in December 2013. There are policies contained within the proposed Submission Local Plan with limited weight because the Plan has not been submitted, but they are relevant policy considerations for this planning application.

Policy 2 Settlement Hierarchy states Feckenham is a small, rural settlement predominantly set within the Green Belt, which offers limited local facilities but has important conservation and historic merit. In order to conserve and enhance these characteristics, development within or adjacent to the settlement boundary, as defined on the Policies Map, will provide for locally identified affordable housing and other development needs only, in accordance with the most up-to-date guidance in the National Planning Policy Framework and Parish Housing Needs Survey.

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The Reasoned Justification states 'Locally identified development needs' refers to the anticipated requirements, for example, housing, generated by local growth or other trends, with the exception of inward migration.

Redditch as the main settlement is where the development needs are proposed to be met, and that no general housing is envisaged for Feckenham. This policy reiterates that of Local Plan No.3 Policy B(RA).9, detailed above and should therefore be given appropriate, although limited weight.

In conclusion, this application is proposing private residential development in an unsustainable Green Belt location. The considered harm this development will have on the openness of the Green Belt is not out-weighed by the demonstration of very exceptional circumstances.

There is no outstanding or unmet affordable housing need which is required in Feckenham (excluding inward migration), and the Borough Council is able to demonstrate a five year supply of housing land. Therefore, from a planning policy perspective, this application cannot be supported.

**Council's Conservation Advisor**

Comments summarised as follows:

In principle, a high quality residential development in this location is unlikely to adversely affect the character of the area. As it stands, it is difficult to judge the quality of this development from the limited drawn information provided. I appreciate that detailed matters are not for consideration at this stage.

**Public Consultation Response**

Neighbours

In favour

20 letters received. Comments summarised as:

Housing is much needed in the village. New housing would support local businesses, amenities and schools The development would improve the visual amenities of the area and would enhance the vitality of the village.

In objection

7 letters received. Comments summarised as:

Approval would set a dangerous precedent. If 'infilling' was allowed here, there are several larger fields between this proposal and Yeates Acre further to the east would this be developed on next?

Adverse impact on wildlife in the area. Habitat survey not thorough enough to establish whether protected species are present on site

Visibility on to High Street is dangerous. New dwellings on the site and increased intensification of use on the site would prejudice highway safety

Drainage concerns

Insufficient parking for the proposed level of development

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Contrary to the applicant's claims, the proposal would actually reduce jobs in the village by the loss of the light industrial unit and the stables. Further, the village does not have suitable job vacancies for people who would be able to afford to buy the new open market houses

As stated in the previous refusal of permission notice, Feckenham is an unsustainable rural settlement. New private housing should not therefore be permitted.

The improvement in appearance of the plot as is being claimed is a matter of opinion.

The poor state of the plot at present may only be temporary.

The large Leylandii hedge planted to the southern boundary (outside the applicants control) would cast almost permanent winter shade over many of the houses. If permission were to be granted the adjoining landowner could be faced with the considerable cost of removing the trees due to the impact on amenity

If the trees were to be removed, the presence of new houses so close to an adjoining boundary would result in loss of privacy to existing dwellings

The 'replacement' dwelling is located outside the red line (application site) area.

Therefore how can we be sure that this will in fact be demolished and the land re-instated?

The figures given in the design and access statement are misleading, being calculated on volume rather than footprint. This gives an artificial representation of the degree upon the openness of the green belt.

Why hasn't a detailed application been submitted? Such an application is necessary given the proximity of the site to the sensitivity of the adjoining Conservation Area

**Assessment of Proposal**

The main issues for consideration are considered to be as follows:

**Impact of development upon the openness of the Green Belt**

The site lies within the Green Belt and therefore Policy B(RA).1 (LP No.3) applies. Within the Green Belt, development is limited to that which is not inappropriate and which would preserve its openness. Inappropriate development is, by definition, harmful to the Green Belt.

The National Planning Policy Framework (NPPF) which replaces the former PPG2, comments that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF goes on to say that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions include:



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Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The applicants have based their case for approval around Paragraph 89 above, considering that the proposed development would be acceptable since they consider it would have no greater impact on the openness of the Green Belt than that of the existing development on the site which would be removed. The existing structures on the site are listed as follows:

i)	Large workshop/commercial unit	1585 cubic metres
ii)	Stables	334 cubic metres
iii)	Ménage and fencing	
iv)	'L' shaped dwelling	320 cubic metres
v)	Garage/workshop to 'L' shaped dwelling	105 cubic metres

The total VOLUME of buildings to be removed would be 2344 cubic metres.

The application as originally submitted requested the Council to consider the matter of layout. At that stage, the total proposed cubic volume of development for the proposed 8 dwelling scheme had been calculated by the applicant to be 2341 cubic metres.

Layout is no longer for consideration, although the principle of erecting 8 dwellings on the site is. In the absence of a fully detailed application including accurate measurements of the build, it is therefore difficult to say whether the 2341 cubic metre figure put forward by the applicant can be trusted as a reliable and representative figure, although based on a dwelling being two storey (with no raised ridge to create room in roof space), officers would estimate that the figures given represent a roughly approximate indication of possible volume.

As referred to by one of the representations received in objection to the application however your officers do agree that figures given by the applicant are somewhat misleading which in turn gives an artificial representation of the degree of impact upon the openness of the green belt. The RBC Development Plans (Planning Policy) Officer also agrees with this statement.

As set out above, by far the largest building present on the site is a commercial unit measuring 1585 cubic metres. This was originally used for equestrian purposes before gaining permission for it to be used for storage in 2005. The building, whilst being large in size is located relatively sensitively to the south-east corner of the site. Officers consider that it has the appearance of a farm building accentuated by its location behind a stable block. The remainder of the site is largely open, adding to the general feeling of spaciousness.

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The height of the proposed development, (based on the indicative plans submitted) would be greater than that of existing built form. The commercial unit (measuring 1585 cubic metres) measures 5.5 metres to its highest point. Originally submitted indicative plans which included elevations of the development showed that the housing would measure 7.75 metres to its highest point. The elevations which were submitted originally have been superseded by an indicative three dimensional perspective drawing which indicates that the height of the development would be lower than the approximate 7.75 metre figure given above. However your officers have found several inconsistencies with the drawings, where for example, the proposed 4 bed unit, Plot 3, bears little resemblance to a four bedroomed dwelling when viewed on the indicative perspective drawing.

Such matters, together with the layout proposed albeit indicative would mean that the harm caused to the openness of the green belt would be greater than that which exists at present.

As part of the proposed scheme, an existing dwelling is proposed to be demolished, to be replaced by a new dwelling at a distance some 10 metres away from the (demolished) dwelling. The volume calculations put forward by the applicant which are so integral to the applicant's case for approval include this buildings 320 cubic metre volume. This raises two concerns.

Firstly, this dwelling is shown to lie outside the application site (red line) boundary, although it is stated to be a situated on land under the control of the applicant. It would be possible to sever this land from the application site and unenforceable to require this buildings demolition since it falls outside the 'red line' plan.

Secondly, even if it were to be demolished as part of the scheme, notwithstanding the current planning policy stance regarding new residential development within the Green Belt and within Feckenham (Policy B(RA).1 and B(RA).9,) the Council would be in a weaker position in attempting to defend a refusal for new residential development on this plot in the future if permission were to be granted here.

It is noted that garaging which would normally be expected to be provided as part of such a scheme (particularly one proposing four bedroomed housing) has not been shown on any of the indicative plans and as such, these volumes have not been calculated. It is your officers view that future pressure for the council to allow such ancillary structures would further erode and harm the openness of the green belt.

No 'very special' or exceptional circumstances are considered to exist in this case to justify approval of this application on Green Belt land and therefore residential development on the site of the kind proposed under this application is considered to be unacceptable.

Sustainability

Policy B(RA).9 applies to the proposal. Development within the settlement of Feckenham is limited, under the terms of this policy, to limited extension, conversion or replacement

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of appropriate buildings within the settlement boundary, infilling within the settlement boundary to meet local needs for employment and or community facilities and services and local facilities of an appropriate scale; and affordable housing on exception sites. The proposed development (being a proposal for open market housing) fails to meet any of the criteria which are required to be met under Policy B(RA).9.

Feckenham is considered to be an unsustainable rural settlement due to the lack of local facilities such as shops, few local employment opportunities and limited public transport links (as conceded by the applicant). It is considered that the consequence of further housing development here would be increased car journeys to and from the village. This commuting would be contrary to the objectives of sustainability and as such, the scheme does not merit support on grounds of sustainability.

Design and Layout

The site is not within the Conservation Area. However, the site lies adjacent to the CA (to the south). Feckenham is a historic village settlement and therefore, the impact upon the character and appearance of the area has to be carefully examined. The Councils Conservation advisor comments that some form of residential development (from a historic environment perspective) may be acceptable in principle.

Officers consider that the scale of development proposed based on indicative plans would be conspicuous in appearance and harm the visual amenities of the area.

Due to the topography of the site, previous schemes for residential development on the site, including the indicative plan submitted here have located the new development to the south and eastern part of the site. To the southern boundary of the site there exists a tall 10 metre high leylandii hedge which is outside the control of the applicant. The orientation of the evergreen hedge means that the southernmost part of the site is cast in shade for much of the day. This is of particular concern to your officers since design guidance seeks that new residential development provides adequate standards of amenity for future occupiers. This includes ensuring that gardens and habitable rooms receive adequate levels of natural daylight. A scheme of this intensity would not provide such standards and the development is therefore considered to be unacceptable.

Impact of the proposals on highway safety

Representations have been received questioning the acceptability of the access to serve such a development. County Highways have however, concluded that the access is acceptable, and that there are no highway implications which might result in the proposed development giving rise to harm to highway safety subject to the inclusion of planning conditions.

Parking provision on site would accord with parking standards, having regards to requirements for two, three and four bedroomed dwellings.

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**Planning Obligations**

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation (five dwellings or more: the proposal is for a new gain of seven dwellings). The following would be required under the adopted policy framework:

1. A contribution towards County education facilities. The County have confirmed that there is a need in this area to take contributions towards three schools Feckenham C of E First School; Ridgeway Middle, and Kingsley College.
2. A contribution towards playing pitches, play areas and open space in the area due to the increased demand/requirement from future residents is required in compliance with the SPD
3. A contribution towards the County Council Infrastructure Delivery Plan

A draft unilateral undertaking has been prepared by the applicant, stating that monies in respect to the above will be paid. If however the undertaking has not been satisfactorily concluded by the time of the 15th January 2014 Planning Committee or the Council's Legal Officer has concluded that the undertaking is not fit for purpose, a separate and additional reason for refusal would need to be formed. If necessary, an update will be provided prior to the Planning Committee meeting.

**Conclusion**

The sites green belt designation, and unsustainable location together with the fact that the proposed development would appear as a conspicuous form of development, harming the visual amenities of the area mean that approval of the development would be contrary to National Guidance contained within the National Planning Policy Framework, and Local Plan Policies CS.7; B(RA).1; B(RA).9; and B(BE).13.

**RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the following reasons:**

**Reasons for Refusal**

1. The site is identified in the Development Plan for the area as falling within the Green Belt where there is a presumption against inappropriate development. In such an area, development is limited to that which is not inappropriate to a Green Belt and which would preserve its openness. The proposal would amount to inappropriate development which is harmful to the Green Belt. It would result in an obtrusive form of development which would reduce the openness of the Green Belt and as such, the proposal is considered to be contrary to Policy B(RA).1 of the Borough of Redditch Local Plan No.3 and national guidance set out in the National Planning Policy Framework (NPPF).

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2. Feckenham is considered to be an unsustainable rural settlement due to its lack of local facilities, few local employment opportunities and limited public transport. As such, Feckenham is suitable only for development that supports and or improves existing living and working conditions in the settlement and that serves to meet local need. Due to its unsustainable location, applications for new, open-market housing are not supported within Feckenham. As a consequence of further housing development at this site, increased car journeys to and from the village would arise. Such commuting would be contrary to the objectives of sustainability and as such, the proposed development is considered to be contrary to Policies CS.7 and B(RA).9 of the Borough of Redditch Local Plan No.3 and national guidance set out in the National Planning Policy Framework (NPPF).

**Procedural matters**

This application is being reported to the Planning Committee at the request of Councillor B. Clayton.