

**PLANNING  
COMMITTEE**

**6th August 2014**

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**Planning Application 2014/105/OUT**

**Outline application with one matter (landscaping) reserved - 6 dwellings providing housing mix of 2 x 2 Bed, 2 x 3 Bed and 2 x 4 Bed accommodation**

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

**Applicant: Mrs Pat Dormer  
Expiry Date: 27<sup>th</sup> June 2014  
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.

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

**Proposal Description**

Outline planning permission is sought for the erection of 6 new dwellings. One matter (landscaping) is reserved for future consideration.

The matters which are for consideration here are that of vehicular access to the proposed development, layout, appearance, and scale. Only the matter of Landscaping would be considered as part of any future reserved matters application, if this application were to be approved. It is therefore necessary to give detailed consideration to the design, size and position of the proposed buildings.

The dwellings would comprise a mix of 2, 3 and 4 bedroomed properties formed of brickwork walls under tiled roof. Vehicular access to serve the development would be via the existing access to The Paddocks (Astwood Lane).

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

**Relevant Policies:**

**Borough of Redditch Local Plan No.3**

B(RA).1	Control of development in the Green Belt
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)

**Emerging Draft Local Plan No.4:**

Policy 2: Settlement Hierarchy  
Policy 3: Development Strategy  
Policy 4: Housing Provision  
Policy 5: Effective and Efficient use of land  
Policy 6: Affordable Housing  
Policy 39: Built Environment  
Policy 40: High Quality Design and Safer Communities

**Others:**

NPPF National Planning Policy Framework  
SPG Encouraging Good Design  
SPD Open Space Provision  
SPD Education contributions

Worcestershire Waste Core Strategy (WWCS)

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.

**Relevant Planning History**

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
	Refused      16.01.2014      Appeal pending

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**Consultations**

**Feckenham Parish Council**

Comments summarised as follows:

This planning application is in essence much the same as outline application 2013/228 to which a public consultation was undertaken by the Parish Council in October 2013.

When the first application was lodged the Parish Council voted to support the application following a full debate when objectors concerns were noted and taken into account. Some objectors raised the issue of density. The number of houses has now been reduced to six.

Having considered the plan submitted, the Parish Council see no reason to alter the view of the previous Council meeting which supported the development of this brown field site. The proposed development would improve what is otherwise a poor aspect to this important entrance to the village.

Some two bedroom dwellings have been removed from the plan. This is regrettable as the village is in need of additional smaller forms of housing to encourage younger people to move into the village.

The Council would like to see more parking spaces provided and that access and visibility be fully considered. Materials to be used should be carefully considered.

**Severn Trent Water**

No objection, subject to imposition of standard drainage conditions

**Highway Network Control**

The proposed development is acceptable in highway terms and therefore no objections are raised subject to the inclusion of conditions covering access turning and parking, on site roads specification together with standard highway informatives

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, standard conditions pertaining to contamination should be attached, 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

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**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. 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. 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 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.

No objections are raised subject to the imposition of a condition to address the above matters.

**Public Consultation Response**

Neighbours

In favour

109 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

4 letters received. Comments summarised as:

Approval would set a dangerous precedent.

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Adverse impact on wildlife in the area.

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

Feckenham is an unsustainable rural settlement. New private housing should not therefore be permitted.

The Leylandii hedge planted to the southern boundary would cast 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

**Background**

Members will recall that a similar application for outline consent was reported earlier in the year. That application was also in outline and proposed 8 no. dwellings providing a mix of 4 x 2 bed, 2 x 3 bed and 2 x 4 bed, one of which was proposed to be a replacement dwelling.

Under that application (2013/228), the only matter which was for consideration was that of vehicular access to the proposed development. The matters of layout, appearance, landscaping and scale would have been considered as part of any future reserved matters application, if the application had been approved. Notwithstanding this, as part of that application, the Council were being asked to consider the impact of a specific number of dwellings on the site, that being eight, with one of the eight being a larger replacement dwelling. On balance, the application was recommended for refusal with the main concern being that the development would have had a greater impact on the openness of the Green Belt than that of the existing development on the site which would have been removed. Members voted in favour of the officers recommendation and refused the application. An appeal to the Planning Inspectorate has since been lodged. At the time of writing the appeal is pending determination.

**Assessment of Proposal**

The main issues for consideration are 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

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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:

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 | 1649 cubic metres |
| ii) | Stables                        | 356 cubic metres  |

The total volume of buildings to be removed would be 2005 cubic metres.

The total volume of buildings to be erected here would be 1930 cubic metres.

This results in an overall volume reduction of 75 cubic metres.

Calculations using floorspace are as follows:

Existing footprint: 464.55 square metres  
Proposed footprint: 409.36 square metres

This results in an overall footprint reduction of 55.19 square metres.

Under the earlier (refused) application, which incorporated a proposed replacement dwelling, the indicative proposed total cubic volume of development for the proposed 8 dwelling scheme had been calculated by the applicant to be 2341 cubic metres, an almost identical figure to the total volume of existing built form (which included the dwelling to be replaced).

Officers at that time considered that, in the absence of a fully detailed application including accurate measurements of the build, it was difficult to say whether the figures put forward by the applicant could be trusted as a reliable and representative figure. Originally submitted indicative plans which included elevations of the development showed that the housing would measure 7.75 metres to its highest point. Such heights would have been considerably greater than that of existing built form (the existing commercial unit measuring 5.5 metres to its highest point).

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As such, officers considered that the layout proposed under that application albeit indicative, would have resulted in greater harm to the openness of the green belt than that which exists at present.

As a part of the (refused) scheme, an existing dwelling would have been demolished, to be replaced by a new dwelling at a distance some 10 metres away from the (demolished) dwelling. This part of the application raised a number of concerns.

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

Secondly, even if the replacement building were to be demolished as part of that scheme, being situated 10 metres away from the new dwelling, officers considered that 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, thus increasing harm to the openness of the green belt and contrary to adopted policies.

This part of the site has been excluded from the current application and therefore concerns raised with this part of the proposal previously are no longer relevant.

Since the current application is effectively a detailed application albeit with the matter of landscaping reserved for consideration under a future application, it is now possible to accurately assess the impact of the development upon the openness of the green belt as required under Paragraph 89 of the NPPF. Your officers now consider that the proposed development of 6 new dwellings would now constitute the development of a previously developed site having no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. In principle the development is now considered to be acceptable.

**Design and Layout**

The site lies adjacent to the Conservation Area (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 design of the development is considered to be much improved from that submitted under application 2013/228/OUT and designed around a courtyard including development with a ridge height of 5.85 metres (2 bed dwelling), rising to 6.35 metres and 6.5 metres for the three and four bedroomed dwellings. The development now reads more like a converted rural building scheme that responds well to the sites context in an edge of rural settlement location. In addition, the grouping of dwellings around a courtyard both improves the setting of the Conservation Area and importantly retains the openness of the green belt as required under Para 89 of the NPPF.

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Your officers are now less concerned with shading that will occur naturally from the location of the existing evergreen hedge to the southern boundary of the site, due to the net reduction in density and the fact that gardens serving the dwellings are generally larger than that proposed under the earlier application.

Impact of the proposals on highway safety

Representations have been received questioning the acceptability of the access to serve such a development. As before, 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.

Planning Obligations

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation. 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 to provide refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy
4. A contribution towards the County Council Infrastructure Delivery Plan

At the time of writing, the planning obligation is in draft form.

Other matters

The current and emerging Local Plan considers Feckenham 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). The consequence of further housing development at this location would be increased car journeys to and from the village. Such commuting would arguably be contrary to the objectives of sustainability and as such, it could be argued that the scheme does not merit support on grounds of sustainability.

The Parish Council feel strongly however that housing on the site, particularly smaller bedroomed units would add to the vitality and viability of the village which does support a shop, two public houses and a primary school. The Parish Council along with many of the representations received in support of the application consider that the proposal would



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help support local services and would improve this part of the village in terms of visual amenity and the setting of the nearby Conservation Area.

**Conclusion**

Officers consider that this revised application is acceptable having regard Paragraph 89 of the National Planning Policy Framework because the proposals would have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The design of the development is considered to respect the character of the area and the proposals would be unlikely to cause harm to amenity or safety. Approval of this application would meet some of the demonstrated housing need in the Borough. Subject to the satisfactory completion of the planning obligation, this application can be recommended for approval.

**RECOMMENDATION**

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

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

- \* Contributions are paid to the Borough Council in respect to off-site open space, pitches and equipped play in accordance with the Councils adopted SPD
- \* A financial contribution is paid to the Borough Council towards the provision of wheelie bins for the new development
- \* Contributions are paid to the County Council towards County education facilities in accordance with the Councils adopted SPD
- \* Contributions are paid towards the County Council Infrastructure Delivery Plan

**and**

**b) Conditions and informatives as set out below:**

**Conditions**

- 1) (a) Application for approval of matters reserved in this permission must be made not later than the expiration of three years beginning with the date of the grant of this permission.
- (b) The development to which this permission relates must be begun not later than whichever is the later of the following dates:-

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- (i) the expiration of three years from the date of the grant of outline planning permission; or
  - (ii) the expiration of two years from final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
- (c) The matters reserved for subsequent approval include the following:-  
**LANDSCAPING**

Reason:- In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Prior to the commencement of development details of the form, colour and finish of the materials to be used externally on the walls and roofs of the development, including windows and doors 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 and in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

- 3) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings under Classes A, B, C, D and E to Schedule 2, Part 1 shall be erected within the site edged red without first applying for planning permission.

Reason:- To ensure that the openness of the green belt is safeguarded from inappropriate development in accordance with Policy B(RA)1 of the Borough of Redditch Local Plan No.3.

- 4) The Development hereby permitted shall not be brought into use until the access, turning area (if applicable) and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed 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.

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- 5) Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme as been constructed in accordance with the approved drawings.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 6) The development hereby approved shall be implemented in accordance with the following plans:

appropriate references to be added here to include plans and other associated documents

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

- 7) Prior to the development hereby approved commencing, full details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented prior to first use or occupation of the development.

Reason:- To allow proper consideration of the proposed foul and surface water drainage systems and to ensure that the development is provided with a satisfactory means of drainage and in accordance with National Planning Policy Framework.

- 8) No development approved by this permission shall be commenced until:

a) A desktop study identifying previous site uses, potential contaminants and other relevant information and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been undertaken and submitted in approval for writing by the LPA;

b) If deemed necessary as a result of the desktop study, a site investigation has been designed using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model), and has been submitted to and approved in writing by the LPA;

c) The site investigation has been undertaken in accordance with details approved and a risk assessment has been produced;

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d) A method statement detailing the remediation requirements using the information obtained from the site investigation has been approved in writing by the LPA.

Reason: To identify contamination which may pose a risk to the environment or harm to human health and in accordance with National Planning Policy Framework.

9) If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the LPA) shall be carried out until either;

- a site investigation has been designed and undertaken in accordance with details approved in writing by the LPA, a risk assessment has been produced and a method statement detailing the remediation requirements using the information obtained from the site investigation has been approved by the LPA or;

- If the above has been previously undertaken, the developer has submitted and obtained written approval from the LPA for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters and in accordance with National Planning Policy Framework.

10) All remediation works detailed in the method statement shall be undertaken and a report submitted to the LPA providing verification that the works have been carried out in accordance with the approved details.

Reason: To protect controlled waters by ensuring that the remediated site has been claimed to an appropriate standard and in accordance with National Planning Policy Framework.

**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 pre-application advice and discussion.
- 2) The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 3) This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Worcestershire

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County Council for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.

- 4) If it is the Developer's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to the County Council's Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act, 1980, entered into.
- 5) It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, the County Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the Engineering details referred to in this conditional approval to the County Council's County Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP at an early date to enable surface water disposal arrangements to be assessed

- 6) 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.

**Procedural matters**

This application is being reported to the Planning Committee because the recommendation is that permission be granted subject to a planning obligation and because two or more objections have been received.