

**PLANNING
COMMITTEE**

13th February 2019

Planning Application 18/01491/OUT

Outline application for the erection of 5 No. 2-bed dormer bungalows with associated infrastructure (affordable housing)

Land fronting 10 to 15 Clifton Close and rear of 32 to 36 Brinklow Close, Matchborough West, Redditch, B98 0HE

**Applicant: Redditch Borough Council
Ward: Matchborough Ward**

(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 for more information.

Site Description

The site is a grassed area approximately 1500 sqm (0.15 ha) in size and comprises an area of Incidental Open Space as designated on the Borough of Redditch Local Plan No.4 Policies Map.

Beyond the southern boundary of the site are the two storey terraced dwellings 10 to 15 Clifton Close whilst the western boundary comprises rear gardens serving the bungalows 32 to 36 Brinklow Close.

To the northern side of the site is a surfaced path, immediately beyond which is a tall hedgerow. To the north of the hedgerow lies Drayton Close and the terraced development of bungalows (33 to 36 Drayton Close). Beyond the eastern boundary of the site lies Eathorpe Close, past which, to the north, lie the playing fields associated with the Kingfisher School.

Proposal Description

This is an outline application for residential development comprising 5, two bedroomed dormer bungalows with all matters reserved for future consideration (access, layout, scale, appearance and landscaping).

Although the matter of access is not for consideration at this stage, an indicative plan has been submitted showing vehicular access to each of the proposed dwellings from the southern side of Drayton Close, near to the Clifton Close / Drayton Close junction.

The application is supported by a design and access statement and a Preliminary Ecological Survey (PEA).

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Relevant Policies:

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development
Policy 11: Green Infrastructure
Policy 14: Protection of Incidental Open Space
Policy 16: Natural Environment

Others

NPPF National Planning Policy Framework (2018)
SPG Encouraging Good Design

Relevant Planning History

None

Consultations

WCC Highways

No objections in principle. The site is located in an accessible and sustainable location. A number of direct pedestrian access routes lead to Matchborough Centre and main bus routes are available in the vicinity.

Based on the indicative plan submitted no objections are raised. Parking provision (2 spaces per dwelling) would conform to the County Councils Parking standards for 2 bed dwellings. Visibility to and from the proposed means of access is considered to be acceptable.

It is noted the site has an existing adopted footpath traversing the site and that the applicant is proposing a diversion of this existing footpath in order to serve the proposed dwellings. It is noted that the footpath is stopped off to the footpath fronting no. 32 Brinklow Close (indicative plan P2049/143/1A refers) which is acceptable.

Drainage Engineer: North Worcestershire Water Management

The site is in flood zone 1 (low risk of modelled river and tidal flooding),

At the full (detailed) planning stage a detailed drainage plan would need to be submitted. There are no reasons to object to this application on flood risk grounds subject to the imposition of a suitably worded drainage condition.

RBC Strategic Planning Team

Comments summarised as follows:

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As an area of Incidental Open Space, Policy 14 of the Borough of Redditch Local Plan No.4 (BORLP4) would apply.

Whilst incidental open space can make an important contribution to the Green Infrastructure Network and overall open space provision in the Borough and will normally warrant protection from development, it is acknowledged that it may be necessary to develop some areas of incidental open space.

Under the terms of Policy 14, applicants are required to demonstrate the merits of any proposed development in relation to the value of the open space and Criteria 1 to 5 set out within the Policy.

Whilst incidental open space does not form part of the assessment of open space in the Borough, it should be noted that in terms of Primarily Open Space standards, Matchborough Ward has a deficit of open space per 1000 population of 2.13 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 Matchborough Ward shows a reduction in the deficit of open space (-1.85ha per 1000 population). However, it should be noted that the open space standards do not take account of sub-regional open spaces such as the Arrow Valley Park. If the sub-regional open space is taken into account, Matchborough Ward would have a surplus of around 14ha per 1000 population.

This site is identified in the Strategic Housing Land Availability Assessment (SHLAA)-(ref: 2010/05) as having potential for residential development. The site was identified as surplus under the Disposal of Assets programme and landowner information indicated no constraints to delivery.

WRS - Contaminated Land

Comments summarised as follows:

Worcestershire Regulatory Services (WRS) have reviewed the above application and the records held in respect of potential contaminated land issues. The available records indicate that the application site is within 250m of two significant areas of unknown infilled land and therefore contamination from landfill gas may be an issue on site. As such a planning condition should be imposed requiring the applicant to carry out a risk assessment to establish whether the proposed development is likely to be affected by gas emissions in order to ensure that any risks to future occupants of the dwelling are adequately addressed. Subject to the imposition of such a condition, no objections are raised.

Public Consultation Response

1 letter has been received in objection to the application.
Comments received are summarised below:

- Loud noises arising from the construction phase will impact upon residential amenities enjoyed by the occupiers of surrounding residents

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Procedural matters

This is an outline application with all matters reserved, and as such only the principle of development can be considered at this stage. However, if there are reasons why the development could not be designed to be appropriate to the site, these can be raised as concerns at this stage.

The application plans include an indicative layout, however this is for illustrative purposes only to demonstrate how the site **could** be developed to accommodate five dormer bungalows, and not how the site **would** be developed.

Assessment of Proposal

An Independent Preliminary Ecological Appraisal has been commissioned by the Council and has been carried out. The report concludes that the development is not expected to have a direct impact on any protected species although good working practices are recommended to protect hedgehogs that may occur on site and careful timing is important to avoid the bird nesting season. The appraisal recommends that a planning condition is attached to any consent to ensure enhancement for biodiversity and to add value to the green infrastructure of Matchborough West. The report comments that the tall hedgerow is potentially valuable to nesting birds although it offers no roosting opportunities for bats. If the hedges' removal is unavoidable, landscape mitigation would be necessary and bird and bat boxes should be integrated into the new houses.

The key issue for consideration in this case is the principle of the development as all other matters are reserved for future consideration.

Principle of development

The site is designated as Incidental Open Space in the Borough of Redditch Local Plan No.4 (BORLP4). As such, Policy 14 would apply.

Policy 14 is a criteria based policy and at 14.2 states that Incidental Open Space will be protected from development unless:

- i. the need for the development is considered to outweigh the need to protect the incidental open space;*
- ii. it can be demonstrated that the site does not make an important contribution to the Green Infrastructure Network and has no particular local amenity or wildlife conservation value;*
- iii. the site does not have a strategic function separating clearly defined developed areas or acting as a buffer between different land uses;*
- iv. it can be demonstrated that there is alternative provision of equivalent or greater community benefit provided in the area at an appropriate and accessible locality; and*

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v. the incidental open space does not play an important role in the character of the area.

i. Does the need for the development outweigh the need to protect the incidental open space?

Currently, the Council cannot demonstrate a 5 year supply of housing land within the Borough. 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 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.

Account should be taken of the opportunities the development would create for local businesses in the construction of the development.

Environmental harm would be caused by reason of the loss of the existing hedge although wider environmental harm is considered to be limited. Your officers consider that any adverse impacts arising from granting permission for the residential development of this site would NOT significantly and demonstrably outweigh the benefits of the application.

ii. Does the site make an important contribution to the Green Infrastructure Network and does it have a particular local amenity or wildlife conservation value?

The hedge has some wildlife value although its loss could be mitigated against by the introduction of new planting and biodiversity enhancements. The grassed open space area is small and is little used for recreational purposes by residents living within close proximity to the site. The site does not contain any play equipment. The Planning Department have notified 20 properties who either adjoin or which are situated within close proximity to the site. No representations have been received which comment on the amenity or wildlife value of the site.

iii. Whether the site has a strategic function separating clearly defined developed areas or whether it acts as a buffer between different land uses;

This site is not considered to have a strategic function and does not form a buffer between different land uses.

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iv. Can it be demonstrated that there is alternative provision of equivalent or greater community benefit provided in the area at an appropriate and accessible locality?

Alternative open space use within easy walking distance from this site offering far greater diversity and variety exists to the west of the site beyond the B4497 at Arrow Valley Country Park.

v. Does the incidental open space play an important role in the character of the area?

In this case, the incidental open space does not play an important role in the character of the area.

Having regard to Criteria 1 to 5 above, no objections are raised to the principle of a residential scheme on the site.

Scale, layout and appearance of development

Policy is supportive of new residential development so long as it respects the character and appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development.

Whilst scale, layout and appearance are not for specific consideration at this stage, the indicative plan does demonstrate how 5 dormer bungalows could be accommodated within the site without harming the character and appearance of the area and without compromising the amenities enjoyed by occupiers of nearby dwellings. Whilst the submitted plan is only for illustrative purposes, separation distances between existing dwellings and the proposed new dwellings would comply with standards contained within the Councils SPG on Encouraging Good Design and gardens serving the new dwellings would also comply with minimum requirements.

Trees and Ecology

Policy 16 (Natural Environment) aims to protect and, where appropriate, enhance the quality of natural resources including wildlife corridors, ancient and important trees and biodiversity.

No mature or important trees would be lost by granting permission although the development is likely to result in the loss of a tall hedgerow.

The Independent Preliminary Ecological Appraisal (PEA) has concluded that the site is of limited ecological value. Development of the site is deemed to be acceptable from an ecological perspective subject to the imposition of appropriate conditions to cover biodiversity enhancement and mitigation planting.

Paragraph 175 of the NPPF comments that opportunities to incorporate biodiversity in and around developments should be encouraged. To enhance ecological biodiversity, permanent bat and bird nesting opportunities should be integrated within the scheme. An

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appropriately worded planning condition is recommended to be imposed at this outline stage.

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 require the applicant's written agreement to the terms of any pre-commencement condition. Written agreement to the terms of the proposed construction environmental management plan (CEMP: Biodiversity) condition has been sought and agreed by the applicant.

Impact of the proposals on highway safety

The matter of access to and from the development would be considered in more detail under a future reserved matters application. Access via Drayton Close in the manner proposed under Indicative Plan P2049/143/1A is considered at this stage to be acceptable and no objections have been received on highway safety grounds.

Two off-road car parking spaces would be provided for each of the 5 dormer bungalows, meeting the Council's parking standards.

Residential amenity considerations

Your officers are satisfied that no loss of residential amenity would result from granting permission having regards to the density of the proposed development and separation distances that could be achieved between the proposed dwellings and existing nearby properties. 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.

Drainage and other matters

The Drainage Engineer (NWWM) has raised no objection subject to the imposition of a drainage condition.

The existing adopted footpath situated to the immediate south of the hedgerow would need to be diverted to the front of the proposed new dwellings onto Drayton Close. This matter would be considered in more detail under a subsequent Reserved Matters application but the proposal is considered to be acceptable in principle.

Conclusion

Having regard to the requirements set out under Policy 14 above, your officers have concluded that the demonstrated need for the development outweighs the value of the land as an area of Incidental Open Space.

The proposal would amount to sustainable development, and would not conflict with the Borough of Redditch Local Plan No.4 as a whole.

Subject to compliance with conditions as listed in full below, a favourable recommendation can be made.

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RECOMMENDATION:

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

Conditions:

- 1) Details of appearance, landscaping, layout, access and scale (hereafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

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

- 3) The development hereby permitted shall begin no later than two years from the date of the approval of the last of the reserved matters to be approved.

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

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

Drawing No: P2049/143/2: site location plan edged red dated 28th November 2018

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

- 5) No development above foundation level of the dwellings hereby approved shall take place until a site drainage strategy for the proposed development has been 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.

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- 6) During the course of any site clearance and development, the hours of work for all on-site workers, contractors and sub-contractors shall be limited to between;
0800 to 1800 hours Monday to Friday
0900 to 1200 hours Saturdays
and NO WORKING shall take place at any time on Sundays, Bank Holidays or Public Holidays or at any time outside of the above permitted working hours unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbour's amenity

- 7) No development shall take place (including demolition, ground works, 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 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 planning authority

Reason:- To minimise impact of the development on biodiversity in accordance with the requirements of the National Planning Policy Framework.

- 8) Prior to the first occupation of the development, details shall be submitted that shall include bird nesting boxes, bat roosting boxes, and appropriate native species planting to take account of the need to recreate habitat for wildlife and biodiversity. The details thus approved shall be fully implemented prior to first use occupation of the development.

Reason:- To ensure the creation of wildlife habitat and wildlife corridors within development and minimise impact of the development on biodiversity in accordance with the requirements of the National Planning Policy Framework.

- 9) Gas protection measures should be incorporated within the foundations of the proposed structures. 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 a risk assessment should be undertaken to establish whether the proposed development is likely to be affected by gas emissions from the landfill site, provided to and approved by the Local Planning Authority, prior to commencement of the development. Where significant risks are identified or insufficient data hinders an appropriate risk assessment, a targeted site investigation proposal or proposed remedial measures must be provided to and approved in writing by the Local Planning Authority, prior to commencement of the development.

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Reason: To ensure that the risks to buildings and their occupants from potential landfill gas are adequately addressed.

Informatives

- 1) The local planning authority has 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.
- 2) If the hedgerow is to be removed under a later (detailed) application, clearance should take place outside of the bird nesting season (March to August inclusive) or following checks by a competent ecologist. Between November and April, clearance of leaf litter or log piles shall be carried out by hand to prevent harm to hibernating hedgehogs.

Procedural matters

This application is being reported to the Planning Committee because the applicant is Redditch Borough Council. As such the application falls outside the scheme of delegation to Officers.