

# **PLANNING COMMITTEE**

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**Planning Application 18/01509/OUT**

**Outline application for the erection of 3 No. affordable 2-bed houses with associated infrastructure**

**Land At, Heronfield Close, Church Hill, Redditch, Worcestershire**

**Applicant: Peter Liddington, Redditch Borough Council**  
**Ward: Church Hill Ward**

**(see additional papers for site plan)**

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## **Site Description**

The site is a grassed area approximately 1000 sqm (0.1 ha) in size and comprises an area of Incidental Open Space as designated on the Borough of Redditch Local Plan No.4 Policies Map.

The Northern boundary of the proposed development site consists of several semi-mature Ash and oak trees. To the south of the site there is an area of parking and garaging for the dwellings on Heronfield Close. The site is at the end of the cul-de-sac on part of Heronfield Close in an area with a mix of two storey dwellings and bungalows.

## **Proposal Description**

This is an outline application for residential development comprising 3, two bedroomed dwellings 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 the provision of six parking spaces adjacent to the existing parking area and a pedestrian access to the proposed dwellings.

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

## **Relevant Policies :**

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

Policy 1: Presumption in Favour of Sustainable Development  
Policy 11: Green Infrastructure

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Policy 14: Incidental Open Space

Policy 16: Natural Environment

### **Others**

NPPF National Planning Policy Framework (2019)

SPG Encouraging Good Design

### **Relevant Planning History**

None.

### **Consultations**

#### **WCC Highways**

No objection in principle. The site is located within a residential area within a sustainable location; bus stops are located in the vicinity of the proposed development, street lightening is also present. The applicant is providing 6 car parking spaces in a row off Heronfield Close adjacent to the proposed development which are located adjacent to a block of 7 other parking car parking spaces.

#### **Arboricultural Officer**

The Northern boundary adjacent to Marlfield Lane of the proposed development site consists of several semi-mature Ash and Oak trees. These trees do provide some amenity and screen value to the proposed development and the Play area adjacent to Marlfield Lane. The proposed development will likely require the pruning of these tree to which no objection is raised. From the indicative layout it will be possible to site the three dwellings where there would be no encroachment into the Root Protection Area by the building footprint. Therefore subject to a condition requiring the trees are afforded relevant protection in accordance with BS5837:2012 throughout any ground or construction works no objection is raised in principle to the development.

#### **Redditch Strategic Planning And Conservation**

In terms of having no distinct policy designation (white land), this proposal for residential development is considered to be appropriate and in keeping with the surrounding uses. However, in terms of white land, this application should take account of the Policy BDP14 Incidental Open Space. 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, Church Hill Ward has a deficit of open space 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 shows a reduction in the deficit of open space (-1.90ha per 1000 population). In terms of BORLP4 and the appropriateness of this proposal, whilst it is acknowledged that the site may have potential for residential development, from a Strategic Planning perspective, this application cannot be supported unless the applicant

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can demonstrate that the merits of the development outweigh the benefits of retaining the open space

### **North Worcestershire Water Management**

The site is in flood zone 1 (low risk of modelled river and tidal flooding), the Environment Agency's surface water flood maps show low surface water flood risk and we have no records of flooding here.

Severn Trent's online mapping shows there is surface water and foul water sewers located in the footpath adjacent to 109/ 110 Heronfield Close which would be preferable for the applicant to connect to due to the low permeability of the area ruling out a soakaway and there being no watercourses present.

At the full application stage the applicant will have to demonstrate use of SuDS measures in line with Policy 17 of the Redditch Local plan suitable measures include but are not restricted to rainwater harvesting and permeable paving. Additionally a drainage plan is required mapping out how surface water and foul water will be disposed of with the SuDS features. Written permission should be given by Severn Trent before discharging to their sewer network.

There are no reasons to object to this application on flood risk grounds.

### **WRS - Contaminated Land**

No objection in principle. The application site is within 250m of significant areas of unknown filled ground which have the potential to produce landfill gas from degradation processes. It is considered necessary to condition the application requiring the applicant to incorporate gas protection measures within the foundations of the proposed new structure; or to undertake a gas risk assessment to ascertain if gas protection measures are required.

### **Cadent Gas Ltd**

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land.

Members should note this is a Building Control matter and the applicant is advised to contact Cadent in the event of planning permission being granted prior to implementing the works.

### **Worcestershire County Council Countryside Service**

No Comments Received To Date

### **Public Consultation Response**

One representation has been received raising objections which are summarised as follows:

- The proposed parking will be in the existing turning area used by local residents
- Currently local residents use this area for additional parking

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- Refuse truck is currently required to reverse up close due to on street parking

### **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 three dwellings, 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 site is of low ecological value and that further surveys are not necessary. 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 to ensure that construction working is appropriately managed to ensure that wildlife is not prejudiced

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 comments that: "Areas of open space that are not Primarily Open Space are spaces of incidental open space. Whilst incidental open space can make an important contribution to the Green Infrastructure Network and overall open space provision in the Borough, it is acknowledged that it may be necessary to develop some areas of incidental open space."

Policy 14 is a criteria based policy where in the consideration of applications for development on Incidental Open Space, the following (5 criteria) will be taken account. The policy criteria has been addressed within the applicants justification and the case officers consideration of the details of the site:

***i. the need for the development is considered to outweigh the need to protect the incidental open space;***

The Council's Strategic Market Housing Assessment 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 ' Help me to find somewhere to live in my locality'

***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;***

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The site comprises of a small parcel within the Church Hill Ward, with garages and parking located to the south of the site. The site facilitates a pedestrian access for local residents through to the equipped play provision located to the north of the site. This is segregated by mature trees and hedgerows which support the Green Infrastructure and wildlife habitat which will be unaffected by the proposal.

***iii. The site does not have a strategic function separating clearly developed areas or acting as a buffer between different land uses;***

The land is surrounded by existing development and the proposal continues to maintain the public pedestrian link through the site along with the established trees to the north and larger area of open space north of Marlfield Lane. The mature tree lined hedgerow to the north of the site is proposed to be maintained as the 'buffer' within the proposed development to continue the separation between the developed area and play space as well as sustaining this valuable wildlife corridor.

***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;***

The applicant has demonstrated a number of sites that provide an opportunity for better provision of open space available to local residents in close proximity to the site. Northleach/Upperfield Close offers a recently updated play area 200m from the site and the Willow Tree Community Centre has a new play area 500m from the site. Furthermore the Ward sits within a landscape of larger parks and green spaces with Arrow Valley Country Park within 600m of the site and Bomford Hill Park 350m from the site.

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

The area of open space is located within the residential area surrounded by dwellings south of a green corridor that runs along the south of Church Hill Way. This parcel of land is a link to the larger area of open space with the basketball court and given the access to the retained open space will be maintained the loss of this area will not result in a harmful loss to the character of the area.

The proposal is therefore considered to comply with all the criteria within Policy 14 and is therefore acceptable in principle in this location.

### *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 3 dwellings could be accommodated within the plot without compromising the amenities enjoyed by occupiers of nearby properties. Your officers are of the opinion that the dwellings may be better positioned facing south on the site to ensure that the scale of the dwellings better reflect the layout and density locally. Furthermore facing the dwellings south will also ensure that the parking and garaging area to the south of the site is provided with some natural

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surveillance reducing the risk of anti-social behaviour. The plans have been measured and officers are confident that the dwellings could also be arranged in this fashion to comply with standards contained within the Council's SPG on Encouraging Good Design and gardens serving the new dwellings would also comply with minimum requirements

Your officers therefore consider that the proposed development would respect the character, appearance and density of existing development within the wider area.

### *Trees*

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.

The Council's Arboricultural Officer has raised no objections to the development subject to a condition affording full protection to all trees on site during construction.

### *Drainage and other matters*

The site is in flood zone 1 and the Drainage engineer has not raised any concerns or suggested any conditions to be placed on the recommendation.

Worcestershire County Council Highways Authority has not raised any objections to the proposal. It has been noted that one neighbouring dwelling has raised an objection on the grounds of current on street parking and the accessibility of the site to the bin men.

The site is located within a residential area within a sustainable location; bus stops are located in the vicinity of the proposed development, street lighting is also present. The applicant is providing 6 car parking spaces in a row off Heronfield Close adjacent to the proposed development which are located adjacent to a block of 7 other parking car parking spaces. The application has therefore provided sufficient parking for the size and number of units having regard to the County Council standards. It is noted that a number of residents have been using the end of the cul-de-sac for on street parking however given this is on the public road it is not controlled by the Council and therefore cannot be secured under this application. In respect of the bin men, the dwellings have sufficiently provided for their own parking and therefore will not exacerbate the existing situation.

### *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.

As referred to earlier in this report, the Council's Strategic Market Housing Assessment shows a shortfall of over 300 units of affordable housing per year to meet the need in the Borough. Significant weight should be afforded to the fact that the scheme would

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make a meaningful contribution to the Councils housing figures and in particular the provision of affordable housing. Account should be taken of the opportunities the development would create for local businesses in the construction of the development. Limited environmental harm would be caused in this case and 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. As such, and in accordance with Paragraph 11 of the NPPF, permission should be granted. 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

### **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) 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:

P2049.145.1 - Indicative Layout  
P2049.145.2 - Site Location Plan

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

- 5) 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.

- 6) The Development hereby approved shall not be occupied until an area has been laid out for the parking of 2 cars PER DWELLING as shown on drawing P2049/145/18. This area shall thereafter be retained for the purpose of parking a vehicle only.

REASON: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.



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- 7) The Development hereby permitted shall not be first occupied until one of the proposed car parking spaces for each dwelling has been fitted with an electric vehicle charging point and thereafter the charging point shall be kept available for the charging of electric vehicles.

REASON: To encourage sustainable travel and healthy communities.

- 8) 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 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.

- 9) All trees shown as being retained shall be protected in accordance with the requirements of BS5837:2012 during the course of all on-site development works. In addition any trees to be pruned shall be carried out in accordance with BS3998:2010. Tree Work - Recommendations.

Reason: To ensure adequate protection to trees in the interests of the visual amenities of the area

- 10) 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 amenity

- 11) Prior to commencement of development a biodiversity strategy for the site should be submitted to and approved in writing by the local planning authority. The strategy shall identify measures to be implemented to increase the value of habitats on site for wildlife species likely or known to occur nearby. Such measures shall include:
- retention and maintenance of green corridor feature along the eastern and south-eastern edges of the site;
  - inclusion of at least two bat roosting features similar in specification to the enclosed bat boxes produced by Ibstock Brick or Schwegler;
  - retention of scrub habitat suitable for nesting birds and nesting/hibernating hedgehogs;
  - design site to allow hedgehogs free access through the development area and into the wider area;

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- enhancement of the site through inclusion of at least three bird nesting boxes suitable for house sparrow and starling amongst other species;
- creation of log piles; and
- incorporation of planting in public areas that provides opportunities for pollinators and other wildlife.

Reason:- To minimise impact of the development on biodiversity in accordance with the requirements of the National Planning Policy Framework. The condition is required to be a pre-commencement condition given any works carried out may have an impact on the biodiversity of the site and therefore it would be important to establish the strategy prior to implementation.

- 12) 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 the following.
- a) Identification of "biodiversity protection zones".
  - b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - c) The location and timing of sensitive works to avoid harm to biodiversity features.
  - d) The times during construction when specialist ecologists need to be present on site to oversee works.
  - e) Direction of security/construction lighting away from biodiversity protection zones and tree canopies.
  - f) Responsible persons and lines of communication.
  - g) The responsibilities of site operatives/managers to consult suitably qualified ecologists should protected or priority species be found during works.
- 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. The condition is required to be a pre-commencement condition given any works carried out may have an impact on the biodiversity of the site and therefore it would be important to establish the strategy prior to implementation.

- 13) Prior to occupation, a "lighting design strategy for biodiversity" for the retained green corridor along the eastern site boundary 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

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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 this corridor or having access to their breeding sites and resting places.

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

- 14) The housing shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework 2019, or any future guidance that replaces it. A scheme outlining the following:

- i. the type and tenure of the affordable housing
- ii. the arrangements for the management of the affordable housing
- iii. the criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the units,

Reason; In the interests of securing affordable housing and to implement the purpose of the application.

### **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.