

PLANNING COMMITTEE

23rd September 2020

Planning Application 20/00850/PIP

Planning in principle for the erection of 5 - 9 Dwellings

**Land Adjacent To Feckenham Gardens, Astwood Lane, Feckenham, Redditch,
Worcestershire, B96 6JQ**

Applicant: Mrs P Dormer
Ward: Astwood Bank And Feckenham Ward

(see additional papers for site plan)

The case officer of this application is Emily Farmer, Planning Officer (DM), who can be contacted on Tel: 01527 881657 Email: emily.farmer@bromsgroveandredditch.gov.uk for more information.

Site Description

The application site consists of an open field to the south of Astwood lane. The field is adjacent to Feckenham Gardens which borders the site to the west and is opposite the Winfields Outdoors camping shop and a small run of cottages north of Astwood Lane. To the east of the site is an empty plot, Rockhill Farm buildings and Yeates Acre.

The application site is north of Feckenham Village and is outside of the Village Envelope and the Conservation Area.

The application site benefits from a vehicular access from Aswtood Lane in the north east corner of the site. The site is mainly a grass area which has a mature hedge around the boundary.

Proposal Description

The application is for Planning in principle for the erection of 5 - 9 Dwellings.

Relevant Policies :

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Settlement Hierarchy
Policy 4: Housing Provision
Policy 5: Effective and Efficient use of Land
Policy 8: Green Belt
Policy 17: Flood Risk Management
Policy 36: Historic Environment
Policy 38: Conservation Areas

PLANNING COMMITTEE

23rd September 2020

Policy 39: Built Environment
Policy 40: High Quality Design and Safer Communities

Others

NPPF National Planning Policy Framework (2019)
Redditch High Quality Design SPD

Relevant Planning History

No relevant planning history.

Consultations

Conservation

No Objection.

Highways Redditch

No Objection.

North Worcestershire Water Management

The principle of development at this site from a flood risk perspective is acceptable, however there is an existing flood risk issue located at the junction of Swansbrook and Astwood Lane which there is potential for development here to negatively impact this issue. Correctly designed drainage and provision of appropriate levels of attenuation can mitigate this risk.

WRS - Contaminated Land

No Objection subject to condition.

Arboricultural Officer

No objection. The site is mainly a grass area which has a mature hedge around the boundary this must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate.

Feckenham Parish Council

Objection on Green Belt, Outside Village envelope, flooding, impact on trees and loss of views

Public Consultation Response

9 representations have been received, 8 raising objection and 5 in support of the proposal. These comments have been summarised as follows;

Objections

- Green Belt

PLANNING COMMITTEE

23rd September 2020

- Site is outside Village Envelope
- Drainage and flooding
- Highways/Dangerous corner
- Wildlife
- Removal of hedgerow
- Surrounding development at Rockhill Farm is conversions rather than new builds
- Application not well advertised and consultation period too short

Support

- New dwellings will benefit Feckenham
- Limited Infilling
- Well positioned development
- Design could enhance area as with Feckenham Gardens Development
- No evidence Feckenham Gardens adds to flooding issues
- Larger Green Belt Developments have been allowed (Weights Lane)

Procedural Matters

Members should note that this is not a Full Planning Application. Planning in Principle (PiP) by application is a new application type introduced as of 1st June 2018. PiP is an alternative way of gaining planning permission for **housing led development**. Mixed use developments can utilise the application type, however housing has to occupy the majority of a site/development. There are two stages in gaining Planning Permission via this route. The first stage is to apply for **Permission in Principle** and at a later stage for the Technical Details Consent. The level of information submitted with an application for PiP is less than a planning application and will only constitute a form and a plan identifying the land to which the application relates. The form includes the minimum and maximum number of dwellings proposed for the site.

The Local Planning Authority is only able to consider matters relating to:

- **Location**
- **Land Use**
- **Amount of development**

Any decision has to be made having regard to the Policies in the Borough of Redditch Local Plan Number 4. Matters of detail, such as how a development might look and the impact on residential amenity, will not be available and will not be a relevant consideration at this stage of the process. Following a grant of Permission in Principle, the site must receive a grant of technical details consent before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings. Technical details consent can be obtained following submission of a valid application to the Borough Council. An application for technical details consent must be in accordance with the Permission in

PLANNING COMMITTEE

23rd September 2020

Principle that is specified by the applicant. Members should also note that conditions cannot be placed on the permission at this stage.

Assessment of Proposal

An application for Permission in Principle can only be assessed having regard to location, land use and the amount of development. The application is proposing 5-9 dwellings on the plot.

Location

Green Belt

The application site is located within the Green Belt. New Buildings within the Green Belt are considered to be inappropriate development subject to a closed list of exceptions as outlined in Paragraphs 145 and 146 of the National Planning Policy Framework (NPPF). The applicants have put forward that the proposal accords with Paragraph 145(e) which allows for limited infilling in villages. Feckenham is a small, rural settlement as identified in the Policy 2 Settlement Hierarchy and has a Village Envelope in the Constraints Map. Feckenham is therefore a village for the purposes of this policy.

The application site is located outside of the defined village envelope. However, as outlined in Case Law there is no requirement within either the Borough Local Plan or the NPPF for the site to be wholly within a defined village envelope. The purpose of the policy is to allow for limited infilling which is within the village both physically and functionally and an assessment should be made of the position on the ground rather than the line on a plan indicating the boundary. In this instance, the application site is past the Village Welcome sign when travelling south on Astwood Lane into Feckenham. The footpath, street lighting and row of cottages on the north side of the street starts before the application site and the speed limit drops from the National Speed limit down to 30mph. The application site is opposite the Winfields Outdoor camping shop. For these reasons the application site is considered to be both physically and functionally linked to the settlement and therefore can be considered as part of this village.

The term 'limited infilling' is not defined, however it normally comprises of the development of a modest size gap in an otherwise substantially built-up frontage which is broadly linear in formation. There is no definition on the size of the 'gap' nor the number of dwellings that can be proposed. To be limited within the village, the size of the village should be considered. In this instance, under Policy 2 Feckenham is defined as a small, rural settlement predominately 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 identified in the Policies Map, will provide for locally identified affordable housing and other locally identified needs only. In addition to this, although the application site has development to the north, east and west, the site is not considered a 'gap' in continuous built form to be infilled. When travelling along Astwood lane; Yeates

PLANNING COMMITTEE

23rd September 2020

Acres, Feckenham Gardens and Rockhill Farm are all seen as separate pockets of development with space around them. The development of this site will not 'fill a gap' on the development and will instead sit as its own distinct development separate to those around it. Furthermore the plot to the east is undeveloped and there is a plot north of Feckenham Gardens which is undeveloped and therefore from the street scene the land to the south of Atwood lane is fairly undeveloped until the High Street where the character significantly changes to traditional properties close to the road. Due to these reasons, the site is not considered to amount to 'limited infilling' in the village and does not accord with any other exceptions to Inappropriate development in the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very Special Circumstances. When considering a planning application, substantial weight should be afforded to any harm to the Green Belt. No very special circumstances have been put forward or are considered to exist to outweigh this harm to the Green Belt.

Land use

The existing site is a development field with no formal land use. There are no in principle issues to raise on this matter.

Amount of development

Having regards to the layout and density of the surrounding developments, in particular Feckenham Gardens and Yeates Acres it is considered that the site is of a reasonable size to facilitate 5-9 dwellings as proposed.

Other matters

Conservation Area

The application site is north of the Feckenham Conservation Area (CA). Comments have been sought on the impact of the development on the setting of the CA. As existing, the application site makes a neutral contribution to the CA's significance, and the character of the area as derived from that significance, via its setting. The principle of the proposed development is not considered likely to present detrimental impacts via setting. Provided care is taken on the design, form and scale of the new dwellings no objection is raised.

Drainage

There is an existing flood risk issue located at the junction of Swansbrook and Astwood Lane. This matter has been raised as part of the public consultation of this application. Although it is accepted that there is potential for the development here to negatively impact this issue, correctly designed drainage and provision of appropriate levels of attenuation can mitigate this risk. Therefore, the principle of development at this site from

PLANNING COMMITTEE

23rd September 2020

a flood risk perspective is acceptable and this further information will be provided at the Technical Details stage for full consideration.

Highways

The Highways Authority have considered the site and raised no objections to the proposal. The application site benefits from an existing vehicular access and is in close proximity to amenities, a bus route and bus stops. Objections have been raised from residents on Highways safety concerns and the speed of vehicles approaching the corner. Further consideration will be made at the Technical Details stage depending on the layout and access proposed.

Trees

The site is mainly a grass area which has a mature hedge around the boundary which must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. This matter would be resolved at the Technical details stage when layout is considered. Members should note that no ecology report has been submitted at this stage however this would be a requirement at the Technical details stage.

Land Contamination

Due to the sites historic use as a bricks and tile works there is the possibility that the site may potentially have contamination issues. Worcestershire Regulatory Services have confirmed that the principle of developing this site would be acceptable subject to a preliminary risk assessment which could be considered under the Technical details stage or by condition.

Housing Supply

The Council cannot currently demonstrate an up to date 5 year housing land supply. However, this does not automatically lead to the granting of planning permission. Where this is the case paragraph 11 of the Framework, which is a material consideration of significant weight, advises that where the policies most important for determining the application are out-of-date (including where there is no five-year supply of deliverable housing sites), 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 where specific policies in the Framework indicate that development should be restricted).

The NPPF at paragraph 8 defines sustainable development as having three dimensions: economic, social and environmental. The proposal would make a contribution to the Councils supply of housing in a sustainable location. It is acknowledged that there would be some economic benefits associated with the proposal during the construction phase,

PLANNING COMMITTEE

23rd September 2020

and also from the support the intended future occupiers would be likely to give the local services and facilities, which also amounts to social benefits.

However, environmentally, the proposal is inappropriate development in the Green Belt. This should be afforded substantial weight in decision making. The proposal would therefore conflict with the Redditch Borough Local Plan and the NPPF.

As such, it is considered that the proposal would result in significant and demonstrable harm to the Green Belt which would not be outweighed by the social and economic benefits arising from the development.

Public consultation

Matters such as Green Belt, the village envelope, drainage, highways and the hedgerow have been addressed within this report.

Other matters raised such as the extent of the surrounding development have been considered as part of the assessment on Green Belt. Matters on the impact of wildlife are a technical matter which would be addressed at the Technical Details stage through the submission of relevant ecology reports.

It is noted in the public comments that it has been raised the Council have allowed larger Green Belt developments such as that on Weights Lane. These form part of the site allocated sites in the Local Plan and in any event each application is to be considered on its individual merits

In respect of the consultation, a site notice was placed onsite on 31st July and expired on 24th August. This notice was replaced when officers were made aware it had been removed. A Press Notice was placed in the Redditch Standard on 21st August and letters were sent to all adjoining occupiers on 31st July. The Statutory consultation period for these applications is 17 days and the Council have fulfilled the consultation requirements in this instance.

It should be noted that the matters such as matters of privacy, amenity, trees and parking provision are not principle issues and will be for consideration at the technical stage, to be determined in accordance with the Council's adopted design guidelines. Local residents would be consulted on any Technical Matters application submitted where their comments will be considered on these issues.

Conclusion

In conclusion, it is considered that the harm the proposal would cause to the Green belt, by reason of its inappropriateness, would outweigh the limited benefits of the scheme which have been identified. As such the proposal is considered to be unacceptable in principle.

**PLANNING
COMMITTEE**

23rd September 2020

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, Permission in Principle be REFUSED.

Reason for Refusal

1. The proposed dwellings do not fall within any of the categories of appropriate development specified at Policy 8 of the Borough of Redditch Local Plan No.4 or at paragraphs 145 and 146 of the National Planning Policy Framework 2019 (NPPF). The proposal therefore constitutes inappropriate development in the Green Belt which would be harmful by definition. No very special circumstances exist to clearly outweigh the significant harm caused to the Green Belt. This is contrary to Policy 8 of the Borough of Redditch Local Plan No.4 and Section 13 of the NPPF

Procedural matters

This application is being reported to the Planning Committee because the applicant is a relation to a Member of Redditch Borough Council. As such the application falls outside the scheme of delegation to Officers. Furthermore, the Permission in Principle Legislation is not included within the scheme of delegation to Officers.