

**PLANNING  
COMMITTEE**

15th September 2021

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**Planning Application 21/01170/OUT**

**Outline application (all matters reserved for subsequent consideration) for the erection of 1 No. 2 Bed bungalow**

**Land adjacent to 46 Badger Close, Winyates West, Redditch, B98 0JE**

**Applicant: Redditch Borough Council  
Ward: Winyates Ward**

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

The case officer of this application is Steven Edden, Principal 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 application site is located on land within Badger Close, an existing development constructed in the early 1980s.

The site comprises a grassed area containing 4 trees together with a Silver Birch and Field Maple within a grassed verge. The site is 0.03 hectares in area and fronts an adopted cul-de-sac. To the rear (west) of the site is an area of trees and scrub, beyond which lies Battens Drive. To the north of the site lie numbers 46 to 50 Badger Close which are bungalows. To the south of the site lie 43a, 44 and 45 Badger Close. No's 41 to 45 Badger Close are two storey houses with access via Badger Close (to the north).

The site is Incidental Open Space as designated on the Borough of Redditch Local Plan No.4 Policies Map.

**Proposal Description**

This is an outline application for residential development comprising 1, two bed roomed bungalow 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 off Badger Close to the east where three car parking spaces could be created.

A Stopping Up Order, which has been informally agreed with Worcestershire County Council Highways would be required if planning permission were to be granted for the proposed development.

Trees present on the site would need to be removed to facilitate the development, (5 in total), with the exception of a Field Maple which would remain.

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**Relevant Policies :**

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 5: Effective and Efficient use of Land

Policy 11: Green Infrastructure

Policy 14: Protection of Incidental Open Space

Policy 15: Climate Change

Policy 16: Natural Environment

Policy 17: Flood Risk Management

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

**Others**

NPPF National Planning Policy Framework (2021)

Redditch High Quality Design SPD

**Relevant Planning History**

None

**Consultations**

**WCC Highways**

I have no highway objections to the proposed outline application. The site is located in a residential and sustainable location off an unclassified close. The site does not benefit from an existing vehicular access. Badger Close benefits from footpaths and street lighting and no parking restrictions are in force in the vicinity. The site is located within walking distance of amenities and bus stop. No speed surveys would be required for the proposed vehicular access in this instance due to the site location being at the end of a close. Any future detailed application should reference the WCC Streetscape Design Guide with regards to layout and parking requirements.

**North Worcestershire Water Management**

The proposed development site is situated in the catchment of Blacksoils Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Risk to the site from surface water flooding is indicated as low based on the EA's flood mapping. Correctly designed drainage will mitigate any flood risk from surface water on the site. Based on the available information there is no reason to withhold approval of this application on flood risk grounds and I do not deem it necessary to recommend attaching a drainage condition.

**Arboricultural Officer**

I have no objection to the loss of the four trees on the grass area and the Silver Birch on the entrance to the proposed new dwelling. The retained tree (Field Maple) as shown on the plan will need some remedial work i.e. Crown lifting to allow access for vehicles which should be carried out in accordance with BS3998 tree work guidelines.

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I measured the Root Protection Area (RPA) of this tree which has a 5.76m radius. The proposed access road to the property would heavily encroach into the RPA of this tree so I would request that the access road is built on a suitable grade of Cellular Ground Support Material, within any section of the access road that incurs into the root protection area. The tree should have protective fencing to the edge of the RPA throughout all stages of construction.

### **Worcestershire Regulatory Services - Contaminated Land**

No objection subject to the imposition of a gas protection measures condition

### **Public Consultation Response**

13 representations have been received raising objections which are summarised as follows:

- This green space should not be built on. It is a haven for wildlife and a valuable amenity in the area
- The development would result in a loss of outlook from existing habitable rooms
- Privacy would be compromised
- Air pollution concerns
- The development is unlikely to be in-keeping with existing dwellings in the Close
- Concerns regarding parking and turning facilities on site
- Objection to the loss of trees at a time when more should be planted
- Construction traffic and noise disturbance would harm the amenities of the area
- Increased traffic in an already congested close would result in highway safety issues

Other matters which are not material planning considerations have been raised but are not reported here as they cannot be considered in the determination of this application.

### **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 a dwelling and not how the site **would** be developed.

### **Assessment of Proposal**

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

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### 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 applies.

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*
- 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 contribute 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.

Some environmental harm would be caused by reason of the loss of some of the trees present on the site although members will note that the Councils Tree Officer has raised no objection to their removal. One tree (Field Maple) would be retained and its health can be safeguarded by the use of an appropriately worded planning condition.

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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 small size of the site together with the presence of trees and scrub limits the sites accessibility. The ecological value of the site is considered to be low, although it is recommended that integrated bat and bird boxes together with bee bricks are installed on the new bungalow in order to aid biodiversity (as required under the NPPF and the Local Plan). This can be achieved via planning condition.

***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.

***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 with excellent accessibility exists at Arrow Valley Park to the west of the site beyond Battens Drive which offers far greater diversity and variety than the application site.

***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 a single, two bedroomed bungalow 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 dwelling would comply with standards contained within the Councils High Quality Design SPD and the garden serving the new dwelling would also comply with minimum requirements.

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## 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.

There are no ancient or 'Veteran' trees on the site and the Council's Tree Officer has raised no objection to the application.

Paragraph 180 of the NPPF comments that opportunities to improve biodiversity in and around developments should be integrated where this can secure net gains for biodiversity. To enhance ecological biodiversity, an appropriately worded planning condition is recommended to be imposed at this outline stage.

## 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 Badger Close in the manner proposed under the submitted Indicative Plan is considered at this stage to be acceptable.

Off-road / on site car parking spaces would be provided for the development 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 bungalow 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.

## Other matters

Sections 100ZA (4-6) of the Town and Country Planning Act 1990 requires the applicant's written agreement to the terms of a pre-commencement condition. Written agreement to the terms of relevant recommended conditions has been sought and agreed by the applicant. Such conditions include recommended condition 11, suggested by Worcestershire Archaeology which is considered to meet the relevant tests of relevance and reasonableness as set out under Paragraph 56 of the NPPF.

## 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 implemented in accordance with the following plans:

P2049.159B - SITE LOCATION PLAN - Amended 17 August 2021

Reason: To accurately define the permission for the avoidance of doubt

- 5) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs 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

- 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

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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) Prior to the first occupation of the development hereby approved, a scheme for the provision of bee bricks, bat roost opportunities and bird nest boxes within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented by suitably qualified personnel to the satisfaction of the Local Planning Authority prior to the first use of the development approved.

Reason: In the interests of biodiversity and in accordance with the provisions of National Planning Policy Framework

- 8) a) Gas protection measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement shall 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 shall be undertaken to establish whether the proposed development is likely to be affected by landfill or ground gas or vapours. The risk assessment shall 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.



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- 9) In the event that contamination is found at any time when carrying out the approved development it must be reported immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.

2. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

4. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 10) The retained (Field Maple) Tree located to the south-east corner of the site shall be protected with fencing in accordance with the requirements of BS5837:2012 during the course of all on-site development works. A 'No Dig' Cellular Ground Support Material shall be used in the construction of the access road where any

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section of that access road incurs into the root protection area of the tree. Any 'crown lifting' taking place to the Field Maple shall be carried out in accordance with the requirements of BS5837:2012.

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

- 11) 1. No development shall take place until a Written Scheme of Investigation for a programme of archaeological works have been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions and:

- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e) Provision to be made for archive deposition of the analysis and records of the site investigation.
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

2. The development shall not be occupied until the site investigation and post investigation has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To protect any below-ground archaeological interests in accordance with the requirements of the National Planning Policy Framework

**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.