

# **PLANNING COMMITTEE**

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**Planning Application 25/01228/PIP**

**Permission in principle for the erection of up to 6 dwellings**

**Land Adjacent, 3 Popes Lane, Astwood Bank, Worcestershire**

**Applicant: J And P Zollman**  
**Ward: Astwood Bank and Feckenham Ward**

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

The case officer of this application is Rosie Paget, Planning Officer (DM), who can be contacted on Tel: 01527 881184 Email: [rosie.paget@bromsgroveandredditch.gov.uk](mailto:rosie.paget@bromsgroveandredditch.gov.uk) for more information.

## **Site Description**

The site is a roughly triangular area of land which is currently overgrown. The site has no access onto Popes Lane at present; there is an access gate onto land owned by the Applicant. The western, northern and eastern boundaries are vegetated, and the southern boundary is more open to the dwellings on Church Road. The land slope from south to north and into the north-western corner of the site. The site is designated as Green Belt in the Borough of Redditch Local Plan No. 4.

## **Proposal Description**

Permission in Principle for the erection of up to 6 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 8: Green Belt

Policy 16: Natural Environment

## **Others**

National Planning Policy Framework (2024)

Redditch High Quality Design SPD

## **Relevant Planning History**

81/382 – Planning permission was refused in 1981 for an outline planning application for one detached dwelling for the following reasons:

- 1) The site is outside the area shown for residential development on the draft village plan for Astwood Bank
- 2) The sub-standard and unadopted vehicular and pedestrian access to the site is unsuitable to serve additional residential development.

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This planning application related to the land between No.1 and No. 3 Church Lane and therefore included part of the application site and part of the land identified in blue on the location plan, that the Applicant also owns. It did not include the area of land to the rear of the properties on Church Road.

The application was dismissed at appeal.

### **Consultations**

#### **Worcestershire Highways - Redditch**

No highway objections “in principle”, subject to details provided within any Technical Detail Consent submitted are in accordance with WCC Streetscape Design Guide and acceptable to highways.

#### **Arboricultural Officer**

No objections. The large poplars at the entrance to the site are nearing the end of their expected lives. Other trees are present on the boundary of the development area - so any full application should be submitted with a tree survey and arboricultural report.

#### **North Worcestershire Water Management**

The proposed development site is situated in the catchment of the Plack Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. The Environment Agency's flood mapping also indicates that there is minimal surface water flood risk to the site, with it primarily indicated along the northern boundary.

A drainage strategy could be submitted at Technical Details Consent.

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

The Definitive footpath of Redditch RD-707 runs adjacent to the application site. No objection to the proposals.

### **Public Consultation Response**

24 letters of objection were received following public consultation which included 21 letters sent out to neighbours and a site notice erected. For a permission in principle application, the only legislative requirement is to display a site notice, neighbour consultation is at the planning officers discretion.

Comments are summarised as follows:

#### **Site Characteristics**

- Topography of the site
- Drainage, surface water, foul connections
- Overdevelopment of the site for this location
- Harmful to character, back land development
- Existing habitats
- Previous refusal in 1981

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- Red line includes land outside the Applicant's ownership (subsequently amended by the Agent)

### **Green Belt**

- Inappropriate development, not grey belt
- Separation from Redditch would be undermined
- Impacts to openness

### **Highways**

- Popes Lane is narrow, poorly surfaced, privately owned, PROW
- Congestion and highway safety of Popes Lane/Church Road, also impacting bus services
- Parked vehicles, obstructions to the footway
- Visibility splays
- Construction concerns
- Location of Astwood Bank school and its car park
- Obstruction to emergency vehicles

Limited Information and insufficient consultation

Contaminated land concerns

Planning conditions should be added if approved

### **Amenity**

- Outlook affected
- Loss of privacy
- Increased noise and disturbance
- Harms to character and appearance
- Financial burden to erect a fence along boundary if approved

Impacts to older people and children

Impacts to mental health and wellbeing of residents

### **Location**

- Insufficient local amenities to serve the development
- Unsustainable location
- Proximity to the school
- Rural location

## **Assessment of Proposal**

### **Procedural Matters**

Permission in Principle (PIP) is an alternative route of obtaining planning permission for housing-led development. This process separates the issues concerning the principle of the proposed development, from the technical details of the proposal.

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The process has two stages - Permission in Principle, which establishes whether a site is suitable in principle; and the second stage - Technical Details Consent, where the detailed development proposals are assessed. This process was introduced in June 2018 and was intended to speed up and simplify the planning process for small housing developments.

When assessing applications for Permission in Principle, the scope for assessment is strictly limited to the following issues:

- location;
- land use; and
- amount of development.

Any decision has to be made having regard to the Policies in the Borough of Redditch Local Plan No. 4 (Local Plan). 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.

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 Principle application. Members should also note that conditions cannot be placed at the Permission in Principle stage.

### **Assessment of Proposal**

The main issue is whether the site is suitable for residential development, having regard to its location, proposed land use and the amount of development.

The Council cannot currently demonstrate a five-year housing land supply (5YHLS) and therefore regard should be had to paragraph 11(d) and footnote 8 of the National Planning Policy Framework (the Framework) which together state that for applications providing housing, where the Council cannot demonstrate a 5YHLS, the policies which are most important for determining the application are considered out-of-date and planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

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### **Location**

#### Green Belt

The application site is located within the Green Belt; therefore, Policy 8 of the Borough of Redditch Local Plan No. 4 would apply, which directs to the National Planning Policy Framework.

In respect of Green Belt policy, the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

It has been established through case law that the list of exceptions for 'appropriate development' set out in the National Planning Policy Framework (the Framework) paragraph 154 amounts to a closed list. Thereby, proposals not included on the list are regarded as 'prima facie' inappropriate development.

Paragraph 154 of the Framework sets out this list of exemptions; the proposal would not fall within one of those exemptions.

However, Paragraph 155 of the Framework would apply and outlines that:-

*The development of homes, commercial and other development should also not be regarded as inappropriate development where all of the following apply;*

- a. A development would utilise grey belt and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location;*
- d. where applicable the proposed development meets the 'Golden Rules' (Major developments only).*

Annex 2 (Glossary) of the Framework defines grey belt as '*For the purposes of plan-making and decision making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*'

It is therefore necessary to assess the scheme against Paragraph 155.

#### Does the site strongly contribute to Green Belt purposes a), b) or d)?

To establish whether the application site can be considered 'grey belt' it must first be determined whether the site strongly contributes to Green Belt purposes a), b) or d) of the Green Belt which are set out in Paragraph 143 of the Framework.

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These are;

a) To check the unrestricted sprawl of large built-up areas (LBUA);

Astwood Bank is not a large built-up area. Therefore, given the location of the site within the Borough, the development would not be considered to amount to sprawl of a LBUA and makes no contribution to purpose a).

b) To prevent neighbouring towns from merging into one another;

The existing site is located at the edge of Astwood Bank, described in Policy 2 (Settlement Hierarchy) as a 'sustainable rural settlement' which is defined within the Glossary as 'Village/settlement which is capable of meeting its own economic and social needs whilst maintaining the quality of the environment. Astwood Bank is Redditch Borough's only Sustainable Rural Settlement. Therefore, as Astwood Bank is not a Town, the site makes no contribution to purpose b).

c) To preserve the setting and special character of historic towns;

Astwood Bank is not considered to be a 'Historic Town' for the purpose of criteria d). As such, the site makes no contribution to purpose d).

To summarise the site does not strongly contribute to Green Belt purposes a), b) or d).

Would the application of non-Green Belt Framework footnote 7 policies to the scheme proposed on the site provide a strong reason for refusing development?

Footnote 7 states *"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change."*

None of the footnote 7 policies would apply and therefore do not present a strong justification for refusing planning permission.

The application site can therefore fall within the definition of grey belt and would not be inappropriate development subject to satisfying the criteria as set out in Paragraph 155 of the Framework.

Would the proposed development on grey belt fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan?

Purposes a, b and d have already been assessed above. Regard however must be made to c) and e).

c) Safeguarding the countryside from encroachment;

It is accepted that the spatial occupation of the site would encroach into the countryside as it is currently undeveloped and on the edge of the settlement. However, in relation to the wider function of the Green Belt as a whole, the comparatively small nature of the site itself,

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is such that it does not fundamentally undermine purpose c) of the remaining Green Belt across the area of the plan.

e) Assisting in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposed development would not fundamentally undermine the purpose of this Green Belt criterion.

Is there a demonstrable unmet need for the type of development proposed.

The Framework at footnote 56 explains that demonstrable unmet need would apply where there is a lack of a five-year supply of deliverable housing sites. At present, the Council cannot currently demonstrate a five-year supply.

Would the development in the grey belt be in a sustainable location?

The application site is located outside but adjacent to the settlement of Astwood Bank, as identified on the Council's Proposals Map. Astwood Bank is considered a Sustainable Rural Settlement within Policy 2 with a variety of services and amenities. Whilst the application site is not within the settlement boundary, it is immediately adjacent and is considered a sustainable location for housing.

Does the proposal include major development involving housing?

The application proposes up to 6 dwellings with a site area of 0.3ha and as such would not be caught by the requirement to also satisfy the 'Golden Rules' when considering grey belt policy.

In conclusion, it is considered that the site is Grey Belt and would meet the Paragraph 155 requirements and thus the proposal should not be regarded as inappropriate development in the Green Belt having regard to the Framework.

Landscape & Rural Character

The application site is an open, sloping field with vegetated boundaries, adjacent to the rear of properties on Church Road. There is a watercourse at the northern boundary to the site.

The Applicant's Agent has submitted some additional commentary on landscaping following a request from the planning officer.

The site falls within the Worcestershire Landscape Character Assessment Area of Principal Timbered Farmlands, which includes some properties on Church Road. Parts of the adjacent settlement of Astwood Bank is characterised as Settled Farmlands with Pastoral Land Use. Landscape types are a generic classification for landscape character.

The primary key characteristics of Principal Timbered Farmlands are; hedgerow boundaries to fields, ancient woodland character, and notable pattern of hedgerow trees. The secondary characteristics are: organic enclosure pattern, small-scale landscape, hedgerow trees creating filtered views, brick and timber building style of old properties,

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rolling lowland with occasional steep-sided hills and low escarpments, with the tertiary characteristics being; mixed farming land use and dispersed settlement pattern.

The settlement pattern of Principal Timbered Farmlands is dispersed: farmsteads and strings of wayside dwellings associated with a low to moderate density of dispersal.

The site does have some characteristics of the landscape character type including hedgerow/treed boundaries, small-scale landscape, and hedgerow trees creating filtered views.

Historical maps of Astwood Bank shown from 1883 to 1938 and Google imagery more recently show that development has been focused along the routes of Church Road and Evesham Road in a linear, ribbon development. The exception of Yeoman's Close on Evesham Road, which appears to have been a factory site, re-developed in early 2000s, now a cul-de-sac of residential development.

At Technical Details Consent consideration would be given to the loss/retention of trees and enclosure, alongside the pattern of development, scale and design and proposed landscaping to secure landscape gain. Whilst it is considered that there would be a change to the landscape as a result of the development, the characteristics of the site, together with opportunities for landscape gain, and the proximity of the site to settlement of Astwood Bank, the location of the site within the landscape is considered in principle to be acceptable.

### **Existing and Future Residential Amenity**

It was apparent from a site walk around that the site itself and its immediate surroundings varies in levels. There is a fall in land levels from the rear of the dwellings on Church Road, across their gardens and across the site. As such the site is set at a lower level than the dwellings and most of the existing dwellings have an open outlook/view. No information has been submitted with regards to the layout, siting, scale, design or fenestration of the plots, these details would be submitted at Technical Details Consent. As a result of the topography and the existing development these details will require much consideration. There is no right to a view in planning and based on the size of the site, it would be feasible for the development to comply with the requirements for separation within the High-Quality Design SPD. There would be a change in outlook as a result of the development; however, through sensitive design an acceptable development may be delivered and if not, Technical Details Consent would not be forthcoming.

### **Land Use**

The proposed site is adjacent to other residential dwellings and is not considered to conflict in terms of land use with its immediate surroundings.

### **Amount of Development**

Having regards to the layout and density of the nearby residential development, it is considered that the site is an acceptable size to facilitate up to 6 dwellings, at 20 dwellings per hectare. Whilst this density may be considered lower than a comparable site of similar



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hectareage, the specific site characteristics namely the layout, topography and boundary vegetation would result in a reduced number of dwellings per hectare being acceptable.

### **Other matters**

#### Drainage

North Worcestershire Water Management (NWWM) have confirmed that the proposed development site is situated in the catchment of the Plack Brook, falls within flood zone 1 and is at minimal surface water flood risk. NWWM have confirmed a drainage strategy would be required at Technical Details Consent. Foul connections are not a planning matter.

#### Highways

County Highways have no objection “in principle” to the proposed erection of up to 6 dwellings, subject to the details provided at Technical Details Consent are in accordance with WCC Streetscape Design Guide.

Objections have been raised by residents on matters including highway safety.

Popes Lane is narrow and often has parked cars. There is a lit footpath on Popes Lane, which does stop at the entrance to the school’s car park.

The Technical Details Consent would identify technical details including: the proposed access, visibility splays, internal road alignments, and details of emergency services access. Any implications on highway safety, the surrounding road network and obstructions, accesses and junctions would be taken into account.

There is no evidence at this stage to demonstrate that the development would have an unacceptable impact on highway safety or that the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios, as set out within paragraph 116 of the Framework.

#### Land Contamination

Worcestershire Regulatory Services (WRS) have confirmed that the site has an agricultural history and is in the zone of influence of a former pond with unknown filled material and that there is an unidentified building or structure in the north of the plot. On this basis, and given the sensitive future use, WRS have recommended a condition to ensure risks from contamination area dealt with. Conditions can not be added to Permission in Principle applications but can be considered at Technical Details Consent Stage.

#### Public Rights of Way

The Public Rights of Way Officer raises no objection. The definitive footpath of Redditch RD-707 runs adjacent to the application site along Popes Lane. The County Council is responsible for maintaining rights of way to a standard suitable for public use.

#### Archaeology

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Worcestershire Archive And Archaeology Service have not recommended refusal; however, have requested to be consulted on Technical Details Consent, as there may be a case for conditions to offset any potential harm.

### Trees

The Council's Tree Officer has raised no objection and requested a tree survey and arboricultural report be submitted as part of the Technical Details Consent. There are no trees on site protected by a Tree Preservation Order.

### Public Consultation

The material planning objections raised by residents have been carefully considered. Matters raised which are not material planning considerations have not been addressed within this report.

It is unfortunate that owing to the type of application, a Permission in Principle, limited information is required to be submitted by the Applicant and a limited scope for consideration is available at this initial stage. The Council cannot control the type of application which is submitted by Applicants. It is important to note that the Permission in Principle (PIP) stage focuses on the principle of development, and not detailed design. Technical solutions, such as appropriately designed drainage and attenuation, will be thoroughly assessed at the Technical Details Consent.

County Highways has no objections in principle. It is acknowledged that this is a busy and congested part of Astwood Bank, especially during school start/finish times and further detailed assessments would need to be conducted as part of the Technical Details Consent to demonstrate there would not be an unacceptable impact on highway safety or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios as required by paragraph 116 of the Framework. At this permission in principle stage, the Council do not have the detailed plans of the access, visibility, trips etc. which would be submitted as part of the Technical Details Consent. Planning conditions cannot be attached at this stage.

Concerning the Green Belt designation, the application has been assessed against Paragraph 155 of the NPPF, specifically regarding 'grey belt' land. Once the application site is confirmed as grey belt, an assessment of openness is not required. The report concludes that the site meets the criteria for 'grey belt' and does not fundamentally undermine the purposes of the Green Belt, as defined in Paragraph 143. The Council's current lack of a five-year housing land supply, as outlined in the NPPF, also weighs significantly in favour of granting Permission in Principle.

Matters related to biodiversity, archaeology, trees, and land contamination would also be examined during the Technical Details Consent, ensuring that any potential impacts are appropriately mitigated. It is crucial to remember that at this PIP stage, the assessment is limited to location, land use, and the amount of development, and that the detail of the development, including the design and impact on residential amenity, would be fully explored in the subsequent Technical Details Consent.

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The Public Sector Equality Duty (PSED), established under the Equality Act 2010, requires public authorities to consider how their policies and decisions affect people protected under the Act. Age and disability are protected characteristics. Several objections have raised the impacts to children, the elderly and those with mental health, if this application were to be granted. Noise and disturbance are an inevitable consequence of development and are temporary in nature. Whilst it is noted that those who are elderly may be retired and/or spend more time at home, it is not considered that being at home more is a reserve of the elderly and that it would adversely affect that group more than any other. It is acknowledged that the development is in close proximity to a primary school and matters of highway safety are an important consideration. The existing situation is noted and some matters such as indiscriminate parking are matters for the police rather than planning. At Technical Details Consent planning conditions could be imposed for a Construction Management Plan, which could include hours of construction, hours of deliveries etc. to mitigate and manage the conflict of construction and school traffic, alongside other measures considered reasons, perhaps in consultation with the school. In summary, based on the comments made, due regard has been had to the statutory aims of the Equality Act 2010.

### **Planning Balance and Conclusions**

The Council cannot currently demonstrate a five-year housing land supply (5YHLS) and therefore regard should be had to paragraph 11(d) and footnote 8 of the National Planning Policy Framework (the Framework) which together state that for applications providing housing, where the Council cannot demonstrate a 5YHLS, the policies which are most important for determining the application are considered out-of-date and planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

For limb i), having regard to the policies within the Framework, identified at footnote 7, there are no policies that protect areas or assets of particular importance that provide a strong reason for refusing the development.

For limb ii), the proposal would contribute six dwellings to the local housing supply. The site is in a sustainable location and is of suitable land use and amount. This is a two-stage approach, and the Technical Details Consent will consider the detailed development proposals. On this basis, there are no known adverse impacts which would significantly and demonstrably outweigh the benefits as set out in limb ii) and Permission in Principle is granted.

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### **RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, permission in principle be GRANTED.**

### **Informative**

1. This decision notice only relates to the grant of planning permission in principle. It does not give any approval or consent which may be needed under any legislation, enactment, byelaws, order or regulation other than the Housing and Planning Act 2016. You may need other approvals, consents or licenses for the development e.g. Technical Details Consent or building regulations approval.

Permission in Principle is not a planning permission; it is a precursor to it. A planning permission only exists when the Permission in Principle and Technical Detailed Consent have been granted.

### **Procedural matters**

This application is being reported to the Planning Committee because 11 (or more) objections have been received.