

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Welcome Break Holdings	Extension to existing HGV park to create additional parking spaces and associated works  Hopwood Park Services, Redditch Road, Alvechurch, Birmingham, Worcestershire B48 7AU	18.12.2017	17/00924/FUL

Councillor Hotham has requested that this application be considered by Planning Committee rather than being determined under Delegated Powers.

**RECOMMENDATION:** That planning permission be approved subject to conditions

### Consultations

**Worcester Regulatory Services- Light Pollution** Consulted 07.11.2017 and 07.02.2018  
 No objection to the application in terms of light nuisance.

**WRS - Contaminated Land** Consulted 07.11.2017

WRS have reviewed the above application for potential contaminated land of which none have been identified. WRS therefore have no adverse comments to make in relation to contaminated land.

**Alvechurch Parish Council** Consulted 30.10.2017 and 07.02.2018

After further consideration APC felt that although they welcomed the reductions in HGV spaces, their original comments as below were still applicable:

This proposal is in open countryside within the Green Belt. APC feel that the proposal erodes the openness of the Green Belt. If BDC are mindful to approve the application APC would suggest there should be provisions set out for enforcement signs to be provided at the local lay-bys and on nearby verges saying NO OVERNIGHT parking for large goods vehicles, or something to that effect.

**Conservation Officer** Consulted 30.10.2017 and 07.02.2018

I note that the applicant has now submitted a setting assessment which follows the Historic England guidance, and has therefore satisfied the requirements of paragraph 128 of the NPPF. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires us to consider the impact of development on the setting of listed buildings. I would agree that the proposed development, in the context of Paragraph 134 of the NPPF will cause less than substantial harm to the significance of the listed building, and that this harm is probably at the lower end. Great weight is attached to the conservation of listed buildings and their settings and this harm will have to be balanced against the public benefits of the proposed development.

**Worcestershire Wildlife Trust** Consulted 02.11.2017 and 07.02.2018

We note the contents of the various associated documents and the proposed new landscaping and management protocols. In general these respond well to our previous

comments and so we believe that you can now progress the application in line with the law and planning guidance. Accordingly we do not wish to object to the application and we do not wish to make further comments at this stage.

**Parks & Green Space Development Officer Martin Lewis** Consulted 30.10.2017 and 07.02.2018

I have no objection in principle to the development.

**North Worcestershire Water Management** Consulted 30.10.2017 and 07.02.2018  
Providing everything is built in accordance with the plans I see no reason to attach a drainage condition.

**WRS - Noise** Consulted 30.10.2017 and 07.02.2018

I do not consider that additional noise from the proposed extended HGV parking area would have an adverse impact at the closest noise sensitive receptor(s) and therefore I have no objection to the application in terms of noise.

**Highways - Bromsgrove** Consulted 30.10.2017 and 07.02.2018

Under the SLA agreement I have no highway objections to the extension to existing HGV park to create additional parking spaces and associated works located at Hopwood Park Services.

**Highways Agency** Consulted 30.10.2017 and 07.02.2018

No objection subject to a planning condition relating to the provision of a Construction Traffic Management Plan (CTMP) stands.

**Worcestershire County Council Countryside Service** Consulted 30.10.2017  
07.02.2018

I note that an extension to the existing HGV parking to create additional parking spaces and associated works will be near to footpath AV-544 and no such works should interfere with the footpath.

**Ramblers Association** Consulted 30.10.2017 and 07.02.2018

No Comments Received To Date

**Arboricultural Officer** Consulted 30.10.2017 and 07.02.2018

Having checked the revised plans the new layout removes any impact with the Oak tree. The remaining hedge and tree retention is fine and combined with the proposed landscaping plan and strategy will provide a suitable level of tree, shrub and hedge cover on the site. Therefore I would have no objection to the proposed revised development under the same conditions of tree / hedge protection to BS5837:2012 throughout any ground or development work on the site. I would request if still possible to do so that a tree and hedge protection plan is submitted.

**Western Power Distribution** Consulted 07.02.2018 Expired 28.02.2018

No Comments Received To Date

**WRS - Air Quality** Consulted 30.10.2017

WRS have reviewed the above application for potential air quality issues of which none have been identified. WRS therefore have no adverse comments to make in relation to air quality.

**Natural England** Consulted 30.10.2017

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Hopwood Dingle and Bittell Reservoirs SSSI's have been notified. We therefore advise your authority that these SSSI's do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

**Public Consultation**

7 Neighbour letters sent out on 20.11.2017 and 28.02.2018 expired 28.02.2017

Site Notice posted on 31.10.2017 expired 21.11.2017

Press Notice published on 10.11.2017 expired 24.11.2017

**1 representation received:**

We have noted the revisions to the original application by Welcome Break to extend their Lorry Park at Hopwood Services and we fully support these. This additional Area should help to reduce the amount of overnight parking on the adjacent highway. We trust that the adjacent Public Rights of Way are unaffected and where possible improved as part of these works.

**Councillor C. Hotham:**

If you are looking to approve this application then I would wish to ask the committee to consider it. There is considerable public interest and I also believe that no very special circumstances exist.

**Relevant Policies**

**Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP16 Sustainable Transport

BDP20 Managing the Historic Environment

BDP21 Natural Environment

BDP23 Water Management

**Others**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

**Relevant Planning History**

16/0709	Erection of new detached drive-thru coffee shop - A3 & A5 use.	Approved	25.08.2016
16/0202	Erection of new detached drive-thru coffee shop - A3 & A5 use.	Approved	21.04.2016
15/0576	Installation of 2 no. Electric Vehicle Quick Charging Point in main car park area (retrospective)	Approved	03.09.2015
15/0026	Erection of new detached drive thru coffee shop A3 and A5 use.	Refused	09.04.2015
15/00023/REF	Erection of new detached drive thru coffee shop A3 and A5 use.	Allowed at Appeal	18.12.2015
B/2006/1352	Extension of existing HGV parking facility.	Approved	01.05.2007
B/1999/0085	Variation of conditions imposed.	Approved	19.04.1999
B1998/0611	Motorway service area including amenity building, fuel filling station , police post, landscaping and associated parking and infrastructure works- Reserved Matters (as amended by plans rec'd 11/09/98	Approved	19.10.1998
B/1998/0568	Motorway service area, to include amenity building, fuel forecourt, parking areas and landscaping.	Approved	10.08.1998
B/1994/0497	Motorway Service Area	Allowed at Appeal	05.12.1997
B/1993/0646	Motorway Service area (Junction 2 M42)	Dismissed at Appeal	05.12.1997

**Assessment of Proposal****Site Description**

The site is currently a grassland meadow within the confines of the existing Motorway Service Area (MSA). It is located immediately adjacent to the existing Heavy Goods Vehicle (HGV) Park. There are two earth bunds within the site, one divides the site from the existing HGV Park and the other runs along the western boundary of the site.

The A441 is located to the western side of the site and Ash Lane to the north. The nearest built form other than the motorway service station would be to the north of the site and includes: Karenswood International, Kings Norton RFC, Lea End Farm and Fiveways Old Edwardians.

## **Proposal**

The Proposed development is to extend the existing HGV park facility into the Grassland to raise the number of HGV spaces from the existing 60 spaces to 97 spaces. The scheme would involve changing the levels of the land, installing lighting and constructing an attenuation pond to deal with the additional surface water runoff.

## **Green Belt**

The site is situated entirely within the Green Belt.

Paragraph 87 of the NPPF sets out that ‘...inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’. Paragraph 88 then goes on to state that ‘...*local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*’

Paragraph 90 of the NPPF sets out certain forms of development that are not inappropriate development in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. One of these forms of development is ‘*Local transport Infrastructure which can demonstrate a requirement for a Green Belt location*’.

It is likely that many HGVs using the MSA would be on journeys that might reasonably be considered greater than local in length. However, the number of HGVs stopping at this MSA indicates that there is a need for HGV parking provision in the local area. With this and other factors such as highway safety and the restriction on drivers’ hours it is considered that there is a need in this locality for additional HGV parking spaces. Accordingly, it is considered that the proposal would support a local need, which would support various journeys; including many that are not local, and as such would constitute a local transport infrastructure facility.

## **Openness**

Openness is not defined within the NPPF. However, it has generally been taken to mean ‘the absence of development’. The site is currently an open unmanaged field with two bunds located within it, one along the southern and the other along the western boundary which curves into the site. Generally the site does appear undeveloped.

The proposal would change this by introducing further development in to the site. With changes in the levels and the surface of the land, the proposal would introduce an urbanising feel into the site. The resultant use would also introduce HGVS onto the site; which although not permanent structures, would add a third dimension to the proposal. Visually, the site would be partly screened by the existing and proposed vegetation and

would be read against the existing HGV Park at the MSA and the A441. However, with all of the elements to the proposal, it is considered that the development would reduce the openness of the Green Belt.

## **Purpose of Green Belt**

There are five purposes of the Green Belt, which are set out in paragraph 80 of the NPPF. These are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

As this site does already fall within the extent of the existing and original MSA it is not considered that the proposal would conflict with any of these purposes.

Overall, although the proposal is considered to be a 'Local Transport Infrastructure', as the proposal would harm the openness of the Green Belt, it is considered that the proposal would be inappropriate development in the Green Belt. In accordance with Paragraph 88 of the NPPF this harm is afforded substantial weight.

## **Other non-Green Belt considerations**

### **Impact on Historic Environment**

To the north of the site is Lea End Farm, a grade II listed farmhouse. Lea End Farmhouse comprises a late 18th /early 19th farmhouse of brick construction beneath a pitched tiled roof. Immediately to the north of the farmhouse are the historic barns which have been converted to residential use, and to the north east are more modern farm buildings.

Although most of the significance of the listed building is derived from the building itself, and the original buildings within the farmstead, the underdeveloped and largely open land surrounding the farmstead makes up the rural setting of the building, and does make a contribution to the significance of the listed building.

At present one, possibly two lighting columns on the existing carpark are visible from the farmhouse looking south/south west. The Councils Conservation Officer is therefore concerned that developing the proposed site to the north west of the existing HGV park, and the construction of the more lighting poles will be significantly more visible and intrusive in terms of the rural landscape to the south of the farm house.

There has been unsympathetic development within the setting of this listed building in the past, however the Historic England Advice Note 3, 'Setting of Heritage assets', states 'Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset.'

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires us to consider the impact of development on the setting of listed buildings. The Council's Conservation Officer has considered the proposal and believes that the proposed development, in the context of Paragraph 134 of the NPPF will cause less than substantial harm to the significance of the listed building, and that this harm is probably at the lower end. They note that great weight should be attached to the conservation of listed buildings and their settings and that this harm will have to be balanced against the public benefits of the proposed development.

## **Highways**

Highways England have confirmed within their comments that based upon the present policy requirements set out in DfT Circular 02/2013, Annex B, Schedule 1, the existing service area has an identified shortfall in spaces for HGV parking. In this regard they have calculated that were the MSA to be built today, a minimum parking requirement of 95 HGV spaces would apply. The application therefore clearly meets the current requirement.

Highways England have set out in their comments that any shortfall in availability of spaces may result in HGVs being forced to travel further to search for available parking, which increases risks arising from drivers becoming fatigued. Reducing drivers' fatigue is a key component in improving road safety and therefore the principles of the development are supported by Highways England as an important contribution to meet the needs of road users.

As such subject to certain conditions, Highways England have not raised any objection to the proposal.

It is also noted that Worcestershire County Council Highways Authority have raised no objections to the proposal.

## **Drainage and Flooding**

In accordance with the Flood Risk Assessment the site is in flood zone 1 (low risk of modelled river and tidal flooding), and North Worcestershire Water Management have confirmed that there are no records of flooding at this location (although it is noted that this could be because people do not generally report flooding on greenfield land). They have also confirmed that the site is at low surface water flood risk according to the Environment Agency's updated map for surface water.

The proposal would result in a change in the surface of this site, which would inevitably result in an increase in run off. The proposal does however incorporate a sustainable drainage system, which North Worcestershire Water Management have confirmed would compensate for this.

The development would potentially increase pollution from the vehicles using the site. As there is a tributary of the River Arrow near to the site; pollution control needs to be achieved to limit pollutants entering the watercourse.

North Worcestershire Water management have however confirmed that provided the proposal is built in accordance with Appendix 7 of the Sustainable Drainage Strategy – Outline Surface Water Strategy, they would have no objection to the proposal.

## **Ecology**

It is clear from the ecological reports that there are a number of sensitive ecological receptors in the vicinity (including protected species), which will need careful consideration both during construction and in the long term. It will be especially important to provide protection to great crested newts, retained habitats and the receiving watercourse during construction together with long term protection for these and bats (which may be adversely affected by light spill) during the lifetime of the development.

A Construction and Ecological Management Plan and a Habitat Mitigation and Enhancement Plan have been submitted with the application. These set out recommendations to enhance biodiversity as well as protect existing biodiversity during and post construction. It is considered that the recommendations set out with in these documents are acceptable.

It is also noted that Worcestershire Wildlife Trust do not wish to object to the application and believe that we can now progress the application in line with the law and planning guidance.

## **Landscaping**

The Councils Arboricultural officer has confirmed that they have no objection to the proposal. They confirm that the hedge and tree retention is acceptable and combined with the proposed landscaping plan and strategy would provide a suitable level of tree, shrub and hedge cover on the site.

Therefore I would have no objection to the proposed revised development under the same conditions of tree / hedge protection to BS5837:2012 throughout any ground or development work on the site. I would request if still possible to do so that a tree and hedge protection plan is submitted.

## **Residential Amenity**

The proposed HGV park would be located well over 100 metres from the nearest residential dwelling house. However due to the nature of the proposal, Worcestershire Regulatory Services have been consulted on the application in respect to light pollution, noise and air quality. They have not raised any objection in regards to these matters. As such it is considered that the proposed would not have a detrimental impact on the nearby occupiers.

Alvechurch Parish Council have objected to the proposal, but they have set out in their comments that if Bromsgrove District Council are mindful to approve the application, they would suggest enforcement signs should be provided at the local lay-bys and on nearby verges to prevent overnight parking for large goods vehicles. The use of lay-bys falls outside of the remit of planning and cannot therefore be controlled through this application.

## **Very Special Circumstances**

The considerations put forward by applicant are set out fully within their Planning statement, and include: The need for the development; the need in this specific location; and the lack of alternative provision for HGV parking.

MSAs and other roadside facilities are provided for all motorists using the strategic road network as an opportunity to stop and rest in the interests of highway safety. Paragraph 31 of the NPPF sets out that, the primary function of roadside facilities for motorists should be to support the safety and wellbeing of the road user. A network of service areas have been developed along the strategic road side for this reason. It is mandatory that these service areas provide certain facilities, and without these facilities sites cannot be the subject of a signage agreement with Highways England. HGV parking is one of the mandatory facilities.

The Department for Transport (DfT) Circular 02/2013 sets out the formula for calculating the level of parking that is required at MSAs. Using this formula the applicant has calculated that the required HGV parking at Hopwood MSA is 79 spaces. It is also noted that Highways England has set out in their comments that the required HGV parking at this site would be 95 spaces if it were to be built now. Using Highways England's figure, this is 35 spaces more than is currently available within the site.

A Transport Assessment has also been submitted with this application. This sets out the results of a traffic survey that was conducted at the site. This traffic survey looked at the number of HGV parking spaces occupied within the site and also monitored the behaviour of drivers and incidents where it was considered that HGV parking caused a highway safety issue.

The results of the survey demonstrated that the site currently provides an insufficient provision of parking for HGVs. It also showed that when the HGV parking areas were full that the HGV drivers would look for alternative places to park within the MSA, whether it was the coach park or the car park. This raises a highway safety concern, as MSAs are designed to segregate different types of traffic in the interests of safety.

The Department for Transport (DfT) Circular 02/2013 also sets out the Government's policy on the spacing of MSAs along the strategic road network. The requirement is that MSAs should either be no more than 28 miles apart or a 30 minute travel time, whichever is lesser. Currently there are no alternative MSAs on the M42 between Hopwood and Tamworth MSA (a distance of 27 miles). It is also noted that there is a distance of 28 miles between Strantsham Services on the M5 and a distance of 25 miles to Corley MSA on the M6. These do meet the 28 mile policy set out in Circular 02/2013, however the applicant has set out that there is a long established concern in respect to this stretch of the motorway given the volume of traffic and frequency of delays.

It is a legal requirement that HGV drivers only drive for a certain number of hours each day, and during that time that they take regular breaks to rest. The requirement is that drivers must rest for at least half an hour after driving 5 hours and 30 minutes, or at least 45 minutes within any 8 hours and 30 minute period. This is an important highway safety requirement and does therefore form a material planning consideration in this case. To

enable drivers to do this, it is essential that there is adequate clearly signed HGV parking and facilities available along the Strategic Road Network.

If an alternative provision for HGV parking was to be made elsewhere along the strategic road network to meet the need identified at Hopwood, it is likely that this would also be in the Green Belt. An alternative site would result in the duplication of all of the facilities already available at Hopwood MSA and required by Highways England. This would therefore have a greater impact on the Green Belt than that the current proposal.

From the considerations put forward by the applicant it appears that there is a clear and justified need for additional HGV parking within the vicinity of the site, and that the best location for this would be at Hopwood MSA, as it is considered that an alternative site would only have a greater impact on the Green Belt than this proposal. It is also evident that the lack of parking is a highway safety concern. It is therefore considered that these considerations carry substantial weight.

## **Conclusion**

The NPPF sets out that for the applicants' circumstances, and any other benefits of a proposal to amount of very special circumstances; they must clearly outweigh the harm to the Green Belt and any other harm.

In this case it has been determined that the proposal would reduce the openness of the Green Belt, and as such would be considered to be inappropriate development. Inappropriate development is by virtue harmful to the Green Belt, and should carry substantial weight. The level of harm that is attributed to the harm that the proposal would cause to the Green Belt is therefore substantial.

It is also considered that the proposal would harm the setting of Lea End Farm, a Grade II Listed Building. It is considered that this harm would be less than substantial harm to the significance of the listed building, and that this harm is probably at the lower end. Paragraph 134 states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal....' Paragraph 132 of the Framework sets out that great weight should be given to the asset's conservation, and any harm requires clear and convincing justification.

The applicant has put forward a robust case, which is considered to carry substantial weight in favour of the application. Their case sets out that the existing HGV parking at Hopwood MSA is inadequate and is under stress, which is causing a highway safety concern within the site and on the wider network. The proposal appears to provide the required level of parking for the site, which would be improvement in the highway safety of the MSA and the wider strategic network. It is clear that any alternative provision for the required HGV parking at this location would be within the Green Belt, and due to duplication of required facilities would result in more harm to Green Belt than the current proposal. It is also noted that Highways England are in support of the proposal setting out in their comments that any shortfall in availability of spaces may result in HGVs being forced to travel further to search for available parking, which increases risks arising from drivers becoming fatigued. Reducing drivers' fatigue is a key component in improving road safety.

In conclusion, it is considered that the applicants case which shows that there is a clear and justified need for the additional HGV parking spaces at this location would clearly outweigh the harm that the proposal would have on the Green Belt, and on the setting of the listed building, and would therefore amount to very special circumstances.

**RECOMMENDATION:** That planning permission be approved subject to conditions

**Conditions:**

1. Development to commence within 3 years.
2. In accordance with plans and documents.
3. Prior to commencement of development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The approved scheme shall be adhered to for the duration of the construction period.
4. All trees and hedge lines to be retained within the site or within influencing distance of any ground or development works on any adjacent land are afforded full protection in accordance with BS5837:2012 recommendations throughout any ground or development work on the site.
5. No storage of any material should take place within the BS5837:2012 recommended Root Protection Area of any retained tree or hedge line.
6. The development shall be carried out in strict accordance the approved information.
7. The proposed development shall be carried out in strict accordance with the Construction Environmental Management Plan (CEMP) dated January 2018 and the habitat mitigation and Enhancement plan (HMP) dated January 2018.
8. All of the recommendations set out within the Habitat Management Plan (HMP) dated January 2018 shall be fully implemented prior to the first use of the development hereby approved, and shall be retained and maintained in line with the recommendations set out in the HMP in perpetuity.
9. The technical specification (height, positioning, lux value, and means of illumination) of the lighting to be installed shall be in strict accordance with the submitted documents, and shall be maintained as such in in perpetuity.
10. All soft landscaping works shall be carried out and maintained in accordance with the approved information.

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