



BROMSGROVE DISTRICT COUNCIL

VIRTUAL MEETING OF THE PLANNING COMMITTEE

MONDAY 9TH NOVEMBER 2020, AT 6.00 P.M.

SUPPLEMENTARY DOCUMENTATION

The attached papers were specified as "to follow" on the Agenda previously distributed relating to the above mentioned meeting.

4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting) (Pages 1 - 10)

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9th November 2020

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BROMSGROVE DISTRICT COUNCIL

VIRTUAL MEETING OF THE PLANNING COMMITTEE

MONDAY 11th NOVEMBER 2020

AT 6:00P.M

UPDATE SHEET

ITEM 5

19/01356/FUL

Full Planning Application for the demolition of existing buildings and the development of 63 dwellings with associated public open space and infrastructure
Barn House Farm Foxlydiate Lane Redditch B97 5PB

Comments from Bentley Pouncefoot Parish Council

The case officer's report includes two submissions made by Bentley Pouncefoot Parish Council (BPPC). It was necessary to submit the second document to request further information and clarification. Several remain unanswered and we note that none of our points have been addressed by the Case Officer in his report to the planning committee.

This is a Full planning application therefore it is surprising that the LPA have not insisted that outstanding points from BPPC, a statutory consultee, have been fully addressed before bringing the application before the planning committee.

This planning application is part of the Redditch Cross Boundary Development. The Bromsgrove District Plan includes a specific set of policies for development within these sites. Policy RCBD1.4 states: 'In order to achieve these sustainable new communities all aspects of the delivery of the urban extensions must be in accordance with the Policies contained within the Bromsgrove Development Plan and any other relevant Policies.'

Yet this application fails to satisfy a number of the requirements of the NPPF or comply with policies of the BDP. Therefore, the recommendation to the Planning Committee should be to refuse this application.

- a) The user hierarchy stated in BDP19.1(l) places pedestrians first for consideration with vehicles at the bottom of the list. This is in line with NPPF para 110(a) which requires applications to give priority, first, to pedestrian and cycle movement, both within the scheme and neighbouring areas.

In paragraph 8.96 (BDP12 Sustainable Communities) of the BDP it states that 'Safe, direct routes for walking and cycling and appropriate bus services will be established to serve existing and new preschool, primary and secondary school communities.'

BPPC welcome the proposed new bus service on Foxlydiate Lane with stops at the entrance to the development together with the free school transport for under 8s to Tardebigge. This goes some way to address the lack of a continuous pavement on Foxlydiate Lane (identified by WCC Highways as a reason to refuse the Outline application pending for this site for failure to comply with the NPPF) and the distance to existing bus stops that is outside of the 'desired' limit. However, no detail is provided for when the service will start nor the times between which it will operate. We also note that it will only operate hourly Monday to Saturday.

To persuade drivers away from their cars it is acknowledged that a bus service has to provide a 'turn up and go' service. Such a service needs to operate 7 days a week and well into the evening. It should be a frequent service (12 minute intervals or better) and should be provided from day 1 of occupation.

It is now more important than ever to ensure new developments comply with the BDP and NPPF to ensure safe, direct routes for walking and cycling are provided. The latest Government Guidelines encourage us to walk or cycle in preference to taking public transport as do the Active Travel Plans.

The applicant suggests that pedestrians will use paths between roads to walk to the facilities that exist in Webheath but we have not received any answer to our query whether these paths are well lit, an important safety consideration, or suitable for the disabled. No evidence has been provided to demonstrate that these routes will be compliant with NPPF paragraphs 108 and 110 or Worcestershire County Council's Policy WC4 and BDP12. For a pedestrian wishing to walk along Foxlydiate Lane towards Birchfield Road having to cross the road three or four times cannot be considered a safe direct route. No evidence is provided to demonstrate safe, direct routes exist for other schools or older schoolchildren.

- b)** NPPF para 110 (b) requires new developments to address the needs of people with disabilities and reduced mobility. BPPC can find no evidence of how this application addresses this important requirement. It is particularly disappointing that neither WCC Highways, Mott MacDonald or the LPA have insisted on an explanation of how the applicant has achieved this requirement. The site is designed with a number of side roads, one is labelled a 'Pedestrian Prioritised Street', the other side roads are not labelled but it appears that the footpaths do not extend along their full length.

A description of the 'Pedestrian Prioritised Street' is not provided but we note that it was originally clearly identified as different to other roads in the development through a different surface treatment but this has now been removed. No explanation is provided why footpaths do not continue for the full length of all roads within the development.

In order to comply with the NPPF pedestrians should always be prioritised over vehicles however, if the Pedestrian Prioritised Street is an example of a shared space they have received much criticism from disabled charities in recent years.

In 2019 a petition signed by 112 disability charities was handed in to 10 Downing Street calling for an end to them in new developments.

Andrew Hodgson, President of the National Federation of the Blind of the UK, stated: "A pavement gives the opportunity for a blind person to access the local area knowing that they will not walk into moving traffic and this is as important in any housing estates as it is in any town or city centre."

Where is the evidence that this application meets the requirements laid down in the NPPF and BDP for people with disabilities or reduced mobility and why is this application recommended for Approval without it?

- c) The changes to the local road network approved under 16/0263 are designed to force traffic to use the spine road through the main Foxlydiat development to access the A448 and routes beyond the A448 to the Enfield employment areas, the M5 north and so on. The right turn onto the A448 from Birchfield Road will be closed.

Plan 1401-PJA-013(ii) is one of the approved road plans for 16/0263. It shows a road off the main spine road labelled 'Proposed Vehicular Connection to Barn House Farm Land'. It was clearly the plan to provide a fully integrated connection between the two developments. It allows direct access from Barn House Farm onto the spine road for quick and easy access.

Yet the plans for Barn House Farm only show a narrower pedestrian and cycle link to the larger development. This means that all vehicles from the Barn House Farm development wishing to use the A448 or roads to the north have to use Foxlydiat Lane to drive to either the roundabout or the other main development access also on Foxlydiat Lane. This needlessly puts yet more traffic on Foxlydiat Lane that could be completely avoided. It is highly unlikely that it would become a 'cut-through' for vehicles travelling from the spine road.

Bus stops are being provided for the Barn House Farm development on Foxlydiat Lane so residents wishing to use public transport will walk up to Foxlydiat Lane rather than use the link into the larger development. Residents wishing to walk or cycle to local facilities will use the routes illustrated in the TA provided for the application. All involve using, or crossing over, Foxlydiat Lane. This means that pedestrians, cyclists and vehicles all use the same access onto Foxlydiat Lane increasing the potential for conflict which is a safety risk in contravention of NPPF paragraph 108 (b).

Insisting that the link from Barn House Farm is a vehicular road connecting with the road already approved would help create a separation of motorised vehicles and vulnerable users 'minimising the scope for conflicts between pedestrians, cyclists and vehicles' as required by NPPF para 110 (c).

NPPF para 110(d) specifies that applications for development should allow access by service and emergency vehicles. Making this connection to the main spine road through the larger Foxlydiat development (which already has approval under 16/0263) would provide alternative access to the Barn House Farm development for emergency vehicles.

There has been no explanation for the inconsistency between the approved plans for the larger development and this application. In its current form the plan conflicts with NPPF paragraphs 108 and 110 and should be refused.

- d)** Paragraph 8.192 (BDP19 High Quality Design) explains the rationale behind BDP19.1(e). In particular it makes the point (emphasis our own): However, many of the post war developments in the District are divorced from and out of scale with their surroundings. This also applies to the more recent housing estates which are built with standard house types and layout. They do not respond to local character and could be found anywhere in the Country.

It goes on to point out how this loss of local distinctiveness will be addressed: To enhance the local distinctiveness of Bromsgrove District, it is important that all new developments appraise its surrounding areas at the macro and micro level, identify the elements that would enhance the local distinctiveness of the area and incorporate them into the design of the development. The Council will expect all applications to explain how the design of the development recognises, relates to and enhances the local character of the area.

The designs submitted with this application are exactly the type the BDP is apparently determined to prevent continuing to be built. The applicant has developments all over the country and the house types in this application can indeed be found all over the country (exactly as described in paragraph 8.192). The same house designs are currently for sale in Devon, Lancashire and Kent to name just three other counties.

It is particularly disappointing that the LPA is willing to allow the loss of yet another important example of local distinctiveness yet does not insist that the houses that will replace it reflect the locally distinctive design that will be lost.

This application uses standard house types and layouts that can be found all over the Country and which the BDP states are not acceptable. The application is contrary to Policy BDP19 and should be refused.

- e)** Both the Conservation Officer and Worcestershire Archive and Archaeological Service (WAAS) object to the application. They point to BDP Policy and NPPF requirements that support their objection and a worrying loss of historic farmsteads especially in the Redditch area.

WAAS also question why demolition is required to facilitate highway access. BPPC have three comments:

- i)** Given our point in (c) above, the main vehicular access could be provided directly on to the spine road in the main development. This has already been approved and would both reduce traffic on Foxlydiate Lane and enable a narrower access onto Foxlydiate Lane primarily for pedestrian and cycle access and for emergency vehicles thus removing the need for demolition.

ii) In para 19.5 of the report for the planning committee it is stated that the loss of this heritage asset must be weighed against 'significant social and economic benefits that delivery of residential led development could provide'. Where is the evidence that significant social and economic benefits do outweigh the loss? Para's 19.2 and 19.3 are not evidenced. Where is the commitment that construction-based jobs will be from the local area? Where is the evidence that the local supply chain will benefit during the construction phase? Where is the evidence that wages will be spent in the local economy?

iii) This application is within the larger Foxlydiate application which will be delivering 2560 of the houses within the Cross Boundary Site. These should be taken into account when weighing the loss of this heritage asset.

Bentley Paucefoot Parish Council places great value on the distinctiveness of our Parish and fully support the policy explained in Para 8.192 of the BDP to protect the District from continued erosion of that local distinctiveness together with the Policies to protect locally significant heritage assets, whether listed or not.

It is completely unacceptable that the LPA is recommending approval of an application that would destroy an iconic example of our local vernacular and allow it to be replaced with standard house types that are found all over the Country on identikit estates, in direct contravention of their own policies.

f) Paragraphs 17.1 and 17.2 of the report for the Planning Committee states that the primary source of potential harm to residential amenity arises during the construction phase of the development and that this harm can be mitigated by a 'robust' CEMP. Bentley Paucefoot Parish Council wish to avoid all the problems experienced during the construction phase of other recent development in Webheath. Construction and delivery vehicles using the narrow lanes to access and leave the site pose a significant safety risk in addition to the disruption and impact on our residents 'quality of life.

We have a number of outstanding questions with the LPA regarding CEMP operation but the response from this applicant and the condition listed in the committee report raise further questions.

In particular we seek to understand how the CEMP can prevent vehicles using the narrow lanes through Bentley Paucefoot. The LPA and their transport consultant have previously stated it is possible but have not explained how it is achieved. The applicant provided a single page plan (1690-08-03-128) with notes that 'All contractors, subcontractors and deliveries be made aware of routing restrictions' and a route for 'deliveries' indicating that these vehicles must approach the site from an easterly direction on the A448. It also indicates working times between 8am and 6pm which do not match the times specified by the case officer's report.

BPPC asked a follow-up question of the applicant that remains unanswered. We have further concerns regarding the detail provided in the case officer's report so ask the following questions:

1. What is the definition of a construction vehicle that will be covered by the CEMP? Condition 10 of the case officer's report states that 'The hours that delivery vehicles will be permitted to arrive and depart....' Why aren't all construction vehicles specified? The CEMP should cover ALL vehicles involved in the construction process - construction, delivery and site operatives' vehicles.
2. What is a 'Monitoring Mechanism' for construction traffic? Given question 1 – does this also apply to delivery and site operative's vehicles?
3. How will all the vehicles covered by the CEMP be tracked, recorded and reported?
4. Will the CEMP apply to any construction on the site, regardless of the developer or sub-contractor?
5. The CEMP provided by the applicant in response to questions from BPPC (drawing1690-08-03-128) shows the route for 'deliveries' to be along the A448 from the East. Is this the route that all construction, delivery and site operative vehicles must use? This should be an enforceable condition of the CEMP.
6. Who is responsible for ensuring CEMP compliance during the entire construction period?
7. What penalties will be imposed on the developer for non-compliance and who is responsible for their imposition?
8. What mechanism will be established to regularly review CEMP compliance with interested parties including the Parish Council and Local Residents?

The drawing submitted by the applicant and the points listed in condition 10 of the report for the planning committee are not robust. They are contradictory and lacking detail. These questions must be answered before planning permission is granted to assure existing residents that the potential for harm to residential amenity can be comprehensively mitigated.

In summary, as stated at the start of this document, Policy RCBD1.4 states: 'In order to achieve these sustainable new communities all aspects of the delivery of the urban extensions must be in accordance with the Policies contained within the Bromsgrove Development Plan and any other relevant Policies.' This application clearly contravenes many key policies so must be refused in accordance with BDP Policy.

Summary of Further representations received from local residents

- Site entrance on brow of hill
- Disturbance from car headlights exiting proposed entrance to properties on opposite side of Foxlydiate Lane

- Limited street lighting on opposite side of road
- Applicant planning to install footpath in direction of Church Road / Great Hockings Lane Island only, leaving pedestrians the need to cross over Foxlydiate Lane to access the footpath down to Birchfield Road Bus stops.
- Restricted visibility of site entrance for approaching traffic from Birchfield Road direction.
- the applicant's proposal is to construct a public adopted road hammerhead and footpath, along with a private shared driveway and private drives to plots 34,35,36 and 37, directly over Severn Trent Easement zone for their trunk main. I cannot believe that STWA will ever allow this
- Local infrastructure particularly roads and footways needs more expenditure before further development proceeds
- The proposal will compound the traffic impacts of the larger scheme on the local road network
- No road link between this and the larger scheme is missed opportunity to mitigate impact upon Foxlydiate Lane
- S106 contributions are unclear
- Loss of habitat for bats and birds

Officer Comments

Response to BPPC comments -

- a)** Officers have asked WCC to provide a response on this point.
- b)** Officers have asked WCC to provide a response on this point.
- c)** The proposal before members does not include a road link for vehicular traffic between this and the larger scheme. Vehicular access would be achieved via the existing access onto Foxlydiate Lane, to which no objection has been raised in highway safety terms by the County Council or the Council's independent Highway Consultant – Mott MacDonald.
- d)** Foxlydiate Lane has a diverse range of house types and styles. The former farm buildings which would be demolished are not prominent features in the street-scene.
- e) (i)** Access to the site is shared with Springfield Farm. If access to the site were gained through the larger scheme it would still not be possible to close the existing access onto Foxlydiate Lane to all vehicular traffic. The matter for members to determine is not whether an alternative proposal would potentially offer a better option, but whether the current proposal is acceptable or not.

(ii) The balance of benefits is considered to outweigh the acknowledged harm of the loss of a non-designated heritage asset.

(iii) The point upon whether the benefits of the development outweigh the loss of the non-designated heritage asset is a matter of judgment.

f) Please Note Recommendation paragraph b (page 18 of the main agenda report) The Planning Inspector will ultimately decide the conditions to be imposed. There will be a further opportunity for officers to review the list of the, before the current deadline for their submission to the Planning Inspectorate. In the event that Members decide they would have refused permission, the Local Planning Authority, nonetheless has to produce a list of conditions it would wish to see imposed in the event the appeal is allowed within the same time frame.

1. Please see (f) above

2. It is for the applicant to submit details of the monitoring mechanism in response to the condition and for the Local Planning Authority to consider those details in conjunction with WCC Highway Authority.

3. see 2 above. The LPA cannot pre-empt the details which are required by condition, nor is it necessary for the LPA to do so.

4. Planning Conditions run with the land. The landowner is liable for any breach.

5. This point can be addressed by adding an additional bullet point to the CEMP which requires the routing of delivery vehicles to be submitted.

6. The onus is upon the landowner to comply with the terms of the permission. The Local Planning Authority is responsible for investigating any alleged breach of planning control. The highway authority have other powers to act in the interests of highway users.

7. The enforcement of a breach of planning control is discretionary. The powers available to the LPA are set out in statute.

8. None. Alleged breaches of planning control should be referred to the relevant investigating authority, which is the Local Planning Authority. The Parish Council has no authority to investigate or review allegations made by third parties to the Local Planning Authority and it is unnecessary for the Parish Council to act as an intermediary between those and the Local Planning Authority.

Comments in respect of further third-party representations

These do not raise new issues. There are no objections from the County Highway Authority or from the Council's independent Highway Consultant.

ITEM 6

20/00951/FUL

Thornborough Farm Redhill Road Kings Norton Birmingham B38 9EH Erection of replacement lambing shed (retrospective).

Further photographic evidence has been provided in objection of this proposal;

Images of works carried out to building in March/April 2020

<https://photos.app.goo.gl/L1KSXxf6dFHdbTwF9>

Below are the most recent Time/Date/Location photographs taken from the site.

<https://photos.app.goo.gl/phKg35MLkzsUPAk1A>

- 1) You will see the hay is being stored outside shrink-wrapped in plastic so does not get wet,
- 2) Not a single sheep in the newly created lambing shed, even though we are experiencing continuous wet stormy weather during this whole week.
- 3)If you look carefully at the images in the shed you will see the agricultural vehicle(s) and boat stored inside the building.
- 4) There was also a large deposit of Road Stone outside.

There is also a Polytunnel onsite which could be used for lambs. Please again see the link below

<https://photos.app.goo.gl/oZjvnm9e54R1KEBa7>

Council response:

Works were carried out in March/April 2020. This matter has been addressed in your officer's report and the fact the building has been replaced has been accepted by the application. This is a retrospective application to regularise the building onsite.

The building has been identified as an appropriate building for its proposed use by the Independent Agricultural Consultee. Sheep are not kept onsite all year round as sheep rearing is seasonal. This can be seen on the Livestock Movement records provided by the applicant. The applicants have justified the building for hay/straw storage and other associated storage in addition to the lambs. The existing building onsite is not subject to a condition however would become subject to the condition should members approve. At such a stage, any storage within the building can be fully considered.

There is a small polytunnel onsite. This is quite small and would therefore not be sufficient when the site is in full use in addition to the lay and vehicle storage needed.

Further representations have been received for this application however these do not raise any material planning considerations.

The scale has been corrected on Drawing No. 9304-A-200 Existing & Proposed Site Plan (A3) from 1:1250 to 1:500.

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