



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 3RD APRIL 2017

AT 6.00 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE, B61 8DA

PLEASE NOTE THE COUNCIL'S NEW PREMISES AS INDICATED ABOVE AND THAT AFTER 5PM, ACCESS TO THE PARKSIDE SUITE IS VIA THE MAIN ENTRANCE DOOR ON THE STOURBRIDGE ROAD. PLEASE ALSO NOTE THAT THERE IS NO PUBLIC PARKING AVAILABLE FOR THE NEW PREMISES. THE NEAREST PARKING IS THE PARKSIDE (MARKET STREET) PAY AND DISPLAY CAR PARK.

MEMBERS: Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), C. Allen-Jones, S. J. Baxter, M. T. Buxton, C.A. Hotham, S. R. Peters, S. P. Shannon, M. A. Sherrey, C. J. Spencer and P. J. Whittaker

Updates to the Reports of the Head of Planning and Regeneration Services will be available in the Council Chamber one hour prior to Meeting. You are advised to arrive in advance of the start of the Meeting to allow yourself sufficient time to read the updates.

Members of the Committee are requested to arrive at least fifteen minutes before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting.

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 6th March 2017 (Pages 1 - 2)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 2016/1085 - Hybrid Application: Outline Planning Permission for up to 150 dwellings with all matters reserved for future consideration (access, appearance, landscaping, layout and scale) and Full Planning Permission for a Community Facility, including details of access and associated car parking, landscaping, drainage and other associated infrastructure - Longbridge East and River Arrow Development Site, Groveley Lane, Cofton Hackett, Worcestershire - C/o Planning Prospects Limited (Pages 3 - 16)
6. 2016/1087 - Erection of 185 dwellings, including details of access, landscaping and open space, drainage and other associated infrastructure - Longbridge East and River Arrow Development Site, Groveley Lane, Cofton Hackett, Worcestershire - C/o Planning Prospects Ltd (Pages 17 - 30)
7. 2016/1143 - Demolition of existing garage. New garage attached to existing dwelling house and new porch - 27 Linthurst Road, Barnt Green, B45 8JL - Mr and Mrs Palmer (Pages 31 - 36)
8. Applications 2017/0077, 2017/0078 and 2017/0079 - Land to the south of Stonehouse Lane, Hopwood, B48 7BA - Mr A Hart (Pages 37 - 52)

To consider jointly, the following related retrospective Planning Applications:

2017/0077

Change of use of land from agricultural to mixed use consisting of agriculture and a sport fish (angling) rearing facility, including alterations to an existing small lake and immediate curtilage: RETROSPECTIVE

2017/0078

Widening and resurfacing with granular material of existing farm / lake service road, alterations to existing lake by remedying undercut banks, removal of noxious weed, removal of small island and dredging to remove noxious silt. Alterations to existing highway access to provide highway compliant visibility and set back, and resurfacing with granular material. RETROSPECTIVE

2017/0079

Erection of open sided over-water structure for the use of housing plant and for the maintaining life support for fish and automatic feeder and docking for punt. (7.9m x 5.9m x 4.8m(h) (including overhanging roof detail), Block of 4 small log utility cabins, comprising a WC, and ancillary uses. 4.7m x 3.7m x 5.3m (h) and standing on 600mm concrete base: RETROSPECTIVE

9. 2017/0111 - Proposed double garage in lieu of garage building previously approved under 2015/0364 and associated hardstanding - Clifford Cottage, Top Road, Wildmoor, B61 ORB - Mr and Mrs A Price (Pages 53 - 56)

10. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

23rd March 2017



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can attend all Council, Cabinet and Committee / Board meetings, except for any part of the meeting when the business would disclose confidential or "exempt" information.
- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees, etc., is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees / Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

at www.bromsgrove.gov.uk

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Information for Members of the Public

The Planning Committee comprises 11 Councillors. Meetings are held once a month on Mondays **at 6.00 p.m.** in the Parkside Suite, Parkside, Market Street, Bromsgrove, B61 8DA - access to the Parkside Suite after 5pm is via the main entrance door on the Stourbridge Road. The nearest available public parking for the new premises is Parkside (Market Street) Pay and Display. .

The Chairman of the Committee, who is responsible for the conduct of the meeting, sits at the head of the table. The other Councillors sit around the inner-tables in their party groupings. To the immediate right of the Chairman are the Planning Officers. To the left of the Chairman is the Solicitor who provides legal advice, and the Democratic Services Officer who takes the Minutes of the Meeting. The Officers are paid employees of the Council who attend the Meeting to advise the Committee. They can make recommendations, and give advice (both in terms of procedures which must be followed by the Committee, and on planning legislation / policy / guidance), but they are not permitted to take part in the decision making.

All items on the Agenda are (usually) for discussion in public. You have the right to request to inspect copies of previous Minutes, reports on this agenda, together with the background documents used in the preparation of these reports. Any Update Reports for the items on the Agenda are published on the Council's Website at least one hour before the start of the meeting, and extra copies of the Agenda and Reports, together with the Update Report, are available in the public gallery. The Chairman will normally take each item of the Agenda in turn although, in particular circumstances, these may be taken out of sequence.

The Agenda is divided into the following sections:-

- Procedural Items

Procedural matters usually take just a few minutes and include: apologies for absence, approval of the Minutes of the previous meeting(s) and, where necessary, election of a Chairman and / or Vice-Chairman. In addition, Councillors are asked to declare whether they have any disclosable pecuniary and / or other disclosable interests in any items to be discussed. If a Councillor declares a disclosable pecuniary interest, he/she will withdraw from the meeting during the discussion and voting on that item. However, it is up to the individual Councillor concerned to decide whether or not to declare any interest.

- Reports of the Head of Planning and Regeneration

(i) **Plans and Applications to Develop, or Change of Use** - Reports on all applications will include a response from consultees, a summary of

any observations received and a recommendation. Recent consultation responses will be reported at the meeting within the Update Report.

Each application will be considered in turn. When the Chairman considers that there has been sufficient discussion, a decision will be called for. Councillors may decide that, in order to make a fully informed decision, they need to visit the site. If this is the case, then a decision on the application will be deferred until the next meeting of the Committee. Alternatively, a decision may be deferred in order that more information can be presented / reported. If the Councillors consider that they can proceed to making a decision, they can either accept the recommendation(s) made in the report (suggesting any additional conditions and / or reasons for their decision), or they can propose an amendment, whereby Councillors may make their own recommendation. A decision will then be taken, usually by way of a show of hands, and the Chairman will announce the result of the vote. Officers are not permitted to vote on applications.

Note: **Delegation** - All items are presumed to be matters which the Planning Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply, an appropriate indication will be given at the meeting.

Any members of the public wishing to make late additional representations should do so in writing, or by contacting their Ward Councillor(s) well in advance of the Meeting. You can find out who your Ward Councillor(s) is/are at www.writetothem.com.

Members of the public should note that any application can be determined in any manner, notwithstanding any (or no) recommendation being made to the Planning Committee.

- (ii) **Development Control (Planning Enforcement) / Building Control** - These matters include such items as to whether or not enforcement action should be taken, applications to carry out work on trees that are the subject of a Tree Preservation Order, etc.. 'Public Speaking' policy does not apply to this type of report, and enforcement matters are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Reports of the Head of Legal and Democratic Services

These reports relate to, for example, cases where authority is sought to commence legal proceedings for non-compliance with a variety of formal planning notices. They are generally mainly concerned with administrative and legal aspects of planning matters. 'Public Speaking' policy does not apply to this type of report, and legal issues are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Urgent Business

In exceptional circumstances, and at the discretion of the Chairman, certain items may be raised at the meeting which are not on the Agenda. The Agenda is published a week in advance of the meeting and an urgent

matter may require a decision. However, the Chairman must give a reason for accepting any "urgent business". 'Public Speaking' policy would not necessarily apply to this type of report.

- **Confidential / Exempt Business**

Certain items on the Agenda may be marked "confidential" or "exempt"; any papers relating to such items will not be available to the press and public. The Committee has the right to ask the press and public to leave the room while these reports are considered. Brief details of the matters to be discussed will be given, but the Committee has to give specific reasons for excluding the press and public.

Public Speaking

Where members of the public have registered to speak on planning applications, the item will be dealt with in the following order (subject to the discretion of the Chairman):-

- Introduction of item by the Chairman;
- Officer's presentation;
- Representations by objector;
- Representations by applicant (or representative) or supporter;
- Parish Council speaker (if applicable) and / or Ward Councillor;
- Consideration of application by Councillors, including questions to officers.

All public speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

Feedback forms will be available within the Council Chamber for the duration of the meeting in order that members of the public may comment on the facilities for speaking at Planning Committee meetings.

NOTES

Councillors who have not been appointed to the Planning Committee but who wish to attend and to make comments on any application on the attached agenda are required to inform the Chairman and the relevant Committee Services Officer before 12:00 noon on the day of the meeting. They will also be subject to three minute time limit.

Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officer(s) in order to avoid unnecessary debate on such detail at the meeting. Members of the Committee are requested to arrive at least one hour before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be

sought to enable answers to be given at the meeting. Councillors should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.

Councillors are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to Committee for determination where the matter cannot be authorised to be determined by the Head of Planning and Regeneration Services.

In certain circumstances, items may be taken out of the order than that shown on the agenda and, therefore, no certain advice can be provided about the time at which any item may be considered. However, it is recommended that any person attending a meeting of the Committee, whether to speak or to just observe proceedings and listen to the debate, be present for the commencement of the meeting at 6.00 p.m.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 -
SECTION 100D

1. All applications for planning permission include, as background papers, the following documents:-
 - a. The application - the forms and any other written documents submitted by the applicant, the applicant's architect or agent, or both, whichever the case may be, together with any submitted plans, drawings or diagrams.
 - b. Letters of objection, observations, comments or other representations received about the proposals.
 - c. Any written notes by officers relating to the application and contained within the file relating to the particular application.
 - d. Invitations to the Council to comment or make observations on matters which are primarily the concern of another Authority, Statutory Body or Government Department.

2. In relation to any matters referred to in the reports, the following are regarded as the standard background papers:-

Policies contained within the County Structure Plan and Local Plan below, and Planning Policy Statements, specifically referred to as follows:-

BDP	-	Bromsgrove District 2011-2-30
SPG	-	Supplementary Policy Guidance
SPD		Supplementary Planning Document

3. Any other items listed, or referred to, in the report.

Note: For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers"

in accordance with Section 100D will always include the Case Officer's written report and any letters or memoranda of representation received (including correspondence from Parish Councils, the Highway Authority, statutory consultees, other 'statutory undertakers' and all internal District Council Departments).

Further information

If you require any further information on the Planning Committee, or wish to register to speak on any application for planning permission to be considered by the Committee, in the first instance, please contact Jan Smyth, Democratic Services Officer, at jan.smyth@bromsgroveandredditch.gov.uk, or telephone (01527) 64252 Extn. 3266.

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

6TH MARCH 2017 AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), S. J. Baxter, C.A. Hotham, S. R. Peters, S. P. Shannon, M. A. Sherrey, C. J. Spencer and P. J. Whittaker

Officers: Mr. D. M. Birch, Mr S Edden, Mr. A. Fulford, Mrs. T. Lovejoy, Mr. A. Novis (Worcestershire Highways Authority) and Mrs. J. Smyth

66/16

APOLOGIES

Apologies for absence were received on behalf of Councillors C. Allen-Jones and M.T. Buxton.

67/16

DECLARATIONS OF INTEREST

No declarations of interest were made.

68/16

MINUTES

The minutes of the meeting of the Planning Committee held on 6th February 2017 were received.

RESOLVED that the minutes of the meeting be approved as a correct record.

69/16

2016/1056 - DEMOLITION OF THE FORMER JOB CENTRE PLUS AND MASONIC HALL, AND THE ERECTION OF 14 "MYPLACE" SUPPORTED APARTMENTS (USE CLASS C2) AND 5 HOUSES (CLASS C3) - MASONIC HALL AND FORMER JOB CENTRE, CHURCHFIELDS, BROMSGROVE, WORCESTERSHIRE B61 8DX - BROMFORD HOUSING GROUP

Officers reported on two further representations received by neighbours objecting to the proposal, as detailed in the published Update Report, copies of which were provided to Members and the public gallery prior to the commencement of the meeting.

The Committee then considered the Application, which had been recommended for approval by Officers. Whilst supporting the proposed development, Members noted the concerns of objectors in relation to the impact of construction traffic. Officers advised that the Construction Management Plan Condition (Condition 10) could be amended to include working hours if Members wished.

Agenda Item 3

Planning Committee
6th March 2017

RESOLVED that authority be delegated to the Head of Planning and Regeneration Services to determine the Planning Application following:

- 1) the expiry of the publicity period on 7th March 2017 and, in the event that further representations are received, that delegated authority be granted to the Head of Planning and Regeneration Services, in consultation with the Chairman of the Planning Committee, to assess whether any new material considerations have been raised and to issue a decision after the expiry of the statutory publicity period accordingly, subject to:
- 2) the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:
 - i) highway improvements - £4,350
 - ii) improvements to the Recreation Ground - £43,960
 - iii) provision of bins - £3,077; and
- 3) the Conditions and Informatives detailed on pages 11 to 15 of the main agenda report with Condition 10 being amended to include Construction Working Hours.

70/16

2016/1175 - PROPOSED MIXED USE DEVELOPMENT COMPRISING 7 NO. GROUND FLOOR A1 AND A2 CLASS UNITS AND 10 NO. UPPER FLOOR RESIDENTIAL APARTMENTS (4 X 1 BED AND 6 X 2 BED) - NEW ROSE AND CROWN, 217 NEW ROAD, RUBERY B45 9JN - MR PETER STYLES

Officers reported on additional consultations received from the Highways Authority, who had withdrawn their original objection to the proposal following receipt of an amended site layout plan, and a further neighbour response, together with Officer's responses, as detailed in the published Update Report, copies of which were provided to Members and the public gallery prior to commencement of the meeting.

Members noted that, in view of the Highways Authority's additional comments, Officers proposed that Refusal Reason 3, as detailed in the Agenda, be deleted.

RESOLVED that Planning Permission be refused, for Reasons 1 and 2 as detailed on page 24 of the main agenda report, with Refusal reason 3 being deleted.

The meeting closed at 6.35 p.m.

Chairman

Name of Applicant	Proposal	Plan Ref.
C/O Planning Prospects Limited	Hybrid application: Outline Planning Permission for 150 dwellings with some matters reserved for future consideration (appearance, landscaping, layout and scale) Full Planning Permission for a Community Facility including details of access and associated car parking, landscaping, drainage and other associated infrastructure. Longbridge East And River Arrow Development Site, Groveley Lane, Cofton Hackett, Worcestershire,	16/1085

RECOMMENDATION:

- (a) MINDED to APPROVE OUTLINE AND FULL PLANNING PERMISSION
- (b) DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:
 - (i) A contribution towards the provision of wheelie bins for the scheme based on £61.40 per unit.
 - (ii) A contribution towards enhancing an existing amenity asset (Lickey Hills) based on £1180.00 per unit.
 - 1. Refurbishment of paths and improvements to accessibility to key areas of the park throughout the site, especially: Warren Lane, Upper Car Park and Visitor Centre car park.
 - 2. Beacon Hill - refurbishment of the Toposcope (the folly) and car park.
 - 3. Heritage features/buildings at the Lickeys, conservation and refurbishment - School Room (for education uses): refurbishment – including improved drainage and damp proofing and insulation, internal décor and storage; WW1 toilet block.
 - (iii) The provision of affordable housing (35%) to be provided on site and maintained as such in perpetuity.
 - (iv) Community centre to be provided on site and transferred to the Cofton Hackett Parish Council to maintain.

Consultations

Cofton Hackett Parish Council

No comments submitted.

Birmingham City Council

Recommend a S106 contribution to open space in Bromsgrove, in particular improvements to footpaths surrounding the area and improvements to Lickey Hills Country Park

Severn Trent Water

No objections to the proposals subject to the inclusion of a drainage condition.

West Mercia Constabulary

No objections to the scheme, but would suggest slight amendments to the design of the community centre to prevent unauthorised access to the roof.

Highways Department- Worcestershire County Council

The application is a phase of the wider East Works redevelopment and access to the village hall is served of the main distributor road via part of a new estate road. This road will serve part of the residential access provisions when the reserved matters application is considered. Conditions suggested relate to the community centre and not for the wider estate road design.

Worcester Regulatory Services- Contaminated Land

Worcestershire Regulatory Services (WRS) have reviewed the application in relation to contaminated land. This included a review of the document entitled 'Longbridge East Phase 3 Geo-Environmental Report for St Modwen Developments Ltd', produced by Rodgers Leask Environmental, dated October 2016, report reference P14-399.

Given the findings of the report and conditions on site WRS recommend conditions in order that further site investigation is conducted as required and a detailed remedial strategy developed to address potential risks from contamination.

Worcester Regulatory Services- Noise, Dust, Odour & Burning

Proposed Housing Development (Noise):

The submitted noise assessment appears acceptable; all of the recommendations relating to glazing, ventilation and the installation of boundary fencing should be implemented.

Proposed Community Facility (Noise):

No objection to the application in terms of noise but the recommended noise limits for external plant / equipment / ventilation openings should be adhered to.

Worcester Regulatory Services- Air Quality

WRS have considered the impact on local air quality from the above development and recommend conditions to mitigate the cumulative impact on local air quality from the development.

Leisure Services

No objection to the proposal. Any open space appears to be purely incidental and fronts Groveley Railway edge plantings shall consist of native buffer mix.

Recommendations and mitigation and enhancement actions stated in the Longbridge East Ecological Assessment for Phase 3 by Alder should be conditioned to ensure that no net loss of biodiversity and a net gain is achieved on site.

Strategic Housing

Would expect 35% affordable housing on this site with a 60/40 tenure split in favour of social rented. The tenure mix needs to be agreed at this stage but happy to wait until a later stage to identify specifically which properties and where the affordable units are positioned.

Drainage Engineers Internal Planning Consultation

The development site is located in the River Arrow catchment which is a tributary of the Avon. The whole of the site is classified as flood zone 1 by the national Environment Agency fluvial flood mapping, and it is not considered that there is any significant fluvial flood risk to the site. Specifically the site is drained directly by the upper part of the River Arrow, this section of the river has been disconnected from the main River Arrow channel and its flow discharges directly to the SSSI of Upper Bittell Reservoir. It is important therefore that the water quality of runoff is considered as part of the application. Recommend a drainage condition.

Strategic Planning

The principle of the proposed development has long been established through the production of the Longbridge Area Action Plan (LAAP), the proposal put forward largely accord with the requirements set down in the LAAP. Subject to appropriate planning obligations being secured in line with those identified in the planning statement including 35% affordable housing, have no objection to the scheme.

The proposed uses on this portion of the site are acceptable, and inclusion of the community centre is a key element of the development and is welcomed. The proposed higher densities for this portion of the site are also in line with the LAAP and welcomed, it is important to ensure an efficient use of land on brownfield sites to prevent increased levels of development on Greenfield sites.

Health & Safety Executive

No comments submitted.

Joe Holyoak

Has reservations in respect to the potential layout of the housing in comparison to details submitted under the outline proposal for the whole of the Longbridge East site which was submitted in 2011.

Accepts that the re-positioning of the village hall to the junction of Groveley Lane and East Works Drive is an improvement to that originally submitted where it was adjacent to the railway line.

Network Rail

Recommend conditions / informatives

Public Consultation

8 letters of objection summarised as follows:-

- Object to the positioning of the community centre. Insufficient car parking for the community centre and potential impact on the neighbours in terms of general noise and disturbance as well as additional car parking.
- Concern in respect to having all the development served off existing means of access.

2 letters of support

- Consider the revised location for the village hall suitable all round - the hall could become a central resource for the entire village (for aforementioned kids clubs and exercise classes etc) and also a very attractive focal point. I cannot foresee parking or traffic problems in this revised location, with the ample parking along Groveley Lane.

Relevant Policies

Bromsgrove District Plan 2011-2030

BDP1	Sustainable Development Principles
BDP2	Settlement Hierarchy
BDP3	Future Housing and Employment Development
BDP7	Housing Mix and Density
BDP12	Sustainable Communities
BDP19	High Quality Design
BDP21	Natural Environment
BDP24	Green Infrastructure
BDP25	Health and Well Being

Others:

SPG1	Residential Design Guide
SPG11	Outdoor Play Space
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

Relevant Planning History

B/2008/0333 Site Re-modelling, re-profiling and alterations to River Arrow and culverts: Approved 18.03.09.

B/2008/0529 Mixed use development comprising residential (C3) including houses and apartments, residential institutions (C2) including sheltered elderly care, retail (A1, A2, A3, and A5) and non residential institutions (D1) including library and community centre with a neighbourhood centre, parking service and highway infrastructure open space including new public park, enhancement works to river arrow, recreation facilities, public transport routes, footpaths, cycleways, landscaping, service infrastructure, highway access and infrastructure, drainage flood storage areas, public art and street furniture (outline).

11/0748 Mixed use development comprising residential (C3) and/or residential institution (C2), community use building (D1), public open space, de-culverting of part River Arrow, site re-profiling, access, parking, landscaping and associated development infrastructure (outline).

Withdrawn.

11/0750 Erection of 229 residential dwellings, neighbourhood park, children's play area, associated landscaping and access works (full application).
Approved 2 Nov 2012.

11/0882 Re-profiling and re-modelling of site levels, deculverting of part of the River Arrow and associated infrastructure including construction access.
Approved 12 Nov 2012.

12/0160 Re-profiling and re-modelling of site levels, deculverting of part of the River Arrow and associated infrastructure including construction access
Approved 23 April 2012.

14/0239 Deletion of condition 27 attached to 11/0750 in respect of timing for delivery and nature of off-site highway works to Groveley Lane.
Approved 08.04.2015.

15/0819 Erection of 41 dwellings, landscaping and associated development infrastructure.
Approved 9 Feb 2016

16/1087 Erection of 185 dwellings, including details of access, landscaping and open space , drainage and other associated infrastructure.
Land off East Works Drive, Cofton Hackett
To be determined.

Proposal Description

The application is phase 3 of the redevelopment of Longbridge East. This application is a hybrid application and includes a detailed scheme for the community centre and outline proposals for 150 dwellings. The means of access for the residential scheme is to be considered at this stage and the remaining matters such as Appearance, Landscaping, Layout and Scale shall be considered at the Reserved Matters stage.

The community centre is approximately 450 sq m. The building would comprise of ground floor accommodation with a single storey flat roof / double height mono pitched roofline. Materials proposed for the building include grey long format brickwork, timber mullions and vertical cladding, white render and zinc roofing.

The community building and associated car parking would be located on the corner of Groveley Lane and East Works Drive. The means of access to serve the residential development would be off East Works Drive. An indicative layout plan has been submitted to show the provision of 150 dwellings that would be potentially 2+ storeys high.

Site Description

The site forms part of the former MG Rover Works known as Powertrain. A considerable amount of remediation work has taken place in this area in order to make the site suitable for residential development. The site is located to the east of the phase 1 development.

Assessment of Proposal **Principle**

The site is designated in the Longbridge Area Action Plan (LAAP) and the adopted Bromsgrove District Plan as part of a larger site designated for residential development. Proposal H2 of the LAAP would apply and requires a minimum of 700 dwellings to be provided overall in this area of the Action Plan providing a mix of sizes, types and tenures. Members will be aware that phase 1 has been implemented providing 229 dwellings whilst 41 dwellings (phase 2a) are under construction.

Proposal H2 requires an overall density of 40 - 50 dwellings per hectare. There is an aspiration that this site be developed at a higher density. However, it is unlikely that the minimum requirement of 700 units will be achieved in this location based on the number of units currently built and proposed:-

Phase 1 scheme	= 229 dwellings	(built)
Phase 2a scheme	= 41 dwellings	(under construction)
Phase 2b scheme	= 185 dwellings	(Ref: 16/1087 to be determined)
Phase 3 scheme	= 150 dwellings	(Ref: 16/1085 this application)
Total	= 605 dwellings	(shortfall 95 dwellings)

Whilst there is likely to be a shortfall, it is important to note that phase 3 is an outline application, and scope for the total number of units to increase under the reserved matters application as the scale and layout of the development would be determined at that stage.

Proposal H2 of the LAAP requires a target of 35% of dwellings to be affordable. Comments from Strategic Housing reflect this approach. The applicant proposes to provide 35% affordable housing which will form part of the S106 Agreement.

Proposal H2 of the LAAP also requires new local facilities and shops. This was a sought after facility at the time of the publication of the LAAP. It is now accepted that there would be very little demand for this type of facility in this area. However, the inclusion of the community centre would be a key element of the development.

Policy BDP2 of the Bromsgrove District Plan encourages the delivery of housing on previously developed land. This site was formerly part of the MG Rover Works, therefore redevelopment of this site for housing would comply with policy. Policy BDP1 of the adopted plan encourages sustainable development with emphasis on accessibility of public transport options, compatibility with adjoining uses, visual amenity, quality of natural environment, and economic benefits for the District. The site is close to good public transport links and is within an area that is currently being regenerated to create improved local facilities / job opportunities as well as enhancing / creating new open space facilities. The scheme would comply with this policy, as well as core planning principles set out in the NPPF.

Policy BDP12 of the District Plan encourages new facilities and services to meet the needs of the community. The provision of a new community centre in this location would be a benefit to the wider community of Cofton Hackett located in a prominent corner

location close to the bus network. The Parish Council would run the centre for the following activities:-

- Parent and toddler groups
- Play groups
- Fitness groups, slimming, yoga, aerobics etc.
- Coffee mornings
- Some kind of Church activities which are family friendly
- Interest groups e.g. Book clubs, W.I.
- Brownies
- Children's activity clubs
- Birthday parties, there would be age restrictions and curfew times etc.

Any late evening group would have a finish time no later than 10.30pm.

The proposed community centre in terms of its design and location is acceptable and complies with policies BDP.12 and BDP.19 of the District Plan. The principle of residential development would comply with the NPPF, accords with the LAAP, adopted Plan and is considered to be acceptable.

Highways and access

The indicative layout plan shows that development being served off East Works Drive. Objections have been made in respect to the number of units being served off East Works Drive. Worcestershire Highways consider the number of units to be acceptable and recommend conditions.

Noise and contaminated land

WRS has been consulted and do not raise any concerns in respect to the scheme and recommend conditions / informatives.

Neighbour objections

Objections relate to the increase in traffic which has been considered above. Other concerns relate to the potential disturbance as a result of the community centre. Officers consider the community centre to be a very important asset for this redevelopment area as well as the wider community of Cofton Hackett. Two letters have been submitted supporting this application and the provision of the community centre.

The revised location of the community centre means that it is highly visible and accessible via the public transport network. Taking into consideration comments from residents in respect to general disturbance, this would be dealt with under statutory noise nuisance legislation managed by WRS.

Planning Obligations

As mentioned above a Section 106 Agreement is proposed for this development to cover the following matters:-

Affordable housing provision. To ensure 35% affordable housing is provided on site and retained as such in perpetuity.

Under the Worcestershire County's Waste Strategy a financial contribution will be sought to cover the provision of wheelie bins for each unit.

Open space / informal recreation facilities for this scheme. A financial contribution is sought towards enhancing an existing amenity asset (Lickey Hills) to address the shortfall of required open space facilities as well as enhance community infrastructure that would be in line with policy 25 of the BDP, as well as Proposal H2 of the LAAP. Contribution will be sought for each unit.

Community centre to be provided on site and maintained by Cofton Hackett Parish Council.

The applicant is agreeable to these heads of terms and a S106 Agreement is in the process of being drafted.

Conclusion

The principle of residential development and the proposed community centre is considered to be acceptable and would comply with policies in the LAAP and the adopted Bromsgrove District Plan.

RECOMMENDATION:

- (a) MINDED to APPROVE OUTLINE AND FULL PLANNING PERMISSION
- (b) DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:
 - (i) A contribution towards the provision of wheelie bins for the scheme based on £61.40 per unit.
 - (ii) A contribution towards enhancing an existing amenity asset (Lickey Hills) based on £1180.00 per unit.
 - 1. Refurbishment of paths and improvements to accessibility to key areas of the park throughout the site, especially: Warren Lane, Upper Car Park and Visitor Centre car park.
 - 2. Beacon Hill - refurbishment of the Toposcope (the folly) and car park.
 - 3. Heritage features/buildings at the Lickeys, conservation and refurbishment - School Room (for education uses): refurbishment – including improved drainage and damp proofing and insulation, internal décor and storage; WW1 toilet block.
 - (iii) The on-site provision of affordable housing (35%) to be provided on site and maintained as such in perpetuity.
 - (iv) Community centre to be provided on site and transferred to the Cofton Hackett Parish Council to maintain.

Conditions / Informatives

1. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i. The expiration of three years from the date of this permission;
or
 - ii. The expiration of two years from the final approval of the reserved matters;
or,
 - iii. In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. With the exception of the access road and associated engineering works, approval of the details of the Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

3. The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings/ Documents listed in this notice:

Reason: For the avoidance of doubt and in the interests of proper planning.

4. Permission is granted for a minimum number of 150 dwellings.

Reason:- To maximise the efficient use of this brownfield site in accordance with policies BDP1 and BDP2 of the Bromsgrove District Plan and Proposal 2 of the Longbridge Area Action Plan.

5. Details of the form, colour and finish of the materials to be used externally on the community centre approved shall be carried out in accordance with Dwg No. AAH5345 03 Rev B Floor plans and elevations.

Reason: To protect the visual amenity of the area.

6. Details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.

Reason: To protect the visual amenity of the area.

7. No works or development shall take place until a scheme for foul and surface water drainage for the community centre, along with a maintenance plan for this drainage scheme, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

8. No works or development shall take place until a scheme for foul and surface water drainage for the residential scheme, along with a maintenance plan for this drainage scheme, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

9. Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved drawings.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

10. The residential development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator.

Reason: To reduce vehicle movements and promote sustainable access.

11. Prior to commencement of development, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-

- a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;

b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when any of the building(s) hereby permitted are first occupied.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a construction management plan. The plan shall include:

- (a) areas within the site to be used for loading, unloading and manoeuvring,
- (b) areas within the site to be used for storage of materials and equipment including fuels,
- (c) wheel washing at the site and leaving the site to reduce mud and spoil on the highway,
- (d) proposals to minimise dust from construction
- (e) construction noise suppression,
- (f) areas within the site to be used for parking for site personnel, operatives and visitors
- (g) construction traffic routes,
- (h) piling techniques,
- (i) programme of works (including measures for traffic management and operating hours),
- (j) provision of boundary hoarding and lighting. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of adjacent occupiers

13. Recommendations and mitigation and enhancement actions stated in the Longbridge East Ecological Assessment for Phase 3 by Alder shall be implemented.

Reason:- In the interests of ecology in the local area and in accordance with BDP 19 of the Bromsgrove District Plan and paras 9 and 109 of the National Planning Policy Framework.

14. Secure cycle parking facilities should be provided at the development as determined by Worcestershire County Council LTP3 Policy and AQAP Measure 5.3.7. Full details of the location, type of rack, spacing, numbers, method of installation and access to cycle parking should be submitted to and approved by the local planning authority prior to the first occupation of the development.

Reason: NPPF Paragraph 29 states; 'Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.'

15. Appropriate cabling and an outside electrical socket must be supplied for each property to enable ease of installation of an electric vehicle charging point (houses with dedicated parking). For developments with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided by the developer to be operational at commencement of development. The charging point must comply with BS7671. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to [amongst other things] incorporate facilities for charging plug-in and other ultra-low emission vehicles." AQAP Measure 5.2.10

16. Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 5 have been complied with:
 1. Previous reports submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
 2. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
 3. 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.

4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
5. Following the completion of the measures identified in the approved remediation scheme a validation 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.
6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

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

17. All of the recommendations relating to glazing, ventilation and the installation of boundary fencing indicated in the noise report shall be implemented as part of the reserved matters application for the residential development.

Informatives

1. In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The authority has helped the applicant resolve technical issues such as:
 - o access and parking provision,
 - o the impact of the development in the street scene,
 - o impact of the development upon amenity of neighbours,
 - o improving the design of the proposed development.

The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.

Plan reference

2. The applicant is advised that a Section 106 Agreement is applicable to this application.
3. It is advised that the applicant should be directed to the following document for best practice during construction: Worcestershire Regulatory Services "Code of Best Practice for Demolition and Construction Sites" which can be found on the WRS website at <http://www.worcsregservices.gov.uk/media/448881/WRS-contractor-guidance.pdf>
4. Network Rail informatives.

Case Officer: Sharron Williams Tel: 01527 534061
Email: sharron.williams@bromsgroveandredditch.gov.uk

Name of Applicant	Proposal	Plan Ref.
C/O Planning Prospects Limited	Erection of 185 dwellings, including details of access, landscaping and open space, drainage and other associated infrastructure. Longbridge East And River Arrow Development Site, Groveley Lane, Cofton Hackett, Worcestershire,	16/1087

RECOMMENDATION:

- (a) MINDED to APPROVE FULL PLANNING PERMISSION
- (b) DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:
 - (i) £11,359.00 as a contribution towards the provision of wheelie bins for the scheme.
 - (ii) £218,300 as a contribution towards enhancing an existing amenity asset (Lickey Hills)
 - 1. Refurbishment of paths and improvements to accessibility to key areas of the park throughout the site, especially: Warren Lane, Upper Car Park and Visitor Centre car park.
 - 2. Beacon Hill - refurbishment of the Toposcope (the folly) and car park.
 - 3. Heritage features/buildings at the Lickeys, conservation and refurbishment - School Room (for education uses): refurbishment – including improved drainage and damp proofing and insulation, internal décor and storage; WW1 toilet block.
 - (iii) The on-site provision of affordable housing to be maintained as such in perpetuity.
 - (iv) The proposed open space provision (informal recreation) included within the application to be provided /implemented on site and managed as such in perpetuity.

Consultations

Highways Department- Worcestershire County Council

Recommend conditions.

Worcester Regulatory Services- Contaminated Land

Worcestershire Regulatory Services (WRS) have reviewed the document entitled 'Residential Phase 2 Longbridge East Geo-Environmental Overview', produced by Rodgers Leask Environmental, dated 10th November 2016, report reference P15-497.

This report provides a summary of site conditions based on the findings of previous site investigations and remediation undertaken so far. Given the findings of the report and

conditions on site WRS recommend conditions in order that further site investigation is conducted as required and a detailed remedial strategy developed to address potential risks from contamination.

Worcester Regulatory Services- Noise, Dust, Odour & Burning

WRS has reviewed the report Noise Assessment by Hoare Lea Acoustics (Hoare Lea Acoustics Report REP-1006380-PJ-280616 - Longbridge Phase 2B rev 2 31/10/2016) The report appears to be technically sound and WRS has no further comments regarding noise

Worcester Regulatory Services- Air Quality

We have reviewed the submitted technical note for a clean cover thickness and sampling strategy for the above site entitled "Strategy for Clean Cover and Imported Subsoil - Longbridge Phase 2B - 19/01/2017" and the report entitled " Residential Phase 2 - Longbridge East - Geo-environmental Overview - Dated 10/11/16".

Both reports are acceptable and we have no adverse comments to make in respect of the reports and recommendations.

Landscape & Tree Officer

Following a site meeting and negotiations in respect to new tree planting, have no objections to the proposed development subject to conditions.

Leisure Services

No comments submitted.

Strategic Housing

Had previous discussions re the affordable housing and satisfied with the numbers, tenure split and the distribution around the scheme of the affordable housing.

Waste Management

No comments submitted.

Drainage Engineers Internal Planning Consultation

The development site is located in the River Arrow catchment which is a tributary of the Avon. The whole of the site is classified as flood zone 1 by the national Environment Agency fluvial flood mapping, and it is not considered that there is any significant fluvial flood risk to the site. Specifically the site is drained directly by the upper part of the River Arrow, this section of the river has been disconnected from the main River Arrow channel and its flow discharges directly to the SSSI of Upper Bittell Reservoir. It is important therefore that the water quality of runoff is considered as part of the application.

Given the size of the development the impact off site is more considerable than on it from a flooding perspective. Further details are required to demonstrate that the sites runoff will be suitably restricted at the typical storm return periods. This detail should be provided to the LPA as part of the condition.

Birmingham City Council

Recommend a S106 contribution to open space in Bromsgrove, in particular improvements to footpaths surrounding the area and improvements to Lickey Hills Country Park

Historic England

Do not object to the principle of the proposed development, but mindful of the potential impact on the cluster of heritage assets that lies to the south. These include the highly-graded Church of St Michael and Cofton Hall, both Grade II* listed, and the Grade II listed barn and stables which line Cofton Church Lane. A new pedestrian and cycle access is proposed from the development through the southern hedge boundary opposite the church and new sightlines are proposed from the development onto this cluster. The new path is proposed to be 3.5 metres wide and seems excessive. Recommend that the Council's expert conservation staff assess this impact to ascertain whether it is harmful to the heritage assets or not, and whether mitigation would reduce the harm.

Conservation Officer

Having considered the proposal and read the Heritage Statement would conclude that the development of this site has the potential to alter the setting of the listed Church, and as a result harm the significance of this heritage asset. Consider that partial views of this housing estate would bring the suburbs of Birmingham into the setting of the Church, and would clearly detract from the rural surroundings.

However, would consider that views through could be reduced by enhancing the planting at this end of the site. Although would not normally advocate planting trees to hide development, given the heavily treed boundary already in existence, it is considered that reinforced planting could screen out views of the housing.

Strategic Planning

The principle of the proposed development has long been established through the production of the Longbridge Area Action Plan (LAAP), the proposals put forward largely accord with the requirements set down in the LAAP. Subject to appropriate planning obligations being secured in line with those identified in the planning statement including 35% affordable housing, the residential use and the density of the proposed dwellings on this element of the site are acceptable. No objection to the scheme.

In respect to the open space areas, the open space to the west of the site is not part of the LAAP boundary. At the time of the LAAP production this area was not considered to be suitable to allocate as open space as it would only perform a limited function. Proposals submitted appear to open the area up to a limited degree, which is welcomed; however, it is very important that an appropriate contribution is made to local open space / leisure facilities such as Cofton Park or the Lickey Hills to address the open space /leisure provision for the scheme.

Cofton Hackett Parish Council

No objections to the scheme but following a spate of burglaries on the phase 1 scheme would request improved levels of security.

Health & Safety Executive

No comments submitted.

Plan reference

West Mercia Constabulary

No objections to the above application.

Joe Holyoak

The proposal acceptably follows similar principles approved for earlier phases of development. The fundamental elements of the proposal are sound and should achieve a good result.

Severn Trent Water

No objections to the proposals subject to the inclusion of a drainage condition.

Network Rail

Recommend informatives.

Parks & Green Space Development Officer Martin Lewis

Recommendations and mitigation and enhancement actions stated in the Longbridge East Ecological Assessment for Phase 2b by Alder should be conditioned to ensure that no net loss of biodiversity and a net gain is achieved on site.

Public Consultation

6 objection letters raising concerns summarised as follows:-

- Increased traffic will be off East Works Drive, currently delays leaving junction at present.
- Concern in respect to continued use of existing showhome and associated car parking for the development of phase 2.
- Concern in respect to Shadow Close being used as a visitor access throughout the development of phase 2.
- Concern in respect to Shadow Close being used as an alternative route for construction development throughout the phase 2 developments.
- Do not object to the scheme but concerns in respect to traffic and impact of additional children to the area using local school – oversubscribed.
- Hours of work during construction.

Relevant Policies

Bromsgrove District Plan 2011-2030

BDP1	Sustainable Development Principles
BDP2	Settlement Hierarchy
BDP3	Future Housing and Employment Development
BDP7	Housing Mix and Density
BDP19	High Quality Design
BDP21	Natural Environment
BDP24	Green Infrastructure
BDP25	Health and Well Being

Others:

Longbridge Area Action Plan
SPG1 Residential Design Guide
SPG11 Outdoor Play Space
Worcestershire Waste Strategy

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

Relevant Planning History

B/2008/0333 Site Re-modelling, re-profiling and alterations to River Arrow and culverts:
Approved 18.03.09

B/2008/0529 Mixed use development comprising residential (C3) including houses and apartments, residential institutions (C2) including sheltered elderly care, retail (A1, A2, A3, and A5) and non residential institutions (D1) including library and community centre with a neighbourhood centre, parking service and highway infrastructure open space including new public park, enhancement works to river arrow, recreation facilities, public transport routes, footpaths, cycleways, landscaping, service infrastructure, highway access and infrastructure, drainage flood storage areas, public art and street furniture (outline).

11/0748 Mixed use development comprising residential (C3) and/or residential institution (C2), community use building (D1), public open space, de-culverting of part River Arrow, site re-profiling, access, parking, landscaping and associated development infrastructure (outline).
Undetermined

11/0750 Erection of 229 residential dwellings, neighbourhood park, children's play area, associated landscaping and access works (full application).
Approved 2 Nov 2012

11/0882 Re-profiling and re-modelling of site levels, deculverting of part of the River Arrow and associated infrastructure including construction access.
Approved 12 Nov 2012

12/0160 Re-profiling and re-modelling of site levels, deculverting of part of the River Arrow and associated infrastructure including construction access
Approved 23 April 2012

14/0239 Deletion of condition 27 attached to 11/0750 in respect of timing for delivery and nature of off-site highway works to Groveley Lane.
Approved 8 April 2015

15/0819 Erection of 41 dwellings, landscaping and associated development infrastructure
Approved 9 Feb 2016

16/1085 Hybrid application Outline application for up to 150 dwellings and full planning permission for community centre
To be determined

Proposal Description

The application is phase 2b of the overall redevelopment of Longbridge East. The scheme comprises of the following mix of development:-

Open market housing

5 No. 2 bed dwellings
26 No. 3 bed dwellings
77 No. 4 bed dwellings
12 No. 5 bed dwellings

Affordable housing (rent)

4 No. 1 bed maisonettes
20 No. 2 bed dwellings
7 No. 3 bed dwellings
6 No. 4 bed dwellings

Affordable housing (shared ownership)

16 No. 2 bed dwellings
12 No. 3 bed dwellings

The proposed layout shows vehicular access off Groveley Lane through the recently built phase 1 development continuing off East Works Drive to create an access that will form a circular route with culs de sac off it. In curtilage car parking would be provided for most of the units, however, the dwellings backing onto the railway line would have communal car parking at the rear.

The designs of the dwellings are varied and are similar to those currently under construction as part of phase 2a. The units are a mix of 2 and 3 storey and would be in a variety of materials / colours to add interest to the streetscene, such as brick, render, and composite timber cladding.

Two informal open space areas are also included within this application. An existing tree planted area to the west of the site would become an informal walking area, some of the trees would be removed in order to open up this area to create an informal grassed circular route, and a formal aggregate footpath would provide links beyond the application site. A larger open space area would be provided to the south of the site and would have new tree planting as well as some informal play facilities such as boulders for low level climbing and informal seating as well as horizontal timber stepping logs. A wide footpath (suitable for cyclists) would meander through this open space and finish at Cofton Church Lane.

Site Description

The site forms part of the former MG Rover Works known as Powertrain. A considerable amount of remediation work has taken place in this area in order to make the site suitable for residential development. Mature and substantial tree planting exists along the western and southern boundaries of the site.

Assessment of Proposal

Principle

The site is designated in the Longbridge Area Action Plan (LAAP) and the adopted Bromsgrove District Plan as part of a larger site designated for residential development. Proposal H2 of the LAAP would apply and requires a minimum of 700 dwellings to be provided overall in this area providing a mix of sizes, types and tenures.

Whilst the scheme provides a good mix of sized dwellings, it is unlikely that the minimum requirement of 700 units will be achieved in this location overall based on the numbers currently proposed:-

Phase 1 scheme	= 229 dwellings	(already built)
Phase 2a scheme	= 41 dwellings	(under construction)
Phase 2b scheme	= 185 dwellings	(Ref: 16/1087 this application)
Phase 3 scheme	= 150 dwellings	(Ref: 16/1085 to be determined)
Total	= 605 dwellings	(shortfall 95 dwellings)

Whilst at present there is likely to be a shortfall, it is important to note that phase 3 is an outline application and there is still scope for the total number of units to increase when the detailed application is submitted under a reserved matters application.

Proposal H2 requires that an overall density of 40 - 50 dwellings per hectare be achieved. There is an aspiration that the northern end of this site be developed at a higher density which in turn allows for the southern section of the site to be developed at a lower density, where the impact of development would be greater adjacent to rural surroundings. The density of this site (phase 2b) falls within a range of 30 - 40 dwellings per hectare. This is comparable to that of phase 1 which falls within a range of 30 - 45 dwellings per hectare.

Proposal H2 of the LAAP requires 35% of dwellings to be affordable. The scheme includes this provision with a good mix of bedroom types and tenure (affordable rent 37 units / shared ownership tenure 28 units). The affordable housing is proposed to be located in small clusters interspersed with the open market housing. Strategic Housing is satisfied with the positioning of, and mix of units proposed. The affordable housing element of the scheme would comply with Proposal H2 of the LAAP and would form part of the S106 Agreement.

Policy BDP2 of the Bromsgrove District Plan encourages the delivery of housing on previously developed land. This site was formerly part of the MG Rover Works; therefore redevelopment of this site for housing would comply with this policy. Policy BDP1 of the adopted plan encourages sustainable development with emphasis on accessibility of public transport options, compatibility with adjoining uses, visual amenity, quality of natural environment, and economic benefits for the District. The site is close to good public transport links and is within an area that is currently being regenerated to create improved local facilities / job opportunities as well as enhancing / creating new open space facilities. It is considered that the scheme would comply with this policy, as well as core planning principles set out in the NPPF.

The overall scheme accords with paragraph 50 of the NPPF that encourages a wide choice of high quality homes, wider opportunities for home ownership and create sustainable, inclusive and mixed communities. The principle of residential development would comply with the NPPF, the LAAP, adopted District Plan and is considered to be acceptable.

Highways and access

The layout shows a continuation of existing access roads from phase 1 into the application site creating an overall loop with culs-de-sac off the loop. Objections have

been made in respect to the continuation of the loop, and the number of units being served off East Works Drive. However, Worcestershire Highways consider the number of units served off this road to be acceptable and recommend conditions.

Layout and Scale

The layout comprises of a combination of 2 and 3 storey dwellings. A number of the house types have dual aspect particularly those located on corner locations in order to enhance the streetscene.

Whilst the layout generally complies with the spacing requirements set out in the Bromsgrove District Council Residential Design Guide SPG, there is a shortfall of some of the units that are at oblique views to each other. The minimum spacing required is 21 m, however, the spacing of some of the units in this phase is 15 m. Whilst this is quite a shortfall, the same distance has been provided for dwellings under phase 1 (Shadow Close) and phase 2a (currently under construction). Having walked the phase 1 area where this shortfall exists, it is considered that the overall spacing does not give rise to uncomfortable / intimidating surroundings. On balance, the spacing provided is acceptable on this occasion and is unlikely to be detrimental to the amenities of the potential occupiers.

Open Space Provision

As mentioned above there are two areas of open space proposed within the scheme. Whilst the provision of on-site open space is welcomed and considered to be acceptable, there would still be a shortfall for the number of houses being built at Longbridge East. As such a financial contribution is sought towards enhancing an existing amenity asset (Lickey Hills) to address the shortfall of required open space facilities as well as community infrastructure, in line with policy BDP.25 of the District Plan, as well as Proposal H2 of the LAAP. The open space areas to be provided as part of the scheme shall be privately managed. This would form part of a S106 Agreement.

Comments submitted by the Conservation Advisor express concern in respect to the potential impact the development could have on the listed church off Cofton Church Lane. Other comments submitted refer to the footpath link that would lead from the south of the site to the Cofton Church Lane. Although this footpath is wide (to serve cyclists as well as walkers), it does meander through the open space area and as such enables the opportunity for new trees to be planted to increase screening of the development. It is important for the footpath link to be provided to enable occupiers to have easy access to the surrounding countryside and beyond.

Noise and contaminated land

WRS has been consulted and do not raise any concerns in respect to the scheme and recommend conditions / informatives.

Neighbour objections

Objections mainly relate to the number of dwellings being served off East Works Drive. This has been addressed above. Concern has been raised in respect to the number of dwellings being built that would lead to additional children using the local schools. Members will be aware that under phase 1 development (11/0750) a financial contribution was paid to the Education Authority to provide improved education facilities at Lickey Hills Primary School. No other monies have been requested from the Authority following the

submission of subsequent applications. Therefore, it can be assumed that the contribution previously paid is sufficient to address the required facilities for the school concerned.

Other comments submitted relate to construction and general visitor traffic using alternative routes to the site and causing disturbance to existing residents living in the phase 1 scheme. A construction management condition could be imposed to clarify these matters.

Planning Obligations

As mentioned above a Section 106 Agreement is proposed for this development to cover the following matters:-

Affordable Housing Provision. To ensure that the 37 units for rent and 28 units for shared ownership are provided on site and retained as such in perpetuity.

Under the Worcestershire County's Waste Strategy a financial contribution will be sought to cover the provision of wheelie bins for each unit.

Open space / informal recreation facilities for this scheme. A financial contribution is sought towards enhancing an existing amenity asset (Lickey Hills) to address the shortfall of required open space facilities as well as enhance community infrastructure. The open space areas to be provided as part of the scheme shall be privately managed.

Conclusion

The principle of residential development is considered to be acceptable and would comply with policies in the LAAP and the adopted Bromsgrove District Plan. The principle of residential development would also be compliant with the NPPF.

Despite one element of the development not fully complying with the Council's SPG on Residential Design, on balance, the layout of the proposal is considered to be acceptable and would otherwise comply with the Council's Residential Design Guide.

RECOMMENDATION:

- (a) MINDED to APPROVE FULL PLANNING PERMISSION
- (b) DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:
 - (i) £11,359.00 as a contribution towards the provision of wheelie bins for the scheme.
 - (ii) £218,300 as a contribution towards enhancing an existing amenity asset (Lickey Hills)
 - 1. Refurbishment of paths and improvements to accessibility to key areas of the park throughout the site, especially: Warren Lane, Upper Car Park and Visitor Centre car park.
 - 2. Beacon Hill - refurbishment of the Toposcope (the folly) and car park.

3. Heritage features/buildings at the Lickeys, conservation and refurbishment - School Room (for education uses): refurbishment – including improved drainage and damp proofing and insulation, internal décor and storage; WW1 toilet block.
- (iii) The on-site provision of affordable housing to be maintained as such in perpetuity.
- (iv) The proposed open space provision (informal recreation) included within the application site to be provided /implemented on site and managed as such in perpetuity.

Conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings/ Documents listed in this notice:

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Details of the form, colour and finish of the materials to be used externally on the walls and roofs of the dwellings approved shall be carried out in accordance with Dwg No. - Materials Plan.

Reason: To protect the visual amenity of the area.

4. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

Reason: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

5. Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved drawings.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

6. The development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a travel plan that promotes

sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator.

Reason: To reduce vehicle movements and promote sustainable access.

7. A scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-

- a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
- b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when any of the building(s) hereby permitted are first occupied.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site.

8. All trees to be retained within the development are afforded full protection in accordance with BS5837:2012 throughout any ground or construction works on site.

Reason: In order to protect the trees which form an important part of the amenity of the site.

9. Any encroachment into the BS5837:2012 Root Protection Areas of any of the retained tree stock within the development is constructed with No Dig Construction in conjunction with a porous surface material to allow air/moisture exchange to the rooting environments of the trees on site.

Reason: In order to protect the trees which form an important part of the amenity of the site.

10. Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 5 have been complied with:

1. Previous reports submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable

risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

2. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
3. 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.
4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
5. Following the completion of the measures identified in the approved remediation scheme a validation 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.
6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

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

11. No works or development shall take place until a scheme for foul and surface water drainage, along with a maintenance plan for this drainage scheme, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an

appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a construction management plan. The plan shall include:

- (a) areas within the site to be used for loading, unloading and manoeuvring,
- (b) areas within the site to be used for storage of materials and equipment including fuels,
- (c) wheel washing at the site and leaving the site to reduce mud and spoil on the highway,
- (d) proposals to minimise dust from construction
- (e) construction noise suppression,
- (f) areas within the site to be used for parking for site personnel, operatives and visitors
- (g) construction traffic routes,
- (h) piling techniques,
- (i) programme of works (including measures for traffic management and operating hours),
- (j) provision of boundary hoarding and lighting. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of adjacent occupiers.

13. Recommendations and noise mitigation measures (applicable to each plot) set out in the Noise Report shall be implemented prior to the first occupation of that dwelling and retained as such in perpetuity.

Reason:- In the interests of amenities for the potential occupiers.

14. Recommendations and mitigation and enhancement actions stated in the Longbridge East Ecological Assessment for Phase 2b by Alder shall be implemented.

Reason:- In the interests of ecology in the local area.

Informatives

1. The local planning authority is aware of the requirement in the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with applicants in a positive and proactive manner, seeking solutions to problems arising from applications.

In this case the applicant:

o sought detailed pre-application advice from the authority and acted upon this advice in advance of the application submission

The proposal therefore delivers a policy compliant sustainable form of development.

2. The applicant is advised that a Section 106 Agreement is applicable to this application.
3. It is advised that the applicant should be directed to the following document for best practice during construction:Worcestershire Regulatory Services "Code of Best Practice for Demolition and Construction Sites" which can be found on the WRS website at <http://www.worcsregservices.gov.uk/media/448881/WRS-contractor-guidance.pdf>
4. Network Rail informatives.

Case Officer: Sharron Williams Tel: 01527 534061
Email: sharron.williams@bromsgroveandredditch.gov.uk

Name of Applicant	Proposal	Plan Ref.
Mr & Mrs Palmer	Demolition of existing garage. New garage attached to existing dwellinghouse. New porch. 27 Linthurst Road, Barnt Green, B45 8JL, ,	16/1143

RECOMMENDATION:

- 1) Minded to **APPROVE PLANNING PERMISSION**
- 2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the planning application following the agreement by all parties to a suitable and satisfactory legal mechanism covering the following matters:
 - (i) That in the event that consent 16/1143 is implemented, the detached garage approved under 09/0684 is rescinded
 - (ii) That in the event that consent 16/1143 is implemented, no development described in the provisions of Classes A, D and E of Schedule 2 of Part 1 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) is carried out
 - (iii) That in the event that permitted development is carried out and/or the detached garage approved under 09/0684 is implemented, the new planning permission will not be implemented and consent 16/1132 will be treated as effectively revoked

The application is to be considered by the Planning Committee because the decision is subject to a Unilateral Undertaking which has been received.

Consultations

Lickey And Blackwell Parish Council Consulted 16.12.2016
No Comments Received To Date

Conservation Officer Consulted 16.12.2016
On the basis that the earlier permission is 'withdrawn', I would have no conservation objections to the scheme.

Suggested joinery details conditioned to be approved by the LPA prior to the commencement of works on site.

Parks & Green Space Development Officer Martin Lewis Consulted 16.12.2016
No surveys required but suggested informative that if bats and birds are found work will need to stop immediately and professional ecological advice sought before proceeding any further

Western Power Distribution Consulted 16.12.2016

Confirmation that the proposed works will not have any impact on the substation adjacent to the property.

Publicity

Site notice posted 21.12.2016 and expired 11.01.17

5 neighbour notification letters sent 16.12.2016 and expired 06.01.2017

Press notice for conservation area published in Bromsgrove Standard on 13.01.2017 and expired 27.01.2017

No representations received in response to the above.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP19 High Quality Design

BDP20 Managing the Historic Environment

Others

SPG1 Residential Design Guide

NPPF National Planning Policy Framework

Relevant Planning History

09/0684	Erection of new garage, alteration of existing dwelling and new vehicular access.	Approved	12.11.2009
10/0817	New front entrance porch	Approved	04.11.2010
11/0223	Proposed new garage including lower service area and new vehicular entrance access and gates.	Approved	16.05.2011
11/0378	Front gate, new front porch, pergola	Approved	15.07.2011
B/17829/1989	Erection of single storey bedroom extension.	Approved	08.05.1989
B/10994/1983	Erection of rear conservatory	Approved	14.07.1983
B/9270/1981	Erection of double garage.	Approved	19.10.1981
B/3709/1977	Erection of ground floor bedroom extension.	Approved	06.07.1977
B/3379/1977	Erection of extension to dwelling to form lounge and new wc.	Approved	12.04.1977

B/2000/0914 Loft conversions and internal alterations.

Approved 16.10.2000

Assessment of Proposal

The application site is located in the designated Green Belt and the Barnt Green Conservation Area.

The proposal is to demolish an existing detached garage to the south west of the dwelling and erect a single storey extension to the south west elevation which would accommodate a two bay garage. A porch is also proposed to an existing door opening on the south west elevation of the dwelling.

In the Green Belt a proposed addition to a building would only be considered appropriate development if it were to be proportionate to the original building. Policy BDP4 of the Bromsgrove District plan states that an extension of up to 40% of the original dwelling may be appropriate provided it has no adverse impact on the openness of the Green Belt.

It is evident from the planning history above that the existing dwelling has already benefited from a number of additions since 1948. The cumulative floorspace of the existing extensions in addition to the proposed extension would clearly exceed the permissible 40% limit. Furthermore, the cumulative bulk of the extensions would have an adverse impact on the openness of the Green Belt. As such the proposal would represent inappropriate development in the Green Belt in accordance with policy BDP4 of the Bromsgrove District Plan and paragraph 89 of the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist.

The applicant proposes to demolish the existing garage to offset the harm caused to the Green Belt by virtue of the proposed extension. The existing garage has a floor area of approximately 42m² and pitched roof to a height of 3.4 metres. The proposed extension, would have a smaller floor area of 40m² and would have a height of 4 metres so as to better reflect the pitch of the existing dwelling. It is considered that by demolishing the existing detached garage and consolidating the floorspace into an extension to the dwelling this would lead to a more contained development within the Green Belt which would reduce the harm to openness.

The dwelling still possesses its full permitted development rights, leaving scope for extensions, porches and outbuildings to still be constructed without the need for planning permission. As such, whilst the proposed porch would be inappropriate development by virtue of the cumulative disproportionate extensions, there is a strong permitted development fallback position which would amount to a very special circumstance to outweigh the harm caused to the Green Belt by this aspect of the proposal. There is no permitted development fallback, however, for a side extension in the Conservation Area.

In addition to the above, the Council is aware that an historic planning permission which proposed a detached garage to the north east of the dwelling remains extant (ref 09/0684). This is because the proposal also included a single storey extension which has been built. The Council is therefore mindful that as the permission has been partly implemented the 2009 approved detached garage could now be built.

The applicant has provided a legal agreement to the Council to confirm that in the event that planning permission is granted for the new garage and porch and is implemented, then they will not further implement the garage permitted under the 2009 extant permission or build any further outbuildings or extensions under permitted development rights. Similarly, if the applicant implements the 2009 approved garage or constructs any other outbuilding under their existing permitted development rights then they cannot implement the new garage and porch as it will be treated as revoked.

This legal agreement effectively prevents any further development of the site which would be harmful to the openness of the Green Belt, if permission for the proposed garage, the subject of this application, were to be granted and implemented.

The Conservation Officer has raised no objection on the basis that the existing garage to be demolished is of no architectural merit. The proposed extension would be sympathetic to the character of the existing dwelling and would not have a detrimental impact on the character, appearance or significance of the conservation area.

The proposal would not be visible in the streetscene due to the existing natural screening and would not give rise to any residential amenity concerns.

In conclusion, on the basis of the above the Council considers that very special circumstances exist which would outweigh the harm caused by inappropriateness. Furthermore, the legal agreement put forward by the applicant would ensure that further development at the site could be restricted, protecting the openness of the Green Belt.

RECOMMENDATION:

- 1) Minded to **APPROVE PLANNING PERMISSION**
- 2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the planning application following the agreement by all parties to a suitable and satisfactory legal mechanism covering the following matters:
 - (i) That in the event that consent 16/1143 is implemented, the detached garage approved under 09/0684 is rescinded
 - (ii) That in the event that consent 16/1143 is implemented, no development described in the provisions of Classes A, D and E of Schedule 2 of Part 1 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) is carried out
 - (iii) That in the event that permitted development is carried out and/or the detached garage approved under 09/0684 is implemented, the new planning permission will not be implemented and consent 16/1132 will be treated as effectively revoked

Conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason :- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:

Location Plan Drawing No. 01
Proposed Site Layout Drawing No. 36-B
Proposed Ground Floor Plan Drawing No. 37-E
Proposed Elevations Drawing No. 39-J

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing building, or if a near match cannot be found, the written approval of the Local Planning Authority should be obtained for materials prior to development commencing. 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 and in accordance with Policies in the Local Plan.

- 4) Details of all joinery to be used in the doors of the extension shall be submitted at a scale of 1:2 to the Local Planning Authority and approved in writing prior to installation.

Reason: To maintain the character and appearance of the area in accordance with policies in the Local Plan

Informatives

- 1) In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.
- 2) The applicant's attention is drawn to the contents of the Unilateral Undertaking which accompanies this application.
- 3) The applicant is advised to be aware of their obligations under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) to avoid disturbance of nesting wild birds and protected species such as bats when carrying out these works. In the event that bats or nesting birds are found during the works, works must stop immediately whilst professional ecological advice is sought on how to proceed.

Case Officer: Laura Russ Tel: 01527 534122 Email:
l.russ@bromsgroveandredditch.gov.uk

This page is intentionally left blank

Name of Applicant

Proposal

Plan Ref.

MR A HART

Land to the south of Stonehouse Lane, Hopwood

17/0077

Change of use of land from agricultural to mixed use consisting of agriculture and a sport fish (angling) rearing facility, including alterations to an existing small lake and immediate curtilage: RETROSPECTIVE

RECOMMENDATION: That permission be **REFUSED**

17/0078

Widening and re-surfacing with granular material of existing farm/lake service road. Alterations to existing lake by remedying undercut banks, removal of noxious weed, removal of small island and dredging to remove noxious silt. Alterations to existing highway access to provide highway compliant visibility and set back and re-surfacing with granular material: RETROSPECTIVE

RECOMMENDATION: That permission be **REFUSED**

17/0079

Erection of open sided over-water structure for the use of housing plant and for the maintaining life support for fish and automatic feeder and docking for punt. (7.9m x 5.9m x 4.8m(h) (including overhanging roof detail)
Block of 4 small log utility cabins, comprising a WC, and ancillary uses. 4.7m x 3.7m x 5.3m (h) and standing on 600mm concrete base: RETROSPECTIVE

RECOMMENDATION: That permission be **REFUSED**

Consultations

Worcestershire Highways

- 3 separate responses.
- No objection to the wc and ancillary buildings and overwater structure
- Concerns that there is no justification for the development as outlined. The access and driveway is over engineered for the purposes as stated and there is no detail with regard to the visibility splays and access arrangements to prove they may be suitable for this road with a 60mph speed limit. Recommend deferral until such detail is provided and has been proven.

Agricultural Advisor

- Appraisal focuses on whether or not the changes and buildings can be considered to be reasonably necessary for an operational perspective. The proposals are set out as forming farm diversification. However there is no information or evidence to indicate that the holding operates as an agricultural enterprise at the present time, and consequently there is no evidence that this is farm diversification.
- In respect of all three applications, the documentation does not provide any explanation about what is proposed. The use of the lake being sought is for a "sport fish (angling) rearing facility". This suggests that the intention is for commercial rearing of fish, rather than a recreational fishing lake.
- It is my understanding that the lakes have a licence as an Aquaculture Production Business. It has a licence as a fishery.
- In terms of each of the applications, there is insufficient information to enable us to conclude that the works are reasonably necessary.
- 17/0077. Without an explanation about the changes made to the lake, we cannot comment upon why they were required. In terms of the change of use of land to a rearing facility, this may not involve any alterations to the lake and so may be acceptable, but without an explanation about what fish will be grown, how they will be managed, how they will be caught and held, how often they will be transferred and how, it is not possible to assess the implications of the proposals.
- 17/0078. Without any explanation about how the lakes will be operated it is similarly not possible, therefore, to conclude that highway alterations were required. There is no explanation about vehicle types, numbers, frequency or need set out in the applications.
- 17/0079. In terms of the provision of a structure to cover plant "for the maintaining life support for fish and automatic feeder", no explanation of what equipment is proposed has been provided. It is common for fisheries and fish production enterprises to operate aerators, but there are normally located out in the lake and would not require a canopy. The proposed building is an ornate canopy and its use appears to be as a boat shed rather than a canopy for equipment. It is not reasonably required for productive fish-rearing.
- In terms of the block of four "toilets", I repeat advice given previously. I can conceive of no operational requirement for more than one toilet to serve a production fish farm.
- Whilst there are planning application reports submitted as part of the three applications, there is no explanation provided about why the buildings or changes are required. It is not possible to determine that any of the works are reasonably required as a consequence.
- Even if there was an explanation of how the lakes will be used, it is unlikely that the open-sided structure would be required, or that more than one toilet would be needed to serve the land.

Ramblers Association

- Object – Footpath has clearly been obstructed and diverted without the necessary consent in place

Alvechurch Parish Council

- Object – Concerned that this change of use/works are not suitable for this Green Belt location.

County Archaeological Officer

- No objections - Records indicate this was an old decoy site. It is unclear as to whether the development has any impact on this given the detail. It is considered unlikely that there would be any adverse impact on any archaeological remains given the history of the site.

Worcestershire County Council Countryside Service (Footpath officer)

- Object - Footpath AV-545 runs along part of the proposed access road it should be noted that under section 34 of the Road Traffic Act 1988 any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public right of way for private vehicular access in connection with the development, has a right to do so. They may wish to seek legal advice on the matter. The County Council is responsible for maintaining rights of way to a standard suitable for their usual public use.
- No disturbance of, or change to, the surface of the path or part thereof should be carried out without our written consent.
- No diminution in the width of the right of way available for use by the public.
- Buildings materials must not be stored on the right of way.
- Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way.
- No additional barriers are placed across the right of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.
- The safety of the public using the right of way is to be ensured at all times.

Worcester Regulatory Services- Contaminated Land

- No objection - WRS have reviewed the above planning applications for potential contaminated land issues of which none have been identified. WRS therefore have no adverse comments to make in relation to contaminated land.

North Worcestershire Water Management Consulted 02.02.2017

- Object – Lack of detail in submission. Whilst lake will provide run off provision bund affects how run off will occur. No details and permission required to outfall into River Arrow catchment and septic tank is insufficient on its own to deal with foul drainage.

Tree Officer

- No retrospective objections - Sections of the road way do run within the BS5837:2012 recommended Root Protection Areas (RPA) of trees including 5 x mature Oak trees. This being the case I would normally ask for any improvement in the sections of road that fall within the RPA's of trees are carried out using a suitable grade of No Dig Ground support within it construction and that is built over the existing ground levels.
- It is impossible visually on site to validate if there was an original stone roadway so we would have to take the owner word on that one. But the recent road improvements seem to be of a reasonable quality and depth of surfacing. So from where we are now I feel that to remove the new surface to allow an installation of No Dig Ground support material would give more risk to damaging the trees when the new surface should provide an adequate level of protection now it is in place.

Ecology

- Object - works and the alterations of the landscape, certain animals, plants, fungi, invertebrates and birds are protected under the Wildlife and Countryside Act 1981 and NERC Act. :
- As observed in the Ecological Mitigation Strategy, it is necessary to establish the presence or absence of Newts. The presence or absence of Dormouse also needs to be properly established (2.2.3 Other Mammals - Ecological Mitigation Strategy - Focus Ecology January 2017).
- Until further survey works have been undertaken to establish presence or absence, it is difficult to discuss the issues further. The landscape has been significantly altered and much money has been spent on structures and land-forming without the necessary due diligences in place or consents

Worcestershire Wildlife Trust

No Comments Received To Date

Severn Trent Water

No Comments Received To Date

Publicity

5 individual and detailed objections have been raised these include photos and historic aerial shots

These include concerns regarding:

- The principal of the development in terms of Green Belt and this open countryside location given the nature of the buildings and the associated uses
- The proposed use for a fishery and the difference between this an aquaculture
- Numerous inaccuracies in the submissions including site areas. Agent signing as owner signed in application 17/0079
- Parking shown as existing when there was no parking it was a field.
- Inaccurate reference to when this works commenced with in fact started prior to April 2017.
- Impact on footpath
- Concerned about impact on wildlife given this is retrospective and loss of habitat Hedges were removed in days and disposed of in fires.
- Ground water flood risks - ability of capacity of lake.
- The resurfacing with material of an existing track when there is purely a mud track previously creating a road suitable for passing vehicles.
- Encroachment over boundaries on other peoples land
- Misrepresentation of the details of the application.
- Inaccuracy of submission facts in both the submissions when change of use and development commencement is wholly incorrect (see TSN)
- Overdevelopment of Green Belt Fishing lake . Roadway is extensive artificial
- Lighting being used and large marquee now erected along with a static mobile home hidden from view from the highway.

Relevant Policies

Bromsgrove District Plan 2011-2030

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP15 Rural Renaissance

BDP19 High Quality Design

BDP21 Natural Environment

BDP22 Climate Change

BDP23 Water Management

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

Relevant Planning History

None

Site Description

This particular site is located on the southern side of Stonehouse Lane, Hopwood. The site is accessed from an altered/enlarged field gate onto an expansive surfaced drive which is fenced off down its length. After initially gently climbing, the driveway and land slopes down to the south from the entrance area.

Just as the driveway follows a turn to the left following the original hedge line there is a large hardcore surface/car park area and present location of unauthorised marquee and static caravan for residential purposes) before the driveway continues towards the main lake where the site levels out.

The site had been historically been used for grazing and there were separate 4 pools of water. The 2 largest ponds located at the south east area of the site have now been widely excavated, creating one large lake with island. Around the lake area are hard core tracks and fenced areas. Over the lake a large building projects out over the water. This has a low hipped roof and is presently open on all sides. There are also a set of 4 toilet buildings located on the side of the main lake and a small group of containers with a septic tank.

To the immediate north of the main lake and fenced access track and located in the adjacent field there appears to be an extensive area of banded material shaped up and creating a crescent area. At the time of the visit this bund was retaining water.

The original unmade entrance track is in fact shared with a footpath 545(c) which ran originally down along the driveway and then angled away to the west. This footpath now appears to be diverted and now runs alongside the drive in the adjacent field.

The whole site is located within the Green Belt.

Assessment of Proposal

These 3 retrospective applications for the retention of the following represent:

1. 17/0077: Material change of use to a mixed use (agriculture and sports fish angling) rearing facility
2. 17/0078: Engineering operations for new driveway and lake
3. 17/0079: Erection of over water building and wc's utility cabins

Principal/Green Belt

Paragraph 88 states that when considering any planning application, 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.

It is important to note that a material change of use as indicated on application (1) is not on the appropriate 'closed list' of development as defined by the NPPF. Therefore the material change of use of the land is defined as inappropriate development for which there is no planning permission. Therefore even if the provision of engineering operations/facilities would be not inappropriate as there is no permission for the use the proposal is considered in the whole as 'inappropriate development' and does not benefit from any exception as defined.

It appears that in all instances the applicants agent does not consider that the development is inappropriate or considers very special circumstances exist they state the development is for agriculture and rural diversification. It is clear that whilst there have been 3 separate applications made for the developments /use these should be read in strict conjunction with each other as they are clearly inter dependant/parasitic and therefore cannot be considered in isolation.

I have taken into account the NPPF, with particular reference to paragraphs 89 and 90 and also the impact of the development on openness. I consider that this change of use has resulted in building works and engineering operations undertaken (track, car park and bund) that are considered harmful to both openness and more intrusive than the previous grazing field and ponds and have attached considerable weight to this aspect.

Members will note that the change of use results in extensive engineering operations including, extensive hard surfaces to create a driveway access and a car park to facilitate this use, and what appears to be an extensive engineered bund of material/soil running around one field in a crescent shape. These along with the wc and ancillary buildings and overwater building and containers, all have the effect of reducing openness and cause considerable harm to the openness of the Green Belt. I have adopted the sequential test in considering this development as built.

Green Belt and Visual Amenity

I consider that the change of use to a mixed use clearly has had a greater impact on the openness of this locality and visual amenity creating development where previously there was nothing apart from sloping fields and ponds.

Members will note that the change of use has resulted in works that have created extensive engineering operations including extensive hard surfaces to create a driveway access car park to facilitate this is considered way in excess of a standard farm track.

This extensive engineered driveway replaced the simple field gate and simple unsurfaced agricultural track which was only in limited in its original extent and clearly not extend in all of the locations as stated. The extensive new track and car park is considered visually intrusive and inconsistent with any agricultural use associated to the grazing land and conflicts with the purposes of including land within the Green Belt. The extent of this hard surface now allows for parking and the stationing of a marque and static mobile. This is clearly more intrusive than the former condition. Members will also note that no detailed justification for this work have been offered apart from being required for 'access for maintenance' and 'rural diversification', however no details of this diversification has been provided/offered to help justify the works. It is considered that the works as carried out are considered inconsistent with this rural location and fail to meet the tests as outline in the NPPF and Policy BDP4 and Policy BDP15 of the Bromsgrove District Plan.

The extensive engineered bund of material/soil running around one field in a crescent shape has been formed. As stated above there is no justification for this bund or in fact why it was deposited in this manner have been provided apart from the removal of silt and weed. Why the bund was created in such a manner is unclear however the bund is considered to again have a harmful impact on the openness of the Green Belt in this location and no very special circumstances have been offered to justify its retention and again it fails to meet the tests outlined in the NPPF and Policy BDP4 of the Bromsgrove District Plan.

The wc/ancillary buildings, containers and overwater building are considered 'inappropriate development in the Green Belt' for which no very special circumstances have either been offered or in fact exist. The buildings are considered buildings suitable for agriculture or water management and are not considered to meet the test as 'appropriate facilities' for outdoor sport and recreation. Their associated cumulative impact has resulted in considerably reduced openness to the Green Belt in this location and consequently creates considerable harm.

This is linked directly to the visual harm of this development in this location given the extent of the works involved. The agent clearly believes the type of materials can help justify the buildings however no very special circumstances have been provided for their retention when they fundamentally harm the openness of the Green Belt and their associated harm to the originally open rural landscape.

Other Considerations/Justifications

Paragraph 7 of the NPPF suggests there are 3 dimensions to sustainable development which may help provide a case in support of the development

Economic Role

There is no evidence to justify what, if any, economic benefit to either the location or wider rural economy will be from the development as created. Whilst there is reference to workers on site and parking in the applications forms there is no evidence of why the facilities are required any evidence in support of any business model for either the

agricultural element or in the lake management. Whilst rural diversification may be considered as part of the rural countryside uses, is not considered at the expense of the character of the Green Belt and open countryside and this is clearly the case in point consequently is contrary to Policy BDP4 and Policy BDP15 of the District Plan.

Social Role

The use has not been justified in terms of its location. Fishing lakes are normally set within rural areas and this development is no different. The development appears to be developed/devised with access for motorised transport in mind, given the highly over engineered access. The facility is fairly isolated and the associated impact of the use is not characteristic of this location or rural location. Whilst fishing is a recognised leisure pursuit, the proposed use does not positively reflect any social community needs or support any health social or well being benefit and there is no evidential information that has been provided to support this aspect in order for the LPA to draw any differing conclusion that it does not meet the criteria outlined in the NPPF.

Environmental Role

This retrospective use and associated development has not demonstrated how it or they positively protects or in fact enhances the natural or historic environment.

Members will be acutely aware that the change of use and development has already taken place. The applicant's submission considers there are benefits to the natural environment from the development by the potential to create new habitats

It is considered that there is an adverse impact of the lake clearance works /removal of noxious weeds and associated bund. These have localised environmental/drainage impacts on the local environs and the catchment area of the River Arrow LWS which would not be considered beneficial to the environmental conditions of the site in fact the opposite may be the case.

A retrospective ecological survey has taken place and this has been supported by a mitigation strategy. Whilst the area is not an area defined as an SSSI, it is clear that the development has changed the local ecological environs. There is clearly a change to both the topography (bunds and excavations) and the biodiversity that existed prior to the use and associated built development. This may have altered species habitats and foraging routes from other local sites. Historic aerial photos clearly evidence the loss of hedgerows and the removal of materials (as described by the applicant as noxious) is in itself is a concern as this material has, or may, have been deposited as part of the banded material in one of the fields.

Highways and Access

As this application is retrospective, works to the entrance of the site have already been undertaken. The original entrance was a field gates with basic unsurfaced track which followed the line of the hedgerow before disappearing towards the lower field. The track now is a wide gravelled track which has been defined by post rail/wire fencing. When the natural line of the field turns a large area of hardstanding/car park has been created.

The application forms allude to existing parking and lights good vehicles are cars when clearly historic aerial shots show none. The Highways Engineer considers the access

has been over engineered for the purposes as proposed. The access arrangements now appear wider than the lane the access is presently made from. Worcestershire Highways are unclear as to whether the access arrangements do effectively provide adequate visibility and would ensure suitable highway safety conditions or in fact the use and layout as shown can be justified.

The agent has indicated that the driveway does not create an urbanising effect due to natural 'stone' materials. However I would take a contrary view to this as indicated above due to the intensity of the use and the associated materials utilised are no more than road planings.

In the total absence of any supporting evidence layouts/visibility splays, I am unable to properly assess the proposals to determine whether the scheme is acceptable in terms of highway safety and whether it is in accordance with Policy BDP19 of the District Plan are there is no justification for the design and layout as provided.

Public Footpath

Members will note the comments from both the County footpath team and the Ramblers Association. Public footpath 545(c) runs from Stonehouse Lane and historically followed the route of the unmade track until the hedge line doglegged around the edge of the site to the east where the footpath diverges from the track following a route west towards the rear of Lea End Farm.

The LPA is aware of the obligations to protect and enhance public rights of way (para 75 of the NPPF). It is clear however, that despite the comments from the agent that there is 'no impact to the footpath' this is clearly not the case, the footpath has been intentionally diverted on the other side of the new widened driveway and now runs down alongside the new drive /fencing in the adjacent field before the footpath returns to its original route going west. The relocated footpath is accessed from a stile; this has also been relocated from one side of the drive to the other. No permission has been sought to either move the stile or in fact divert the footpath from its original route along the track to the stile into the field running alongside the track newly formed engineered hard surface access by way of a stile.

Members will be aware that applications for development made under the planning acts not do authorise interference with any right of way of access as this this requires separate permission (Section 257 of the Town and Country Planning Act). No application has been made for this to take place and the diverted footpath does not now appear to be within the red line of the application site boundary or in fact the applicant control so any diversion would need to be made under the Highways Acts and is also enforceable under this act and is subject to a current and ongoing investigation. The development as carried out is considered unacceptable and contrary to Policy BDP19 and Paragraph 75 of the NPPF.

Agriculture and Rural Diversification

This submission is described by the applicant's agent as a change of use of the land to agriculture and a sport fish (angling) rearing facility.

The definition of agriculture is set out in S.336 of the Town and Country Planning Act 1990. This includes the breeding and keeping of livestock.

Fish being produced for food falls clearly within the definition of agriculture. Fish being reared for selling on may fall within a separate definition however there are no details relating to this provided by the applicant.

The definition of recreational fishing is not agriculture as defined. This lake (being registered as a fishery) falls within a leisure (D2) use. It is also abundantly clear that the permit issued to the applicant from the Fish Health Inspectorate (FHI) clearly is for the registration of Fishery Waters. The remit of which is for angling and 'untended stocking ponds.' Any other use of the lake for growing and sale of the fish to other fisheries would require a separate permit from the Inspectorate and this is clearly not the case and no evidence/justification has been provided for this.

Agricultural Need for Facility

The applicant's planning application description clearly alludes to agriculture and mixed use sport fish angling rearing facility. Whilst agricultural uses may be acceptable in Green Belt locations, no supporting evidence has been provided by the applicant to justify the level of development as provided. It is clear that there apart from land for grazing there are sheep on the holding. No details /numbers relate to this and how the animals are farmed or managed.

The applicant has failed to outline how the whole development is justified for either the lake or the livestock and how this might be developed. Members will also note there also appears differing information between the submissions with reference to workers on site.

The details that have been provided for the use of the engineered lake do not outline how this may be managed, the type of fish stocked and any supporting justification for the surrounding developments and this is considered contrary to Policies BDP4 and BDP15 of the District Plan.

A letter has been received from a company (dated 13.3.17) who undertook works at the site and whilst it provides some detail of what may have taken place and how fish were and may be managed, it does not justify this mixed use development or the buildings/ancillary facilities as built or developed.

Ecology

Paragraph 165 of the NPPF places an obligation to consider applications based on existing and potential ecological characteristics. There is also a duty to conserve biodiversity under Section 40 of the Natural Environment and Rural Communities Act (NERC) Act 2006.

There are various tests in paragraph 118 of the NPPF which need to be assessed in order to demonstrate compliance with paragraph 109 of the NPPF. The application has been submitted with a preliminary ecological survey and associated mitigation strategy. One of the main issues with the assessment is that it has been made retrospectively. The applicant's ecologist in this case has sought to provide an overview of what might have

been lost. However as Members will appreciate the nature of this retrospective application is that works have already taken place and wildlife/any ecological benefit may have already be damaged/destroyed.

The Council's landscape advisor has raised concerns over the nature of the 3 submissions. This is due to the changes that have already taken place and the associated impacts on the landscape now that it has now been fragmented. The Councils advisor has requested that further surveys should be undertaken at the correct interval to establish once and for all whether protected species are using either on or are utilising the site in order to inform the most appropriate mitigation and strategies. Without further details, I consider the development is contrary to Policy BDP21 of the District Plan.

Drainage

The area is shown on the Environment Agency Maps an area of low risk of flooding from either Main River or surface water flooding. The site area is specifies this as a major application and depending on the level of flood risk a Flood Risk Assessment (FRA) may have be required . As the site as outlined is at low risk of flooding (level 1) it and does not trigger an automatic Flood Risk Assessment as required by the Environment Agency.

The newly cleared lake appears to have an outfall into a system of drains which form part of the River Arrow catchment area. (Members will appreciate that this requires(d) a separate permit from the Environment Agency).

The current lake could also effectively help provide a surface run off location from the neighbouring land given the sloping nature of the site. However there is no information on this and now the crescent shaped bund outlined in application 17/0078 has clearly interfered with the natural drainage of the location as water is now being trapped creating wet areas and water pools where there were clearly none previously. No detailed justification for this bund/alterations has been provided and North Worcestershire Water Management considers the scheme does not justify the engineered bund and do not have the necessary information to find the works as completed are acceptable

Members will also note that NWWM have also not been provided with any details of how any foul water will be disposed of from the WC's on site. These would require a two stage process and a septic tank, as specified is just one of the stages in the treatment of foul water liquid waste as this water cannot just to be allowed to enter the local water environment. Others measure need to be in place alongside and in association with this tank. Currently there are insufficient details to determine whether the proposed facility is acceptable. Detailed permissions are also required to create outfalls to the River Arrow Catchment and the development is therefore considered contrary to Policy BDP19 and BDP23 of the Bromsgrove District Plan.

Design

As noted previously, the buildings are covered in application (17/0079) however they are 'required 'in association with the change of use/agriculture. The buildings appear less utilitarian than expected. Whilst constructed in wooden materials, the design of the ancillary buildings appear 'whimsical' in their design and their form and appearance,

which are wholly inconsistent with this largely undeveloped area and simple utilitarian buildings as connected to agriculture as the applicant claims.

The Councils Agricultural advisor has commented on the buildings and has raised concerns regarding their design and stated associated use and their functionality as outlined, especially the boat house and its associated construction/materials to relate to its function and with no justification to the contrary it is difficult to consider them any differently. The buildings are thus considered contrary to Policy BDP19 of the District Plan.

Historic Environment

The site was historically part of World War II decoy sites which were established after the wholesale bombing of the city of Coventry. They are commonly referred to as 'Starfish sites'. The County Archaeological records contain reference to this and team have considered this in relation to their comments and have not raised any objections with respect to the site and the related change of use to use as a fishery. Given the extent of the works insufficient evidence has been provided in this case to show how or in fact any of the remnants or feature relating to this site still exist or have been affected as the works have already been carried out.

Other issues

Land ownership

After undertaking the works to the driveway the LPA has been made aware that the development may also include land which is not within the control or ownership of the applicant. Members will appreciate that planning applications may be made on land not within the applicants control however in this case the redline boundaries of the site and the ownership indicates land in the applicants ownership and this may not strictly be the case. Land ownership discrepancies should be followed up through the civil processes available.

Conclusions

The development as defined in the three separate applications represents 'Inappropriate development' in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt (Para 87) and should not be approved except in very special circumstances.

The Local Planning Authority considers the development as outlined is harmful to openness conferring substantial weight to any harm to the openness of the Green Belt. Openness is defined in terms of the absence of development or any manifestation of use the developments and use as defined clearly do not preserve openness.

No very special circumstances exist or have been offered unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations which have clearly not be justified or exist in this case.

Furthermore, the application(s) as submitted are considered wholly deficient in terms of detail which do not adequately justify the development in terms of what, why and how any of this development is justified/explained for this rural area and for these reasons I am unable to draw any different conclusion to my concerns as outlined in my report.

RECOMMENDATIONS:

17/0077

Change of use of land from agricultural to mixed use consisting of agriculture and a sport fish (angling) rearing facility, including alterations to an existing small lake and immediate curtilage: RETROSPECTIVE

RECOMMENDATION: That permission be **REFUSED**

17/0078

Widening and re-surfacing with granular material of existing farm/lake service road. Alterations to existing lake by remedying undercut banks, removal of noxious weed, removal of small island and dredging to remove noxious silt. Alterations to existing highway access to provide highway compliant visibility and set back and re-surfacing with granular material: RETROSPECTIVE

RECOMMENDATION: That permission be **REFUSED**

17/0079

Erection of open sided over-water structure for the use of housing plant and for the maintaining life support for fish and automatic feeder and docking for punt. (7.9m x 5.9m x 4.8m(h) (including overhanging roof detail)
Block of 4 small log utility cabins, comprising a WC, and ancillary uses. 4.7m x 3.7m x 5.3m (h) and standing on 600mm concrete base: RETROSPECTIVE

RECOMMENDATION: That permission be **REFUSED**

REASONS FOR REFUSAL

17/0077

1. The change of use of land does not appear on the 'closed list' of appropriate development as defined by the National Planning Policy Framework, therefore the change of use is considered 'inappropriate development in the Green Belt'.

Inappropriate development is by definition harmful (Para 87 NPPF) and the Local Planning Authority consider the development as outlined is harmful to the openness of the Green Belt in this location and has attributed substantial weight to such harm. Openness is defined in terms of the absence of development or any manifestation of use. The use as proposed does not preserve openness.

No very special circumstances exist or have been offered to overcome the harm to the Green Belt in this instance and the use is considered contrary to policy BDP4 of the District Plan and the advice and guidance contained in the NPPF 2012

17/0078

1. The alterations to the existing highway access, the widening and resurfacing of farm/lake service road and alterations to the lake and environs (bund) do not preserve the openness of the Green Belt. Openness is defined in terms of the absence of development and the development as defined does not preserve openness as the road and bund conflict with the purposes of including land within it

The Local Planning Authority considers the development as outlined is harmful to the openness of the Green Belt in this location and has attributed substantial weight to any harm this may cause to the Green Belt. The development would therefore represent inappropriate development in the Green Belt as it directly linked to the use.

Inappropriate development is by definition harmful and no very special circumstances exist or have been demonstrated to overcome the harm by reason of inappropriateness. The proposed lake access widened track and deposition of material on the land are considered contrary to Policy BDP4, and Policy BDP19 of the District Plan and the guidance contained in the NPPF 2012.

2. The extensive road, parking areas and bund do not positively reflect the character and local distinctiveness of the area by virtue of their associated appearance and their associated adverse impact on visual amenity. The developments are considered contrary to policy BDP1, BDP4 and BDP19 of the District Plan and the guidance contained in the NPPF 2012.
3. There is inadequate information to justify the type and extent of the development undertaken or whether the access affords a suitable and safe access with the appropriate visibility splays suitable for the prevailing road conditions. Without these details there is no evidence to conclude whether the development complies with policy BDP1, BDP19 and the guidance contained in the NPPF 2012 and therefore the development is considered unacceptable.
4. There is no detailed justification provided to support the creation of the engineered bund and the necessary information to understand the local and wider impacts on surface water run-off. Without these details there is no evidence to conclude whether the works comply with Policy BDP1 and BDP23 of the District Plan and the guidance in the NPPF 2012 and the therefore the development is considered unacceptable.
5. There are inadequate details of how any foul water will be disposed of from the WC's on site. Without these details the LPA consider there is no evidence to conclude that the works comply with Policy BDP1 and BDP23 of the District Plan and the guidance in the NPPF 2012 and the therefore the development is considered unacceptable.
6. The development has caused the direct obstruction and resulted in the subsequent diversion of Public footpath 545 (c) which adversely impacts on its setting. No justification for the obstruction and diversion has been made and consequently the

development has failed to protect and preserve this right of way or its setting. The development is considered contrary to policy BDP19 of the District Plan and Paragraph 75 of the NPPF 2012.

17/0079

1. The erection of an open sided water structure for housing plant and 4 small log cabins for a wc and ancillary uses do not represent 'appropriate facilities for outdoor sport and recreation' as they do not preserve the openness of the Green Belt. The Local Planning Authority considers the development as outlined is harmful to the openness of the Green Belt in this location conferring substantial weight to any harm this may cause to the Green Belt. Openness is defined in terms of the absence of development and the development as defined clearly does not preserve openness.

The development would represent inappropriate development in the Green Belt. Inappropriate development is by definition harmful and no very special circumstances exist or have been demonstrated to overcome the harm by reason of their inappropriateness. The proposed buildings are considered contrary to Policy BDP1 and BDP4 of the District Plan and the guidance contained in the NPPF 2012.

2. There is no justification for the retention of the buildings. It is considered that the overwater building, wc/ancillary buildings do not positively reflect the character and local distinctiveness of the area by virtue of their associated appearance and design and their associated adverse impact on visual amenity in their associated locations. The developments are considered contrary to policy BDP1 and BDP19 of the District Plan and the guidance contained in the NPPF 2012.
-

Case Officer: Sarah Willetts Tel: 01527 881607
Email: Sarah.willetts@bromsgroveandredditch.gov.uk

This page is intentionally left blank

Name of Applicant	Proposal	Plan Ref.
Mr & Mrs A Price	Proposed double garage in lieu of garage building previously approved under 15/0364 and associated hard landscaping. Clifford Cottage , Top Road, Wildmoor, B61 0RB.	17/0111

RECOMMENDATION:

- 1) Minded to **APPROVE FULL PLANNING PERMISSION**
- 2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to controlling the erection of only one garage on the site.

Consultations

Belbroughton and Fairfield Parish Council Consulted 08.02.2017

The Parish Council has No objection. 21.02.2017

Publicity

Six neighbours Consulted 08.02.2017

No comments received. Expired 01.03.2017

Relevant Policies

Bromsgrove District Plan 2011-2030

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP19 High Quality Design

Others:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

Relevant Planning History

B/2050/1976	Alterations to front and rear elevations and raising of roof over part of the existing dwelling. (As amended)	Approved	22.03.1976
-------------	---	----------	------------

Plan reference

BR/285/1962	Residential development.	Refused	
15/0364	Proposed replacement dwelling and garage.	Refused	30.07.2015
16/00005/REF	Proposed replacement dwelling and garage. APP/P1805/W/16/3143807	Allowed at Appeal	09.06.2016
16/0773	Proposed single storey garage (Certificate of Lawfulness)	Refused	19.09.2016
17/0086	Application to vary condition 05 (plans list condition) of application 15/0364 to enable changes to fenestration, driveway and formation of balcony at first floor on rear elevation of dwelling.	Approved	20.03.2017

Assessment of Proposal

Clifford Cottage was a detached two storey rendered dwelling with a narrow form, sited behind other dwellings to the east of Top Road, Wildmoor and within the Green Belt.

Planning permission was granted on Appeal to replace and resite that dwelling and to erect an associated garage under application 15/0364 (Appeal ref APP/P1805/W/16/3143807) in July 2016. Conditions associated with that Appeal have been discharged in part and development has now commenced with the demolition of the original dwelling.

Proposal

The appeal proposal involved the erection of a garage at the eastern side of the dwelling and behind its rear elevation, along with an associated driveway access from Top Road.

This proposal seeks to resite that garage to sit alongside the replacement dwelling, change its design and scale as well as varying the extent of the hard surfaced area. These variations are considered too great to represent a 'minor' amendment and thus requires a new Planning Permission.

The proposed garage would be a double garage with a pitched roof constructed in brick and tile to match the replacement dwelling.

Assessment

The site is located within the Green Belt and is subject to Policy BDP4 of the Adopted plan and the guidance contained within para 89 of the NPPF. The NPPF sets out that the erection of a new building is normally considered to represent inappropriate development, unless it falls within a closed list of exceptions.

Bullet point 4 of that exceptions list states; *'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'*

The garage the subject of the appeal decision had a footprint of 42m², a volume of 154m³ and was treated with a hipped roof a maximum of 4m in height. The proposed structure is smaller in footprint (37m²), volume (119m³) and is treated with a gabled roof with a maximum height of 3.9m. The reduction in scale and mass of the current proposal in relation to the appeal proposal is therefore noted. The proposed use has not changed.

Similarly the area of proposed hard surfacing associated with the driveway is proposed to reduce from 262 m² to 227m². In the view of your Officers, the design of the current proposal is also more appropriate to the proposed dwelling and siting is preferable in green belt terms; being alongside the dwelling as opposed to projecting into the garden space as previously proposed. These matters weigh in favour of the development as does the reduction in the extent of the hard surface.

Therefore with regard to scale and the appearance of the development it is considered that the proposal is not 'materially larger' than the previously approved building and thus the scheme complies with bullet point 4 of the NPPF and criteria e) of Policy BDP4. The development is therefore appropriate development in this location.

Due to the proposed siting of the garage there is the potential for both the garage approved under the appeal and the proposed structure to be constructed. Such an outcome would be harmful to Green Belt openness by virtue of the associated increase in built form on the site. In order to control this matter and ensure that just one garage is constructed a legal agreement is required. This agreement is in the process of being prepared and any planning permission would be subject to its completion.

The scheme has not attracted any comments or representations from third parties and subject to conditions to control the use of materials to reflect those of the dwelling, is in compliance with the Adopted Local Plan and the NPPF.

RECOMMENDATION:

- 1) Minded to **APPROVE FULL PLANNING PERMISSION**
- 2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to controlling the erection of only one garage on the site.

Conditions

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 2) The materials to be used in the construction of the external surfaces of the garage shall be reclaimed handmade red-brown multi facing brick in stretcher bond, such

as Lockington Handmade and the Roof treatment shall be 'Cembrit Westerlands' fibre cement slates in 'Graphite'.

Reason; In order to ensure the satisfactory appearance of the development and its relationship to the main dwelling, so as to safeguard the visual amenity of the site and its environs as required by Policy 19 of the BDLP.

- 3) The materials to be used in the construction of the access and driveway shall be submitted to an approved in writing by the Local Planning Authority before being used on site. These materials will then be used in the implementation of the driveway and access which will be carried out before the dwelling is first brought into use.

Reason ;In order to ensure the satisfactory appearance of the development and suitable access, so as to safeguard the visual amenity of the site and its environs as required by Policy 19 of the BDLP and suitable access as required by policy 16 of BDLP.

- 4) The proposal shall be carried out as shown on the plans, schedules and other documents listed below;

Location Plan 16-5554 P1 100
Elevation Garage 16-5554 P4 235
3D View 16-5554 P3 150
Site Plan 16-5554 P1 120

Reason: To make sure the development is carried out exactly as shown on the plans, to ensure that it relates to the area in which it is being built and protects how that area looks, in order to comply with policy 19 of the Bromsgrove District Plan.

Informatives

- 1) The local planning authority is aware of the requirement in the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with applicants in a positive and proactive manner, seeking solutions to problems arising from applications.

In this case the applicant sought detailed pre-application advice from the authority and acted upon this advice in advance of the application submission

The proposal therefore delivers a policy compliant sustainable form of development.

- 2) This application is subject to a Legal Agreement that limits the erection of only one garage on the site.

Case Officer: Mrs Helena Plant Tel: 01527 881335
Email: h.plant@bromsgroveandredditch.gov.uk