



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE**

MONDAY 11TH MARCH 2019  
AT 6.00 P.M.

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

**PLEASE NOTE 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 4th February 2019 (Pages 1 - 6)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 18/00860/OUT - Outline application for demolition of garage and dwelling and erection of 5 detached dwellings and 1 bungalow. Access and layout to be considered. All other matters reserved - Hagley Specialist Cars, 5 Worcester Road, West Hagley, Stourbridge, Worcestershire, DY9 0LF - Mr. P. Head (Pages 7 - 18)
6. 18/01036/FUL - Erection of 1 three-bed dwelling house - Land Adjoining 171 Salwarpe Road, Charford, Bromsgrove, B60 3HT - Mr. R. Hall (Pages 19 - 26)
7. 18/01209/FUL - Proposed residential accommodation with care (Class C2) comprising 67 apartments with communal facilities, landscaping and parking - Former Fire Station and Library Building, Windsor Street, Bromsgrove, Worcestershire, B60 2BJ - Mr. A. Taylor (Pages 27 - 48)
8. 18/01210/FUL - Proposed demolition of existing dwelling and erection of 2 No. dwellings - 1 Plymouth Drive, Barnt Green, Birmingham, Worcestershire, B45 8JB - Mr. S. Stokes (Pages 49 - 56)
9. 18/01596/S73 - Variation of conditions 2 and 8 to amend the parameters of development for the northern development parcel, and Phase 1 Ground Engineering works (and changes to conditions 12,16,18,21,29,31,32, 36 and 37 to allow hedgerow and tree removal prior to the coming into effect of the relevant condition, and conditions 28 and 29 to relate to updated flood risk assessment) in respect of hybrid planning permissions 17/01847/OUT (Stratford reference number), 17/00700/OUT (Redditch reference number), and 17/00701/OUT (Bromsgrove reference number) dated 11 June 2018. Original description of development (for 17/01847/OUT, 17/00700/OUT, 17/00701/OUT): 'Hybrid application comprising: Outline planning application (with matters of appearance, landscaping, layout, scale and details of internal circulation routes reserved) for the development on a phased basis of 32ha of employment land for business/industrial uses (Use Classes B1, B2, B8). The development shall include: landscaping, par (Pages 57 - 116)
10. 18/01620/FUL - Variation of Condition 2 of 17/00761/FUL (Residential development of 148 dwellings (Amendment to 15/0687)) - Alterations to approved layout and removal of two dwellings - Former Polymer Latex Site, Weston Hall Road, Stoke Prior, Worcestershire - Mr. M. Elliot (Pages 117 - 124)
11. 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

1st March 2019

# 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 summary of the responses received from

consultees and third parties, an appraisal of the main planning issues and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the District Council's website [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk). Recent consultee and third party 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](http://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 Local Plan below, and Planning Policy Statements, specifically referred to as follows:-

BDP	-	Bromsgrove District Plan 2011-2030
SPG	-	Supplementary Policy Guidance
NPPF	-	National Planning Policy Framework
NPPG	-	National Planning Practice Guidance
  
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 Pauline Ross, Democratic Services Officer, at [p.ross@bromsgroveandredditch.gov.uk](mailto:p.ross@bromsgroveandredditch.gov.uk), or telephone (01527) 881406



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 4TH FEBRUARY 2019, AT 6.00 P.M.**

PRESENT: Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), C. Allen-Jones, S. J. Baxter, M. Glass, S. R. Peters, C. J. Spencer, M. Thompson, L. J. Turner and P. J. Whittaker

Officers: Mrs. T. Lovejoy, Mr. D. M. Birch, Mr. S. Edden, Mr. S. Jones, Mr. P. Lester and Mrs. P. Ross

60/18

#### **APOLOGIES**

Apologies for absence were received from Councillors M. T. Buxton, C. A. Hotham, M.A. Sherrey and S.P. Shannon, with Councillor L. J. Turner present as substitute for Councillor C. A. Hotham, Councillor M. Glass present as substitute for Councillor M. A. Sherrey and Councillor M. Thompson present as substitute for Councillor S. P. Shannon.

61/18

#### **DECLARATIONS OF INTEREST**

Councillor S. J. Baxter, declared an Other Disclosable Interest in Agenda Item 7 (Application 18/01226/FUL – Thornborough Farm, Redhill Road, Kings Norton, Birmingham, Worcestershire, B38 9EH), in that she knew the Applicant. Councillor Baxter withdrew from the meeting prior to the consideration of the Application and took no part in its discussion nor voted on the matter.

With the agreement of the Chairman there was a brief adjournment of the meeting whilst clarification was sought in respect of Agenda Items 5 and 7 (Planning Applications 17/01290/OUT – Land To Rear of 1-6 Smedley Croke Place, Redditch Road, Hopwood, Worcestershire and 18/01226/FUL – Thornborough Farm, Redhill Road, Kings Norton, Birmingham, Worcestershire, B38 9EH); as it was questioned whether Councillor L. J. Turner (present as substitute for Councillor C. A. Hotham), was eligible to participate in the Committee's consideration of these Applications as Councillor Hotham had also sent in a ward councillor speech for both applications.

With the agreement of the Chairman, the Council's Legal Adviser confirmed that he was not and that he should withdraw to the public gallery prior to the consideration of these Applications and should take no part in the discussions nor voting on the matters.

62/18

## **MINUTES**

The minutes of the meeting of the Planning Committee held on 7th January 2019 were received.

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 7th January 2019, be approved as a correct record.

63/18

## **17/01290/OUT - OUTLINE APPLICATION (MATTERS OF ACCESS AND SCALE TO BE CONSIDERED) FOR THE DEVELOPMENT OF UP TO 10 TWO STOREY DWELLINGS AND ALTERATIONS OF EXISTING ACCESS - LAND TO REAR OF 1-6 SMEDLEY CROOKE PLACE, REDDITCH ROAD, HOPWOOD, WORCESTERSHIRE - MR. D. RICKETT**

With the agreement of the Chairman, the Council's Legal Adviser read out a statement from Councillor C. A. Hotham, Ward Member, who had been unable to attend the meeting.

The Committee then considered the Application, which Officers had recommended for refusal. Having considered the Officers report and the representation made, Members were of the view that the proposal would impact on the openness of the Green Belt. Having carried out a Site Visit Members were in agreement that the proposed access arrangements, as highlighted in the comments received from the Highways Authority, were substandard and would be detrimental to highway safety.

**RESOLVED** that Planning Permission be refused for the reasons set out on page 17 of the main agenda report.

64/18

## **18/01209/FUL - PROPOSED RESIDENTIAL ACCOMMODATION WITH CARE (CLASS C2) COMPRISING 67 APARTMENTS WITH COMMUNAL FACILITIES, LANDSCAPING AND PARKING - FORMER FIRE STATION AND LIBRARY BUILDING, WINDSOR STREET, BROMSGROVE, WORCESTERSHIRE, B60 2BJ - MR. A. TAYLOR**

This matter was withdrawn from the Agenda by Officers and was not discussed.

65/18

## **18/01226/FUL - USE OF EXISTING BUILDING, INCORPORATING CARAVAN TO FORM PART OF BUILDING, AS REST/LIVESTOCK HUSBANDRY AND STORAGE FACILITY, INCLUDING OFFICE, IN ASSOCIATION WITH EXISTING AGRICULTURAL AND EQUINE ACTIVITIES - THORNBOROUGH FARM, REDHILL ROAD, KINGS NORTON, BIRMINGHAM, WORCESTERSHIRE, B38 9EH - MR K MOORE**

Officers reported that two late representations had been received, one objecting to the Application and one in support of the Application; both of which reiterated the comments already received.

# Agenda Item 3

Planning Committee  
4th February 2019

Officers further reported that the Application was seeking retrospective permission for the retention and use of a detached single storey building for as rest, livestock husbandry and storage facility, including an office. The building was sited on a tennis court formerly part of the curtilage of the adjoining property.

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of Councillor C. A. Hotham, Ward Member.

At the invitation of the Chairman, Mr. R. Smith (speaking on behalf of Mr. R. Sambhi), addressed the Committee objecting to the Application.

With the agreement of the Chairman, the Council's Legal Adviser read out a statement from Councillor C. A. Hotham, Ward Member, who had been unable to attend the meeting.

The Committee then considered the Application, which Officers had recommended for approval.

Officers further clarified that no enforcement notices had been issued. A planning enforcement investigation into an alleged unauthorised dwelling was conducted and that no evidence was found which corroborated those claims.

Members were informed that the Council had commissioned a report from its agricultural consultant, who having reviewed the Application had raised no objection to the proposal.

Members sought clarification from Officers as to the terms of the suitable and satisfactory legal mechanism. Officers explained that a suitable and satisfactory legal mechanism to ensure that the building was not capable of being sold separately from the land, would not prevent or preclude the Applicant from submitting further planning applications. Each application was considered on its own merits.

With the agreement of the Chairman, the Council's Legal Adviser further informed the Committee that the National Planning Policy Framework (NPPF) – Policy Tests stated that planning obligations (s106 agreements) should only be used where it was not possible to address unacceptable impacts through a planning condition.

In response to a query from Members, Officers commented that they were unsure as to where the lambing shed was located on the site plan.

Members gave further consideration to the proposed Application and whilst they agreed that there was nothing wrong with seeking retrospective planning permission; the Committee were of the view that the development was not solely for agricultural use, had a greater impact upon openness than the hardstanding which preceded it, and was therefore inappropriate development in the Green Belt. Furthermore the

# Agenda Item 3

Planning Committee  
4th February 2019

building was not designed for its proposed purpose and there were no overriding reasons which would outweigh the harm to the Green Belt by reason of inappropriateness.

Members were therefore minded to refuse the Application.

**RESOLVED** that Planning Permission be refused for the following reason:

The development was not used solely for agricultural purposes, and was also proposed to serve an equestrian enterprise which was an outdoor recreational use, but was not designed for either purpose. Albeit constructed on previously developed land, comprising a hard surfaced tennis court, previously severed from the former curtilage of an adjacent dwellinghouse, the application must satisfy the caveats that it preserves the openness of the Green Belt, and would not have a greater impact on the openness of the Green Belt than the existing development. The resultant development comprised of a building (incorporating a caravan) and evidently had a significantly greater material impact upon the openness of the Green Belt than the existing hardstanding, and consequently comprises inappropriate development.

Neither the building or incorporated caravan were designed to meet the functional requirements of the agricultural or equestrian enterprise for which retrospective permission was sought. The development exceeds what was reasonably required for an operation of this scale and were commensurate with that of domestic accommodation.

The National Planning Policy Framework states that inappropriate development was, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Committee considered that no very special circumstances exist because the reasons advanced in support of the proposal did not outweigh the harm to the Green Belt by reason of inappropriateness arising from the failure of the proposal to preserve its openness or the other harm identified.

Accordingly, the development was contrary to Policies BDP4, BDP15 and BDP19 of the Bromsgrove District Plan and Paragraphs 134(c) 143, 144, 145, 146 of the National Planning Policy Framework.

66/18

**18/01393/FUL - TWO STOREY SIDE EXTENSION, GARAGE AND AMENDED DRIVE ACCESS - 1 HIGHFIELDS, BROMSGROVE, WORCESTERSHIRE, B61 7BZ - MR S & MRS Z KITCHING**

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of Councillor L. C. R. Mallett, Ward Member.

At the invitation of the Chairman Mrs. Z. Kitching, the Applicant and Mr. A. Urka addressed the Committee in support of the Application.

# Agenda Item 3

Planning Committee  
4th February 2019

The Committee then considered the Application, which had been recommended for refusal by Officers. Having considered the Application and the representations made, Members commented that having conducted a site visit they were of the opinion that the choice of materials to be used for the external walls, roof and detached single garage would represent an incongruous feature in the street scene harming the visual amenities of the area.

Members also considered that the set-back distance to be small and that this combined with the ridge height of the proposed two storey side extension would represent an overly large and discordant addition to the dwelling.

Councillor M. Thompson proposed an alternative recommendation that Planning Permission be granted.

On being put to the vote, the Committee did not vote for the alternative recommendation and the Chairman went back to the original recommendation.

Having had regard to all of the information provided relating to this Application, Members were in agreement with Officers in that the proposed extension would represent an overly large and discordant addition to the dwelling; and that the choice of materials to be used on the proposed two storey extension and detached garage would represent an incongruous feature in the street scene.

**RESOLVED** that Planning Permission be refused for the reasons set out on page 58 of the main agenda report.

The meeting closed at 7.15 p.m.

Chairman

This page is intentionally left blank

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Peter Head	Outline application for demolition of garage and dwelling and erection of 5 detached dwellings and 1 bungalow. Access and layout to be considered. All other matters reserved.  Hagley Specialist Cars, 5 Worcester Road, West Hagley, Stourbridge, Worcestershire DY9 0LF		18/00860/OUT

**Councillor Colella has requested that this application be considered by Planning Committee rather than being determined under delegated powers.**

**RECOMMENDATION:** That outline planning permission be **GRANTED**

### **Consultations**

#### **Hagley Parish Council**

We maintain the view that access to this land through Milestone Drive is unacceptable, because this is already too large an estate to have such limited access.

Parts of A456 are the busiest A-class road in Worcestershire. The section between the Cross Keys Garage (at its SW end) and the junctions with Western and Summervale Roads (at its NW end) is particularly congested. The only side roads joining are Newfield Road and Millpool Close on the opposite side to this. Any increase in the need for vehicles to turn across the flow of traffic into or out of this site will be dangerous. We nevertheless consider that the reinstatement (or rebuilding) of the abandoned house adjoining the garage and the replacement of the garage with two houses fronting to the main road would be acceptable, as mirroring the density and plot depth of adjacent properties. We are thus objecting to the development of plots 4-7.

Furthermore, the drive leading to plots 4-7 is a much used public footpath, but too narrow to have both a drive for cars and a pavement for pedestrians.

We consider (as stated) that the development of plots 1-3 with gardens to the full depth of the site would be acceptable. This would match existing properties, but that is not what is being applied for. Such an application should strictly comply with the building line of existing adjacent properties, to ensure that there is plenty of space to enable vehicles both to enter and leave the forecourt in a forwards direction: the plans submitted may well comply with that. However planning applications stand or fall as a whole being determined in the plans submitted. We therefore object to this application.

#### **WRS - Contaminated Land**

No objection subject to remediation conditions.

#### **Waste Management**

No Comments Received To Date

## **Worcestershire Wildlife Trust**

No Comments Received To Date

## **WRS - Noise**

Due to the limited scale of the proposed development it is not necessary for a noise assessment to be submitted, subject to a condition regarding details of enhanced glazing and suitable acoustic tricks vents.

## **NWWM**

No objection to the proposed development subject to conditions regarding

1. Site drainage strategy

## **Highways - Bromsgrove**

No objections subject to conditions.

1. Vehicular access
2. Residential Parking Provision
3. Electric vehicle charging points
4. Cycle parking
5. Vehicular visibility splays
6. Development shall not be brought into use until access, turning and parking facilities has been provided

## **Worcestershire County Council Countryside Service - Public Rights of Way**

No objection

## **Publicity**

A total of 36 letters were sent on 13<sup>th</sup> July 2018 to neighbours, which expired on 6<sup>th</sup> August 2018.

In terms of the revisions to the application, a total of 39 letters were sent to neighbours and contributors on the 20<sup>th</sup> December 2018, which expired on 10 January 2019 .

Due to amendments to the scheme, two consultation exercises have been undertaken. 7 objections from 5 residents are summarised as follows:-

- Overdevelopment
- Highway safety and traffic generation
- Pedestrian safety due to lack of footpath
- Disruption due to the construction phase
- Impact on amenity
- Lack of parking
- Concerns that vehicles will use Milestone Drive

6 letters of support from 4 residents are summarised as follows:-

- Current site is unsightly
- Enhance the character of the site



- Improve security and remove the anti-social problems related to the site and the vacant property at 7 Worcester Road
- Less highway impact than the current garage

Councillor Colella

The proposal for the development at Milestone is an example of garden grabbing and back land development, something that is discouraged by the NPPF. This is inappropriate development and sets unsafe precedent. Back land development should be discouraged, Hagley has seen significant development in recent times with large developments still underway, therefore there is no need and for these reasons should be refused.

The Councillor also raises concerns regarding the lack of detail submitted, highway safety and impact in this area and the wider Hagley area, concerns raised by the Parish Council and concerns regarding access to Milestone Drive.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
 BDP2 Settlement Hierarchy  
 BDP7 Housing Mix and Density  
 BDP16 Sustainable Transport  
 BDP19 High Quality Design  
 BDP21 Natural Environment

### **Others**

NPPF National Planning Policy Framework (2019)  
 NPPG National Planning Practice Guidance  
 SPG1 Residential Design Guide

## **Relevant Planning History**

17/0250	Demolition of existing garage and dwelling, redevelopment of up to 5 dwellings	WDN	26.04.2017
B/18380/1989	Erection of new shop front.	Granted	09.10.1989
B/18381/1989	Display of externally illuminated fascia sign.	Granted	09.10.1989
B/14485/1986	Change of use from garage to hot food takeaway	WDN	22.10.1986

## **Assessment of Proposal**

### **The Site and its Surroundings**

The site is located in the western part of Hagley to the north of Worcester Road. The site is 0.2ha in area and is rectangle in shape. The western half of the site is occupied by a car dealership and garage. The eastern half of the site is occupied by a depilated and vacant detached dwelling (7 Worcester Road) with rear garden. The site also includes part of the rear garden of 9 Worcester Road.

The site is bounded to the north and east by residential properties. A lane bounds the site to the west with further residential properties beyond that, Worcester Road and further residential properties lie to the south.

### **Background on the current use of the application site**

The site has been in the applicant's ownership since 1986. It was formally Smiths Garage and over the last 33 years the applicant has continued to develop and maintain a successful business. However, supporting information submitted by the applicant indicates that the garage site and showroom is no longer viable due to internet sales and competition from manufactures retail wholesale outlets. The business has suffered from vandalism and theft from the garage forecourt resulting in a reduction in the out of hour's display of cars which has also affected sales.

The applicant has indicated that following a period of vandalism and anti-social behaviour at 7 Worcester Road the property became vacant, which exacerbated the problems associated with the property. Following the advice of the police, they boarded up the property. The applicant has been unable to resolve the problems with the property and the property has fallen into disrepair.

The site is currently not on the market, as the applicant would like to development the site himself. The applicant has indicated that the site has previously had commercial interest from agents representing convenience stores, fast food outlets, car wash operators and other commercial developers.

### **Proposal**

This is an outline application to establish the acceptability of the principle of constructing 6 dwellings on this site, following the demolition of the car dealership and vacant dwelling. Consent is sought at this stage for the means of access to the site (which will be from Worcester Road) and the layout of the proposed dwellings. The remaining matters of appearance, scale and landscaping could be considered as part of any future reserved matters application. The proposal will comprise one and two storey dwellings and proposes to deliver a mix of properties consisting of;

- 1 x 3 bedroom bungalow
- 3 x 3 bedroom detached dwelling
- 2 x 4 bedroom detached dwelling

The application has been amended during the application process, originally it proposed to use the right of access the site has to Milestone Drive to access a number of the proposed dwellings. However, following an objection from County Highways that element of the proposal has been removed. All the proposed dwellings will not use Milestone Drive for access and will use Worcester Road.

## **The Principle of the Development**

The proposal is located within the urban area of Hagley where the principle of residential development is acceptable, subject to ensuring that development enhances the character and distinctiveness of the local area having regard to BDP19 of the Bromsgrove District Plan. The site is not allocated for any particular use within the Bromsgrove District Plan (including employment uses), but is surrounded by residential development with the character of the area being one dominated by residential uses. The principle of residential development on the site is therefore considered to be acceptable in principle.

Applications should be determined in accordance with the policies in the plan unless material considerations indicate otherwise. In the case of residential development, Paragraph 11 of the National Planning Policy Framework 2019 (NPPF) states that 'decisions should apply a presumption in favour of sustainable development' for decision taking where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. This includes, for applications involving the provision of housing, where the local planning authority cannot demonstrate a five- year supply of deliverable housing sites. The first key question therefore is whether the Council can demonstrate a five-year housing supply.

The Council has published its 5 Year Housing Land Supply Report with a base date of 1st April 2017. This concludes that the Council cannot currently demonstrate a five year housing land supply, being able to demonstrate 4.57 year supply of deliverable land for Housing. This document concludes that the Council falls short of a 5 Year Supply of Land for Housing.

In these circumstances, this application should be considered with regard to the presumption in favour of sustainable development as set out in Paragraph 11d of the NPPF. This means that planning permission should be granted unless the adverse impact of doing so would significantly outweigh the benefits when assessed against the Framework as a whole, or in specific circumstances where development should be restricted. Local Plan policies continue to be relevant to determining site-specific issues and whether a development can be considered 'sustainable'.

## **Design, layout and appearance**

The site is in a prominent location along Worcester Road. The proposed buildings will replace a garage, sales room and forecourt and the existing depilated dwelling at 7 Worcester Road. The site is currently considered to detract from the character and appearance of this area of Hagley. It is considered that garage and sales room are out of keeping with the residential nature of the surrounding area. It is considered that a residential use of the site could be more sympathetic to the character and appearance of the surroundings.

The application is outline with appearance, scale and landscaping reserved for future consideration.

The scheme as originally submitted proposed 7 residential units. The proposed development has been amended during the application process to reduce the number of dwellings from 7 to 6 following concerns from Officers that 7 dwellings constituted an over development of the plot and that the stand-alone bungalow unit was particularly out of context with the character of the surrounding area.

With respect to the proposed layout, this demonstrates that 6 dwellings could be accommodated with provision for private amenity space, internal road and parking provision. It is noted that the proposed layout is denser than the detached properties along Worcester Road. However, it is considered that the density of the proposed development will make an efficient use of land,

The site lies alongside existing residential use and would continue the linear form of development along Worcester Road (plots 1-3). These dwellings could be designed to be in keeping with the existing street scene and could be constructed using similar materials, housing types (detached) and be built to the same or similar ridge heights as the nearest neighbours as to avoid any adverse visual incongruity along the street scene.

To introduce further properties on plots 4-6 in this locality could result in a contrived pattern of development which would fail to respond to the existing patterns of buildings and spaces along Worcester Road. However, the garage site represents a significant change in character in this area, to the west of the site the character of Worcester Road changes with smaller properties which are set further from the road, to northwest of the site there are two substantial bungalows and a two storey dwelling, beyond this is the residential housing estates built in the 1960s, which represent a further change in character and appearance.

These factors contribute to the character of the area and whilst dwellings siting off set other dwellings (in plots 4-6) are not a characteristic of Worcester Road, it is similar to some of its immediate neighbours and it is not an unfamiliar feature in the wider context of the site.

The layout of the proposal would therefore not disrupt the established pattern of development in this locality and would not be a detriment of the established character of the area. The site is capable of accommodating development laid out as proposed without causing harm to the character of the area.

## **Residential Amenity**

Policy BDP1: Sustainable Development Principles requires that in considering new development, regard will be had to:

“e) Compatibility with adjoining uses and the impact on residential amenity”

There have been a number of neighbour responses received, objecting to the development. One immediate neighbour at 55A Milestone Drive has raised concern regarding any side facing windows overlooking their property.

Plot 6 will be sited less than 1 metre from the boundary with 55A Milestone Drive. However, the previously proposed two storey dwelling in this location has been amended to a bungalow and on that basis it is not considered to be overbearing or have a detrimental impact on the residential amenity of the occupiers of 55A Milestone Drive.

SPG1 recommends a minimum garden depth of 10.5m for a family dwelling with 3 bedrooms with an absolute minimum area of 70 sq m. In terms of plots 1-3, while the size of their gardens are over 70 sq m, the minimum depths are less than 10m. Plots 4-6 have similar sized gardens, which are not considered to achieve this depth recommendation.

Plots 4-6 have shallow gardens between 7.9m and 9.3m in length. The guidance within SPG1 suggests 5m per storey to prevent overlooking of private rear gardens. It is considered that the rear elevations of these properties would result in a level of overlooking of the rear garden of 11 Worcester Road and would not accord with the guidance with SPG1. However, it should be noted that the garden at 11 Worcester Road is over 40m in length and the proposed dwellings would not have an uninterrupted view from a main room, to the most private area of the garden, which is often the main sitting out area adjacent to the property. It is also worth noting that 11 Worcester Road has not objected to the proposal and has written to support the scheme.

SPG1 also recommends 12.5m between a window wall and flank wall. The property at 9 Worcester Road at 13.7 m from a window wall to the flank wall of plot 4 is considered to be acceptable. However, the distance of 11.1m from plot 3 to the flank wall of plot 4 will only be 10.9m, which is less than the required standard.

From a design perspective this part of the scheme is not considered to be representative of what Policy BDP1, BDP19 and SPG1 are seeking to achieve and thus carries negative weight in the overall planning balance.

## **Housing Mix**

The housing mix as proposed on plan is considered to be an appropriate mix having regard to Policy BDP7. The details of the house sizes can be further assessed during a reserved matters application.

## **Highways and Parking**

Policy BDP1: Sustainable Development Principles taken from the Bromsgrove District Plan requires that in considering new development, regard will be had to: "Accessibility to public transport options and the ability of the local and strategic road networks to accommodate additional traffic".

The proposed development is located off Worcester Road, a classified road with a 40mph speed limit. At present the site is a commercial development (garage) selling sports cars with a full dropped kerb frontage. The access located to the east of the site is a PRow access. Two properties and the garage at present have access off this PRow. This access leads into Milestone Drive turning head. The access varies in width ranging between approximately 3m – 4m.

WCC Highways consider that the proposal is a lower trip generator than the existing garage use. There are no highway objections to this proposed outline application for demolition of garage and dwelling.

The visibility splays for pedestrians and cars are provided on the site layout plan. Since the proposal is a lower trip generator the existing vehicular visibility splay, located off Worcester Road are acceptable in this instance. The access width is compliant with the SDG and therefore WCC cannot see any detriment to the PRow. There is no S106 requirement based on scale and net impact of the proposed development.

As referred to earlier in this report, having regard to the presumption in favour of sustainable development as set out in Paragraph 11d of the NPPF and that that planning permission should be granted unless the adverse impact of doing so would significantly outweigh the benefits when assessed against the Framework as a whole, subject to the imposition of the planning conditions as recommend by WCC highways, no objections are raised to the application in terms of highway impacts.

## **Flood Risk and Drainage**

The site is located in Flood Zone 1 and is at low risk of flooding. A site drainage report has been submitted as part of this application which has been examined by North Worcestershire Water Management who raise no objection subject to a planning condition.

## **Ecology**

The local authority has a duty to consider whether proposals will have an impact on protected species. The applicant has undertaken surveys to ascertain the presence of protected species on the site, the habitats which are likely to support such species and the presence of any other ecological features. This includes a Preliminary Ecological Appraisal and Ecological Appraisal detailed Phase 2 Surveys relating to reptiles.

The assessment makes a number of recommendations in relation to the redevelopment of the site. The recommendations are matters that can be reasonably controlled by condition. Whilst the habitats on site are not a constraint to development, there is good potential to enhance the habitats on site and create a net gain in ecological value.

## **Right of Way**

The Right of Way officer has commented that the application area incorporates Hagley Footpath HE-510. The Right of Way officer concludes that the application should not have a detrimental effect on the public right of way if the applicant notes the comments made by the officer and adheres to the standard obligations.

## Planning Balance and Conclusion

The Framework states that decisions should apply a presumption in favour of sustainable development. For decision taking purposes this means, as set out at paragraph 11 of the Framework that where the policies which are most important for determining the application are out-of-date, granting planning permission unless: adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this case because the Council cannot demonstrate a 5 year supply of deliverable housing sites the policies which are most important for determining the application are out-of-date.

In this instance the site is located within a residential area and weight should be afforded to the fact that the proposal would result in the net gain of 5 dwellings, so it would make a contribution to the Council's housing figures. Account should be taken of the opportunities the development would create for local businesses in its construction and removal of this employment use in a residential area. Account should also be taken of the opportunity to remove a negative commercial operation and introduce residential use across this primarily brownfield site. The proposal would have an acceptable impact upon highways, ecology, drainage, contamination and character.

However, for the reasons as previously set out in this report, the proposal is considered to cause some harm upon residential amenity by virtue of the layout of the plots. Therefore negative weight must be attached.

Balanced against these neutral impacts are the effects of paragraph 11 of the NPPF having been invoked as a result of the Council not being able to demonstrate a 5 year housing supply. In such instances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of granting planning permission. In this instance this provokes the question of whether or not the benefits of providing 5 additional residential units within the District at a time where there is no identified housing supply figure and a drive at national level to "support the Government's objective of significantly boosting the supply of homes" (NPPF, para 59), outweigh the impacts of the development upon residential amenity.

This is clearly a very finely balanced matter. However, it is considered that in this instance the harm created to the residential amenity of the proposed development is not so significant or demonstrable to be able to attach more weight to that issue than to the recognised need to boost housing supply numbers as advocated by paragraphs 11 and 59 of the NPPF.

## **RECOMMENDATION:**

That outline planning permission be **GRANTED**

## **Conditions**

- 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) Approval of the details of the design and external appearance of the development, scale, and the landscaping of the site (herein after called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

- 3) The development hereby approved shall be carried out in accordance with the following plans and drawings:

External Works 9115.501 Rev J

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 4) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

- 5) The development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety.

- 6) The development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwelling for the following:

- 3 car parking spaces per 4 bed dwellings
- 2 car parking spaces per 3 bed dwellings

All at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicle only.

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



- 7) The development hereby permitted shall not be occupied until an electric vehicle charging point to serve each dwelling has been provided. Such apparatus shall be retained and maintained in perpetuity.

Reason: To encourage sustainable travel and healthy communities.

- 8) The development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards.

- 9) The development hereby approved shall not be occupied until the visibility splays shown on drawing 9115.501 Rev J have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

Reason: In the interests of highway safety.

- 10) The development hereby approved shall not be occupied until the access, turning area and parking facilities with the changes requested have been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.

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

- 11) 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.

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.

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.

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.

- 12) No works or development, other than demolition and site clearance works, shall take place until a site drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and the principles set out in the drainage report submitted with the application (JMS, report CO18/393/10, Oct 2018). The strategy shall detail future management responsibilities for the drainage assets. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 13) No development shall take place until a detailed scheme of noise insulation measures for dwellings facing the A456 has been submitted to and been approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.

Reason: In order to safeguard the amenities of residential occupiers.

- 14) Prior to the first occupation of any dwelling hereby permitted, two self-contained woodcrete bat tubes are incorporated into the proposals in south or west facing locations on new properties at gable apexes away from strong lighting. Thereafter, the bat tubes shall be retained in perpetuity.

Reason: To minimize impact of the development on the biodiversity.

Case Officer: Mr Paul Lester Tel: 01527 881323  
Email: paul.lester@bromsgroveandredditch.gov.uk

# Agenda Item 6

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Roger Hall	Erection of 1 three-bed dwelling house.  Land Adjoining 171 Salwarpe Road , Charford, Bromsgrove, B60 3HT,	09.10.2018	18/01036/FUL

**Councillor Shannon has requested that this application is considered by Planning Committee rather than being determined under delegated powers.**

**RECOMMENDATION:** That planning permission be **Refused**

## Consultations

### **Highways - Bromsgrove** Consulted 09.10.2018

No objection subject to conditions relating to access and visibility splays, turning and parking, provision of cycle parking and an electric vehicle charging point.

### **Drainage Engineers Internal Planning Consultation** Consulted 09.10.2018

No objections

### **Arboricultural Officer** Consulted 09.10.2018

No objections

## **Public notifications**

One site notice was posted 25.10.2018 and expired 18.11.2018

Ten neighbour letters were sent 09.10.2018 and expired 02.11.2018

Three representations have been received in objection to the proposal, raising the following issues:

- Design
- Impact on amenity
- Highways
- Ecology
- Noise during construction
- Inaccuracy of plans
- Setting a precedent for future development
- Anti-social behaviour on land
- Legal matters relating to shared easements

One representation has been received in support of the proposal.

Following receipt of amended plans and additional information, ten neighbour letters were sent 04.02.2019 and expired 21.02.2019.

Two further representations were received in objection, raising the following additional issues:

Plan reference

- Civil matters relating to access of neighbour's private land
- Insufficient time to comment on the additional information

One further representation was received in support.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP7 Housing Mix and Density

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP21 Natural Environment

### **Others**

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

SPG1 Residential Design Guide

## **Relevant Planning History**

17/01430/FUL	Erection of 1 three-bed dwelling house.	Refused	02.02.2018
14/0143	Proposed extension and conversion of existing residential property to form 5 No. apartments with ancillary parking and landscaping.	Refused	15.08.2014

## **Assessment of Proposal**

The application site is located within Charford, which lies within a residential area of Bromsgrove, as defined on the Bromsgrove District Plan Proposals Map. The proposal is for a three bedroom dwelling, which would be situated between 169 and 171 Salwarpe Road, and would incorporate part of the former rear garden area of 61 Humphrey Avenue.

The main issues to consider with this application are the principle of development, design, residential amenity, highways, landscaping and ecology.

### **Principle of development**

Policy BDP19(n) of the Bromsgrove District Plan states that the development of garden land will be resisted unless it fully integrates into the residential area and is in keeping with the character and quality of the environment. This policy accords with paragraph 70 of the recently published National Planning Policy Framework (NPPF 2019). In addition to this, Policy BDP7 of the District Plan seeks to achieve the best use of land whilst maintaining character and local distinctiveness, and paragraph 122(d) of the NPPF 2019 emphasises the desirability of maintaining an area's prevailing character and setting (including residential gardens). Other key policies in the District Plan include BDP1(e) which states that regard should be had to residential amenity.

The Council cannot currently demonstrate a 5 year supply of housing land. Paragraph 11 of the NPPF 2019 states that where policies that are most important for determining the application are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Footnote 7 clarifies that this includes applications involving the provision of housing in situations where the local authority cannot demonstrate a five year supply of housing. In this case, relevant policies BDP1, BDP7 and BDP19 are in accordance with the policies contained within the new version of the NPPF, and thus these policies are afforded substantial weight.

Although there is a general presumption in favour of residential development in urban areas, it is necessary to assess the proposal against the relevant District Plan policies described above, as well those within the National Planning Policy Framework (NPPF), and the guidance contained within The Residential Design Guide (SPG1).

### **Character, Density, Form and Layout**

The area is characterised by traditional two storey dwellings which are a mixture of terraced and semi-detached properties. The pattern of development is very uniform, comprising a pair of semi-detached properties, followed by a gable ended block of four terraces in repetition. The majority of properties in the area have lengthy rear gardens. There is a consistent building line set back from the road providing space for properties to have front gardens and off road parking. Corner plots generally contain a pair of semi-detached dwellings with spacious verdant open areas to the front and side. The prevailing density in the area is approximately 28 dwellings per hectare.

The application seeks to utilise an area of garden land from both 171 Salwarpe Road and 61 Humphrey Avenue to create a single detached dwelling fronting on to Salwarpe Road. The dwelling extends approximately 1.5m forward of the established building line and would visibly reduce the spaciousness and visual openness currently experienced around the corner plot of No. 171. The visual appearance of openness would be further eroded by the need for 1.8m high fencing adjacent to Salwarpe Road to create a private garden of sufficient size for No. 171. This sense of enclosure is not observed on other corner plots in the area which remain open. The existing houses along the length of Salwarpe Road conform to a strong building line on both sides of the road and therefore the siting of the proposed dwelling would appear at odds to this. Further to this, the addition of a third dwelling within the original curtilage of No.'s 171 Salwarpe Road and 61 Humphrey Avenue would result in an increased density of 37 dwellings per hectare. This is substantially higher than surrounding properties and is evident due to the resultant substantially smaller gardens of the application site, No. 171 Salwarpe Road and No. 61 Humphrey Avenue.

As well as the loss of openness and density concerns, the single detached dwelling would be at odds with the consistent pattern of terraced and semi-detached dwellings in the vicinity and consequently, would appear as cramped and contrived.

Therefore by reason of its siting, design and density the proposed development would not integrate into the area and it is considered that the loss of garden land should be resisted. The proposal would fail to provide a local enhancement and would instead materially

harm the character and appearance of the area. For these reasons the proposal would be contrary to policies BDP7 and BDP19 of the District Plan and SPG1.

## **Residential Amenity**

Other key policies in the District Plan include BDP1(e) which states that regard should be had to residential amenity. SPG 1 provides standards for separation distances between dwellings in order to protect residential amenity.

The dwellings in closest proximity to the application site are no. 171 Salwarpe Road to the south of the application site and no. 169 to the north of the application site. The rear elevation of No.171 Salwarpe Road contains two ground floor windows that serve an open plan kitchen and breakfast area. These windows are just 8.2m from the side elevation of the proposed 2 storey dwelling which would be 6.7m high. This falls short of the separation distance of 12.5m required between windowed elevations and opposing flank walls, which is set out within SPG1. This close relationship would appear overbearing when viewed from this habitable room of No. 171 and would potentially cause a loss of outlook.

169 Salwarpe Road has an open plan kitchen and living room area on the side of their property closest to the application site. This large room is served by 3 windows and a partially glazed door, which are spread across the front, side and rear elevations. The blank side elevation of the proposed dwelling is within 4.4m of the side elevation of No. 169. This close relationship would reduce the amount of sunlight received through this south facing window and undoubtedly the proposal would appear overbearing when viewed from this habitable room.

## Daylight and Sunlight Report

During the application process, a technical report which assessed the impact of the development on the light receivable by 169 Salwarpe Road was provided. The report analysed the light received by the 3 windows and partially glazed door, which serve the open plan kitchen and living room of No. 169. Two types of tests were carried out to measure daylight, and a further test was carried out to measure sunlight. Whilst the front and rear windows passed both components of the daylight test, the window and door within the side elevation failed the "vertical sky component". The report concluded, however, that overall the room would be adequately lit. All windows that were tested passed the sunlight test.

It is also necessary to consider the amenity of the future occupiers of the proposed dwelling. The proposed dwelling would be a reasonably sized three bedroom property, with all habitable rooms receiving sufficient natural light. The proposed rear garden would exceed the minimum standards of SPG1 in terms of both garden length and area. The living conditions of the future occupiers would therefore be acceptable.

In conclusion, although the amenity levels experienced by the future occupiers would be satisfactory, the proposal would have a detrimental impact on the living conditions of the occupiers of adjacent property no.'s 171 and 169 Salwarpe Road. Although the daylight and sunlight report indicated that the most affected room of 169 Salwarpe Road would still receive adequate daylight and sunlight, the proposal would still result in significant harm to the adjacent neighbouring properties by reason of loss of outlook and an

overbearing impact. The proposal would therefore be contrary to Policy BDP1 of the Bromsgrove District Plan and the guidance contained within SPG1.

### **Access and parking**

The scheme would provide a total of 2 parking spaces which would be accessed off Salwarpe Road and would require the installation of a dropped kerb. This level of provision accords with the County Council's parking standards and therefore should not lead to any additional on street parking. The County Highways Officer raises no concerns to the development subject to a number of recommended planning conditions. The proposal therefore meets the requirements of Policy BDP16 of the BDP.

### **Landscaping and Trees**

The proposal will require the some sections of a hedgerow to be removed and a laburnum tree. The Council's Tree Officer considers that these features are of limited amenity value and consequently raises no objection to their removal. The proposal therefore accords with Policy BD19 and BDP21 of the BDP.

### **Ecology**

No ecological appraisal has been submitted with the application, however the dwelling would be constructed on an area where there is a substantial amount of hardstanding, and the characteristics of the site mean that a request for a survey would not be reasonable. Notwithstanding this, the applicants would be required under separate legislation to ensure that there was no harm to protected species such as bats. Although areas of hedgerow would be removed as part of the proposal, as long as this occurred outside of the bird nesting season, no significant concerns should arise. The proposal therefore raises no ecological concerns in accordance with Policy BDP21 of the BDP.

### **Conclusion**

Paragraph 7 of the NPPF (2019) defines the purpose of the planning system is to contribute to sustainable development, and Paragraph 8 describes the 3 overarching objectives to be economic, social and environmental objectives. Having regard to these and the relevant planning merits considered in the above report, a balancing exercise will be undertaken to assess whether the current proposal achieves sustainable development.

In relation to the economic objective the development would provide some limited benefit to the local economy in terms of providing employment for construction trades and increasing demand for building materials. With reference to the social objective the proposal would make a limited contribution towards the supply of housing in the locality and provide a new dwelling in a location defined as being appropriate for residential development. In terms of environmental considerations the proposal would significantly harm the character of the local area and materially impact upon the living conditions the adjoining occupiers. On balance it is considered that the substantial adverse impacts arising to the environmental objective would clearly outweigh the limited social and economic benefits of the proposal. The proposal is therefore considered to represent an unsustainable form of development that would be contrary to the policies contained within the District Plan and the Framework, and the guidance contained within SPG1.

## **Neighbour objections**

Three letters of objection were received in relation to the original proposal and two further letters of objection were received following the receipt of amendments and further information. These letters raised the following concerns:-

**The proposed dwelling would be out of keeping, cramped, and would harm the character and appearance of the area.** These design matters have been addressed within the report.

**Loss of privacy to garden areas of 169 and 171 Salwarpe Road.** As the only first floor windows proposed on the side elevation are would serve bathrooms, they would likely be fitted with obscure glazing. In any event, a planning condition could ensure this.

**Loss of privacy to number 124 Salwarpe Road, opposite the application site.**

However the distance between the front windows of the proposed dwelling and number 124 would be approximately 23 metres, which would exceed the standard of 21 metres contained in SPG1, and thus would preserve satisfactory privacy.

**Loss of light, outlook and an overbearing impact to neighbouring properties.** These matters have been considered within the report, having regard to the separation standards set out in SPG1.

**Highways matters including traffic congestion, parking and the safety of motorists and pedestrians.** The scheme has been considered by County Highways and has been deemed not to raise highway concerns. Notwithstanding this, it is noted that paragraph 109 of the NPPF states that a proposal should only be refused on highway grounds if the impacts are severe.

**There is no dropped kerb to access the parking area.** The site is located off an unclassified road where a dropped kerb can be installed without the requirement of planning permission.

**Noise and disturbance caused during the construction phase.** However, this disturbance is only temporary and therefore the level of harm arising is unlikely to be substantial. A level of disturbance would arise in the case of any development.

**Incorrect "north point" on plans.** These reflect ordnance survey records and therefore there are no concerns in relation to this.

**Ecology impacts.** This has been considered within the report. The applicants would be required to ensure that there was no harm to protected species such as bats. The protection of bats is covered under separate legislation.

**Tree Assessment relates to previous application.** The differences between the previous application and the current proposal would not result in a different impact to the trees on the site. The comments therefore remain valid.

**Development would set a precedent.** Any future planning application would need to be considered on its own merits.



Further objections were raised in relation to the shared nature of quasi-easements that would need to be mutually agreed with future occupiers, and also that the empty land is attracting anti-social behaviour. However these are considered to be civil matters rather than planning considerations.

Following receipt of amendments and the sunlight and daylight report, further concerns were raised in relation to gaining access to private land without permission, in order to carry out the necessary light assessments. This is a civil matter and does not have a bearing on the planning merits of the proposal. The letter also objected to the amount of time that was given to respond to the additional information received by the Local Planning Authority. As the light report did not provide information which altered the officer recommendation for the planning application, it was considered that on balance, the 17 days given to comment on the additional information was adequate.

**RECOMMENDATION:** That planning permission be **Refused**

### **Reasons for Refusal**

1. By reason of its siting, density and design the proposed detached dwelling would be at odds with the uniform pattern of development and the open, spacious character of this residential area. The proposed development would therefore be contrary to policies BDP7 and BDP19 of the Bromsgrove District Plan, the guidance within SPG1 and the NPPF.
2. By reason of its siting and scale the proposed development would appear overbearing and would have a detrimental impact to outlook from the habitable windows of adjacent property no.s 169 and 171 Salwarpe Road, causing substantial harm to the amenity levels experienced by the occupiers, contrary to Policy BDP1 of the Bromsgrove District Plan, the guidance with SPG1 and the NPPF.

**Case Officer:** Charlotte Wood Tel: 01527 64252 Ext 3412  
Email: Charlotte.Wood@bromsgroveandredditch.gov.uk

This page is intentionally left blank

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Adrian Taylor	Proposed residential accommodation with care (Class C2) comprising 67 apartments with communal facilities, landscaping and parking  Former Fire Station And Library Building, Windsor Street, Bromsgrove, Worcestershire, B60 2BJ		18/01209/FUL

## **RECOMMENDATION:**

- (a) Minded to **APPROVE PLANNING PERMISSION**
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a S106 planning obligation ensuring that:
- (i) A financial contribution of £14,600 to be provided towards improvements to the bandstand infrastructure at Sanders Park, Bromsgrove
  - (ii) A financial contribution of £7320.47 for the provision of recycling and refuse waste bin facilities
  - (iii) Occupancy restriction to those aged 55 years or older who are assessed to be in need of care
  - (iv) A financial contribution of £139,930 towards Worcestershire Acute Hospitals NHS Trust

## **Consultations**

### **Waste Management**

Access for the proposed bin store area is satisfactory. The 67 apartments would require a total of 32,160 litres of waste storage. This equates to 29x 1100ltr Euro bins, with a recommended split of 13x recycling and 16x domestic waste.

### **NWWM**

No objection to the proposed development subject to conditions regarding

- Foul and surface water drainage

### **Housing Strategy** Consulted 27.09.2018

No Comments Received To Date

### **Conservation Officer**

The applicant has submitted a detailed Heritage Statement, which identifies the significance of the surrounding designated heritage assets including the listed buildings; 126 -130 High Street, the URC Church and Sunday School, all Grade II, and the Bromsgrove Town Centre Conservation Area. It also includes a setting assessment following the Historic England Guidance found in 'The Setting of Heritage Assets' Historic Environment Good Practice Advice in Planning: 3. The applicant has clearly attempted to

take on board the comments raised by the Inspector in respect of the appeal against the decision for an earlier application, 15/0836. The Inspector stressed the importance of S66 (1) and S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of new development preserving or enhancing the setting of listed buildings and the character and appearance of the Conservation Area. It was agreed by all parties that the existing buildings do neither. The Inspector also highlighted, regarding the earlier scheme that only preserving the current situation would mean that the current negative situation would continue. Weight was also attached to Paragraphs 64 and 131 of the NPPF (now paragraphs 130 and 192 of the revised NPPF, July 2018), stating that planning permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions and that account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness.

The applicant in the Heritage Statement highlights that the proposed scheme reflects the terracing found in the Conservation Area, and the clear vertical rhythm and well-proportioned fenestration is more sympathetic to the listed buildings in the High Street. The use of the setback in respect of the south west end of the front building also allows clear views of the URC Church along Windsor Street, and due to this part of the building being only one storey higher it would be less dominant in terms of the listed building. The return wing is set back from the listed building also to avoid dominance over the URC Church.

I would agree that this is a much improved scheme and the applicant does appear to have taken on board not only the comments made in respect of the previous scheme but also the detailed comments made by the Inspector.

I do have some areas of concern which are as follows

1. I welcome the choice of different red bricks to break up the elevations. I am not so convinced by the proposed use of stone which with the exception of the Church is generally used for detailing rather than for entire facades. I would also object to the use of the proposed timber, which does not sit comfortably in this form with the local vernacular.
2. I have concerns about the proposed balconies, which do not have the appearance of a detail which is integrated with the scheme, but look more like an add on.

Subject to the clarification of the above points I would hope that this scheme will comply with the statutory requirements set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Historic Environment policies in the Bromsgrove Local Plan.

Updated Comments 24<sup>th</sup> January 2019

1. I welcome the use of slightly different coloured bricks, and this will provide some variety to the appearance of the building. It is however difficult to assess the actual final appearance of the bricks from the photographs provided. The appearance will also depend on the colour of the mortar, and this would not yet appear to have been decided upon. I therefore think that it would be appropriate for sample walls to be constructed on site with the choice of mortar, before a final decision is made. This element of the application could therefore be conditioned.

2. I have concerns about the use of shot blasted masonry rather than using render. The applicant has correctly identified that render and painted brick are used in Bromsgrove, however as I said in my earlier comments, stone is not used except in the Church. The shot blasted masonry appears to be constructed in concrete blocks, and I have concerns that over time this element of the building will lose any uniform appearance it might have had when newly constructed and will look like a concrete block building. I would have no objection to a rendered finish, for this element, in an appropriate colour.
3. I do feel that using a different brick bond to stretcher bond adds interest to the appearance of the building, and I consider that this has been successful not just with the Waitrose building but also in the new library extension. I would like to see the applicant reconsider this point.

I note that the applicant has not altered the design of the balconies. I would reiterate that I would prefer to see a design which is integrated with the building, rather than appearing as a bolt on.

### **Bromsgrove Strategic Planning**

Whilst the proposal is contrary to the application site's intended use in Policy BDP17 of the adopted District Plan, the application is considered to effectively justify a relatively longstanding lack of comparison retail demand to occupy this site. Furthermore with the recent redevelopment of other town centre sites for retail uses, which offer potentially more preferable locations to attract any market demand that does currently exist for larger format comparison retail, it is considered that the context surrounding the original BDP allocation of the Windsor Street site has changed sufficiently to alter what could be considered the most appropriate use of this site.

In combination with the social, and to a lesser extent economic, benefits to be delivered to Bromsgrove from the proposed residential use, it could be argued the departure from Policy BDP17 is outweighed by these material considerations.

### **North Worcestershire Economic Development and Regeneration**

Whilst it is clear that the proposal is against the adopted policy position (BDP17), the information contained in the retail statement, coupled with our experience of the retail market and involvement in the other sites in the town centre, would suggest that their conclusions are relatively sound.

Despite the proposal being against policy it is considered that it would offer a number benefits, as follows:

- The proposal would result in residential development within close proximity to Bromsgrove town centre. This increase in population within this area will help to support all of the businesses and services within the town, which is an important economic benefit;
- Provide the redevelopment of a largely vacant site with the resulting development providing an active use and a more attractive site for the town, which is important for investor confidence;

## **Redditch & Bromsgrove CCG**

Redditch & Bromsgrove CCG is aware of the increasing number of care homes opening across Worcestershire and the extra strain that this puts on GP surgeries. To counter this, the CCG is encouraging practices to work together to provide strengthened resilience and sustainability.

Despite the above, Redditch & Bromsgrove CCG will not be seeking a contribution from the developer of this care home.

## **Worcestershire Acute Hospital NHS Trust**

The Trust has requested a contribution of £139,930, which will be used directly to provide additional services to meet patient demand. The Trust is currently operating at full capacity in the provision of acute and planned healthcare. This development imposes an additional demand on existing over-burdened healthcare facilities and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. The contribution is necessary to maintain sustainable development. Furthermore the contribution is carefully calculated based upon specific evidence and fairly and reasonably related to the scale and kind of the development.

## **Public Health**

Public Health have assessed the proposal and note that the demographics for Bromsgrove reveal an older population and there are already 22 similar types of accommodation specifically for the over 50's within the local area. It would be beneficial for the health and wellbeing of all ages if the town has accommodation for younger and older people. Meeting older people is important for young people's long-term health and vice versa. If the application is granted the developer should note that Bromsgrove has recently been recognised as a Dementia Friendly Community; it would be appropriate that any building or planning application take into account the requirements and additional considerations to make the building "Dementia Friendly".

They make a number of recommendations to the developer in relation to site traffic, access to health facilities, noise, access to green space, air quality, renewable energy, crime and disorder. They have also requested a Health Impact Statement be provided by the applicant.

## **Senior Community Safety Project Officer**

No objection, but makes a number of recommendations that the applicant should consider regarding car park, external lighting, perimeter, building access control, security, mail delivery and noise nuisance.

## **Hereford & Worcester Fire and Rescue**

No objection

## **Highways - Bromsgrove**

No objection

The site has been subject to several previous planning applications for care facilities which have been revised in part for transportation reasons and the proposals subsequently dismissed at appeal. This application has taken on board the previous

concerns and the comments of the planning inspectorate and as a result this application is considered to be acceptable overall, but minor modifications are needed to bring the proposal in line with the current streetscape design guide but these can be address through the use of a suitably worded planning condition. The matters for the applicant to address either as part of this application or as part of the condition discharge process are. The number for cycle parking spaces falls below the required levels, a provision of 19 spaces (10 Sheffield racks) is needed across the site either through external provision with shelter or designed into the building.

The travel plan is acceptable subject to registration with [www.starsfor.org](http://www.starsfor.org) and the details uploaded, a welcome pack being provided for residents and staff, and a shower / changing facility with lockers being provided for staff.

The applicant has shown that the proposed car parking levels are suitable and the evidence presented is considered to be acceptable. The access is existing and given the low traffic generation that care homes produce is does not require any modification. Finally the Highway Authority has previously raised concerns about the refuse vehicle waiting on Stratford Road, this matter has been considered in the previous appeal and the inspector concluded that it was acceptable.

Finally the application generates fewer trips than the previous uses, so in that light it is not necessary or appropriate to require any financial contributions to be made.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be a severe impact and therefore there are no justifiable grounds on which an objection could be maintained.

- Conformity with Submitted Details
- Existing access closure
- Construction Environmental Management Plan
- Electric vehicle charging point
- Accessible Parking Provision
- Motorcycle Parking Provision
- Cycle Parking
- Employment Travel Plan

### **Mott MacDonald Highway Consultants**

Mott MacDonald (MM) has been commissioned by BDC to provide a review of this planning application.

MM agrees with the transport statement and accepts the principle that the proposed development will generate fewer traffic trips than the extant use.

MM conclude that the data shows that there is sufficient parking provided within the site to accommodate the expected demand with a low risk that demand will exceed supply resulting in parking overspill. MM are satisfied that a suitable level of parking provision is proposed. MM are satisfied with the strategy to manage refuse collection with vehicles stopping on street form Stratford Road. The pedestrian provision provides connections to Bromsgrove Centre, Windsor Road and Stratford Road and as such is accepted by MM.

MM propose that the applicant should provide more information on the design of the site access junction with Stratford Road, prior to their approval on highway matters.

## **Worcestershire Archive and Archaeological Service**

No objection subject to conditions.

1. Written scheme of investigation
2. Completion of written scheme of investigation

## **WRS - Contaminated Land**

No objection subject to a tiered investigation condition.

## **WRS - Noise**

No objection subject to conditions

1. Specification of windows
2. Details of extraction for kitchen

## **WRS – Lighting**

No objection subject to lighting condition

## **Urban Designer**

The development is supported with some areas needing to be addressed prior to approval. It is felt that the scale, massing and design of the built form is acceptable and supported to where this would benefit and respond to its surrounding context. The amended development proposal is positively developed in light of the previous refusal.

## **Arboricultural Officer**

No Objection subject to conditions

- Tree protection measures
- Landscaping Plan

## **Leisure Services Manager**

The landscaping appears to be of good quality and is appropriate for the nature of the development for those requiring different levels of care providing good access linkage throughout the scheme along with areas for informal and formal contemplation.

Should this development fall short of providing the onsite requirements for open space provision, Leisure Services would seek contributions to improve the facilities and provision for the appropriate age range/s (55+) at the nearest park (Sanders Park, Kidderminster Road):

Of site contribution would be used for improvements to the Bandstand infrastructure which currently provides a variety of popular bandstand events specifically aimed at 55+ age ranges within the community. We propose improved circular pathway/s with seating surrounding the bandstand which would improve access for elderly, less mobile residents to enjoy the events and facilities within the park. This will be constructed of block paving as shown on the attached plan for a guided cost of £11,000. The completed circular pathway would include 6 benches which would provide seating for enjoyment of the facilities at estimated £600 per bench - total £3,600.



## **Publicity:**

103 letters sent on the 27<sup>th</sup> September 2018 (expired 21<sup>st</sup> October 2018)

1 site notice posted on the 8<sup>th</sup> October 2018 (expired 1<sup>st</sup> November 2018)

Press Advert published in the Bromsgrove Standard on the 5<sup>th</sup> October 2018 (expired 22<sup>nd</sup> October 2018)

## **Neighbour Responses**

6 responses have been submitted. 1 of these supports the proposal and makes the following comments:

- Current state the site is very unattractive and there is a desperate need for it to be developed
- Careful consideration has been given to all areas of the development

1 representation was made raising the following issues:

- Parking for construction and contractor vehicles
- Following the operation of development whether an assessment of whether adequate parking provision has been provided.
- Highway improvements as the result of development

4 letters of objection were received stating the following:

- Too many retirement developments in the vicinity of this site
- Site could be used for an alternative use, such as a cinema
- Access via Stratford Road is extremely flawed due to busy road
- Increase in traffic
- No improvement from previous scheme
- Negative impact on the attractiveness of the town due to the number of older residents
- Impact that the development could have on bar and restaurants in the area due to noise complaints
- The apartments should be available to all the community
- Overlook and dominate the rear aspects of the houses along Stratford Road, resulting in loss of privacy
- Extra burden on existing facilities and infrastructure, including GPs

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP6 Infrastructure Contributions

BDP7 Housing Mix and Density

BDP10 Homes for the Elderly

BDP16 Sustainable Transport  
 BDP17 Town Centre Regeneration  
 BDP19 High Quality Design  
 BDP20 Managing the Historic Environment  
 BDP21 Natural Environment  
 BDP22 Climate Change  
 BDP23 Water Management  
 BDP24 Green Infrastructure  
 BDP25 Health and Well Being

## Others

NPPF National Planning Policy Framework (2019)  
 NPPG National Planning Practice Guidance  
 SPG1 Residential Design Guide  
 SPG11 Outdoor Play Space in the District of Bromsgrove

## Relevant Planning History

16/0191	Demolition of existing buildings and erection of Retirement Living Housing for the elderly (category II type accommodation), including communal facilities, landscaping and car parking and affordable housing. Resubmission of application ref 15/0836	Refused (Appeal Dismissed 14.12.16)	10.05.2016
15/0836	Demolition of existing buildings and erection of 49 Retirement Living Apartments (category II type accommodation) including communal facilities, landscaping and car parking and 37 affordable apartments	Refused (Appeal Dismissed 14.12.16)	10.12.2015

## Assessment of Proposal

### The Site and its Surroundings

The application site is located within Bromsgrove Town within the defined Town Centre Zone. The site consists of Bromsgrove library, the former fire station building and associated offices. The site has 2 separate accesses; one off the Stratford Road serving the library and the other off the Stratford Road serving the fire station building. A car repair business is located to the north of the site with residential properties located to the east on the Stratford Road. The High Street is located to the west with the current fire station facing the rear of a number of High Street units. The Bromsgrove United Reformed Church (URC) is positioned on the southern boundary and Weldron House and Day Centre are located to the south east.

### The Proposed Development

This is a full application that seeks residential accommodation with care for 67 self-contained apartments (Class C2) for persons aged 55 years and over who are in need of care (following assessment). The development has extensive communal facilities including a lounge, coffee bar, restaurant, assisted bathroom, guest suite, hair salon, activities and therapy suite, mobility scooter store, 41 car parking spaces and outside landscaped amenity space. The breakdown of accommodation is as follows; 24 x one-bed units, 35 x two-bed units and 8 x three-bed units arranged predominantly over 4 storeys. The development will create 16-20 full time equivalent jobs as well as further jobs in the supply chain for the development.

## **Background on Developer and Care Offer**

Gladman Retirement Living has built over 40 Care and Nursing Homes throughout the UK. Their aim is to meet the current and future needs of older people who are in need of care, by constructing specialist developments that will enhance the local environment and contribute to the attainment of mixed and balanced communities. The scheme offers an alternative to residential care for older people by combining the advantages of high quality, self-contained and secure accommodation, with the provision of flexible care services on a day to day basis to those in need of care. The service enables older people to retain control over their own lives while receiving the care and support they need allowing residents to remain as independent as possible for as long as possible. The scheme allows residents to receive more acute care as their needs intensify. Importantly, residents are required to be 55 years of age in need of some form of care package. The applicant indicates that the average age of occupants to be 81, with the relatively young age of 55 relating to those unfortunate enough to be suffering with medical issues such as early onset dementia, Multiple Sclerosis or other such debilitating diseases.

The Planning Statement says that the model of care to be offered promotes independent living, is suitable for residents with dementia, could attract residents from existing care homes, maintains those who are self-funding their care and has the potential to reduce the financial burden on the Councils Adult Social Services. The accommodation, circulation space, internal and external communal areas are specifically designed to meet the needs of residents who have a variety of care needs. Overall, it complies with the overarching requirements of the Care Quality Commission.

The main issues to be considered in assessing the application are the following:

- The principle of the proposed development
- Residential Amenity
- Street Scene & Character Impact
- Access, Highways & Parking
- Ecology
- Landscape and Trees; and
- Planning Contributions

## **The Principle of the Proposed Development**

As identified on the Proposals Map the site is located within the Town Centre Zone. The site is allocated by Bromsgrove District Plan Policy BDP17.13 (TC6) as a major mixed

use development opportunity which has the ability to enhance and expand the town's retail offer. The proposed development is therefore contrary to the development plan and should be refused unless material considerations indicate otherwise. The applicant has provided supporting information (within their Planning Statement and the Retail Market and Town Centre Policy Statement) which seeks to demonstrate that material considerations exist which outweigh the departure from the development plan.

The application is considered to effectively justify a relatively longstanding lack of comparison retail demand to occupy this site. Furthermore with the recent redevelopment of other town centre sites for retail uses, which offer potentially more preferable locations to attract any market demand that does currently exist for larger format comparison retail, it is considered that the context surrounding the original BDP allocation of the Windsor Street site has changed sufficiently to alter what could be considered the most appropriate use of this site.

The proposal directly responds to the need for specialist accommodation for the older residents. There is a pressing need for this form of development across the country and in Bromsgrove. The Worcestershire Extra Care Housing Strategy (2012-2026) has identified a significant need for Extra Care accommodation. In 2017 the strategy identified a provision of only 92 units in Bromsgrove, with a need of 792 by 2026. This clearly demonstrates a significant need for specialist extra care accommodation in the District. The strategy breaks this down as an additional 680 extra care/enhanced sheltered units, 151 dementia housing units, and 53 units for those diverted from residential care, all by 2026. Combined, this equates to a need of approximately 56 units of extra care housing per year to 2026. This ensures that it complies with BDP10 Homes for Elderly. Concern has been raised regarding the number of retirement developments in the vicinity of this site. While there have been a number of recent development in Bromsgrove town centre, as outlined in BDP2 Settlement Hierarchy, Bromsgrove is the principal preferred location for growth with the Authority and proposal and other retirement development are in the correct location based upon this policy.

A key issue in consideration of the principle of the proposal is the nature of the residential accommodation proposed. If the proposal was considered to fall within the C3 Use Class, the provision of affordable housing would be required by BDP8. The applicant has adequately justified that the proposal is a C2 use. There is a number of pertinent points to consider in this matter, which are as follows:

- This kind of development offers much more than a C3 use.
- The Independent living accommodation is one element of the scheme, but that would be provided alongside a range of communal facilities that are inextricably linked.
- The scheme/apartments are designed to meet the needs of the occupants. This includes a range of specialised features and adaptations such as wheelchair accessible doors and electric sockets, level threshold showers and a 24 hour emergency alarm system. All of these features would not necessarily be found in other housing stock and facilitate assisted living as well as social well-being.
- Care would also be provided, specifically tailored to the needs of the occupant who having been assessed by the care manager, are deemed to be in need of personal care. Whilst some primary occupants of the development might, upon taking up residence, require only the minimum level of personal care there is likely to be a

mix of care need at any one time and those with limited need may well require additional care in the future.

- The service charges for this type of development are very high (around double that of standard older persons development development). Residents are paying a premium for this type of development this would deter prospective occupants who are not in need of such facilities and can be further control by planning condition or planning obligation as is proposed by this applicant restricting the age of primary occupants and ensuring that a minimum level of care is needed and taken up by future residents.

There are also a large number of appeal decisions where other Councils have considered this type of development to be C3. These appeals have been dismissed and this adds significant weight to the justification that the use class is C2 and not C3.

Therefore it is clear that the residential development proposed would provide accommodation and care for residents in need of care and is therefore considered to fall within the C2 Use Class, for which affordable housing provision is not required.

The restriction of the use of the proposed development within the C2 Use Class and a restriction of occupation of the proposed accommodation for residents who would be at least 55 years old and in need of care and would be controlled by way of a legal agreement.

## **Residential Amenity**

Policy BDP1: Sustainable Development Principles requires that in considering new development, regard will be had to:  
*'e) Compatibility with adjoining uses and the impact on residential amenity'*

The development is bounded by built form on all sides. However, the only residential development is located to the north east on Stratford Road. The application site shares a boundary with No's 4, 6 and 8 Stratford Road.

The proposed location of the development on the site, orientation and size of windows and reduced height from 4 storeys to 3 storeys is considered to ensure that effects on residential amenity are minimised, taking into consideration separation distance between existing properties and the proposed apartment block.

For developments of 3 storeys or more a minimum separation distance of 27.5m is recommended to 2-storey dwellings. There will be two balconies on the north east corner of the development and 3 windows on the front elevation of the third floor where this distance is not quite achieved. These are all main habitable windows serving bedrooms and living room where distances of between 25m and 26m are achieved. However, the shortfall is not substantial. This level of visual separation is considered to be acceptable to maintain levels of privacy for the occupiers of No's 4, 6 and 8 Stratford Road.

The existing library building is located closer to the properties on the Stratford Road. However, due to its current use it does not create the same level of overlooking. The library and offices would only be occupied during the daytime and most importantly is only 2-storeys high close to the residential properties.

It is also important to consider the amenity levels that would be experienced by both the occupiers of the proposed development. The 67 individual private apartments would have sufficient access to natural light as well as a communal lounge, other communal facilities and garden areas throughout. This would provide a pleasant private space for residents to enjoy.

The proposed development would not have an overbearing or visually intimidating impact upon nearby properties. It is considered that daylight to existing habitable rooms would not be prejudiced and that no loss of privacy would occur.

In conclusion, the proposal would not cause substantial harm to residential amenity in accordance with SPG1 and Policy BDP1.

## **Design & Character Impact**

The site is located in Bromsgrove Town Centre in area that has a number of designated heritage assets. The site is adjacent to the United Reformed Church (URC) Chapel (Grade II), Sunday School (Grade II) and Bromsgrove Town Centre Conservation Area. It is also in close proximity to Wendron House (Grade II). It is necessary to consider whether the proposal retains or enhances the character and setting of the adjacent listed buildings and Conservation Area in accordance with policies S35A and S39 of the BDLP and the Conserving and enhancing the Historic environment section of the NPPF.

Windsor Street runs parallel with the High Street, with the rear elevations and service buildings of the High Street premises, fronting the west side of Windsor Street. The High Street itself sits slightly lower than Windsor Street, and comprises buildings of varying heights, generally two to four storeys. South west of the site on the corner of Windsor Street and Chapel Street is the listed URC Church. On the other corner is the associated Sunday School. Further up Chapel Street there are some two storey Victorian buildings. The High Street and Chapel Street both fall within the Bromsgrove High Street Conservation Area. East of the site the land rises quite steeply through a carpark to Wendron House another listed building, and the residential area around College Road. To the north of the site is the Stratford Road where there are two storey houses, as well as a car repair workshop on the corner of Stratford Road and Windsor Street.

The Conservation Officer and Urban Design Consultant both agree that the existing fire station and library buildings like many of the rear service buildings to the High Street contribute little to the street scene in terms of architecture. In contrast the URC Church and its Sunday School, together with the other Victorian buildings in Chapel Street comprise an attractive group. The site therefore provides an opportunity to improve the setting of the various historic assets adjacent to the site.

The proposal seeks to construct a predominantly four storey linear building with a staggered frontage facing Windsor Street, with sections at either end of three storeys. The south west end is more definitively set back. To the rear is a further wing, at right angles to the Windsor Street elevation which is partly four storey with a three storey section at the rear. The building is proposed to be flat roofed, and the elevations are broken up into bays with use of different materials and the use of setbacks, creating the staggered appearance. In addition there are projecting metal balconies. Access to the

scheme will be from Stratford Road, where a new access road will be constructed, this road will also give access to Wendron House to the rear.

The applicant has submitted a detailed Heritage Statement, which identifies the significance of the surrounding designated heritage assets including the listed buildings; 126 -130 High Street, the URC Church and Sunday School, all Grade II, and the Bromsgrove Town Centre Conservation Area. It also includes a setting assessment following the Historic England Guidance found in 'The Setting of Heritage Assets' Historic Environment Good Practice Advice in Planning: 3. The applicant has clearly attempted to take on board the comments raised by the Inspector in respect of the appeal against the decision for an earlier application, 15/0836. The Inspector stressed the importance of S66 (1) and S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of new development preserving or enhancing the setting of listed buildings and the character and appearance of the Conservation Area. It was agreed by all parties that the existing buildings do neither. The Inspector also highlighted, regarding the earlier scheme that only preserving the current situation would mean that the current negative situation would continue. Weight was also attached to Paragraphs 64 and 131 of the NPPF (now paragraphs 130 and 192 of the revised NPPF, July 2018), stating that planning permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions and that account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness.

The applicant in the Heritage Statement highlights that the proposed scheme reflects the terracing found in the Conservation Area, and the clear vertical rhythm and well-proportioned fenestration is more sympathetic to the listed buildings in the High Street. The use of the setback in respect of the south west end of the front building also allows clear views of the URC Church along Windsor Street, and due to this part of the building being only one storey higher it would be less dominant in terms of the listed building. The return wing is set back from the listed building also to avoid dominance over the URC Church.

Overall it is considered by the Conservation Officer to be a much improved scheme. The officer has highlighted some concerns regarding the design of the building (use of balconies) and the choice of materials. However, in terms of the NPPF any harm which is considered to occur would amount to less than substantial harm and would have to be weighed against the public benefits of the scheme in accordance with Paragraph 196. The significant public benefits in this case include:

- Efficient and effective re-use of a brownfield site in a sustainable area of Bromsgrove.
- Contributing to the Council's 5 year land supply and towards the housing allocated to Bromsgrove in the adopted development plan.
- Releasing existing housing stock to the open market.
- Helping to meet the need for Specialist Accommodation for the elderly
- Reducing the financial burden on Adult Social Care and NHS budgets.
- Creating 16-20 full-time equivalent jobs as well as job in the supply chain.
- Economic benefits through the construction phase and once completed.
- Social Benefits through 67 apartments with care.

- Environmental benefits of providing increased green infrastructure on site and a net gain in terms of biodiversity

Taking into consideration the impact of the scheme on heritage assets, by virtue of the developments location, layout, design and scale, any harm to the significance of the heritage asset is considered to be outweighed by the significant public benefits identified.

The Urban Designer comments that the proposed layout responds well to pre-application discussions as well as taking on board feedback for the previously refused schemes for this site. The layout, positioning and offsets from both Windsor Street and the listed Chapel are acceptable and relate back to both the urban grain and site constraints. The busy arrangement in terms of layout and elevation creates a building which responds to its context.

In terms of the elevations, the varying breakdown of the buildings elevations is supported in principle. The application of flat roofs and varying heights provides a strong character to the development which responds to its direct context. Concern had been raised regarding the use of timber for part of the development. This has now been removed from the proposal.

In terms of street scene and offset from Windsor Street provides enough open space to contribute positively to Windsor Street. The combination of building offset, high quality boundary treatment and tree planting will all aid in the success of the development, both of these can be conditioned.

Overall it is considered that the submitted streetscene plans and site elevations demonstrate that the development can assimilate well with the surroundings. I am of the view that the proposal responds well to the appearance of the street scene, which has a varied architectural character and a range of style and scale of buildings. A palette of facing materials has also been submitted and additional soft landscaping would further aid the appearance of the proposal within the street scene. The design is therefore considered acceptable and complies with BDP19.

## **Access, Highways & Parking**

Policy BDP1: Sustainable Development Principles taken from the Bromsgrove District Plan requires that in considering new development, regard will be had to: *'Accessibility to public transport options and the ability of the local and strategic road networks to accommodate additional traffic'*. Policy BDP16: Sustainable Transport taken from the requires that *'Development should comply with the Worcestershire County Council's Transport policies, design guide and car parking standards, incorporate safe and convenient access and be well related to the wider transport network'*.

A single vehicular point is proposed to be taken from Stratford Road (A448) in the location of the former library access. This will serve the whole development and will provide access for vehicular traffic, pedestrians, and cyclists. The access road also provides a secondary access to the south of the site to the Wendron House and Day Centre which provides Council led social services. The primary vehicular access to Wendron House and Day Centre which is taken from Chapel Street will remain unaffected.



The site is within the town centre and therefore offers an alternative to the use of the car by walking and cycling. There are a number of bus stops in the vicinity with the nearest being located on Stratford Road.

The pedestrian access provides connections to Bromsgrove Centre, Windsor Road and Stratford Road, the approved access is considered to be a benefit of the scheme.

WCC Highways consider that the application has taken on board the previous concerns and the comments of the planning inspectorate and as a result this application is considered to be acceptable, subject to planning conditions. The access is existing and given the low traffic generation that care homes produce it does not require any modification.

WCC Highways have confirmed that no objections are raised to the proposals in terms of highway safety. Mott MacDonald (MM) has been commissioned to independently assess the merits of the application in terms of highway impact. They raise no objection subject to the applicant providing more detail regarding then site access junction with Stratford Road.

The applicant has provided a Parking Statement (PS) with their application. The PS provides details of the applicant's completed Specialist Accommodation for the Elderly schemes and associated level of parking provision. Occupation of the development is restricted by age and most importantly for those to be assessed to be in need of care. The restrictions result in an average age of residents being over 80. The PS provides details of the levels of known resident parking of 16 consented schemes and the demand for resident, staff and visitor parking. The level of parking demand reduces over time for a number of reasons, including awareness of other modes of transport, health issues precluding car usage and increased use of onsite facilities (restaurant, hair salon, gardens etc). From their experiences of other schemes, the applicant considers that the amount of parking proposed will provide an appropriate balance, providing sufficient spaces for the initial needs of residents, regular needs in the long term, the aspirations of sustainable development and, avoiding under provision which can create pressure and conflict on existing off-site parking.

Both WCC Highway and MM has assessed this work and conclude that the evidence presented is acceptable and sufficient parking will be provided. MM go onto say that there is a low risk that demand will exceed supply resulting in parking overspill.

It has been concluded that parking to be provided for the development would comply with policy requirements having regard to the sustainable nature of the location and the availability of on-street parking opportunities within the vicinity of the site. The requirement for motorcycle and cycle parking can be accommodated within the scheme if users demand.

Subject to the imposition of the planning conditions as recommend by WCC highways, no objections are raised to the application in terms of highway impacts.

## **Ecology**

The local authority has a duty to consider whether proposals will have an impact on protected species. The applicant has undertaken an Extended Phase 1 habitat survey which considered the potential for presence of a variety of protected species including bats, birds and badgers.

The submitted Ecology Appraisal concludes that the development would have no adverse impact on any statutory or non-statutory designated sites, Habitats present on-site were overall considered to be of very limited conservation value, comprising mainly hardstanding and building habitat with areas of species-poor amenity grassland. The loss of such habitats from the site is not considered to comprise a significant biodiversity loss and can be mitigated for within the scheme for example via the inclusion of flowering shrubs and spring bulbs within raised beds in areas of public space.

In summary it is considered that subject to conditions the proposals would not have an adverse impact on ecology and the proposal therefore accords with paragraph 118 of the NPPF.

## **Landscaping and Trees**

A Landscaping Strategy accompanies the application. This show a series of pathways leading to formal sitting out areas including a gazebo, and garden seats within grassed areas, flowers beds and tree and shrub planting. The Strategy also shows the proposed boundary treatments, which include a mix of brick walls, railings, and close boarded fencing. Boundary treatment will be critical to the overall success of the scheme and can be appropriately conditioned to ensure good detailing, good quality copings and high quality materials. The landscaping is considered acceptable subject to relevant planning conditions.

The application proposes the removal of a number of small trees but these are of minimal amenity value. The footprint of the proposed building falls close to the line of mature trees just outside the south-east boundary of the site. The root system of these should be protected from damage by the retention of the existing retaining wall but some pruning back of the canopies will likely be required to accommodate the building. The Tree Officer raises no objection to the removal of the small trees and the pruning back subject to a number of conditions including a scheme of replacement tree planting.

## **Flood Risk and Drainage**

The site is located in Flood Zone 1 and is at low risk of flooding. A site drainage strategy has been submitted as part of this application which has been examined by North Worcestershire Water Management who raise no objection subject to condition.

## **Planning Contributions**

In accordance with Paragraph 56 of the NPPF and Section 122 of the CIL regulations, planning obligations have been sought to mitigate the impact of this major development, if the application were to be approved.

The obligations in this case would cover:

- Contributions towards off-site open space enhancement at Sanders Park, Bromsgrove, due to increased demand from future residents, required in compliance with SPG11.
- Contributions for refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy.
- Contribution for acute and planned healthcare (Worcestershire Acute Hospitals NHS Trust).

## **Conclusion**

This is a brownfield site in a sustainable location. The provision of accommodation in this central location for persons aged 55 years and older and in need of care would contribute to the recognised and growing need for this type of specialised accommodation in the District and this represents a considerable social benefit of the scheme. There would undoubtedly be economic benefits arising during construction, from the creation of jobs once operational and from additional spending power in the local economy. The proposal would clearly result in the regeneration and environmental improvement of this prominent site. The impacts of the development have been assessed and no adverse impacts would outweigh the benefits of the scheme. The proposal would deliver sustainable development within the terms of the NPPF.

## **RECOMMENDATION:**

- (a) Minded to **APPROVE PLANNING PERMISSION**
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a S106 planning obligation ensuring that:
  - (i) A financial contribution of £14,600 to be provided towards improvements to the bandstand infrastructure at Sanders Park, Bromsgrove
  - (ii) A contribution of £7320.47 for the provision of recycling and refuse waste bin facilities
  - (iii) Occupancy restriction to those aged 55 years or older who are assessed to be in need of care
  - (iv) A financial contribution of £139,930 towards Worcestershire Acute Hospitals NHS Trust

## **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 approved shall be carried out in accordance with the following plans, drawings and documents:

09996-P1-101 Location Plan  
09996-P1-103 Rev A Site Plan  
09996-P1-121 Building Layout General Arrangement (1)  
09996-P1-122 Building Layout General Arrangement (2)  
09996-P1-131 Rev A Building Elevations  
09996-P1-141 Rev A Landscape Strategy  
Materials Statement P1- Jan 2019

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) Prior to the installation of boundary walls along Windsor Street and Stratford Road, details of the appearance and materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the new boundary walls shall be erected as approved and shall thereafter be permanently retained and maintained.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

- 4) The development hereby approved shall not be occupied until the existing vehicular pedestrian access onto Windsor Street has been permanently closed.

Reason: To ensure the safe and free flow of traffic using the adjoining highway.

- 5) The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.
- Site operation hours

- The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

- 6) The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 09996-P1-103 Rev A Site Plan.

Reason: To ensure conformity with submitted details.

- 7) The development hereby approved shall not be occupied until 4 electric vehicle charging spaces and points have been installed. Thereafter such spaces and power points shall be kept available and maintained in perpetuity.

Reason: To encourage sustainable travel and healthy communities.

- 8) The Travel Plan hereby approved, dated September 2018 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: To reduce vehicle movements and promote sustainable access.

- 9) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of site investigation and recording.
  - b) The programme for post investigation assessment.
  - c) Provision to be made for analysis of the site investigation and recording.
  - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation
  - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

- 10) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (9) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

- 11) Prior to the commencement of development, other than required to carry out remediation, 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. A 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.

Where identified as necessary a detailed remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

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.

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.

- 12) 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.

- 13) Prior to the occupation of the development, equipment to control the emission of fumes and smell from the restaurant shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

Reason: To safeguard the amenities of the adjoining properties and the surrounding area.

- 14) Notwithstanding the details within the noise assessment, prior to the installation of glazing, details of the specification of glazing to be installed shall be submitted and approved by the Local Planning Authority in order to demonstrate that they meet or exceed the sound reduction specification detailed in the noise assessment. The glazing shall be installed in full accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the propose development.

- 15) Notwithstanding the details within the Landscape Strategy, prior to the occupation of the development, a landscaping plan and specification shall be submitted to, and approved by the Local Planning Authority in writing. The approved scheme shall be implemented within 12 months from the date which any of the building hereby permitted is 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: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area.

- 16) All trees to be retained within the site and any within influencing distance of the work on any adjoining land are to be afforded full protection in accordance with BS5837:2012 recommendations throughout any demolition, ground or development work on the site and as recommended within the FPCR Environment and Design "Arboricultural Assessment and Method Statement" supplied with the application.

Reason: In order to protect the trees, hedges & landscape features which form an important part of the amenity of the site and adjacent properties.

- 17) No works or development shall take place until a scheme for foul and surface water drainage 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 infiltration and 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: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 18) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site shall be submitted to and approved in writing by the local planning authority. Any such external lighting as approved shall be installed in accordance with the approved drawings.

Reason: To safeguard the amenities of the adjoining properties and the surrounding area.

- 19) Prior to their first installation, a sample panel of the proposed brickwork demonstrating the colour, texture, bond and pointing shall be erected on site for inspection by the Local Planning Authority. The Local Planning Authority shall approve in writing the colour, texture, bond and pointing of the brickwork prior to their first installation. 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.

**Case Officer:** Mr Paul Lester Tel: 01527 881323  
Email: paul.lester@bromsgroveandredditch.gov.uk



Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr S Stokes	Proposed demolition of existing dwelling and erection of 2 No. dwellings.  1 Plymouth Drive, Barnt Green, Birmingham, Worcestershire, B45 8JB	27.02.2019	18/01210/FUL

**Councillor Taylor has requested this application be considered by Planning Committee rather than being determined under delegated powers.**

**RECOMMENDATION:** That planning permission be granted.

### **Consultations**

**Lickey And Blackwell Parish Council** Consulted 03.01.2019

Lickey and Blackwell Parish Council object to the proposal on the character of the area, garden grabbing development, size of plot not sufficient for two dwellings plus substation and amenity impacts on existing and proposed dwellings.

The Parish also request that the considered views of residents, expressed against this application are taken into consideration.

The Parish would support any conditions that may be requested by the Landscape & Tree Officer and the Drainage Engineer if permission were to be granted (as per the previous application).

**Highways - Bromsgrove** Consulted 03.01.2019

No objection subject to conditions.

**Arboricultural Officer** Consulted 03.01.2019

No objection subject to conditions including an arboricultural impact assessment and method statement to be provided.

**North Worcestershire Water Management** Consulted 03.01.2019

No objection subject to condition.

### **Publicity**

37 letters were sent to adjoining properties on 3<sup>rd</sup> January 2019 and expired 27<sup>th</sup> January 2019.

One site notice was displayed on 4<sup>th</sup> January 2019 and expired 28<sup>th</sup> January 2019.

Seven letters of representation have been received from third parties following this public consultation. The comments received have been summarised and grouped as follows;

#### **Layout and Character**

- Application follows significant level of development in Barnt Green
- Area has become the most highly densified area of Barnt Green

Plan reference

- Proposal would have adverse impacts on the character of the area
- Although area is built up views are open with soft landscaping in character
- Houses do not reflect local character

## **Design**

- The existing dwelling sits in a large plot and is a house with unique features
- White render out of keeping with Plymouth Drive
- Proposed dwellings are larger than previous scheme approved on site (gone from 4 bed to 5 bed)

## **Amenity**

- Plot 1 would cause overlooking to Cedar House, 22 Plymouth Road
- View and outlook from No. 3 Ashley Court will be ruined
- Disruption during build

## **Trees, Highways and sewage**

- Impact to trees
- Impact on local sewage
- Dangerous on corner of road
- The developers should make proper provision for parking their vehicles as the road is not equip for heavy traffic
- Dirt on pathways during construction

**C. B. Taylor** Consulted 03.01.2019

Cllr Taylor has requested the application be heard at committee due to the level of public objection to the scheme.

## **Relevant Policies**

This proposal has been assessed against the following documents

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP7 Housing Mix and Density

BDP19 High Quality Design

BDP21 Natural Environment

### **Others**

NPPF National Planning Policy Framework (2019)

SPG1 Residential Design Guide

Lickey and Blackwell Village Design Statement

## **Relevant Planning History**

16/1150	Proposed demolition of existing dwelling and erection of 2 No. dwellings.	Granted	04.07.2017
16/0412	Proposed dwelling and garage	Refused	22.07.2016
14/1011	Construction of single detached dwelling and alterations and extension of existing dwelling	Refused	20.03.2015

## **Assessment of Proposal**

The application site is located within the residential area and is a corner plot on Plymouth Road and Plymouth Drive. The site currently comprises of one dwelling with an access from Plymouth drive within a substantial garden covered in a number of trees some of which are covered by a Tree Protection Order. This application follows a number of applications on this site including application reference 16/0412 for the construction of 1 dwelling in the garden of No. 1 Plymouth Drive which was refused and dismissed at Appeal, and extant planning permission reference 16/1150 for demolition of existing dwelling and the construction of two dwellings on site. The amendments from the previously approved scheme alter the design of dwellings fenestration and re-orientate the dwellings within the plot and retain an access off Plymouth Drive. Given the siting and orientation of the proposed dwellings it would not be possible to part implement both schemes on site.

### *Character, Density, Form and Layout*

Criteria n of Policy BDP19 states that the development of garden land will be resisted unless it fully integrates into the residential area and is in keeping with the character and quality of the environment. Other key policies in the Plan include BDP1 (Sustainable Development) states under criteria e) that regard will be had to residential amenity and BDP7 (Housing Mix and Density) seeks to achieve the best use of land whilst maintaining character and local distinctiveness. The application site is located within the residential area of Barnt Green as defined on the Bromsgrove District Plan Proposals Map. There is general presumption in favour of residential development in urban areas however it is necessary to assess whether the proposals meets the specific criteria within the adopted plan and SPG1.

The proposal results in the demolition of the existing dwelling and construction of two new dwellings. Objections have been raised by local residents on the design and scale of the dwellings and the use of render as the external materials. Barnt Green was traditionally an area of individually designed dwellings on large spacious plots. It is noted that Plymouth Road has been subject to a number of developments in recent years however these have maintained some level of spacious character. Plymouth Road has a variety of style of dwellings including Mock Tudor fenestrations, hanging tile detailing, red and beige brick and a 1920's rendered flat roof dwelling opposite Berry Drive to the west of the site. The proposed dwellings have been individually designed in an arts and crafts style with chimney details and hipped roofs. The dwellings are considered to be of a good design and would sit comfortably in the mix of dwellings locally.

Plot 1 sits on the corner of Plymouth Road and Plymouth Drive and has been designed to address this corner in its fenestration details. Plot 2 is sited in a similar position to the current dwelling No. 1 Plymouth Drive. It is acknowledged that the position of the dwellings are closer to the previously refused application reference 16/0412 and therefore it is important to ensure that the concerns raised at that appeal are overcome and not recreated with this amendment. The area is strongly characterised by substantial houses in large, spacious and verdant plots. The Planning Inspector raised concerns previously over the size of plots when viewed from Plymouth Drive and the cramped nature of the development due to the close proximity between the existing and proposed dwellings. Due to the demolition of the existing dwelling and the change of position of plot 2 in the

site, a better layout with a large garden is achieved for both dwellings. Furthermore due to the design of the large hipped roof at first floor level on both of the proposed dwellings the scheme has maintained a visual separation between the two dwellings when viewed from Plymouth Drive. The layout achieves a 6m distance between the two dwellings which is the same as the previously approved scheme.

BDP7 of the Bromsgrove District Plan has two aims, firstly for development proposals to focus on delivering 2-3 bed dwellings and for the density of new housing to make the most efficient land use whilst maintaining character and local distinctiveness. Both plot 1 and 2 are large 4-5 bedroom houses and therefore are not delivering the smaller houses required. It is also noted that local concern has been raised in respect of the scale of the dwellings proposed. However, it is noted that there is an extant planning permission on site for two 4 bed dwellings and therefore the determining matter is whether the larger dwellings on site would have an adverse impact on the character and density of the area. Barnt Green is characterised by large detached dwellings and therefore delivering these smaller dwellings would likely result in the development not maintaining local distinctiveness. Furthermore although the proposed dwellings are larger than the previously approved as outlined above sufficient space around the dwellings has been maintained and therefore the proposed dwellings are considered to sit comfortably within the plot. On balance it is considered that the proposal would reflect the traditional pattern of development along Plymouth Road in accordance with policies BDP7 and BDP19 of the BDP and SPG1.

## Residential Amenity

Objections have been raised by No. 22 Plymouth Drive on the grounds of overlooking by the proposal. Plot 1 does face onto this dwelling however achieves a separation distance of 25m to the edge of the neighbours garden and 29m to their side elevation. This distance exceeds the Council's separation distances within the Supplementary Guidance Document and given the nature of the boundaries with substantial vegetation no concerns are raised in respect of neighbour amenity. Given the orientation and distance achieved to the surrounding dwellings it is considered that the proposed dwellings would have an acceptable amenity impact in accordance with the guidance within SPG1 and Policy BDP1 of the BDP.

## Access and parking

The proposal creates a new access onto Plymouth Road and an area of hardstanding providing sufficient space for parking and the turning of vehicles. The County Highways Officer has been consulted and raises no concerns to the development subject to the imposition of planning conditions. The proposal therefore accords with Policy BDP16 of the BDP.

## Landscape and Trees

There are a number of trees on the site, some of which are covered by a Tree Preservation Order (TPO). The submitted layout indicates that the important trees on the site will be retained. Some trees will be removed however these are the trees of lower quality.

The Tree Officer considers that the proposals can take place without any undue impact on the important trees and therefore raises no objection subject to conditions. It is therefore considered that the proposal could be developed without undue impact on existing landscaping in accordance with Policies BDP19 and BDP21 of the BDP.

## Biodiversity

In accordance with the relevant legislation the local planning authority has a duty to ensure any proposal will not impact adversely upon protected species. An ecological survey was submitted with the application which indicated that the loft space had at some point been used as a maternity roost by pipistrelle bats. A further emergence survey was then undertaken to understand if the loft was still being used as a maternity roost. The survey did not identify any bats utilising the loft thereby indicating that it is not currently being used as a roost. Subject to the imposition of appropriate conditions there would be no undue harm to protected species in accordance with the NPPF.

## Public consultation

The Parish Council have raised concerns that the proposed development does not accord with the Village Design Statement however from the assessment above in this report the spacious verdant character of the area is considered to be reflected with the design of this scheme. Other matters raised such as the support of conditions that may be requested and for officers to take into consideration the public comments are noted. The removal of trees that are not subject to a TPO on site is not development and has not been raised as a concern by the Tree Officer.

Seven letters of objection have been received raising concerns to the principle of this development, the loss of the existing dwelling, the scale and design of the dwellings and overlooking. These matters have been addressed within this report. One letter has also highlighted concerns in respect of the building works and the disruption that this could cause locally. Due to the small scale of the development is not considered necessary to control construction details by condition however building works are subject to other controls under the Environmental Protection Act particularly on hours of operation as to not cause a noise nuisance and any obstruction of the road is a criminal offence for the police to manage. The loss of a view is not a planning consideration however the recommendation includes a landscaping scheme to be submitted which can ensure that any planting does not reduce the neighbours' view of the dwellings. Concerns have further been raised on the impact of the proposal on the local sewage. This matter has been addressed by North Worcestershire Water Management and a condition has been placed on this recommendation to address this matter.

## Conclusion

The proposal is considered to overcome the previous concerns regarding the impact on the character and appearance of the area and residential amenity. In addition the scheme is considered to be acceptable in terms of its impact on highways, landscape and biodiversity considerations. The proposal therefore accords with policies BDP1, BDP7, BDP19 and BDP21 of the BDP and the guidance contained within SPG1 and the NPPF. Members also need to be mindful of the fall-back position in terms of approved scheme 16/1150 that remains extant.

**RECOMMENDATION:** That planning permission be granted

**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 approved shall be carried out in accordance with the following plans and drawings:

3242 -SK-01-Proposed Site Plan Rev F  
3242 -SK-02-Proposed Location Plan Rev F  
3242 -SK-010- Plot 1 Plans  
3242 -SK-015- Plot 2 Plans  
3242 -SK-021- Plot 1 Proposed Elevations  
3242 -SK-026- Plot 2 Proposed Elevations

REASON: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

- 4) All the trees located within the site and shown to be retained on Drawing No. 3242-SK-01-Proposed Site Plan Rev F are afforded relevant protection in accordance with BS5837:2012 throughout any ground or construction works on site.

Reason: To protect important trees

- 5) Any encroachment into the BS5837:2012 RPA of T5 English Oak, T3 Sycamore and T6 Tulip Tree from the proposed driveway access and patio shall be constructed on a Cellular No Dig Construction. This shall be used in conjunction with a porous road surface to allow air/moisture exchange to the rooting systems of these trees.

Reason: To protect important trees

- 6) Prior to excavations or import of machinery or materials, an Arboricultural Method Statement or similar detailed schedule of tree protection works in accordance with British Standard BS5837:2012 shall be submitted to and approved by the Local Planning Authority.

Reason: In order to protect the trees, hedges & landscaping features which form an important part of the amenity of the site and adjacent properties in accordance with policies BDP19 and BDP21 of the Bromsgrove District Plan.

- 7) Prior to excavations or import of machinery or materials, the trees or hedgerows which are shown retained on the approved plans both on and adjacent to the application site shall be protected in accordance with the methods detailed in the approved Arboricultural Method Statement. These measures shall be maintained as detailed until all development has been completed.

In order to protect the trees, hedges & landscape features which form an important part of the amenity of the site and adjacent properties in accordance with policies BDP19 and BDP21 of the Bromsgrove District Plan

- 8) Prior to installation a plan showing the routing and specification of any utility service lines to be installed on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To protect important trees

- 9) No works or development shall take place until a scheme for foul and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. If infiltration techniques are used then the plan shall include the details of field percolation tests.

Reason: Given the proximity of the site to the adjacent ditch to ensure that the site does not result in flooding. This is required to be a pre commencement condition, as often the first phases of a development (ground works) can pose the highest risk.

- 10) Before the commencement on site of any works which are the subject of this permission, 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 the building hereby permitted is 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 visual amenity of the site in accordance with policies BDP19 and BDP21 of the Bromsgrove District Plan.

- 11) The Development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point and thereafter the charging point shall be kept available for the charging of electric vehicles.

REASON: To encourage sustainable travel and healthy communities.

- 12) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 3242/SK/01 Rev F.

Reason: To ensure conformity with submitted details.

- 13) The proposed dwelling Plot 1 shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the new proposed access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

REASON: In the interests of highway safety.

- 14) All proposed works shall be carried out in accordance with the recommendations as set out in the Bat Emergence Survey by Dave Fulton dated November 2017 and updated on 25<sup>th</sup> January 2019.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan No. 4 and Paragraph 170 of the NPPF.

- 15) Prior to occupation of the dwellings, details of the siting of 2 bat boxes suitable for the Pipistrelle species shall be submitted to and approved in writing by the local planning authority. The boxes shall be erected in accordance with the approved details and maintained thereafter for the lifetime of the development.

Reason: To ensure satisfactory mitigation for bat habitats

- 16) Three bat roost ridge tiles shall be incorporated into the construction of each dwelling and remain in perpetuity for the lifetime of the development.

Reason: To ensure satisfactory mitigation for bat habitats.

**Case Officer:** Emily Farmer Tel: 01527 881657  
Email: emily.farmer@bromsgroveandredditch.gov.uk



Name of Applicant	Proposal	Expiry Date	Plan Ref.
Redditch Gateway Infrastructure Ltd	<p>Variation of conditions 2 and 8 to amend the parameters of development for the northern development parcel, and Phase 1 Ground Engineering works (and changes to conditions 12, 16, 18, 21, 29, 31, 32, 36 and 37 to allow hedgerow and tree removal prior to the coming into effect of the relevant condition, and conditions 28 and 29 to relate to updated flood risk assessment) in respect of hybrid planning permissions 17/01847/OUT (Stratford reference number), 17/00700/OUT (Redditch reference number), and 17/00701/OUT (Bromsgrove reference number) dated 11 June 2018.</p> <p>Original description of development (for 17/01847/OUT, 17/00700/OUT, 17/00701/OUT): 'Hybrid application comprising: Outline planning application (with matters of appearance, landscaping, layout, scale and details of internal circulation routes reserved) for the development on a phased basis of 32ha of employment land for business/industrial uses (Use Classes B1, B2, B8). The development shall include: landscaping, parking, associated infrastructure, utilities, drainage (including SUDS) and ground engineering works; And Full planning application for Phase 1 Ground Engineering works, and details of means of access to the site from the A4023'</p> <p>Redditch Gateway, Land Adjacent to the A4023, Coventry Highway, Redditch, Worcestershire</p>	10.04.2019	18/01596/S73

**RECOMMENDATION:**

- a) Minded to **GRANT** permission
- b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions.

**1.0 Consideration and Determination of Cross Boundary Application**

- 1.1 Three identical applications have been submitted which include land within three LPA boundaries (Stratford, Bromsgrove and Redditch).

- 1.2 The consideration of the impacts of a development proposal are not altered by political boundaries and cannot be considered in isolation. Members need to consider the application as a whole, (not just that part of the development within its own administrative boundary) and come to a decision based upon that consideration. However, Members will only be determining the application in so far as it relates to the administrative boundary of Bromsgrove District. For reference this relates to land North of the Coventry Highway and Blacksoils Brook / east of Ravensbank Business Park.

## **2.0 Consultations**

### **2.1 Beoley Parish Council (Bromsgrove)**

Beoley Parish Council object to this latest flurry of applications which are leading to the development of a massive series of empty sheds within the Greenbelt. We have been consistent in our opposition to this development, and will continue to do so. Absolutely scandalous!

### **2.2 Mappleborough Green Parish Council (Stratford)**

Object to the application for the following planning reasons:

- Change in size of the proposed building does not follow the outline permission
- Potential increase in HGV volumes will negatively impact on the health and wellbeing of Mappleborough Green and Redditch residents through:
  - Increased particulate air pollution leading to poorer health
  - Increased vehicle noise, leading to increased stress
  - Increased through-night activity will result in residents suffering poor sleep
- Developer argues that this site is the only one suitable to their client in the West Midlands Region, and that the development is necessary to meet economic forecasts. PC argue that there are many brownfield sites in Redditch and the PC understands that unemployment is not a major problem (see report from the ONS re-benefit payments). PC worries that this project is more about making money for a few rather than to meet a real need
- Original 'north side' showed many more parking spaces, 80 as opposed to 450 in revised application. Part of the original reason was to meet employment needs. It seems the developer's client's needs outweigh the original needs of the area
- Developer argues that the site has walkways, cycle lanes and is on a public bus service route. However the PC understands that the public bus service is already overcapacity and will require additional buses to meet an increased demand
- With the proposed increase in HGVs (assuming all of the loading bays will be in use) it is even more important that hauliers follow the proposed routing plan. However, the PC do not believe a voluntary system will work and feel that the only certain way is a ban on HGVs over 7.5 tonnes through Studley and Mappleborough Green. This ban could be temporarily lifted in the event of problems on the M42
- Loss of trees, hedgerows and the re-routing of streams will have an effect on rare and protected wildlife that will not really be known until after the changes are made
- When comparing drawings 5372-203K with BMT/22116/100-01, drainage features do not correlate

- Lighting of 24-hour operations will further pollute the night sky. PC insists that all baffles and shields are fitted as a matter of course, rather than “if needed”. The PC’s preference is that lighting units be fitted no higher than 10m
- Questions to developer:
  - Explain what is meant by “comprehensive management plans” and “effective management regime” in reference to all planted areas and existing features that they have worked to retain
  - How much of the materials to be used in the construction of the buildings will be recycled or reclaimed?
  - What is the estimated percentage of locally sourced construction materials?
  - Define the steps they will take to avoid using materials and surface treatments that give off harmful emissions and how they will manage the process? How the waste will be managed and if the materials will have any potential to harm the surrounding neighbourhood?
  - How will the developer control noise emanating from the site both during the construction phase and the operational phase? Since the operational service yard will be well lit it seems that there will be 24-hour operations
  - PC fails to see how, with such a potential increase in HGVs, the transport assessment remains unchanged? Expect developer to explain the reasoning for this (18.02.2019)

## 2.2 **Studley Parish Council (Stratford)**

Object to the application for the following planning reasons:

- Visual impact – development of the exposed hill which is prominent from anywhere in the area. Ruin the current pleasant view of trees and fields to a factory estate/associated infrastructure
- Lighting would be visible from all over the District, detracting from what is open countryside
- Detrimental visual impact on Gorcott Hall. Proposal will ruin the vista across open countryside
- No identified users, no identified employment opportunities and no need for the development in this location. No shortage of employment opportunities in Redditch and the surrounding area. Speculative development that seeks to remove Green Belt, purely as a way of making money
- Development isolated from residential areas in Redditch with no viable pedestrian or cycle access routes and there are no public transport links to it
- Redditch has ample brownfield sites within its boundaries. Identified several that could easily accommodate the proposed building, which already has the infrastructure available to facilities their construction
- Infrastructure is not in place to support the traffic from proposed development. Existing road junctions are unsuitable for an increase in what could potentially be 2000 vehicle trips in and the same out everyday
- No public transport provision
- No measures in place to reduce inevitable deterioration in air pollution that will impact on the Air Quality Management Area in Studley
- No proposal to alleviate HGV traffic from the A46, M40, M42 and M5 which will use the A435 through Studley as a route of access to the development

- PC would like to see additional traffic coming off the M5 at Junction 9 to be redirected on to the A46/M40/M42 and not through Studley with weight restrictions and road realignments to deter HGV traffic
- With additional housing being constructed in Alcester, Bidford on Avon, Stratford upon Avon and Long Marston, it is inevitable that there will be a reliance on the S435 to carry the workforce and HGVs to and from these settlements to the development, adding to the density of traffic flowing through Studley and Mappleborough Green
- PC seek assurances that plant vehicles accessing the site would not be using the A435 through Mappleborough Green and Studley (06.02.2019)

## **2.4 Tanworth in Arden Parish Council (Stratford)**

No comments:

- Should any further technical consultation responses identify any objections to this application, the PC reserves the right to revisit this application (08.02.2019)

## **2.5 Sperrall Parish Council (Stratford)**

None received

## **2.6 Morton Bagot Parish Council (Stratford)**

None received

## **2.7 Ullenhall Parish Council (Stratford)**

None received

## **2.8 Beaudesert Parish Council (Stratford)**

None received

## **2.9 Henley in Arden Parish Council (Stratford)**

None received

## **2.10 Oldberrow Parish Meeting (Stratford)**

None received

## **2.11 Sambourne Parish Council**

None received

## **2.12 Coughton Parish Council**

No objection but makes the following comments:

- No objection in principle provided that due attention is paid to the NPPF and the environmental regulations as laid down in the Wildlife Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006 (31.01.2019)

## **Highway Consultations**

### **2.13 Worcestershire County Council Highways**

No objection:

- Application does not seek to alter the principle of development or the overall scale of development
- Therefore there is no impact on the highway network beyond that already given permission for
- The alterations result in future built form consolidated in a more central location
- Diversion of public right of way required which will need to be completed to confirmation stage before any development affecting the public rights of way commences
- Applicant needs to be aware of its obligations toward the public right of way
- Having undertaken a robust assessment, concludes that there would not be a severe impact and therefore no justifiable grounds on which an objection could be maintained (15.02.2019)

#### Worcestershire County Council Rights of Way

Make the following comments:

- Development appears to affect Beoley parish footpaths BE-585 and BE-588
- Proposal requires diversion of the public right of way – permission for diversion of the route required before any development affecting the public right of way is commenced
- Recommend notes relating to obligations toward the public right of way (30.01.2019)

### **2.14 Warwickshire County Council Highways**

No objection:

- The Highway Authority has undertaken a full assessment of the application detailed and compared the variations of conditions to the original planning application
- The assessment also includes consideration of the S73 Statement prepared by Savills and the Transport Assessment Addendum prepared by BWB Consulting
- Impact of the alterations would be negligible on the safe and efficient operation of the highway network
- Highways conditions on the previous application (17/01847OUT) would remain unchanged and there are therefore no grounds on which an objection on highway grounds can be maintained (13.02.2019)

## Heritage Consultations

### 2.15 Historic England

Do not wish to offer comments – recommend that views are sought from specialise conservation and archaeological advisors where relevant (22.01.2019)

### 2.16 National Trust

Comments awaited

### 2.17 Stratford on Avon District Council Conservation Officer

This Section 73 application seeks to amend the approved outline site layout of the northern development parcel, changing from multiple employment zones to one principal employment zone with associated infrastructure to accommodate the operational needs of an undisclosed potential occupier.

The amendments to the scheme present both positives and negatives in terms of the impact on the setting of nearby heritage assets compared to that already approved by the original outline application. Importantly the 'buffer' area immediately adjacent to the Grade II\* Gorcott Hall has been preserved (albeit with some slight reduction in size) alongside creation of naturalistic bunds behind which the development would be hidden. As a result of the amendments, this would be bolstered by the added benefit of the land SW of the hall kept free of built form but for a decked car park and the SE corner of the site retained as open green space. Overall building heights across this northern parcel have also been reduced by a notable amount.

This would however be partially offset by the increased visual impact of the extensive roof area of the single larger building now proposed, noted in the conservation comments under the original outline application to perhaps constitute the main visual harm over absolute height when looking out from Gorcott Hall, although attempts to mitigate this have been made by keeping this building as far west as possible as shown on the Illustrative Masterplan and thus out of direct view from the hall. The reduced number of employment zones is also likely to impact on the amount of soft landscaping able to be achieved across the site, with less opportunity to 'break up' the areas of development with planting, which visually will reduce the site's aesthetic appeal and cause further erosion to the existing rural character. Key to this in the original application was retention of Blacksoils Brook on its existing course which provided a green corridor around which the site was designed.

Whilst the Parameters Plan indicates the retention of existing soft landscaping around the site's perimeter, the proposed new landscape features and planting that would have improved the surroundings are no longer illustrated. It is expected that the effects of these changes will be mitigated by additional landscaping, details of which will be finalised at reserved matters stage. Similarly there may be the potential for increased light spills and noise from the scheme as proposed which will also need to be addressed.

As in the original outline application, the listed building which would be impacted most by the development would be Gorcott Hall. Having reviewed the addendum heritage chapter submitted with this vary application, the assessment of harm in the middle of the less than substantial threshold equating to moderate harm is unchanged, although from the limited additional discussion of the effects of the amendments it is not altogether clear how this conclusion has been reached.

In terms of my own assessment, having considered and balanced the positives and negative impacts identified, I believe the level of harm has not materially altered from the original outline application which concluded that the harm was 'just in the upper part of the less than substantial spectrum', but would be dependent on further mitigation measures that need to be addressed at reserved matters stage. In regards to other identified listed buildings in the vicinity of the site, it is not considered that there would be any change to the assessment of harm of low levels of less than substantial.

2.18 Bromsgrove District Council Conservation  
Comments Awaited

2.19 Worcestershire County Council Archive and Archaeology Service  
Makes the following comments:

- Query the need to amend condition 12 (submission and approval of a written scheme of investigation)
- The Holloway
  - It has been confirmed that the “loss of sections of the Holloway” only refers to the addition of a pedestrian access through the Holloway to the adjacent development.
  - There would be no other loss of the Holloway, its hedges or banks/ditches.
  - No concerns with the impact of the development on the Holloway, as sections would not be removed save the small intervention for the pedestrian access.
  -
- The County Boundary (Blacksoils Brook and associated bank and hedge)
  - Variation proposes the loss of the County Boundary
  - Date of boundary is unknown but potentially has significant antiquity
  - Request evidence from the applicant that the boundary has been realigned at a later date and is not of medieval or an earlier date
  - Disagree with para 8.6.2 of the ES which defines the bank as being of low sensitivity, the hedgerow as very low sensitivity, and the impact of loss as moderate adverse and minor adverse – boundary is clearly of significant antiquity, and it is marked here by the brook, a bank and associated hedgerow. The total loss of this section of the boundary constitutes substantial harm to the monument – object to its loss
  - The hedgerow along the brook is ‘important’ (and so protected) when assessed against the Hedgerows Regulations (1997)

- Should the variation be approved, then the recording and interpretation of the bank/boundary would need to be included in the mitigation strategy for the site. This would include assessment of environmental deposits along the line of Blacksoils Brook, should they be present (13.02.2019)

## **Ecology Consultations**

2.10 Natural England  
Comments awaited

2.11 Worcestershire County Council Ecology

I recommend some adjustments and additions to the conditions imposed under previous permission.

The applicant has demonstrated that there are no other sites in the West Midlands region that meet the requirements of the intended occupier of the northern part of the Redditch Eastern Gateway site. Under NPPF 2019 paragraph 175c a 'wholly exceptional' reason is required for development resulting in the loss or deterioration of ancient woodland and ancient or veteran trees.

The reasoning given in the current application focuses on the intended occupier's need for a large building and their critical timeframe. Examples of 'wholly exceptional' given in NPPF 2019 are 'nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills, where the public benefit would clearly outweigh the loss or deterioration of habitat'. The wholly exceptional reasoning given within the current application must be evaluated by the planning committee.

The December 2019 Arboricultural Report (Crown Ref. 09343) identifies 22 individual trees and 19 groups of trees to be removed from the north site (not including the four veteran trees or T18) – it is not clear how this tallies with section 8 in the response document (ref. S73 response 180219docx.docx from Paul Rouse of Savills) or the green infrastructure comparison document (by Potterton Associates 15.02.19) which state that only nine trees will be removed. Clarification should be sought before determination, unless this is to be dealt with as a reserved matter.

The response document states that the diverted brook may need to be partially culverted if T18 is retained. However on comparison of the 'Watercourse Diversion Concept Plan' (RGNP-BWB-ZZ-XX-DR-YE-0001, reviewed 04.11.18) and the Tree Constraints Plan (in the Dec. 2018 Arboricultural Report, there appears to be sufficient space for both T18 and the diverted brook – I anticipate further reasoning within a reserved matters application on the need for culverting the brook in the vicinity of this retained tree.

I note that the lighting plan (drawing number 0182341-HL-XX-ZZ-DR-U-900-9000) submitted in the EIA Chapter 10 Landscape and Visual Impact Assessment Appendices Part 1 (December 2018) is not acceptable for discharge of the existing



condition 39, although that condition should also be imposed on the new application. The plan shows light spill of up to 2 lux into the woodland edge and 10 lux onto the diverted brook. Professional guidelines (Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/18) recommend that true darkness is no greater than 0.2 lux (on the horizontal plane), which would be suitable to permit the light-sensitive bat species recorded on site to continue using the corridors on both the northern and southern site boundaries. It is important that lighting is reduced on boundaries of the site, for example by means of cowls and screening.

If you are minded to grant planning permission for the current application I recommend that the site's biodiversity is safeguarded via the imposition of the conditions in addition to the conditions on the 2018 permissions (17/01847/OUT Stratford, 17/00700/OUT Redditch, and 17/00701/OUT Bromsgrove).

## 2.12 Warwickshire County Council Ecology

Comments awaited

## 2.13 Forestry Commission

Comments awaited

## 2.14 Woodland Trust

Object to the application for the following planning reasons:

- Translocation of veteran trees should be considered as a last resort solution in an attempt to save trees which are otherwise approved to be felled
- Translocation should not be considered as a viable alternative to the protection, management and retention of these trees in their original location
- In relation to veteran oaks T73 and T74, the proposals to translocate these specimens provide the opportunity for their survival which was not previously an option. However, translocation of veteran trees is a highly risky method that has a very low chance of ensuring the continued survival of such trees – it is a process much more suited to young trees
- Revised arboricultural report now states that all four veteran trees are unsuitable for retention on the grounds of health and safety concerns outside of the application process. However, with appropriate management the trees could be allowed to decline in a way which does not compromise the safety of the public but also continue to provide a home for wildlife
- Deadwood provided by veteran trees is very important to a range of biodiversity. Whilst deadwood will be translocated to the ecological enhancement area, this does not compare to maintaining the veteran trees in situ
- Veteran trees are afforded stronger protection under the revised NPPF – development contravenes
- If translocation of veteran trees is permitted

## 2.15 Warwickshire Wildlife Trust

This variation leads to the loss of two additional veteran trees, the loss of a species rich 'important' hedgerow and diversion of Blacksoils brook, loss of connectivity across the site for wildlife and unclear impacts on the adjacent woodland in addition to the ecological harm already acknowledge to be caused by the proposals under 17/01847/OUT.

We object to this planning application due to the loss of 4 veteran trees; irreplaceable habitats that are of high ecological value and protected by both the NPPF and local policy.

Considering a scenario where the LPA concludes that 'wholly exceptional reasons' exists for the loss of veteran trees (as per paragraph 175 of the NPPF which guides that wholly exceptional reasons may include "For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat") have been demonstrated to warrant the loss of these trees, then we have the following comments on the proposed mitigation and compensation for the ecological losses at the site.

### Net Gains to Biodiversity

Following discussions at the meeting on 4/2/19 a copy of the Biodiversity Impact Assessment for both the northern and southern sections of the site has been provided to consultees.

I note an error in the calculation as the grassland within the northern site has been incorrectly entered as 'improved' grassland when the ecological report and phase 1 habitat plan describe it as 'poor semi-improved' grassland. This has the effect of undervaluing the current biodiversity value of the site. Correcting this error leads to the BIA evidencing a loss of biodiversity within both the southern and northern sections of the site.

Whilst I have not seen the section 106 provisions for Biodiversity Offsetting it is therefore likely that the sum to offset the biodiversity loss for the northern site would need increasing.

It remains unclear how much biodiversity value will be offset by the applicant on nearby land and how much will be offset by payment into a tariff to be offset further afield.

### Impact on Northern Woodland

Concerns were raised by Worcestershire Wildlife Trust at the meeting on 4/2/19 regarding the change in levels required so close to the woodland adjacent to the northern boundary and the risk of leaving the woodland perched and disconnected.

The response from Savills dated 18/2/19 states that ecological connectivity is illustrated within the Parameter Plan. However the Parameter Plan (ref: 5372 – 205T) I have located does not show an ecological link between the woodland and the site. I recommend that this plan is updated to show how the link will be retained along the northern site boundary between the diverted brook and the woodland. At the meeting it was mentioned that further land was to be acquired so as to plant another hedgerow along the northern boundary; creating a double hedgerow which would better connect the woodland. However, I can't find this on any plan?

Whilst the Savills letter also states that as there is already a trench around the woodland which hasn't cause detrimental effect on the trees the S73 application plan works won't either. However it is unclear who has made this assessment and whether they are suitably qualified to do so? I recommend that an addendum to the arboricultural report is provided by a suitably qualified person to confirm that the earthworks won't impact the woodland trees.

It remains unclear how the created slope will be supported and planted with vegetation.

#### Increased Light Spill onto Neighbouring Habitats

The lighting plan shows that there will be light spill onto the edge of the adjacent woodland, the north eastern hedgerow stated to retain connectivity for bats and a large portion of the realigned brook corridor.

I recommend that the lighting plans are revisited so as to retain the dark corridors and woodland edge used by bats and other light sensitive species.

## 2.16 Worcestershire Wildlife Trust

1. We note that the proposed development leads to the loss of additional veteran trees, substantial diversion of the Blacksoils Brook and loss of 'important' stretches of hedgerow. These are all significant matters but the most difficult to reconcile is the loss of veteran trees.

Paragraph 175 (part c) of the NPPF makes clear that such losses may only be permitted where there are 'wholly exceptional reasons' and whilst the applicant has submitted helpful information in this regard we are not persuaded that the implicitly very high threshold of 'wholly exceptional' has been demonstrated.

To be clear, we accept that there may be no alternative sites available that match the needs of the prospective occupier but we do not believe that this necessarily means that wholly exceptional circumstances pertain here.

LEP (and other) economic support for delivery of this site do not necessarily rely on this particular end user. Indeed the allocation of the site and the extant planning permission were presumably supported on economic grounds and so alternatives to the current proposal clearly exist.

Accordingly, we object to this application on the grounds that it will lead to a loss of veteran, and therefore irreplaceable, trees without appropriate justification. Accepting that economic justification of the development falls outside our area of expertise we look to the council to weigh this matter carefully in the planning balance.

However, we draw your attention to the fact that the NPPF uses examples of *'infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.'* to demonstrate wholly exceptional reasons for loss. It seems to us that these represent quite different circumstances to the ones that pertain in this case.

2. Notwithstanding these concerns, should the council be minded to accept that wholly exceptional reasons exist we do consider that the submitted veteran tree strategy sets out an appropriate approach to mitigation for the 'lost' trees. This strategy will need to be refined on a tree by tree basis and so further consideration and consultation may be helpful. In any event careful control of this strategy by condition will be required.

3. We note the helpful figures given in the submitted green infrastructure comparison table. Apart from the above-mentioned issues we otherwise welcome the potential for increases in habitat provision and the possible additional benefits that may be secured through the changes in layout. However, we note that there are uncertainties around the provision of connecting habitats around the north of the site and the buffering of the northern woodland parcel (as a result of land level changes). These matters should be clarified on plan and appropriate buffers and links secured by condition.

4. In this regard we note that changes to the existing conditions are proposed so as to allow for vegetation clearance in advance of other conditions being discharged. This may have implications for the timing of mitigation and compensation for loss and so is a matter of some concern. However, noting the proposed mitigation strategy we do not wish to object to this part of the application. We would however recommend that you append a new condition requiring a pre-commencement CEMP to cover the vegetation removal and protection of retained features during this process. In addition we echo other consultees recommendations that the existing landscaping condition be slightly amended to reflect the importance of future management.

5. We welcome the additional detail submitted in relation to the watercourse diversion but reiterate our concerns about the rather narrow corridor along the southern edge of the northern parcel of the site through which the brook will run. Moreover, we do not support the idea of culverting the brook past T18 (or the removal of T18). Alternative solutions to avoid further tree loss or additional culverting should be sought. We look to the council to control the detail of the brook diversion by condition with further consultation on this important element to follow in due course.

6. We note the commentary on lighting control but in common with other consultees we still have concerns about the light levels affecting the northern woodland, the proposed northern ecological corridor and the diverted brook corridor. In places the submitted plans suggest light levels as high as 10 lux, well above acceptable levels. We recommend that these matters are resolved as soon as possible and that control of lighting is covered by an appropriate condition.

## **Drainage and Flood Risk Consultations**

### 2.17 Environment Agency

No objection subject to conditions:

- Although the site is in Flood Zone 1, detailed modelling demonstrates that significant parts of the site presently lie within Flood Zones 3a and 3b – by rerouting and redesigning the channels and removing structures, the vast majority of the site will be in Flood Zone 1 post-development with no increase in flood downstream. Final details of the channels for the diverted watercourses should be submitted and approved in order to demonstrate that they are designed to manage flows effectively
- Application is lacking information on biodiversity mitigation proposals – however through conditions, risks can be managed, with no overall serious loss of habitat and species diversity
- Water quality of the SSSI will be protected by a Construction Environment Management Plan and post-construction by a Sustainable Drainage Scheme which will protect surface waters from pollution
- Groundwater/spring fed marsh will not be affected, as the application area and SSSI are not in hydraulic continuity, therefore there will be no impact from the development in terms of groundwater pollution or levels
- Developer may want to explore the possibility of providing some storage on the western edge of the site to reduce the extent of flooding in case of blockage of the existing culverts under the highway
- If possible, during detailed design, the piped connection discussed in section 5.11 of the Water Framework Directive Assessment should be designed as an open channel – this would provide greater benefits for connected ecology and reduces the maintenance liability of culverts

### 2.18 Warwickshire County Council Flood Risk Management (LLFA)

No objection subject to the following conditions:

- Development in accordance with Flood Risk Assessment
- Submission and approval of hydraulic modelling of the proposed watercourse diversion
- Submission and approval of detailed surface water scheme
- Submission and approval of detailed maintenance plan detailing maintenance and management of surface water systems (31.01.2019)

## 2.19 North Worcestershire Water Management (LLFA)

Make the following comments:

- In principle, a diversion of the main stream is not unacceptable subject to a suitable newly designed channel
- Strong reservations about the inclusion of section of culvert to the north eastern part of the site – introduction of new culverted water course would not be in accordance with Section 8.212 of the Bromsgrove Local Plan or Section 17.9 of the Redditch Local Plan
- Viable alternatives are available which should be considered
- When the design of the Blacksoils diversion has been finalised, modelling will need to be re-run
- Details provided on Illustrative Drainage Strategy (RGNP-BWB-HDG-XX-DR-D-540 P5) are broadly welcomed – subject to review at detailed design stage
- Encourage use of permeable paving in car parks where vehicle loading is not an issue
- Highlights importance of retention of existing diversions
- Recommends the following conditions:
  - Development in accordance with Flood Risk Assessment
  - Submission and approval of hydraulic modelling of the proposed watercourse diversion
  - Submission and approval of detailed surface water scheme
  - Submission and approval of detailed maintenance plan detailing maintenance and management of surface water systems (01.02.2019)

## **Environmental Health Consultations**

2.20 SDC Environmental Health  
No objections (25.01.2019)

2.21 SDC Waste and Recycling  
No comment (11.02.2019)

## 2.22 Worcestershire Regulatory Services – Air Quality and Contamination

Worcestershire Regulatory Services (WRS) has considered the revised information, as detailed in the attached consultation request, and have no additional comments to make to those made previously. (11.02.2019)

- Contaminated land – assessment, which has been carried out in accordance with current guidance and best practice, considers site to be low risk in terms of risk from contaminated land. Agree with recommendation within submitted report that further investigation is required and this could be secured by condition
- Air quality – The AQA concludes a “negligible” impact on air quality within Worcestershire which is considered to be reasonable. Conditions recommended (31.08.2017)

## Other Consultees

### 2.23 BT Openreach

Makes the following comments:

- Guidance notes provided which state requirements for protecting the network (12.02.2019)

### 2.24 Coal Authority

No observations (22.01.2019)

### 2.25 Warwickshire Police

No further observations to make (01.02.2019)

### 2.26 NWEDR (North Worcestershire Economic Development

The application has been submitted with an end user in mind, this means that there is further certainty that the site will be developed and that the outputs (jobs, investment etc) will be delivered, which is encouraging.

The applicants have submitted a narrative explaining why the configuration of the building is required and why the Gateway Site is the preferred option. We have reviewed the information provided by the applicant and would agree with the comments provided. The issues considered to be most pertinent to this application are as follows:

- The size of the unit is dictated by the occupiers requirements, which is reliant on a bespoke unit being delivered. The occupier also requires a build to suit opportunity and so this means that existing stock has to be ruled out;
- The lack of available commercial sites at the size required by the occupier. There is an issue regionally, and nationally, about available commercial space to meet the needs of businesses. As the applicant has identified that there are not any alternative sites to meet this requirement in Redditch or Bromsgrove, which is something we concur with. Even within a wider search area there are limited sites that are available or are at a sufficient size in which to meet this particular requirement. Therefore, there a few alternatives for the occupier to consider in order to meet its operational requirements and locational preference.
- Given the above, it is apparent that the Redditch gateway site offers the most realistic opportunity for the occupier to be able to invest and deliver new jobs and growth.

In conclusion, we remain supportive of the development of this economic Gamechanger site and the current application would allow for a specific user to operate from this site and this would allow the output and benefits expected from this site to be realised sooner, which is considered to be of real benefit.

## 2.27 Publicity

letters were sent on 17<sup>th</sup> January 2019 to those who were previously consulted and responded on the hybrid application (expiring 18<sup>th</sup> February 2019)

8 site notices were posted on the 18<sup>th</sup> January 2019 (expired 18<sup>th</sup> February 2019)

Press adverts in the Bromsgrove and Redditch Standard newspapers on 18<sup>th</sup> January 2019

## 2.28 Neighbour Representations

24 representations were received from local residents in Objection.  
The following issues have been raised:

### Employment

- The amended proposal would generate less local employment than the approved scheme evidenced by the reduction in parking spaces on the illustrative plans.

### Ecology/Biodiversity

- Loss of hedgerows
- Loss of trees
- Loss of Veteran trees
- Loss of "holloway – an ancient route from Holt End, Beoley to Mappleborough Green
- Loss of habitat and associated wildlife including protected species
- The proposal threatens wildlife mobility to and from Ipsley Alders Reserve
- Whether wildlife surveys are up to date
- Loss of Blacksoils Brook and its restoration as a watercourse

### Amenity/Pollution

- Noise
- Disturbance caused by additional commercial traffic and by employees returning to vehicles.
- Dust and disturbance during construction phase
- Light pollution and consequent loss of amenity

### Transport/Highways

- Notwithstanding an HGV routing strategy, traffic other than HGVs will still be able to use the A435 to the detriment of Mappleborough Green and Studley.  
Visual Impact
- Inadequate parking provision and parking pressure on neighbouring streets such as Far Moor Lane compromising road safety  
Increased traffic will compromise highway safety
- The proposed routing strategy does not consider the A435 south of Sernal Ash towards Evesham and Stratford upon Avon which would make the volume of traffic in the Coughton and Kings coughton higher than anywhere else on the A435.
- Introduction of signalised junction to the employment zones will increase traffic on congested A4023 and lead to accidents



- Increased traffic will prejudice pedestrian safety including
- There is no presented alternative for either the current or anticipated increase in the number of HGVs
- Increased traffic will result in an increase in air pollution and reduction in air quality to the detriment of residents living in the vicinity
- No mitigation measures have been proposed to restrict parking on Far Moor Lane

### **Visual Amenity**

- Height of buildings shown in yellow has increased from 15 to 16.5 metres between revision 'L' and revision 'T'
- Building heights in the southern employment zone should be reduced as they will destroy the character of Far Moor Lane and pathway which abuts the western boundary.
- The wooded belt which bounds the western edge of the southern parcel will become a litter trap
- Dominant, Overbearing and intrusive buildings – loss of visual amenity

### **Principle/Need**

- There are a range of empty employment units in Redditch which mean the site is not required to meet employment requirements and is unviable.

### **Other Issues**

- Lack of clarity and conciseness on drawings.

## **3.0 Relevant Policies**

- 3.1 The adopted Development Plan setting out the planning policy provisions relevant to development on the site as a whole comprise the following:

Stratford-on-Avon Core Strategy (2016)  
Bromsgrove District Plan (2017)  
Redditch Local Plan No.4 (2017)

## **3.2 Bromsgrove District Plan**

- BDP1 Sustainable Development Principles
- BDP5B Other Development Sites
- BDP6 Infrastructure Contributions
- BDP13 New Employment Development
- BDP14 Designated Employment
- BDP16 Sustainable Transport
- BDP19 High Quality Design
- BDP20 Managing the Historic Environment
- BDP21 Natural Environment
- BDP22 Climate Change
- BDP23 Water Management
- BDP24 Green Infrastructure
- BDP25 Health and Well Being

### **3.3 Stratford-on-Avon Core Strategy (2016)**

Relevant Policies in the Development Plan for this application are

- CS.1 Sustainable Development
- CS.2 Climate Change and Sustainable Construction
- CS.3 Sustainable Energy
- CS.4 Water Environment and Flood Risk
- CS.5 Landscape
- CS.6 Natural Environment
- CS.7 Green Infrastructure
- CS.8 Historic Environment
- CS.9 Design and Distinctiveness
- CS.10 Green Belt
- CS.15 Distribution of Development
- CS.22 Economic Development
- REDD.1 Redditch
- REDD.2 Redditch
- CS.25 Healthy Communities
- CS.26 Transport and Communications
- CS.27 Development Contributions

### **3.4 Redditch Local Plan No.4 (2017)**

Policy 16 Natural Environment

Policy 22 Road Hierarchy

Policy 24 Development within Primarily Employment Areas

### **3.5 Others**

- NPPF National Planning Policy Framework (February 2019)
- NPPG National Planning Practice Guidance
  
- Worcestershire County Council Local Transport Plan 3 (LTP3)
- Stratford on Avon District Design Guide (information guidance)
- Historic England Good Practice Notes 2105:
  - GPA 1 – The Historic Environment in Local Plans
  - GPA 2 – Managing Significance in Decision-Taking in the Historic Environment
  - GPA 3 – The Setting of Heritage Assets
- Air Quality Action Plan for Alcester Road, Studley
- Warwickshire Local Transport Plan (2011-2026)
- Warwickshire Landscape Guidelines 1993
- Planning and Community Safety – Design and Crime Reduction 2006: Planning Advice Note (informal guidance)
- Green Infrastructure Study for Stratford on Avon District Council (2011)
- Stratford on Avon Employment Land Assessment 2011
- Corporate Strategy 2015-2019

- Stratford on Avon Business and Enterprise Strategy 2012-2015
- Stratford District Partnership 2026 Vision – Sustainable Community Strategy
- Guidelines for Landscape and Visual Impact Assessment (GLVIA3)
- National Character Areas 17.07.2012
- Guidance on Transport Assessment published jointly by Department for Transport and Department for Communities and Local Government 2007

### **3.6 Redditch Borough Plan**

- 3.6.1 The Redditch Borough Local Plan 4 was adopted on 30 January 2017 for the period 2011-2031
- 3.6.2 Only a small part of the site providing pedestrian access into the main area of development lies within Redditch borough. However, the justification for the allocation of Redditch Gateway with Bromsgrove and Stratford-on-Avon is derived from the objectively assessed needs of Redditch. Redditch Gateway is therefore identified on the plan's key diagram.
- 3.6.3 BoRLPNo.4 Policy 23 identifies the employment land requirements for Redditch and notes that Redditch Gateway is *"a key initiative for employment provision to meet Redditch related employment needs."* Around 10ha is therefore allocated with Bromsgrove District adjacent to the existing Ravensbank development and further land in Stratford-on-Avon at Gorcott (c 7ha) and Winyates Green (c 12ha).
- 3.6.4 The policy continues that the development will provide a significant enhancement to the employment land supply through the creation of a "high profile and highly accessible" employment scheme that will benefit from links to the M42/M40 corridor, able to help support existing business in Redditch and provide opportunity to diversify the employment base.
- 3.6.5 Development requirements include the need for a comprehensive development on the basis of a phased Masterplan that provides for high quality employment in a landscaped setting and have a co-ordinated, Masterplan approach to delivering a new primary access.

### **4.0 Relevant Planning History**

This application has also been submitted to Redditch Borough Council and Stratford District Council

- 4.1 17/00700/OUT (Redditch) , 17/00701/OUT (Bromsgrove), 17/01847 (Stratford)

'Hybrid application comprising: Outline planning application (with matters of appearance, landscaping, layout, scale and details of internal circulation routes reserved) for the development on a phased basis of 32ha of employment land for business/industrial uses (Use Classes B1, B2, B8). The development shall include: landscaping, parking, associated infrastructure, utilities, drainage (including SUDS) and ground engineering works; And Full planning application for Phase 1 Ground Engineering works, and details of means of access to the site from the A4023'

GRANTED 11 June 2018

## **ASSESSMENT OF PROPOSAL**

### **5.0 Site Description**

- 5.1 The site extends to approximately 31.5 ha (78 acres) and is within two main land parcels to the north and south of the A4023 Coventry Highway, a main dual carriageway arterial road linking from the A435 which forms the eastern boundary of both parcels.
- 5.2 The site lies on the edge of the built-up area of Redditch, approximately 2.5 miles from the town centre. The land is presently in agricultural use.
- 5.3 To the north of the A4023, the northern parcel (10.28ha) increases in level in a north/easterly direction and is formed from a series of fields, currently grazed and defined by semi/mature hedgerows. Trees are generally confined to the hedgerows except for a few isolated specimens. The Blacksoils Brook bisects the northern parcel along an approximately north-east / south-west alignment. A former chalk pit is evident within one of the fields.
- 5.4 To the south of the A4023, the southern parcel (21.24 ha) is relatively flat and in a broadly triangular shape. As with the northern parcel, it is formed by a series of fields defined by hedges.
- 5.5 Land both immediately north and south of the A4023 is set lower than the level of the road. The A435, part of the strategic highway network, linking Birmingham and Evesham (via the A46 and crossing the M42) forms the eastern boundary. It changes from a dual carriageway to single carriageway towards the southern boundary of the site as it approaches Mappleborough Green.
- 5.6 Two public rights of way, namely 585(C) and 588(D) cross the northern part of the application site, (within Bromsgrove's jurisdiction), and emerge on the northern side of the A4023 Coventry Highway, where they intersect with rights of way 799(C) [running north west towards Ravensbank Drive] , 800(C) [running south east along the western edge of the site], and 641(C) [which links to Far Moor Lane just south of the Blue Inn].
- 5.7 The site is neither within nor adjacent to a Conservation Area and does not include any statutorily or locally listed buildings. The site is not subject to any Tree Preservation Orders.
- 5.8 The majority of the land to the north of the northern land parcel is formed by agricultural land and mature woodland. The exception to this is Gorcott Hall, a Grade II\* listed building and associated grounds (containing related listed structures) whose boundary with the site is formed by a mature hedge. The northern parcel is bounded to the west by existing employment developments including the Ravensbank Business Park. The southern boundary to the northern development land is formed by the A4023.

5.9 The A4023 and A435 also form the respective northern and eastern boundaries to the southern, development land parcel. To the west lies existing commercial development (hotel and car showrooms) and established residential development off Far Moor Lane. A pedestrian footpath 800(C) runs along the western and southern site boundaries, south of which is Longhope Close, including Lower House, a Grade II listed building. A screen of mature trees and hedgerow also runs along the eastern boundary. To the southeast of the site and on the other (eastern) side of the A435 are the School and Yew Tree and Church Cottages and the School House (formerly 1 and 2 School Cottages), which are Grade II Listed.

## **6.0 Proposal**

6.1 The application site falls within the jurisdictions of Stratford on Avon District Council, Redditch Borough Council and Bromsgrove District Council, the composition of which is as follows:

- 20.5 hectares of the site falling within Stratford on Avon District Council
- 10.28 hectares of the site falling within Bromsgrove District Council
- 0.74 hectares of the site falling within Redditch Borough Council

6.2 Identical hybrid planning applications were submitted to Stratford-on-Avon District Council (17/01847/OUT), Redditch Borough Council (17/00700/OUT) and Bromsgrove District Council (17/00701/OUT) in June 2017. All three applications were granted by the respective Local Planning Authorities on 11 June 2018.

The hybrid applications approved:

- Outline planning application, with matters of appearance, landscaping, layout, scale and details of internal circulation routes reserved, for the development on a phased basis of 32 hectares of employment land for business/industrial uses (use classes B1, B2 and B8);
- Full planning application for Phase 1 Ground Engineering works (to create the first development plateau) and means of access to the site from the A4023

6.3 Identical S73 applications have been submitted to Stratford-on-Avon District Council (18/03746/VARY), Redditch Borough Council (18/01626/S73) and Bromsgrove District Council (18/01596/S73).

6.4 The applications seek to amend the approved scheme through changes to conditions attached to the original hybrid consent. Specifically, this application proposes the following changes:

- Variation of condition 2 (approved 'full' plans) to reflect an amended Phase 1 Ground Engineering works which would facilitate the first development plateau. The amended plans provide for the earthworks necessary to create the approved access into both the northern and southern development parcels, and to create the first development plateau in accordance with the amended employment zones.

The amended condition wording would refer to updated plans (5372-210 Rev A, 5372-211 Rev B, FUTHER PLANS);

- Variation to condition 8 (approved 'outline' plans) to reflect amended parameters for the outline element of the development approved to the northern development parcel. The amended condition wording would refer to the updated parameters plan (5372-205 Rev T). The approved parameters for the southern development parcel would remain unchanged;
- Variations to conditions 12, 16, 18, 21, 29, 31, 32, 36 and 37 to allow hedgerow and tree removal prior to the coming into effect of the condition; and
- Variation to conditions 28 and 29 to refer to the updated Floor Risk Assessment which has been undertaken to take into account the changes proposed to the Parameters Plan and Phase 1 Ground Engineering works to facilitate the first development plateau.

6.5 The Planning Statement submitted with the application outlines the reasons for the submission of this application.

6.6 A potential corporate occupier (whose identity is confidential for commercial reasons) has a requirement for a large floorplate warehouse building of approximately 31,000sqm GIA together with approximately 3,100 GIA of ancillary office accommodation.

6.7 In order to accommodate a building of the floorspace and aspect ratio required, a larger single development platform is required than can be accommodated within the employment zones approved through the original hybrid consent (Parameters Plan 5372-205 Rev L). In order to achieve the specific requirements of the occupier, the development zones in the northern development parcel need to be amended.

6.8 The approved parameters for the southern development parcel would remain unchanged.

#### Northern development parcel as APPROVED

Five employment zones to the following parameters:

- Area 1 to the northwest of the Blacksoils Brook (pink on approved parameters plan) – area to include car parking and servicing, maximum building height not to exceed above ordnance datum (AOD) 121.0
- Area 2 to the northwest of the Blacksoils Brook (pink on approved parameters plan) – area to include car parking and servicing, maximum building height not to exceed AOD 128.0
- Area 3 to the northwest of the Blacksoils Brook (grey on approved parameters plan) – parking only
- Area 4 to the southeast of the Blacksoils Brook (yellow on approved parameters plan) – area to include car parking and servicing, maximum building height not to exceed AOD 124.0
- Area 5 to the southeast of the Blacksoils Brook (orange on the approved parameters plan) – area to include car parking and servicing, maximum building height not to exceed AOD 122.0-123.0

A Landscape Buffer Zone to the southeast of the Blacksoils Brook, and perimeter landscaping adjacent to the brook and to the edges of the northern development parcel (all green on the approved parameters plan).

## Northern development parcel as AMENDED

Four employment zones to the following parameters:

- Area 1 which would cross the Blacksoils Brook (requiring its diversion) (yellow on amended parameters plan) – area to include parking and servicing, maximum building height not to exceed AOD 123.0, maximum plant height not to exceed AOD 125.0 (this would be in place of Areas 1 and 2 as described above)
- Areas 2-4 to the east of the Blacksoils Brook (grey on approved parameters plan) – infrastructure
- Minor incursion into the approved Landscape Buffer Zone would be required, though the previous employment zone to the easterly corner of the site (Area 5 as described above) would be retained as landscaping, accommodating the rerouted Blacksoils Brook and public right of way.

## **7.0 Main Issues**

- 7.1 In the determination of a planning application the Council is required to make the determination in accordance with the Development Plan unless material considerations indicate otherwise (Section 38(6) PCPA 2004 and Section 70(2) TCPA 1990). The National Planning Policy Framework (NPPF) is a key material planning consideration.
- 7.2 However, the planning application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) that relates to determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted (in this case application 17/01847/OUT), subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' of the PPG.
- 7.3 In deciding an application under Section 73, the local planning authority must only question condition(s) subject to which planning permission should be granted, and –
- a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
  - b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 7.4 While S73 applications are commonly referred to as applications to "amend" the conditions attached to a planning permission, it should be noted that a decision under S73(2) leaves the original permission intact and un-amended. The scope of a local planning authority's jurisdiction when considering an application under S73

is, in principle, more limited than when considering an application for full planning permission. Nonetheless, this Local Planning Authority is unrestrained in its consideration of the full planning impacts of the application, bearing in mind that the result of a successful application under S73 is a wholly new planning permission. However, the section does not empower the local planning authority to rewrite the permission altogether.

- 7.5 In particular when deleting/varying any of the conditions, consideration has to be given as to whether any changes go to the heart of the planning permission and fundamentally change the planning permission as originally granted. If it is considered that the changes go to the heart of the planning permission, then a new planning application is required rather than one for the deletion/variation of conditions.
- 7.6 I have given this careful consideration and have concluded that the proposed amendments to the conditions would not go to the heart of the permission.

The main issues for consideration in this case relate to the following:

- Principle of Development
- Economic Impact
- Design Principles
- Landscape Character
- Residential Amenity
- Noise
- Air Quality
- Traffic
- Parking
- Surface Water Drainage
- Heritage
- Biodiversity
- Public Rights of Way / Accessibility
- Loss of Agricultural Land

Each matter will be given consideration under a separate heading below along with any other material considerations.

## **8.0 Principle of Development**

- 8.1 The principle of development was fully assessed and considered to be acceptable under application 17/00701/OUT (hereafter referred to as the “hybrid permission”).
- 8.2 The application site is allocated for development under the Stratford-on-Avon District Core Strategy Policies REDD.1 and REDD.2, as well as Policies BDP3 and BDP5B of the Bromsgrove District Plan, and Policy 23 of the Redditch Borough Local Plan. The principle of the development proposed under the hybrid permission was considered to comply with these policies. I am satisfied that the changes proposed do not alter the principle of development. I will now turn to discuss other material considerations and whether the proposal accords with the relevant policies of the development plan and NPPF.



## 9.0 Economic Impact

9.1 It is important to note the wider economic context in which this site is viewed. The site is identified within the Worcestershire Local Enterprise Partnerships' (LEP) Strategic Economic Plan, highlighted as one of four 'Game Changer' sites within Worcestershire. The focus for this site is to:

*“Create a high quality business park to attract and safeguard investment and employment, with a target being advanced engineering businesses.”*

9.2 The site is also referenced as a key economic growth and regeneration project in the Greater Birmingham and Solihull Strategic Economic Plan, as follows:

*“Redditch Eastern Gateway is an identified employment site situated on the outskirts of Redditch. The Gateway’s strategic location takes full advantage of the M40/M42 motorways and just a 20 minute drive time to Birmingham International Airport and railway station, with the potential for 100,000 square metres of high-profile employment development, 2,000 jobs and an additional £90 million of GVA. GBSLEP is working closely with Worcestershire LEP on this opportunity.”*

9.3 The site is, therefore, a key development opportunity for both Worcestershire and Greater Birmingham and Solihull LEP’s that will help to attract and safeguard investment within the Redditch area. There is strong support for these proposals from both Local Enterprise Partnerships recognising that the site will provide important space for new commercial development, which is in short supply within the area.

### *Economic Development Priorities for Redditch*

9.4 Whilst the proposal lies substantially within Stratford upon Avon and Bromsgrove administrative areas, the site was primarily identified to meet the employment needs of Redditch. In this regard the proposal will contribute to the key aims and objectives identified in the adopted *‘Economic Priorities for Redditch’*. Some of the key priorities identified within the Strategy that are pertinent to this proposal, include:

- Ensuring that sufficient land for employment is allocated;
- Provide support for growing businesses
- Keep employment land provision under review to ensure that we have an adequate supply to meet business growth requirements.

9.5 The current application would enable Redditch to meet some of its key economic aspirations for the Borough and this should be taken into account in the determination of this application.

## 10.0 Design Principles and Amended Parameter Plans

- 10.1 Policy BDP19 (High Quality Design) provides a set of principles to safeguard the local distinctiveness of the District and ensure a high quality, safe and distinctive design throughout the development.
- 10.2 The parameters plan provides land uses, building heights, indicative internal circulation routes, pedestrian/cycle access points and green infrastructure (to include perimeter planting, landscaping buffer zone adjacent to Gorcott Hall and retained grassland to the southern tip).
- 10.3 The application has been submitted in hybrid form, with the majority of the site being in outline with all matters reserved. The full element of the scheme proposes detailed consideration for Phase 1 Ground Engineering works and means of access to the site from the A4023.
- 10.4 Consistent with the Parameters Plan submitted with the original hybrid application, the amended Parameters Plan provides details of land use, building heights, indicative internal circulation routes, pedestrian/cycle access points and green infrastructure (to include perimeter planting, landscaping buffer zone adjacent to Gorcott Hall and retained grassland to the southern tip). The applicant is seeking approval as part of the outline process for this plan.
- 10.5 An Illustrative Masterplan (plan no. 5372-203 K) has also been submitted which shows ways in which the site could be developed following the submission of reserved matters submissions. This masterplan is illustrative only, and if permission is granted would not form part of the approved permission.
- 10.6 Detailed matters of the layout, scale, appearance and landscaping would need to adhere to the submitted Parameters Plan. I am satisfied that compliance with this plan, which would be secured by way of condition, would adequately safeguard the future development of the site via reserved matters approvals to achieve a high quality scheme, in accordance with Policy BDP19.
- 11.0 Impact on Landscape and Character of the Area**
- 11.1 The landscape impacts of the development, both in terms of character and visual impact, or the development proposed under the hybrid consent were considered to be acceptable. Harm was identified due to the loss of mature hedgerows and trees within the site, and this harm was weighed up in the planning balance.
- 11.2 The amendments to the parameters of the northern development parcel would lead to further loss of hedgerows within the site (along the Blacksoils Brook), as well as the loss of a further two veteran trees (two were consented for removal under the original hybrid consent). By means of compensatory works, a larger Landscape Buffer Zone would be created to the easterly part of the northern development parcel. The maximum building heights provided on the amended Parameters Plan for the northern parcel are generally lower than those previously approved. The only exception to this is the employment zone located to the southwest corner of the northern development parcel where the approved maximum height above AOD was 121.0, whilst as now proposed, this has been increased to a maximum height above AOD of 125.0.

- 11.3 An ES Addendum to Chapter 10: Landscape and Visual Impact has been submitted which responds to the changes proposed through this S73 amendment. The same viewpoint locations have been used for the assessment which I consider to be appropriate.
- 11.4 It observes that the proposed development would retain the broad-leaved trees and hedgerows around the site's eastern and western boundaries, whilst retaining approximately 3.0ha of grassland habitat across the site as a whole. The proposed development necessitates the removal of the vegetation associated with the main length of the Blacksoils Brook which would be rerouted.
- 11.5 The ES Addendum states that there is an overall balance in that whilst Blacksoils Brook is to be rerouted and its associated vegetation removed, there would be a greater area of native woodland planting, increased areas of meadow and a significant increase in tree planting. There would also be fewer buildings on site.
- 11.6 The Landscape and Visual Impact Appraisal (LVIA) submitted with the original hybrid application concluded that the effects of the development on the landscape character would be 'moderate adverse' with respect to the northern development parcel and 'minor adverse' with respect to the southern development parcel. The LVIA concluded that the development would have adverse effects in terms of visual effects on those located close to it, and in particular the properties on Far Moor Lane in the south. In respect of Gorcott Hall in the north, the scheme would be visible and would result in a moderate adverse effect.
- 11.7 The ES Addendum, when assessing the impact of the proposed amendment, identifies the same level of landscape harm.
- 11.8 It is considered that the proposed development would inevitably and permanently change the existing character and appearance of the site, which is presently a series of fields interspersed with trees and hedgerows. The form and scale of development proposed means that buildings will be visible from some public vantage points.
- 11.9 On balance, I consider the landscape impacts of the development, both in terms of character and visual impact, to be acceptable in line with Policy BDP21. I identify significant harm in the loss of mature hedgerows, trees (including four veteran trees), and the diversion of the Blacksoils Brook which forms a historic landscape feature. This harm will be weighed up in the planning balance discussed within the 'Conclusion' section of this report.

## **12.0 Residential Amenity**

- 12.1 Policy BDP1 (1.4e) states that *"In considering all proposals for development in Bromsgrove District regard will be had to the following : Compatibility with adjoining uses and the impact on residential amenity"*

- 12.2 A number of existing residential properties are located within close proximity to the southern part of application site, the closest being those on Longhope Close adjacent to the southwestern tip. The Winyates Green estate lies to the western side of Far Moor Lane with properties backing onto that road. There are a small number of residential properties dispersed along the opposite edge of the A435 which forms the eastern boundary.
- 12.3 Officers and members previously considered and had regard to the height details on the submitted parameters plan in conjunction with the separation distances which would remain between residential properties and employment zones. These have not changed in respect of the southern parcel.
- 12.7 Subject to consideration of the detailed design of any forthcoming reserved matters submissions, I am satisfied that the proposed development would not have an unduly adverse impact on neighbouring residential amenity.
- 12.8 The previous hybrid permission did not limit or prohibit 24 hour operation of the subsequent occupiers. Mitigation measures are suggested in order to reduce noise disturbance arising from the service yards including orientation of buildings and appropriate yard boundary treatment.
- 12.10 It is still envisaged that noise arising during the construction phase would be mitigated through a Construction Environment Management Plan, alongside an hours of working condition.

## **13.0 Light pollution**

- 13.1 As the majority of this application is in outline form, specific lighting detail has not been provided at this stage. The Design and Access Statement confirms that lighting would be the subject of subsequent reserved matters submissions, the specific detail of which would be assessed and subject to LPA control at that stage.
- 13.2 Conditions could be imposed in order to reduce the impacts of lighting both during the construction phase and operational stage. Subject to this, and in conjunction with appropriate lighting design to be submitted at the reserved matters stage, I consider that an acceptable lighting solution would be secured.
- 13.3 I consider that appropriate conditions could control lighting design to mitigate the risk of harm to neighbouring residential amenity.

## **14.0 Noise and Vibration**

- 14.1 Policy BDP19 (19 .1t) *“The Council will deliver high quality people focused space through: t. Development proposals should maximise the distance between noise sources (for example motorways) and noise sensitive uses (such as residential), whilst also taking into account the implications of the existing night time use of the locality”*

- 14.2 A Noise and Vibration assessment forms part of the ES (chapter 12) and refers to the results of noise and vibration assessments carried out on the basis of both the construction and occupation phases of development.
- 14.3 Baseline noise measurements have been taken at four receptor locations that represent the nearest noise sensitive properties to the development site.
- 14.4 The construction noise and vibration activities at the nearest noise sensitive properties vary from a negligible effect to a minor adverse effect during normal daytime operations. Construction works should be undertaken in accordance with 'best practicable means' to minimise the construction noise effects.
- 14.5 The vibration arising from the construction works would not be perceptible and no further noise mitigation measures are required to reduce the construction vibration effects.
- 14.6 The change in the daytime road traffic noise levels due to the development is negligible at all receptors with the exception of Gorcott Hall where there is predicted to be a minor adverse effect. The change in night-time level due to the development is less than 1 dB and provides a negligible effect.
- 14.7 The traffic on internal circulation routes within the site is predicted to provide a negligible increase in the ambient noise levels at the nearest receptors. The existing night-time noise level at the nearest receptor indicates that with partially open windows the sleep disturbance criteria is already exceeded and windows would need to be closed to meet the internal target noise level. With open windows the development traffic noise would be below the sleep disturbance criteria within the nearest receptors.
- 14.8 To reduce the noise impact of site activity in the yard areas in the night-time period, a scheme of 3m high noise barriers is proposed around the perimeter of the yards. The barriers provide a small noise reduction such that there are only two receptor sites where the BS4142 assessment exceeds the WRS criteria in the night-time period. However, the highest absolute noise levels at night from site activities, with the scheme of barriers, is well below the threshold for sleep disturbance even with partially open windows. Taking both the BS4142 and sleep disturbance assessments into account the site activity noise level is considered to be a minor adverse effect with the scheme of noise barriers. I consider that this noise attenuation could be secured through conditions and consideration of detailed specifications at the reserved matters stage.
- 14.9 No objection has been raised by either SDC's Environmental Health Officer or Worcestershire Regulatory Services with respect to noise or vibration and on this basis, I am satisfied that the proposal would not have an unacceptable adverse impact upon neighbouring residential amenity in respect of these issues.

## **15.0 Air Quality**

- 15.1 Air quality in Bromsgrove District is predominantly good and the air is mainly clean and unpolluted. There are however a few locations where the combination of

traffic, road layout, geography, emissions from plant and machinery such as boilers has resulted in exceedences of the annual average for nitrogen dioxide (NO<sub>2</sub>) and fine particulates (PM<sub>10</sub>). Several areas in the District are closely monitored for their air quality level, and a few are designated as Air Quality Management Areas (AQMA).

- 15.2 Whilst the application site itself does not lie within an Air Quality Management Area (AQMA), there is one in place in Studley along the Alcester Road A435 (within Stratford-upon-Avon). This AQMA was declared on the 23<sup>rd</sup> February 2006 for exceedences of the nitrogen dioxide annual mean objective.
- 15.3 The Warwickshire Local Transport Plan (2011-2026) seeks to, amongst other things, improve air quality by improving congestion/reduce traffic and encourage people to use more sustainable modes of transport. This Plan identifies the impact of traffic on the A435 corridor as the most significant environmental problem in Western Warwickshire. It states that the A435 between Alcester was de-trunked in January 2008 between Gorcott Hill near the junction with the A4023 and the A46 near Alcester and that in those settlements lying along the section of the A435 to the north of Alcester, (i.e. Coughton, King's Coughton, Studley and Mappleborough Green), there are serious adverse effects on quality of life due to high traffic volumes containing a large number of HGVs. One of the key objectives of the strategy is to deliver improvements that reduce the environmental impact of traffic within the District and improve local air quality in existing AQMAs.
- 15.4 Chapter 13 of the ES relates to air quality and considers, amongst other things, the impact of the development on the Studley AQMA. It states that the AQMA is located approximately 4km south of the site and it is anticipated that traffic generated by the development would have largely dispersed across the network over this distance. It concludes that the development would not have a significant impact on the Studley AQMA as it is unlikely that the development would significantly affect pollutant concentrations within the AQMA.
- 15.5 The ES goes onto state that operational mitigation measures would be developed, with the aim of reducing traffic to and from the development through encouraging more sustainable transport options. These measures are:
- new signal controlled junction onto the Coventry Highway which would include pedestrian and cycle crossing facilities, located at the existing intersection of the existing public rights of way;
  - new footways and shared footways/cycleways throughout the development that would tie into the existing and new facilities surrounding the site;
  - improved bus service infrastructure comprising of bus stops and laybys on the Coventry Highway to allow the existing 150 bus service to serve the site;
  - the introduction of a HGV routing plan to manage the number of HGVs routing through sensitive areas, including the Studley AQMA
- 15.6 The above would be implemented in addition to a Travel Plan. The report concludes that the significance of air quality impacts would be negligible, and therefore there is no need for any specific and detailed air quality mitigation measures.

- 15.7 A condition requiring the submission and approval of a full HGV Routing Strategy as well as the submission of the first HGV routing surveys within 12 months of occupation has been recommended by both Warwickshire and Worcestershire Highways Authorities. In conjunction with a financial contribution of £200,000.00 which would be paid and held for a period of 15 years to allow for HGV mitigation to be carried out where it is deemed necessary, I am satisfied that the impact on the Studley AQMA would be limited.
- 15.8 Impacts from the development would arise as dust during the construction phase and traffic during operation. For dust, this would primarily result from the earthworks and construction activity. Impacts would generally decline with increased distance from the site with highest risk of impact being within 20m of the site declining to negligible risk at a distance of 350m. The Environmental Statement (Table 13.8) identifies sensitive receptors within these distances. The location of the site, to the north of the majority of existing development means that prevailing wind directions will help minimise risks to existing development and the SSSI from impact from dust.
- 16.0 Traffic Impact**
- 16.1 Policy BDP1 (1.4a) states that *“In considering all proposals for development in Bromsgrove District regard will be had to the following: Accessibility to public transport options and the ability of the local and strategic road networks to accommodate additional traffic”*
- 16.2 Policies REDD.1 and 2 requires the allocated site to have primary access off the A4023 Coventry Highway as well as pedestrian and cycle links across the A4023 and to adjacent residential areas.
- 16.3 In respect of the Environmental Statement (ES), an ES Addendum has been submitted in the form of a Traffic and Transport Statement of Conformity from the applicant’s Transport Consultant (BWB). This states that for the construction phase, the impacts resulting from construction traffic were calculated for the ES based on the quantum of floorspace proposed for the site. It states that this S73 amendment does not alter the quantum of development and hence the conclusions of the construction phase remain valid. With regards to the operational phase, the Statement of Conformity states that the quantum of development and the assumptions with regards to the B1, B2 and B8 use classes are not altered for this S73 amendment. Therefore it states that the number of vehicle trips assessed would not change. It therefore concludes that the aspects of the proposed development that will vary as a result of the S73 application will not have an effect on transport, and that the conclusions of the ES Chapter 11 (Traffic and Transport) remain valid.
- 16.4 The hybrid permission approved (in full) the principle vehicular access point serving the development, as well as the initial length of carriageway into the northern and southern development parcels. This comprises a new signal controlled crossroads junction on the A4023 Coventry Highway and remains unchanged in the scheme now submitted.

- 16.5 The internal circulation routes, consistent with the hybrid permission, would be determined at reserved matters stage, although indicative access routes through the site are provided on the submitted Parameters Plan (plan no. 5372-205T).
- 16.6 The site straddles both County Authorities of Warwickshire and Worcestershire and each highway authority has therefore been consulted on the application.
- 16.7 Both highway authorities have raised no objection subject to the attachment of the highways conditions which were attached to the original hybrid permission (conditions 18-27 of 17/0701/OUT).
- 16.8 Highways England has been consulted on the application and no objection has been raised.
- 16.9 Taking into account all of the above, I consider that the proposed development would not have an unacceptable adverse impact on highway capacity or safety in relation to the strategic highway network, the local highway network, proposed access arrangements, pedestrian and cycle movements, or traffic generation. This is subject to the attachment of the same planning conditions which were attached to the original hybrid consent, as well as the same financial contribution (£200,000 bond to support the HGV Routing Strategy and Annual HGV Surveys to be secured by way of condition) secured by way of legal agreement.
- 16.10 The proposed development is therefore considered to be in accordance with Policies BDP1 and Stratford Core Strategy policies REDD.1, REDD.2, as well as paragraph 109 of the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### *Parking*

- 16.11 Parking provision is a detailed design matter. However, the illustrative layout provides an indication to potential parking locations and has been designed with reference to the amount of potential car parking that could be achieved to accord with the Councils' parking guidance.
- 16.12 Parking provision is governed by adopted standards. The illustrative master plan demonstrates that adequate off road parking could be accommodated to serve the quantum of development proposed.
- 16.13 Providing appropriate levels of parking will mean that all parking should take place within the site. During the consultation exercise, questions were raised about on-street parking and how off-site would be prevented. This is a matter of civil enforcement however, at present there are only limited restrictions on parking on adjoining roads. The applicant can do no more than provide the amount of parking that is permitted by the Council's adopted guidance. I consider that there is still sufficient space within the site to accommodate the level of parking which would reasonably be required to service the development proposed.



## *Opportunities for Sustainable Travel*

- 16.14 A Framework Travel Plan has also been prepared to encourage sustainable travel choices. This will include promoting alternatives to the car (pedestrian and cycling) and use of public transport by improving access via the 150 bus route by providing new bus stops on the Coventry Highway. Two pedestrian / cycleway linkages onto Far Moor Lane would encourage and facilitate ease of access by those modes.

## **17.0 Surface Water Drainage and Flood Risk**

- 17.1 Policy BDP23 (23.1c) states that *“The Council will deliver safe developments with low environmental impact through: Ensuring development addresses flood risk from all sources, follow the flood risk management hierarchy when planning and designing development, and do not increase the risk of flooding elsewhere. Where inappropriate developments in areas at risk of flooding are necessary after the sequential test is applied, appropriate designs, materials and escape routes that minimise the risk(s) and loss should be incorporated”*
- 17.2 The application site is located within Flood Zone 1 (lowest risk of flooding). Table 2 of the Planning Practice Guidance (PPG) classifies buildings used for financial, professional and other services, general industry and storage and distribution as 'less vulnerable'. Table 3 of the PPG identifies that a 'less vulnerable' development within Flood Zone 1 is 'appropriate'.
- 17.3 The applicant has also provided site specific modelling of the minor watercourses within the site. From this model, a series of site specific inundation maps have been produced showing the extent of the various flood zones across the site at the typical return periods. The model indicates that the channels on site typically become overwhelmed readily, some at even low return periods, resulting in large amounts of shallow sheet flows across the site, particularly across the northern development parcel. The Environment Agency confirm that on the basis of this modelling, part of the development site falls within Flood Zone 3.
- 17.4 Policy REDD.1 seeks the de-culverting and enhancement of the existing watercourse feature, and Policy REDD.2 seeks the protection and enhancement of the Pool and Blacksoils Brook.
- 17.5 An ES Addendum to Chapter 7: Hydrology has been submitted which responds to the changes proposed through this S73 amendment. In addition, an updated Flood Risk Assessment, Water Framework Directive Compliance Assessment and Water Management Statement have been submitted with the application.
- 17.6 With regards to drainage and flood risk, the most relevant amendment proposed relates to the diversion of the Blacksoils Brook which is identified as being one of three minor watercourses in the northern development parcel.

- 17.7 The ES Addendum states that the Masterplan makes provision for green space for new watercourse corridors to be created around the proposed development areas which would provide flood risk and biodiversity benefits. This would include the realignment of a stretch of the Blacksoils Brook. It continues to state that the diversion of the Blacksoils Brook would allow its current linear, shaded and incised form to be realigned to follow a more preferential, naturalised form, thereby facilitating the improvement of aquatic and riparian habitats. Furthermore, it states that the Blacksoils Brook would be diverted to intercept another minor tributary channel allowing a greater catchment to be applied to the diverted Blacksoils Brook which would help to improve the low flow conditions in the watercourse. The new channels are designed to intercept and accommodate the design flood event (1 in 100-year) for the lifetime of the development (+35% allowance for climate change), therefore mitigating flood risk to the proposed development.
- 17.8 Both Warwickshire and Worcestershire's LLFAs have been consulted on the application.
- 17.9 Subject to appropriate conditions, both Warwickshire and Worcestershire LLFA has raised no objection to the proposal. In addition, the EA has raised no objection subject to conditions.
- 17.10 This is in respect of flood risk, groundwater and connectivity with the Ipsley Alders Marsh SSSI (located approximately 250m away at the south-western end of the site) and sustainable drainage considerations.
- 17.11 Previously, a number of representations were received on the grounds that the proposal would potentially exacerbate flooding in the area as well as impact on the Ipsley Alders Marsh SSSI which is located outside the application site. These concerns were given careful consideration in the assessment of the planning hybrid application, but the responses from the statutory undertakers did not support these concerns.
- 17.12 The drainage and water efficiency proposals would be the subject of further approval at reserved matters stage. However, based on the consultation responses from the Environment Agency and the LLFAs (both Warwickshire and Worcestershire), I am satisfied that the final drainage scheme would be in accordance with Policy BDP23 and Stratford Core Strategy Policies REDD.1 and REDD.2.

## 18.0 Heritage

### Designated Heritage Assets

- 18.1 Policy BDP20 (20.3) states that *“Development affecting Heritage Assets, including alterations or additions as well as development within the setting of Heritage*

*Assets, should not have a detrimental impact on the character, appearance or significance of the Heritage Asset or Heritage Assets."*

- 18.2 Furthermore (20.6) states *"Any proposal which will result in substantial harm or loss of a designated Heritage Asset will be resisted unless a clear and convincing justification or a substantial public benefit can be identified in accordance with current legislation and national policy."*
- 18.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*
- 18.4 An ES Addendum to Chapter 8: Heritage and Archaeology has been submitted which responds to the changes proposed through this S73 amendment. As considered under the hybrid consent, whilst there are no listed buildings within the site itself, the development has the potential to affect the settings of the following listed buildings:
- Gorcott Hall itself – Grade II\* listed
  - Stable, Granary, Barn and attached Animal House (at Gorcott Hall) – Grade II listed
  - Right Gate pier and attached Garden Wall approximately 10m southeast of Gorcott Hall – Grade II listed
  - Left Gate pier and attached Garden Wall approximately 10m southwest of Gorcott Hall – Grade II listed
  - Right Gate pier and attached Garden Wall approximately 30m southwest of Gorcott Hall – Grade II listed
  - Left Gate pier and attached Garden Wall approximately 30m southwest of Gorcott Hall – Grade II listed
  - Lower House, Longhope Close – Grade II listed
  - School House and Yew Tree and Church Cottages, Mappleborough Green – Grade II
  - Church of the Holy Ascension – Grade II listed
- 18.5 Historic England and the Conservation Officers for both SDC and BDC were consulted on the original hybrid application and they concluded that the development would cause less than substantial harm (to varying degrees) to designated heritage assets.
- 18.6 Historic England and the Conservation Officers for both SDC and BDC have been consulted on this S73 amendment.
- 18.7 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm must be justified and weighed against the public benefits of the proposal. This is in accordance with Policy BDP20, paragraph 196 of the NPPF and Section 66 of the Planning (Listed

Buildings and Conservation Areas) Act 1990. This will be weighed up in the planning balance discussed within the 'Conclusion' section of this report.

## Conservation Areas

- 18.8 At its nearest point, the southwestern fringe of the Tanworth in Arden Conservation Area is located approximately 2.7km to the northeast of the site. Given this separation distance, the original hybrid application was not considered to cause any harm to this designated heritage asset. Having regard to the amendment proposed, I remain satisfied that the development would not cause any harm to the Tanworth in Arden Conservation Area.
- 18.9 The proposals are considered to have considerable public benefit through the extent of job creation and employment opportunity for Redditch Borough that will help meet the identified requirements of Redditch and contribute to the wider needs of Worcestershire. For this reason, the public benefits are considered to outweigh the less than substantial harm identified.

## Archaeology

- 18.10 In terms of archaeology, the ES noted that the site has minimal archaeological importance with any potential likely to be limited to the Blacksoils Brook.
- 18.11 The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the National Planning Policy Framework section 16, para 189:

*“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

- 18.12 The ES Addendum states that very few records of note lie within the study area of a 1km radius from the development site boundary and none lie within the development site itself. It therefore concludes that the site for development represents low archaeological potential.
- 18.13 An updated assessment is made within the ES Addendum (Chapter 8: Heritage and Archaeology) on the effects of the proposed development on potential archaeological deposits both through the construction and operational phases of development.

- 18.14 The ES Chapter 8 to the original hybrid consent identified, with respect to archaeology, there to be moderate to minor adverse long-term effect through the construction phase. This increases to moderate adverse long-term effect in the ES Addendum as a result of the loss of the Blacksoils Brook boundary bank and the adjacent hedgerows. The impact during the operational stage remains the same for the proposed amended scheme, at minor adverse to neutral.
- 18.15 The ES Addendum, consistent with the original ES chapter, confirms that prior to detailed design, the site would be subject to archaeological evaluation. This is likely to consist of geophysical survey and targeted trial trenching. This fieldwork would clarify the sub-surface archaeological interest of the site and if significant remains are identified, a suitable mitigation strategy would be formulated.
- 18.16 Subject to a suitably worded condition, I am satisfied that any unknown archaeological features that may be present on site would be adequately protected.

## Non Designated Heritage Assets

- 18.17 Paragraph 197 of the NPPF states that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 18.18 The Blacksoils Brook forms part of the Country Boundary which would be lost through the proposed application. The date of the boundary is unknown, but is potentially of significant antiquity. Nash (1781:63) refers to the boundary between Beoley and Studley parishes (to which the Blacksoils Brook forms a part) as medieval, and Hooke (1990) interprets the 10<sup>th</sup> century charter for land in Beoley as following what later became the parish boundary of Beoley.

## Conclusion on Impact on Heritage Matters

- 18.19 The concerns expressed through the representations received in respect of the impact on heritage assets is noted. However, there is no evidence or confirmation from the expert heritage consultees that the issues raised are sufficient to warrant outright refusal of the application on these grounds or on the basis that they cause substantial harm.
- 18.20 Overall, some impact on the significance of heritage assets in the vicinity of the site has been identified as a result of changes to their settings caused by this proposed development.
- 18.21 I concur with the views of the expert heritage consultees in that the development would cause less than substantial harm, to varying degrees, to a number of designated heritage assets. The amended proposal seeks to mitigate the impact upon the setting of Gorcott Hall as a designated heritage asset. Nevertheless, the harm identified needs to be weighed in the planning balance of the Core Strategy, paragraphs 196 and 197 of the Framework and, in the wake of the Barnwell Manor

case, considerable weight should be given to the harm identified in the final balancing exercise.

## 19.0 **Ecology**

- 19.1 Policy BDP21 seeks to achieve better management of Bromsgrove's natural environment by, in addition to other criteria :
- f) Deliver enhancement and compensation, commensurate with their scale, which contributes towards the achievement of a coherent and resilient ecological network;*
  - i) Adopt good environmental site practices as appropriate, including in the form of a Construction Environmental Management Plan (CEMP) where appropriate.*
- 19.2 Policy REDD.1 (southern parcel) seeks the retention of important natural features on the site, retention of mature hedgerow along the western boundary and protection of priority habitats within the site. Policy REDD.2 (northern parcel) seeks the retention of mature hedgerows and trees within the site, protection and enhancement of the Pool and Blacksoils Brook and protection of priority habitats within the site.
- 19.3 An ES Addendum to Chapter 9: Ecology has been submitted which responds to the changes proposed through this S73 amendment.
- 19.4 Where appropriate, updated ecological surveys have been undertaken, and these are described within the ES Addendum.
- 19.5 As noted in the Committee report associated with the hybrid consent, Blacksoils Brook is a Local Wildlife Site. This was considered to be adequately protected through planning conditions to secure a buffer to make acceptable the impacts from the development.
- 19.6 Paragraph 175 (c) of the NPPF states that *“development resulting in the loss of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”* The phrase *“wholly exceptional reasons”* is qualified in footnote 58 by the phrase *“where the public benefit would clearly outweigh the loss or deterioration of habitat.”*
- 19.7 In the latest iteration of the NPPF, Para 177 relating to habitats and biodiversity has been amended.
- 19.8 Para 177 in 2018 version said.... *“177. The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.”*
- 19.9 Para 177 in 2019 version says.... *“177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or*

*projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

- 19.10 So, the presumption in favour of sustainable development now applies even with habitats development, provided that impacts can be mitigated successfully.
- 19.11 For the southern site, a hedgerow assessment identifies hedges along the western boundary as the most important. The amended proposal does not affect those hedgerows. In respect of the northern site, the hedgerow assessment identifies the hedge along the Blacksoils Brook as being the key hedge. The Blacksoils Brook and another stream are identified in the northern site along with two small streams in the southern site. One pond is identified in the northern site; a disused pit, it is mostly dry. In the southern site, there are two small ponds within or adjacent to the southernmost hedge. A small amount of woodland habit is present around the northern pond. Common species of wetland flies and butterflies were identified as present. The identified ponds vary in value and suitability for amphibians.
- 19.12 Newts have been identified in several of the ponds on site (There are no ponds on site within Bromsgrove). Mitigation works to manage the capture and translocation of newts is underway following the earlier permission. No records of reptiles have been found. There are no records of bats on site but the site does offer foraging and commuting value. Subsequent surveys noted foraging and commuting activity particularly along the hedgerow along the Blacksoils Brook and the site boundaries but no particular evidence of roosts except for the potential of one in a tree in the county boundary hedgerow. There was no evidence of dormouse in recent surveys. There is badger activity on site.
- 19.13 The approved application will result in some loss of trees and hedgerows both within the site and in order to create the new access from the A4023. This will impact on species at a site level but there remains suitable habitat adjacent to the site. Similarly, loss of hedgerows may impact on foraging routes for bats but the retention boundary hedges and proposed additional planting is considered to offset the negative impacts. The loss of the habitat and ponds will impact on amphibians. Badgers would be affected by the development.
- 19.14 The Environment Agency expressed concern regarding the lack of information on biodiversity mitigation proposals but acknowledged that through conditions, risks can be managed, with no overall serious loss of habitat and species diversity
- 19.15 At the time of preparing this report, comments from Warwickshire County Council Ecology Team were awaited. They previously raised no objection to the scheme subject to suitable conditions and the provision of biodiversity offsetting secured through a S106 legal agreement. I am therefore satisfied that the biodiversity impacts of the development are acceptable in accordance with Policy BDP21 and SDC Policy CS.6 and the NERC Act.

## Veteran Trees

- 19.16 As a result of concerns raised to the loss of four veteran oak trees (T46, T73, T74 and T92) through the assessment of the original hybrid application, the applicant

amended the previous scheme to retain T46 and T92 which are situated in Bromsgrove District. The original hybrid application approved the loss of two veteran trees – T73 and T74 also in Bromsgrove District.

- 19.17 T46 lies on the north side of Blacksoils Brook within the hedge line flanking the brook. T92 is situated approximately 50 metres from the brook on the northern parcel. These veteran oak trees fall within the revised development area on the northern parcel, and consequently their retention would not be possible because the likely layout of the plot and the proposed ground remodelling to create the development plateaus make this impractical. Accordingly the current application proposes to remove all four veteran trees.
- 19.18 Paragraph 175 of the NPPF provides principles that local planning authorities should apply in determining planning applications. One such principle is that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 19.19 This differs from the 2012 NPPF (which the original hybrid application was assessed against) which did not require *wholly exceptional reasons* or a suitable compensation strategy.
- 19.20 Natural England and Forestry Commission have updated their standing advice to align with the revised NPPF.
- 19.21 The ES Addendum to Chapter 8: Ecology states that the boughs of the veteran trees that are to be lost would be moved into the retained habitat in the Landscaping Buffer Zone in the northeast of the site. They would be replanted upright in the ground to provide habitat for birds, bats and invertebrates. A Veteran Tree Strategy has been submitted with the application.
- 19.22 The applicant has completed the Forestry Commission and Natural England decision matrix for loss of veteran trees and has demonstrated that they have complied with all pre-conditions. There is no alternative site or building that can meet the occupier requirements. The site has been removed from the green belt and allocated for development and identified for public funding to deliver necessary infrastructure to bring about much needed economic development. These are the wholly exceptional circumstances.

## Conclusions on Ecological Impacts

- 19.23 Warwickshire Ecology have raised no objection to the scheme subject to suitable conditions and the provision of biodiversity offsetting secured through a S106 legal agreement. I am therefore satisfied that the biodiversity impacts of the development are acceptable in accordance with Policy BDP21 and the NERC Act.
- 19.24 SDC Core Strategy Policies REDD.1 and REDD.2 set a number of ecology based requirements which are detailed above. I am satisfied that, so far as is possible, these are secured through the development as proposed. I am therefore satisfied that these policies are complied with in this regard.



## **20.0 Public Rights of Way / Connectivity**

20.1 Policy BDP19 (19.1) states that :

*“The Council will deliver high quality people focused space through: j. Ensuring developments are accessible to all users;  
k. Ensuring permeable, safe and easy to navigate street layouts”*

20.2 Two public rights of way, namely 585(C) and 588(D) cross the northern part of the application site, (within Bromsgrove’s jurisdiction) Previously, in the hybrid permission 588(D) which runs alongside Blacksoils Brook would have been be preserved on its current route alongside that feature within a proposed landscaped buffer. The current proposal seeks the diversion of public rights of way number 588(D) and 585(C). The submitted plans show how both 585(C) and 588(D) could be diverted to facilitate development which still providing a viable route and amenity for users of the right of way network.

20.3 Proposed connections to the site from existing public footpath number 800(C) running along the western boundary of the southern parcel would facilitate cycle and pedestrian access into the site and improve its connectivity with the surrounding area.

20.4 In light of the above, I consider that the proposal is considered to accord with the criterion j and k of Policy BDP19.

## **21.0 Crime Prevention**

21.1 Policy BDP19 (19 .1t) *“The Council will deliver high quality people focused space through: o. Designing out crime and the fear of crime by incorporating measures and principles consistent with those recommended by ‘Secured by Design’”*

21.2 Similarly, SDC Policy CS.9 also seeks to ensure high quality design, an element of which includes measures to help to reduce crime and the fear crime.

21.3 I am satisfied that at reserved matters stage crime prevention measures can be appropriately incorporated into the detailed design of the scheme.

## **22.0 Loss of Agricultural Land**

22.1 Footnote 53 to paragraph 171 of the NPPF states that *“Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*

22.2 In the assessment of the original hybrid application, it was concluded that some harm would arise through the loss of approximately 9.65 hectares of Grade 3a land. This remains the case for this amended application and this harm needs to be weighed in the planning balance.

## **23.0 Developer Contributions / Infrastructure Provision**

23.1 Policy BDP6 (6.1) states that *“Financial contributions towards development and infrastructure provision will be coordinated to ensure that growth in the District is supported by the provision of infrastructure, (including Green Infrastructure) services and facilities needed to maintain and improve quality of life and respond to the needs of the local economy. This will be documented in the Infrastructure Delivery Plan.*

*(6.2) Irrespective of size, development will provide, or contribute towards the provision of: Measures to directly mitigate its impact, either geographically or functionally, which will be secured through the use of planning obligations”*

23.2 Policy CS.27 states that the Council will introduce a Community Infrastructure Level (CIL) to fund infrastructure and community facilities necessary to accommodate growth and to mitigate cumulative impacts. There is not an equivalent generic policy for Redditch Borough within the BoRLP.

23.3 The original hybrid consent was granted subject to a S106 legal agreement which secures the following:

- Highways: £200,000 to be paid on first occupation and held for a period of 15 years from its receipt or until 12 months after the last premises is occupied, whichever is the sooner, in the form of a bond and management arrangement to support the HGV Routing Strategy and Annual HGV Surveys to be secured by way of condition;
- Ecology: biodiversity offset scheme for each phase of development and biodiversity monitoring contribution.

23.5 The legal agreement was worded such that, in the event that a S73 consent is granted, the obligations in the S106 legal agreement (the highways bond and biodiversity offsetting) shall relate to the S73 consent (Section 21 Future Permissions of the legal agreement). A supplemental deed/new legal agreement is therefore not required in this case.

## **24.0 Summary of identified Benefits and Harm**

24.1 The proposal would result in the following benefits:

- Job Creation
- New landscaping and ecology enhancements
- Improved access to footpaths, cycleways, connectivity and access.

24.2 The proposal would cause the following harm:

- Loss of previously undeveloped land
- Traffic
- Loss of habitat and biodiversity
- Impact upon setting of Heritage Assets
- Loss of Agricultural land
- Loss of Blacksoils Brook
- Loss of 4 veteran trees

24.3 It is considered that the harm identified could be mitigated through the imposition of planning conditions and any remnant harm would not outweigh the benefits which the development would bring.

## 25.0 **Conclusion**

25.1 The NPPF defines sustainable development as having three mutually dependent components. The Framework is clear that there is a presumption in favour of sustainable development and that proposals, where they accord with the development plan, should be approved without delay.

25.2 The proposals are considered to contribute to the aims of sustainable development through the following:

- **Economic Role** – the proposals have a significant economic role through job creation and helping to meet the identified needs of Redditch. In doing so it would contribute to the wider need of Worcestershire as recognised by Worcestershire County Council and the Worcestershire LEP through their designation of the site as one of the four “*game changer*” sites for the county. As an allocated site within up-to-date local plans it would provide land for sustainable economic development.
- **Social role** – the proposals would contribute to the social well being of the area through providing jobs for the local community. This would in turn create additional disposable income that has potential to support other local business and retail expenditure helping to contribute to a thriving local community.
- **Environmental Role** – the proposals would create a business development within a landscaped setting that would enhance the local environments through the creation of new improved habitats, increased tree and hedgerow planting, ecological mitigation to protect species and respects the built heritage of the locality. The proposals will be designed to meet the requirements for the efficient use of resources and energy and water conservation.

25.3 The site presents a potential ‘Game Changer’ for the Redditch economy. The site will offer new employment opportunities and will help to facilitate growth of existing companies within Redditch that require expansion space, thus freeing up existing units for re-occupation. The site will also be attractive for inward investment bringing new companies and employment opportunities to Redditch. The adopted Bromsgrove District Plan acknowledges that the site (referred to as the

Ravensbank expansion site” is intended to cater for Redditch Borough’s future employment needs.

- 25.4 The site is allocated for employment use within the three adopted Local Plans and there is in principle support for the proposed development.
- 25.5 The site will meet the aspirations set out in the local economic priorities adopted by Redditch, as well as ensuring that both Local Enterprise Partnerships meet their aspirations for new jobs and growth within the area.
- 25.6 I consider that the current application should be determined in accordance with the adopted Bromsgrove District Plan. The site is allocated under REDD.1 (southern development parcel) and REDD.2 (northern development parcel) in the Stratford on Avon Core Strategy, and the principle of development was accepted through the approval of the hybrid permissions granted by the three Local Planning Authorities.
- 25.7 Whilst harm was identified in the assessment of the original hybrid permission, in assessing the planning balance against the dimensions of sustainable development and the relevant Core Strategy policies, the significant public benefits of the proposal were considered to outweigh the harm which was identified.
- 25.8 The application now proposed seeks to amend the approved scheme through changes to conditions attached to the original hybrid permission. Specifically, the changes involve amending the design of the Phase 1 Ground Engineering works to facilitate the first development plateau and amend the proposed parameters of development for the northern development parcel. Other incremental changes to conditions are also proposed.
- 25.9 Reassessing the planning balance against the dimensions of sustainable development and the relevant development plan policies, I consider that the potential harm arising from the development scheme would be the less than substantial harm caused to designated heritage assets (the setting of the Grade II\* listed Gorcott Hall, its associated Grade II listed buildings/structures and to the Grade II listed Lower House, School House, Yew Tree and Church Cottages); long term change to the wider landscape character and harmful localised visual impacts to include loss of hedgerows and four veteran trees; environmental effects of noise, disturbance, dust, etc. during construction phases; loss of Grade 3a and 3b agricultural land; and biodiversity loss to be mitigated through on-site measures or offsetting.
- 25.10 With regards to the harm identified, this could, to some extent, be mitigated by the measures identified above, but I consider that the implementation of a large employment allocation will inevitably have some irreversible impacts on what is currently an undeveloped site.
- 25.11 Notwithstanding the harm identified, the proposals would not result in significant environmental impacts on air quality, noise and vibration, risk of contamination, residential amenity, water resources and flood risk that could not be mitigated by the imposition of conditions and/or legal agreement obligations.

- 25.12 The identified harm to designated and non-designated heritage assets, although capable of some mitigation, has been afforded considerable weight in the balancing exercise. When having regard to the significant public benefits of the proposal, I am satisfied that this harm is outweighed.
- 25.13 I consider that technical issues raised by statutory consultees can be dealt with by way of planning conditions, and the development would not place unacceptable pressure on the local infrastructure, subject to appropriate mitigation measures being implemented.
- 25.14 I am also mindful that the final form of the proposals would be the subject of consultation with the local community, stakeholders and key technical consultees at the reserved matters stage to ensure the delivery of high quality and appropriate form of development.
- 25.15 Overall, I find the proposed development to be in accordance with the relevant policies of the Bromsgrove District Plan and can properly be characterised as sustainable development for the purposes of the NPPF. Furthermore, the development is in general accordance with allocations within the Stratford on Avon Core Strategy and Redditch Local Plan.

## 26.0 RECOMMENDATION:

a) Minded to **GRANT** permission

b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions.

### Conditions:

**Please Note:** On this occasion the conditions are not presented in their final form, as it may be necessary to adjust the final wording to ensure compatibility across the three Local Authorities and to take into account phasing requirements of the scheme.

**Conditions containing strikethroughs show the wording of previous conditions on the approved decision and emboldened text indicates variations.**

1. The full element of the development to which this permission relates must be commenced not later than the expiration of three years from the date of this permission.

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. The full element of the development to which this permission relates shall be carried out in accordance with the following plans and drawings -

RGNP-BWB-DGN-xx-M3-D-636\_S1\_P1 (Phase 1 Enabling Works)

BMT/2116/100-01 Rev P9 (Signal Controlled Access Option)

BMT/2116/100-02 Rev P3 (Redditch Access Option)

5372-210 A (Site Location Plan Enabling Earthworks Phase 1),

5372-211 B (Site Plan Enabling Earthworks Phase 1),

~~5372-210 (Site Location Plan Enabling Earthworks Phase 1),~~

~~5372-211 (Site Plan Enabling Earthworks Phase 1),~~

~~BWB-HGT-01-DR-D-637-S1 Rev P1 (Enabling Earthworks Sections (Phase 1),~~

~~BWB-HGT-01-DR-D-612-S1 Rev P1 (Enabling Earthworks Layout (Phase 1),~~

~~BMT/2116/100-01 Rev P9 (Signal Controlled Access Option),~~

~~BMT/2116/100-02 Rev P3 (Redditch Access Option).~~

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of the Development Plan.

## **Biodiversity Condition**

3. A wildlife tunnel shall be provided as part of the design of the junction for the site to connect the development areas to the north and south of the A4023 Coventry Highway. Prior to its installation, details of the design and location of the tunnel shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and installed no later than the completion of the access junction for the development.

Reason: To allow connectivity for wildlife in order to enhance biodiversity .

## **Outline Planning Permission**

### **Permission Definition Conditions**

4. Details of the appearance, landscaping, layout, scale and details of internal circulation routes (hereinafter called "the reserved matters") for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase commences, and the development shall thereafter be undertaken in accordance with the approved details.

Reason: In accordance with 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.

5. Application for all reserved matters relating to the first phase of development shall be made no later than three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

6. Application(s) for all reserved matters relating to the second and subsequent phases of development shall be made no later than 10 years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

7. The outline element of the development hereby permitted shall be commenced before the expiration of 2 years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

8. ~~The part of this development approved in outline~~ **reserved matters** shall be carried out in general accordance with the following plans and drawings: -

5372-200 (Site Location Plan)

5372-201 (Site Plan)

5372-205 T (Parameters Plan)

BMT/2116/100-01 Rev P9 (Signalled Controlled Access Option)

BMT/2116/100-02 Rev P3 (Redditch Access Option).

~~5372-205 L (Parameters Plan),~~

~~BMT/2116/100-01 Rev P9 (Signal Controlled Access Option), and~~

~~BMT/2116/100-02 Rev P3 (Redditch Access Option).~~

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of the Development Plan

9. The total development of all phases shall not exceed 90,000sqm (GIA) of floorspace within use classes B1, B2, B8 of which no less than 10% of the floorspace, including ancillary space within B2 and B8 units, shall be offices (use class B1(a)).

Reason: To define the permission and in order to ensure that the development parameters are complied with.

10. All details relating to the development (required through both reserved matters and discharge of condition applications) shall be submitted to and approved in writing by the Local Planning Authority. Where details relate to development in more than one administrative area, the details shall be submitted to and approved in writing by each relevant Local Planning Authority to which the condition matter relates. The development shall be carried out in accordance with the approved details.

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of the Development Plan.

11. As part of the submission of the first reserved matters application, a Phasing Plan indicating the separate phases of development for the northern and southern areas shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan will address:-

a) development phases of land the subject of separate reserved matters applications;

b) the type and amount of floorspace for each phase;

c) the type and general alignment/route/linking of carriageways, footpaths, cyclepaths for each phase and measures to ensure appropriate network connectivity between each phase.

The approved Phasing Plan shall be updated with each submission of reserved matters application(s). The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the development is correctly phased in the interests of the proper planning of the area and the coordinated delivery of the development and associated infrastructure.

## **Archaeological Conditions**

12. No groundworks with the exception of pre-development ecological mitigation works **including hedgerow and tree removal** within each phase and formation of temporary construction access(es) shall take place until the implementation of a programme of archaeological works for that phase has been secured in accordance with a Written Scheme of Investigation(s) which shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:



- a) the programme and methodology for site evaluation;
- b) the programme and methodology for appropriate subsequent investigation and recording and post investigation assessment;
- c) provision to be made for appropriate analysis of the site investigation and recording;
- d) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In order to secure appropriate investigation of potential archaeological deposits.

13. No ecological mitigation works involving groundworks shall take place until a written method statement of Archaeological Observation to observe the initial ground strip of such works, and to document any archaeological remains uncovered, has been submitted to and approved in writing by the Local Planning Authority. The Archaeological Observation shall be undertaken in accordance with the approved method statement.

Reason: In order to secure appropriate investigation of potential archaeological deposits.

14. The final phase of the development shall not be occupied until:
- a) provision has been made for publication and dissemination of the archaeological analysis and records of the archaeological site investigation;
  - b) provision has been made for archive deposition of the archaeological analysis and records of the archaeological site investigation.

Reason: In order to secure appropriate investigation of potential archaeological deposits.

## **General Conditions**

15. No external finishes for buildings within each phase of the development shall be constructed until a palette (including samples) of all materials for the external surfaces of the building and a drawing identifying the location of each type of material has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order that the Local Planning Authority is satisfied with the external appearance of the proposed development in the interests of securing a high quality appearance of development that is appropriate to the character of the locality.

16. No groundworks, with the exception of ecological mitigation, archaeological investigation, formation of temporary construction access(es) and those groundworks detailed on plan no. BWB-HGT-01-DR-D-637 S1 Rev P1 (Enabling Earthworks Sections (Phase 1)) and BWB-HGT-01-DR-D-612 S1 Rev P1 (Enabling Earthworks Layout (Phase 1)), shall commence until details of existing ground levels, as well as proposed finished ground levels, building slab levels and building ridge heights for each phase (together with cross sectional details) have been submitted to and approved in writing by the Local Planning Authority. The development of the relevant phase shall thereafter be carried out in accordance with such approved levels and heights details.

Reason: In order that the Local Planning Authority is satisfied with the details of the proposed development.

17. As part of the submission of each reserved matters application relating to "layout" details for the provision of adequate water supplies and fire hydrants, necessary for fire-fighting purposes for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented before the first use of the building(s) within that phase and retained thereafter.

Reason: In the interests of public safety from fire and the protection of emergency fire fighters.

## Highways and Transport Conditions

18. Prior to commencement of development with the exception of ecological mitigation **including hedgerow and tree removal** and archaeological investigation works, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include:-
- a) measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
  - b) details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
  - c) arrangements for unloading and manoeuvring of delivery vehicles;
  - d) details of any temporary construction accesses and details of the reinstatement of land following the closure of such temporary accesses;
  - e) details of construction traffic and HGV construction traffic, to prevent traffic utilising routes through Studley, Mappleborough Green, Tanworth in Arden and Henley in Arden;
  - f) a highway condition survey, timescale for re-inspections, and details of any reinstatement;

g) demolition/groundworks/construction work contained within the northern and southern development parcels shall not take place outside the following hours:

Monday to Friday 07:00 - 18:00 hrs

Saturdays 08:00 - 13:00 hrs

There shall be no work on Sundays and Public Holidays

The measures set out in the approved Construction Environmental Management Plan shall be carried out in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to ensure safe access to the site and to prevent harm being caused to the amenity of the area.

19. Prior to first use of the development hereby approved, a Heavy Goods Vehicle (HGV) Routing Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include a clear diagram identifying the routes, with measures and monitoring procedures demonstrated. The Strategy shall be implemented and monitored in accordance with the approved details. In the event of failing to meet the requirements of the Strategy, a revised Strategy shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls and, where necessary, make provision for and identify mitigation for the impacted communities. The Strategy thereafter shall be implemented and may be updated in accordance with schemes to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the safe and efficient operation of the highway network, particularly along the A435 through Studley and Mappleborough Green, and through Tanworth in Arden and Henley in Arden, and to protect the amenity of residential properties.

20. HGV Surveys shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the implementation and operation of the HGV Routing Strategy (Condition 19). The methodology for undertaking the HGV Surveys shall be submitted to and approved in writing by the Local Planning Authority prior to the undertaking of the HGV Surveys. The first HGV Surveys shall be undertaken and the results submitted to the Local Planning Authority within the first month of the first use of any part of any phase of the development hereby approved and thereafter on an annual basis for the lifetime of the development.

Reason: In the interests of the safe and efficient operation of the highway network, particularly along the A435 through Studley and Mappleborough Green, and through Tanworth in Arden and Henley in Arden, and to protect the amenity of residential properties.

21. No development hereby approved, including groundworks, remediation or built construction, with the exception of ecological mitigation, **including hedgerow and tree removal** archaeological investigation and formation of temporary construction access(es), shall commence until the detailed design of the Traffic Signalled Access Junction on the A4023 Coventry Highway (as indicatively shown on Drawings BMT/2116/100-01 Rev P9 and BMT/2116/100-02 Rev P3), has been submitted to and approved in writing by the Local Planning Authority. The detailed design shall address the following matters;
- a) provision of an engineering layout demonstrating the geometry of the junction layout and lane widths;
  - b) identification of the detection system and cabling routing through the junction;
  - c) identification of the method of control and back-up system for the operation of the junction;
  - d) identification of the location for a maintenance vehicle bay near the traffic signal controllers;
  - e) identification of the locations for two PTZ CCTV cameras for traffic management of the junction;
  - f) identification of the locations for street lighting in relation to the Traffic Signalled Access Junction;
  - g) provision of Stage 2 Road Safety Audits based on the detailed drawings;
  - h) provision of bus stops, shelters and their ancillary infrastructure;
  - i) provision of footways connecting bus stops and rights of ways to the estate roads;

Thereafter the approved highway access works shall be implemented in general accordance with the approved plans. No phase of the site shall be occupied until the approved highway access works have been completed.

Reason: To ensure safe access to the site.

22. No building within the phases of development to the north of the A4023 Coventry Highway shall be occupied until the detailed design of the pedestrian/cycleway connection to Far Moor Lane (as indicatively shown on Drawing BMT/2116/100-06 Rev P2) has been submitted to and approved in writing by the Local Planning Authority and the approved details implemented in general accordance with the approved plans. No phase of buildings within the northern development parcel shall be occupied until the approved pedestrian/cycleway connection has been completed.

Reason: To ensure safe pedestrian/cycle access to the site.

23. No buildings within the phases of development to the south of the A4023 Coventry Highway shall be occupied until the detailed design of the pedestrian/cycleway connections to Far Moor Lane (as indicatively shown on Drawing BMT/2116/100-06 Rev P2 or BMT/2116/100-07 Rev P2) has been submitted to and approved in writing by the Local Planning Authority and the approved details implemented in general accordance with the approved plans. No phase of buildings within the southern development parcel shall be occupied until the approved pedestrian/cycleway connection has been completed.

Reason: To ensure safe pedestrian/cycle access to the site.

24. Prior to first occupation of the development hereby approved, the detailed design of the A435 Slip Roads (as indicatively shown on Drawing BMT/2116/100-08 Rev P2) shall be submitted to and approved in writing by the Local Planning Authority and the development implemented in general accordance with the approved details. No phase of buildings within the development shall be occupied until the approved highway works to the A435 Slip Roads have been completed.

Reason: In the interests of highway safety.

25. Prior to the first occupation of any building approved through reserved matters a site-wide Employment Travel Plan based upon the principles of the Framework Travel Plan hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall:

- a) identify measures to promote sustainable forms of access to the site;
- b) specify targets for mode share shifts to be achieved and a time period to achieve this.

The Employment Travel Plan shall be implemented and monitored in accordance with the approved details. In the event of failing to meet the targets of the Employment Travel Plan, a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls and, where necessary, make provision for and promote improved sustainable forms of access to the site. The revised Plan shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of ensuring the use of sustainable modes of transport to and from the site.

26. As part of the submission of each reserved matters application relating to "layout" details of vehicle and cycle parking (including arrangements for persons with mobility impairments/disabilities) serving all buildings within that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved parking facilities shall be available for use prior to the first occupation of any building within that phase and thereafter retained for such parking use.

Reason: To ensure adequate parking facilities to serve the development for vehicles including for persons with mobility impairments and cycles.

27. As part of the submission of each reserved matters application relating to "layout", details of the amount, location and specification of proposed electric vehicle charging points (EVCPs) and/or associated cabling to facilitate subsequent installation of those EVCPs to be installed. The EVCPs or associated cabling shall be implemented in accordance with the approved details before each building and associated parking area is first brought into use.

Reason: In the interest of supporting the transition to a low carbon economy.

## **Drainage and Water Conditions**

28. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Redditch Eastern Gateway Flood Risk Assessment ref. REG-BWB-EWE-XX-RP-EN-0004\_FRA - November 2016 to include the following mitigation measures detailed within the FRA:

- a) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 112 l/s for the site;
- b) Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.

The mitigation measures shall be fully implemented prior to first use of any part of the development in accordance with the timing and phasing arrangements embodied within the scheme.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity, and to ensure the future maintenance of the sustainable drainage structures.

29. With the exception of pre-development ecological mitigation, archaeological investigation, and formation of temporary construction access(es), the Phase 1 Groundworks hereby approved shall not be commenced until a detailed flood mitigation scheme based on Flood Risk Assessment (FRA) Redditch Eastern Gateway Flood Risk Assessment ref. REG-BWB-EWE-XX-RP-EN-0004\_FRA - November 2016, has been submitted to and approved in writing by the Local Planning Authority. It shall include the following elements:

- a) Final watercourse designs and channel cross sections, to ensure the watercourse has capacity to convey the 1 in 100 year plus 35% climate change flood event with no out of bank flooding;
- b) Evidence that peak flows and levels off site have not been increased.

The scheme shall be fully implemented prior to first use of any buildings approved under reserved matters and subsequently maintained in accordance with the approved details in perpetuity.

Reason: To reduce the risk of flooding to the proposed development and future users.

30. Prior to first use of the development hereby approved, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to first use of any part of the development hereby approved. The scheme shall:

a) include details of infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site;

b) provide provision of surface water attenuation storage as stated within the FRA and/or in accordance with 'Science Report SC030219 Rainfall Management for Developments';

c) demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753;

d) where flooding occurs onsite at the 1 in 100 year plus climate change event details should be provided of the storage capacity required outside of the proposed formal drainage system;

e) provide details of the depths and locations of flooding. Where the depths may be unsafe Hazard mapping may be required to ensure the development remains safe to users of the site;

f) demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;

g) provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network;

h) provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event;

i) provide and implement a maintenance plan to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details shall be provided to the Local Planning Authority.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

31. With the exception of ecological mitigation, **including hedgerow and tree removal** archaeological investigation works and formation of temporary construction access(es), no development shall commence within each phase until a scheme to manage and prevent any construction materials from entering or silting up the ditch network within that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details to ensure that silt or chemicals are intercepted and details of how the ditch network shall be repaired if any detrimental impact arises as a result of the groundworks, remediation or built construction in the relevant phase.

Reason: To ensure the development does not have impacts off site to flood risk and that the ditch network downstream can function as intended.

## Land Contamination and Emissions Conditions

32. With the exception of works relating to an approved scheme of remediation, archaeological works, ecological mitigation **including hedgerow and tree removal** and formation of temporary construction access(es), development works must not commence until points 1 to 4 have been complied with:

1. A scheme for further site investigation shall be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address the potentially unacceptable risks identified. The scheme shall be designed to assess the nature and extent of any contamination and shall be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme shall be compiled by competent persons and shall be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

2. The detailed site investigation and risk assessment shall be undertaken in accordance with the approved Scheme and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place

3. Where the site investigation identifies that remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors shall be submitted to and approved in writing by the Local Planning Authority in advance of undertaking. The remediation scheme shall 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. With the exception of any works required to carry out remediation, the approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development



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 acceptable risks to workers, neighbours and other off site receptors.

33. Following the completion of the measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by 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 acceptable risks to workers, neighbours and other off site receptors.

34. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report shall be submitted to and approved 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 acceptable risks to workers, neighbours and other off site receptors.

35. As part of the submission of each reserved matters application, if proposed to heat water by gas for use in any of the buildings within that phase, details for the installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented prior to the first occupation of any building within that phase of the development and shall thereafter be retained.

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site.

## **Landscape and Biodiversity Conditions**

36. In respect of each phase no development shall commence, including groundworks, but excluding ecological mitigation, archaeological investigation and formation of temporary construction access(es), until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:
- a) description and evaluation of features to be managed, including bat commuting routes and Ipsley Alders Marsh;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions, including pre-construction checks;
  - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) details of the body or organisation responsible for implantation of the plan;
  - h) ongoing monitoring and how any remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan shall be implemented in accordance with the approved details.

Reason: To enhance biodiversity in accordance.

37. Prior to commencement of groundworks for the first phase of buildings on the northern development parcel, ~~excluding~~ with the exception of ecological mitigation, **including hedgerow and tree removal**, archaeological investigation and formation of temporary construction access(es), a scheme for the diversion of watercourse channels necessary for the development proposed shall be submitted to and approved in writing with the Local Planning Authority. The scheme shall include long sections and cross sectional plans showing the following:
- a) meandering or curved channel;
  - b) a gradually sloping bank on at least one side of the channel (tick shaped);
  - c) transfer of existing bed material from the on-site watercourses.

Reason: To maximise ecological benefit of the new channel and maintain as close as possible the natural conditions in the existing watercourses.

38. No built development within each phase shall take place until a scheme for the provision and management of a buffer zone alongside the watercourses within and to be retained by that phase, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The buffer zone scheme shall be kept free from built development including lighting and formal landscaping. The scheme details shall include:
- a) plans showing the extent and layout of the buffer zone including a minimum 2.0m wide unmown or unmanaged strip directly adjacent the water course;
  - b) details demonstrating how the buffer zone will be protected over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected .

39. Prior to the installation of any external lighting within each phase of the development hereby permitted, details of the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed other than in strict accordance with the approved external lighting scheme for each phase. The details to be submitted for approval shall include:
- a. a layout plan detailing the position and type of any proposed external lighting;
  - b. mounting heights and beam orientation, description and type of luminaries/lamp and angle of lighting and predicted light spill/trespass beyond the site;
  - c. proposed time of operation of the lighting in the scheme including details of any control such as movement detectors and timers;
  - d. purpose of the lighting - e.g. street lighting, parking areas lighting, segregated footpath/cyclepath lighting, general amenity/security, etc.

The lighting scheme for each phase shall be carried out in accordance with the approved details and maintained thereafter.

Reason: To ensure that there are sufficient protection and mitigation measures to address the potential harm to biodiversity and protected species on site and in the interests of visual and residential amenity.

**Case Officer:** Simon Jones Tel: 01527 548211  
Email: [simon.jones@bromsgroveandredditch.gov.uk](mailto:simon.jones@bromsgroveandredditch.gov.uk)

This page is intentionally left blank

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Mark Elliot	Variation of Condition 2 of 17/00761/FUL (Residential development of 148 dwellings (Amendment to 15/0687)) - Alterations to approved layout and removal of two dwellings  Former Polymer Latex Site, Weston Hall Road, Stoke Prior, Worcestershire,	23.04.2019	18/01620/FUL

## **RECOMMENDATION:**

(a) Minded to **APPROVE FULL PLANNING PERMISSION**

(b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a Second Supplemental agreement to the S106 legal agreement 17/00761/FUL.

## **Consultations**

### **Stoke Parish Council**

The Parish Council had no comment to make on this amendment.

### **Highways - Bromsgrove**

No objection

## **Publicity**

One site notice was posted opposite the site on 5<sup>th</sup> February 2019, which expired on 1<sup>st</sup> March 2019.

One press notice was published on 1<sup>st</sup> February 2019, which expired on 18<sup>th</sup> February 2019.

No comments were received.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP7 Housing Mix and Density

BDP8 Affordable Housing

BDP14 Designated Employment

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP20 Managing the Historic Environment

BDP23 Water Management

BDP24 Green Infrastructure

18/01620/FUL

BDP25 Health and Well Being

## Others

NPPF National Planning Policy Framework (2019)

SPG1 Residential Design Guide

## Relevant Planning History

17/00761/FUL	Residential development of 148 dwellings (Amendment to 15/0687)	Approved	21.12.2017
15/0687	Residential development of 202 dwellings	Approved	29.04.2016
13/0213	Redevelopment of the former latex factory site to provide mixed-use development including up to 157 dwellings (Use Class 3) up to 850sqm business floor space (Use Class B1a and B1c), a neighbourhood centre (covering Use Class A1,A2,A3,A5 and D1), Village Hall/Community Building (Use Class D1) and a nursing/care home (Use Class C2), open space, infrastructure, landscaping and associated works, including ground reprofiling.	Approved	30.01.2015

## Assessment of Proposal

The application site is located on the southern side of Stoke Prior and was formerly occupied by Polymer Latex. The site is now being built out by Barratt Homes.

The principle of this development has been established by the previous permissions and therefore it is before the committee to consider the amendments to the original scheme. A second supplemental agreement to the s106 is required to ensure that the obligations relating to affordable housing, refuse, education, open space and highways that have previously been agreed apply to this new application.

When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. New issues may arise after planning permission has been granted, which require modification of the approved proposals, and under section 73 of the Town and Country Planning Act 1990 an application can be made to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

Condition 2 of 17/00761/FUL agreed drawings / plans by which the development would be implemented. Barratt Homes have amended the layout of the approved scheme due

18/01620/FUL

to a legal right of access over an area of land for Corbett House. This has resulted in amendments to the scheme and the loss of two dwellings from the proposal. These two dwellings were identified as affordable housing and therefore to ensure that this provision is retained it is proposed to relocate these affordable housing to another part of the site.

As part of the application further changes are proposed in the form of plot substitutions replace 15 Kingsley (detached 4 bedroom properties) with 15 Chester (detached 4 bedroom properties) and replace 1 Kingsley and 1 Collaton with 2 Andover (detached 3 bedroom properties).

While the proposal does result in the loss of two dwellings from the overall total that will be built, it will not result in the loss in the number or type of affordable housing being provided (32 in total for shared ownership and social rent) as part of the development. It is considered that the minor layout and elevational changes that are a result of the amendments are acceptable.

Technical matters regarding the number of affordable housing, viability, flood risk, drainage, ecology and biodiversity, air quality, noise and vibration, conservation and contaminated land were assessed in detail on the previous applications and were considered acceptable (subject to relevant conditions). Officers consider the changes to the plans under this application do not result in any material change to these matters, subject to relevant conditions being imposed.

Therefore, in conclusion, the application is recommended for approval, subject to conditions and a Section 106 agreement.

## **RECOMMENDATION:**

(a) Minded to **APPROVE FULL PLANNING PERMISSION**

(b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a Second Supplemental agreement to the S106 legal agreement 17/00761/FUL.

## **Suggested Conditions**

1) This permission must be implemented before the time limit imposed on planning permission 17/00761/FUL, which is 21<sup>st</sup> December 2020.

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

2) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Proposed Site Layout & Drainage Strategy (ref:1K) Rev I  
Refuse Vehicle Tracking (ref: 15021-120B)  
House Type - Washington (ref: B6398(HT)01)  
House Type - Folkstone (ref: B6398(HT)02)  
House Type – Maidstone (ref: B6398 (HT) 03)

House Type - Ennerdale (ref: B6398(HT)04)  
 House Type - Collaton (ref: B6398(HT)05)  
 House Type - Eskdale (ref: B6398(HT)06)  
 House Type - Kingsville (ref: B6398(HT)07)  
 House Type - Kingsley (ref: B6398(HT)08)  
 House Type - Alderney (ref: B6398(HT)09)  
 House Type - Hesketh (ref: B6398(HT)10)  
 House Type - Hale (ref: B6398(HT)11)  
 House Type - T20 (ref: B6398(HT)100) Rev A  
 House Type - T22 (ref: B6398(HT)101) Rev A  
 House Type - Malton & Amble Elevations (ref: B6398 (HT) 109)  
 House Type - Malton & Amble Plans (ref: B6398 (HT) 110) Amended windows  
 Received 10.10.2017  
 House Type - Bromwich Elevations (ref: B6398(HT)105)  
 House Type - Bromwich Plans (ref: B6398(HT)106)  
 House Type – T28 (ref 2010/H/328/C13 Rev B Ground Floor)  
 House Type – T28 (ref: 2010/H/328/C14 Rev A First Floor)  
 House Type – T28 (2010/H/328/C02 Rev C Elevations)  
 House Type - T24 (ref: B6398(HT)108) Rev A  
 House Type - House Types (ref: B6398(HT)HA)  
 Location Plan - (ref: B6398(PL)01)  
 Soft Landscape Proposals - (ref: Bir.4917-02D)  
 Soft Landscape Proposals - (ref: Bir.4917-03G)  
 Soft Landscape Proposals - (ref: Bir.4917-04E)  
 Soft Landscape Proposals - (ref: Bir.4917-05E)  
 Soft Landscape Proposals - (ref: Bir.4917-06G)  
 Soft Landscape Proposals - (ref: Bir.4917-07H)  
 Soft Landscape Proposals - (ref: Bir.4917-11B)  
 Tree retention, loss and protection plan (ref: BIR4917-12B)  
 Pump Station Layout (ref: STD1016)  
 House Type - T20 (ref: B6398(HT)100) Rev A  
 Composite Site Layout – Corbett House Replan (ref: B6398(PL)303) Rev H  
 Materials and Boundary Treatments Plan (ref: B6398(HT)104) Rev S  
 House Type – Chester (ref: B6398(HT)111)  
 House Type – Andover (ref: B6398(HT)112)

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

- 3) Following the completion of the measures identified in the Georisk Management Geoenvironmental Assessment; Report ref: 14247/1 and the Georisk Management Remediation Method Statement & Validation Plan; Report Ref: 14247/3, Dated: July 2017, 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 dwellings.
- 4) 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.

Reasons: (3-4) These are required 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.

- 5) Full details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising must be provided. Where the donor site is unknown or is brownfield the material must be tested for contamination and suitability for use on site. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site.

The approved testing must then be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought on to site.

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.

- 6) The retained trees on the application site shall be afforded full protection in accordance with BS5837:2012 recommendations throughout any ground or development work on the site and as highlighted within the Method Statement and plan as shown on the Pegasus Landscape Design Tree Retention / Loss and Protection Proposal Plan number Bir.4917\_12B. Where the road network incurs into the BS5837:2012 recommended RPA of trees, a full specification of the no dig method of construction shall be provided to and approved in writing by the Local Planning Authority.

Reason: In order to protect the existing trees in accordance with policies BDP1 and BDP19 of the Bromsgrove District Plan 2017.

- 7) The measures set out in the approved Construction and Environmental Management Plan dated 20.04.2017 shall be carried out and complied with in full during the construction of the development.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

18/01620/FUL

- 8) Prior to the first occupation of any dwelling hereby approved the existing vehicular access onto the adjoining highway shall be permanently closed. Details of the means of closure and reinstatement of this existing access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on the development hereby approved.

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

- 9) The development hereby permitted shall not be occupied until the accesses shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with the Worcestershire Highways Design Guide 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.

- 10) Prior to the first occupation of any dwelling hereby permitted the residential unit shall be fitted with an electric vehicle charging point. Such apparatus shall be retained and maintained in perpetuity.

Reason: To encourage sustainable travel and healthy communities.

- 11) The development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a residential 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 to the site.

- 12) No dwelling hereby permitted shall be occupied until the applicant has submitted to and had approved in writing a welcome pack that promotes sustainable travel for future residents with the Local Planning Authority.

Reason: To reduce vehicle movements and promote sustainable access to the site.

- 13) During the course of any site clearance and development, the hours of work for all on-site workers, contractors and sub-contractors shall be limited to between;  
0730 to 1800 hours Monday to Friday  
0800 to 1300 hours Saturdays  
and NO WORKING shall take place at any time on Sundays, Bank Holidays or Public Holidays or at any time outside of the above permitted working hours unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring occupiers.

18/01620/FUL

- 14) The proposed side elevation windows serving bathrooms/ensuites/WC's shall be obscure glazed and top hung opening and remain so in perpetuity.

Reason: In order to protect the amenity of adjoining occupiers.

**Case Officer:** Mr Paul Lester Tel: 01527 881323  
Email: paul.lester@bromsgroveandredditch.gov.uk

This page is intentionally left blank