



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 5TH AUGUST 2019
AT 6.00 P.M.

PARKSIDE SUITE - PARKSIDE

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. J. Whittaker (Vice-Chairman), S. J. Baxter, A. J. B. Beaumont, S. P. Douglas, A. B. L. English, M. Glass, S. G. Hession, J. E. King, P. M. McDonald and P.L. Thomas

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 1st July 2019 (Pages 1 - 6)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 19/00028/FUL - Erection of 17 units (B1c Light Industry) comprising of 4 blocks with associated service yards and parking areas - Plot 3B Buntsford Drive, Bromsgrove, Worcestershire, B60 3DX - Mr. D. Clark (Pages 7 - 18)
6. 19/00459/FUL - Change of use from Dwelling (C3) to new Independent School (D1) - Lokrum, Copyholt Lane, Redditch, Bromsgrove, Worcestershire, B60 3AY - A. Chalmers (Pages 19 - 26)
7. 19/00477/FUL - Proposed new dwelling house rear of No. 34 on site of extant permission for residential development - 34 Lickey Square, Lickey, Birmingham, Worcestershire, B45 8HB - Mr. R. McAlindon (Pages 27 - 40)
8. 19/00501/FUL - New build scheme two detached dwellings - Site Adjacent to 73 Linthurst Newtown, Blackwell, Bromsgrove, Worcestershire, B60 1BS - Access Homes LLP c/o Agent Cross & Craig Associates (Pages 41 - 52)
9. 19/00604/FUL - Single storey rear extension - 7 Station Drive, Hagley, Stourbridge, Worcestershire, DY9 0NX - Mr. Sheppard (Pages 53 - 56)
10. 19/00624/FUL - Erection of factory extension with 2 storey office block (B1, B2 or B8 use) - 23 Aston Road, Bromsgrove, Worcestershire, B60 3EX - Mr. K. Williams (Pages 57 - 64)
11. 19/00713/FUL - Extend existing dropped kerb by 3m along the front of property in order to allow wider driveway access- 385 Stourbridge Road, Catshill, Bromsgrove, Worcestershire, B61 9LG - Mr. A. Dane (Pages 65 - 68)
12. 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

26th July 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. 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.

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, or telephone (01527) 881406

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 1ST JULY 2019, AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), S. P. Douglas, A. B. L. English, M. Glass, S. G. Hession, C.A. Hotham (substituting for Cllr. S. J. Baxter), J. E. King, P. M. McDonald, C. J. Spencer (substituting for Cllr A. J. B. Beaumont) and P.L. Thomas

Officers: Ms. C. Flanagan, Mr. D. M. Birch, Miss. E. Farmer, Mr. P. Lester, Miss. C Wood, Mr. S. Hawley (Worcestershire Highways Authority) and Mrs. P. Ross

13/19 **APOLOGIES**

Apologies for absence were received from Councillors S. J. Baxter and A. J. B. Beaumont, with Councillor C. A. Hotham present as substitute for Councillor S. J. Baxter and Councillor C. J. Spencer present as substitute for Councillor A. J. B. Beaumont.

14/19 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

15/19 **MINUTES**

The minutes of the meeting of the Planning Committee held on 3rd June 2019 were received.

RESOLVED that the minutes of the meeting of the Planning Committee held on 3rd June 2019, be approved as a correct record.

16/19 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)**

The Chairman confirmed with Members that they had received and read the updates which had been published and circulated prior to the commencement of the meeting.

17/19 **19/00220/FUL - DEMOLITION OF BUILDINGS AND ERECTION OF 11 DWELLINGS, WITH ASSOCIATED LANDSCAPING, BIN STORAGE - BURCOT GARDEN CENTRE, 354 ALCESTER ROAD, BURCOT, BROMSGROVE, WORCESTERSHIRE, B60 1PW - MR. M. RICHARDSON**

Agenda Item 3

Planning Committee
1st July 2019

Officers reported on additional information had been received from NHS/Medical Infrastructure Contributions with regard to the proposed development and the likely impact on the services of 1 GP practice and further representations objecting to the proposal, from Burcot Village Hall Committee and neighbours; as detailed in the published Update Report, copies of which were provided to Members and the public gallery prior to the commencement of the meeting.

Officers also drew Members' attention to the amended Recommendation, as detailed in the published Update Report, copies of which were provided to Members and the public gallery prior to the commencement of the meeting.

Officers reported that the application sought full planning permission to demolish all existing buildings and structures and to redevelop the site for a residential scheme of 11 dwellings. The application proposed 8 market dwellings and 3 affordable dwellings.

At the invitation of the Chairman, Mrs. L. Howcroft, Mrs. S. Hibbert and Mr. N. Smith, addressed the Committee in objection to the Application. Mr. S. Warner, the Applicant's agent addressed the Committee on behalf of the Applicant.

The Committee then considered the Application, which had been recommended for approval by Officers. Members commented that they were pleased to note that the original proposed secondary access off Pikes Pool Lane had been removed.

Members expressed their concerns with regard to the proposed siting of the 3 affordable homes, in one single area, rather than spread across the development and that only 2 bed dwellings had been proposed. Members were also concerned about the low percentage of affordable housing being proposed and referred to the report, which highlighted that in April 2016, 10.5% of the dwellings in the District were affordable housing stock, and that this was lower than both the affordable housing provision in Worcestershire (15%) and England (17.3%). The Bromsgrove District Plan, BDP 8, stated "That the evidence highlights that the Councils aspiration of achieve 40% affordable provision on-site was achievable in most circumstances".

Officers responded by outlining the exact wording of Policy BPD8 and that the application complied with the policy.

Officers responded to further questions from Members with regard to the application site being situated on adjacent to the village boundary and that the new housing would be visually contained by existing landscape features. In addition, the proposal would provide an opportunity to rationalise development over the whole of the site. The proposal was not considered an inappropriate form of development in the Green Belt,

due to compliance with BDP2 and BDP4 and Chapter 13 of the NPPF, specifically paragraph 145.

Officers clarified that the garages would have a hard standing driveway to the front of each property along with a non-hard standing area.

In response to the Committee, the County Council's Highways Officer stated that the proposed development would be bound by a S106 planning obligation and that generally a development would have three years from the date permission was granted to begin the development. The 'trigger' for S106 monies to be paid would be upon occupation of any of the dwellings; however, there would be no obligation to spend that money.

Further discussion followed with regard to affordable housing. Members were minded to refuse the application as they were concerned that there was insufficient provision for affordable housing in relation to the number of affordable units proposed and the proposed location of those units which would be visually distinguishable as they would not be fully integrated.

RESOLVED that Planning Permission be refused on the grounds that there was insufficient provision of affordable housing, a greater affordable housing mix should be provided and that the affordable housing had not been distributed throughout the application site and it was visually distinguishable from the market housing.

18/19

19/00305/FUL - RESIDENTIAL DEVELOPMENT OF 8 NO. DWELLINGS AND ASSOCIATED GARAGING - YEW TREE FARM, ST KENELMS ROAD, ROMSLEY, HALESOWEN, WORCESTERSHIRE, B62 0NU - KENDRICK HOMES LTD

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

Officers drew Members' attention to an amendment to Condition 8, with regard to the Construction Management Plan, as detailed in the published Update Report, copies of which were provided to Members and the public gallery prior to the commencement of the meeting.

Officers highlighted that a previous application for the construction of 7 dwellings on the site was refused by Planning Committee Members in December 2018; due to pedestrian safety and that the proposal did not make the best use of the land and did not provide a good mix of housing. That application was currently at appeal and a decision had not been made.

The proposed application had been re-submitted, with two amendments, in an attempt to overcome the two refusal reasons on the previous application, namely; a reduction in vehicular accesses from St Kenelms

Agenda Item 3

Planning Committee
1st July 2019

Road from 4 to 2 and a change in the mix of dwellings as detailed on page 35 of the main agenda report.

At the invitation of the Chairman Mr. R. Arrowsmith, Chairperson, Romsley Parish Council, addressed the Committee in objection to the Application.

The Committee then considered the Application, which had been recommended for approval by Officers. Having noted all of the information provided by Officers and the representations made on behalf of Romsley Parish Council; Members were mindful that the same concerns had been expressed by local residents and the Parish Council in respect of highway safety and road issues due to the road width and close proximity to the Co-op shop.

Members noted that the public speaker had referred to 750 incidents in the last year that had been recorded in the location.

The Chairman invited the County Council's Highways Officer to comment and in doing so, he reiterated that the proposed application had been put before a qualified road safety audit and should the application be approved there would be a further stage 2 and 3 road safety audit. The default position would be to only carry out improvements that were deemed necessary.

The County Council's Highways Officer further informed the Committee that from the information he had before him there were no recorded police incidents in the last year. The last recorded incident was in 2017. The Highways officer confirmed that such specific questions should be brought to officers prior to the meeting to ensure the most up to date information could be provided.

Officers clarified that the applicant had also proposed to increase the footpath width to a minimum 2 metres and had also allocated to Worcestershire Highways a 0.7 metre verge beyond the widened footpath to allow the Highways Authority to make future improvements should it be deemed necessary.

Having considered the Officer's report and information provided by the public speakers, and having conducted a Site Visit; Members were of the view that the applicant had addressed the previous concerns raised with regard to pedestrian safety, by reducing the number of vehicular accesses and the increase in the number of dwellings which provided more 2 and 3 bed properties.

RESOLVED that Planning Permission be granted with the Conditions as detailed on pages 40 to 43 of the main agenda report, with the following addition to Condition 8:-

- 8) h. for the submission of details of any temporary construction accesses and their reinstatement.

19/19

19/00542/FUL - ERECTION OF A FREE STANDING GREENHOUSE - SUNDAY HILL, WHINFIELD ROAD, DODFORD, BROMSGROVE, WORCESTERSHIRE, B61 9BG - MRS P. LYDON

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

Officers reported that the application had previously been subject to an appeal in November 2018, where it was dismissed. The appeal decision was detailed on pages 51 to 53 of the main agenda report.

The current planning application removed the wall element of the previous proposal. The greenhouse would be of a modest scale and would be sited within the curtilage of the dwelling. The building would comprise a low brick wall, however, there would be of a glass construction above this. The appearance of the building would therefore be predominantly transparent. The addition of the building would still be inappropriate development in the Green Belt and would still have a modest impact on Green Belt openness.

At the invitation of the Chairman Mr. R. Lydon, the Applicant addressed the Committee in support of the Application.

The Committee then considered the Application, which had been recommended for refusal by Officers. Having considered the Application and the information as detailed in the appeal papers, Members were of the view that the proposal would be inappropriate development in the Green Belt and that no very special circumstances had been put forward.

RESOLVED that Planning Permission be refused for the reason set out on pages 48 and 49 of the main agenda report.

The meeting closed at 7.30 p.m.

Chairman

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Douglas Clark	Erection of 17 units (B1c Light Industry) comprising of 4 blocks with associated service yards and parking areas. Plot 3B , Buntsford Drive, Bromsgrove, Worcestershire, B60 3DX	07.08.2019	19/00028/FUL

RECOMMENDATION: That planning permission be granted.

Consultations

North Worcestershire Water Management

No objection is raised subject to a pre-commencement condition requiring a site drainage strategy.

North Worcestershire Economic Development And Regeneration

We are very supportive of the proposal, which will see an allocated employment site that has been vacant for a considerable amount of time, provide new 'start-up' units. There is a real shortage of this type of industrial unit within the Worcestershire area. Clearly, the proposed development will help to meet these two key aims identified and adopted by the Council.

Overall, we are very pleased to see, and support, an application of this nature, which is considered to be in conformity with both planning and economic policy.

Cadent Gas Ltd

No objection.

Stoke Parish Council

The Parish Council have no comment to make on this application

Highways - Bromsgrove

The proposal will generate additional vehicle trips onto the Highway network and notably onto the A38. The A38 is a heavily trafficked route that is congested at peak times and as a result the Highway Authority is promoting a major improvement scheme, given that this application will result in additional vehicle movements on the A38 at peak times it is appropriate that financial contributions are provided to mitigate that harm.

The applicant is required to contribute £104,193.92 to mitigate for the additional demands on the wider transport network that the development will generate. This is required to deliver the growth proposed within the Bromsgrove Local Plan and Borough of Redditch Local Plan it will be necessary to maintain a transport network that is capable of minimising adverse impacts upon the economy and environment. Worcestershire County Council's objectives stated within the Local Transport Plan seek to deal with issues of accessibility, traffic congestion, journey times, journey time reliability and transport related costs imposed upon businesses and other network users. If these issues are not addressed, then they could adversely impact on the performance of the economy and the

local environment, in terms of air quality, health and the ability to improve the quality of life. The impact of this development is considered to have a residual impact on the highway network and without mitigation the cumulative impact with other development assumptions in the Local Plan will be severe.

Additional comments received 17/07/2019:

The proposal will generate additional vehicle trips onto the Highway network and notably onto the A38. The A38 is a heavily trafficked route that is congested at peak times and as a result the Highway Authority is promoting a major improvement scheme, given that this application will result in additional vehicle movements on the A38 at peak times it is appropriate that contributions are provided to mitigate that harm unless it is confirmed to not be a viable proposal through an independent review. The Highway Authority identified in its response of 15th February 2019 that a financial contribution of £104,193.92 should be made to mitigate for the cumulative impact on the A38, it has been confirmed by the Local Planning Authority that an independent financial viability review has concluded that there is no scope to provide contributions, as a result of this process the Highway Authority concurs that this application should not be required to make such a contribution and it has been excluded from the recommendation.

Arboricultural Officer

I have no objection to the proposed development in view of any tree related matters.

Waste Management

No objection.

WRS - Contaminated Land

No objections subject to condition

WRS – Air Quality

No objection subject to condition

WRS - Noise Consulted 25.01.2019

No objection.

Bromsgrove Strategic Planning

The application site is currently a vacant plot within a wider area of employment land designated by Policy BDP14 of the Bromsgrove District Plan (2017). In this context the site is expected to make a significant contribution towards creating jobs across Bromsgrove and meeting employment development targets as set out in the BDP.

Health And Safety Executive

The development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.

Conservation Officer

In its current form the proposed development will not preserve the setting of Tan House Farm, as required by section 66 of the 1990 Act, and will be contrary to the Historic Environment policies in the Bromsgrove Local Plan, as well as guidance in the NPPF. As the harm to the designated heritage asset, would amount to less than substantial harm,

Paragraph 196 will be engaged which requires harm to be weighed against the public benefits of the proposal. I would therefore have to object to this application unless the public benefits of the development can be shown to outweigh the harm to the setting of the listed building.

Worcestershire County Council Countryside Service

No Comments Received To Date

Viability Consultant - Lambert Smith Hampton Consultant

From a viability position the level of profit on this scheme is marginal and well below market expectations. Therefore I am in agreement with the applicant that the scheme cannot support any highways contributions.

Publicity

37 letters were sent to adjoining properties on 25th January 2019 and expired 18th February 2019.

One site notice was displayed on 31st January 2019 and expired 24th February 2019.

An advert was placed in the Bromsgrove Standard on 1st February 2019 and expired on 18th February 2019.

One neighbour has raised objections to the scheme. The comments received have been summarised as follows;

- The area was supposed to be attractive showrooms however the current proposal is not attractive
- There is a requirement in Bromsgrove for units 5000 to 10000 sq. ft. Not small retail 2000 sq. ft retail trade units. There are plenty of these and many remain empty.
- Compared to other advanced countries we build the most basic shabby industrial units with no vision or imagination in design or innovation
- The units are too near to the two steep boundaries causing soil avalanche and flooding to the existing units below. Heavy lorries loading unloading could cause subsidence. Precast concrete retaining walls should be erected. Alternatively move the units away and use steel piles to stabilise the land. Landscape with plenty of shrubs
- There are two very large ground storm tanks. Building near them or over them or driving lorries above is dangerous.
- Suggests a change in design and change to larger units would enhance the area and attract higher rent value

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP3 Future Housing and Employment Growth
BDP6 Infrastructure Contributions
BDP13 New Employment Development

BDP14 Designated Employment
BDP19 High Quality Design
BDP20 Managing the Historic Environment
BDP21 Natural Environment
BDP22 Climate Change
BDP24 Green Infrastructure

Others

NPPF National Planning Policy Framework (2019)
Bromsgrove High Quality Design Supplementary Planning Document

Relevant Planning History

B/1998/0850	Outline application for employment use within class B1, B2 and B8 including access.	Granted	23.02.1999
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1.0 Assessment of Proposal

1.1 The application site is located within Buntsford Hill Business Park which has been allocated as Designated Employment Land within the Bromsgrove District Plan 2011-2030. The existing site is an undeveloped plot within the business park with an existing access adjacent to a car dealership and office building with car park. The proposal is to provide 2504sqm of B1 'Light Industry' use. The proposal is for 17 units made of four blocks and associated parking. The site will utilise two existing vehicular accesses with the northern access which will be widened to accommodate vehicular access.

1.2 The site is within the designated employment land which bounds onto the Green Belt. To the south west of the site are two Listed Buildings; Tan House Farm a Grade II listed farmhouse and to the west a Grade II listed barn.

2.0 *Principle of development*

2.1 Policy BDP14 sets out that designated employment areas '*are expected to make a significant contribution towards creating jobs across Bromsgrove and meeting the employment targets identified in Policy BDP3.*' Policy BDP14.1 states that '*The regeneration of the District will continue through maintaining and promoting existing employment provision in sustainable, accessible and appropriate locations (as identified on the Policies Map).*'

2.2 Buntsford Hill Business Park is an existing industrial park situated on land designated for employment purposes. The use of the site for B1, B2 and B8 uses has also been established on site under outline planning permission granted under planning application reference: B/1998/0850. As such the principle of industrial development on this site is considered to be acceptable. In addition, North Worcestershire Economic Development and Regeneration have set out that the proposal would help Bromsgrove to achieve some of the economic priorities that

were adopted in April 2017, which include: driving economic growth; supporting businesses to start and grow; and driving up and retaining skills locally.

3.0 *Character and appearance*

- 3.1 The proposed buildings have been broken into four blocks with a flat roof to be clad in horizontally laid white and grey cladding. Much of the site will comprise of parking and hardstanding however the site plan illustrates some areas of landscaping to soften the proposal. The existing buildings within the site to the north of the application site comprise a Toyota, Peugeot and Nissan garage with flat roof, white and grey cladding and glazing. The building to the south of the site is a brick built mono-pitch office building. To the east of the site there are a number of industrial buildings of brick and clad fenestrations with shallow pitched roofs. The design and scale of the buildings is considered to be appropriate in this commercial setting.

Heritage

- 3.2 On the south west side of Buntsford Hill is Tan House Farm a Grade II listed farmhouse and to the west of this a Grade II listed barn. Tan House Farm comprises a farm house which dates back in part to 1631, but with early 19th, 20th and 21st century additions. Although it is now located very much on the edge of Bromsgrove, Buntsford Hill is a rural road. Part of the significance of the property is derived from the still legible rural nature of the road and the surroundings to the south east, south and south west. The Conservation officer has raised objections to the impact of the proposal on the setting of these listed buildings.
- 3.3 Although the Buntsford Park development has encroached on the rural setting of Tan House Farm, Buntsford Hill has maintained the appearance of a rural lane. Despite the screening to the house itself due to the planting in the front garden and the visual separation of the road from the business park, there are still views of roof of the listed building from the site and there will be views back to the site from the upper floors of the listed building.
- 3.4 In its current form the proposed development will not preserve the setting of Tan House Farm, as required by section 66 of the 1990 Act, and will be contrary to the Historic Environment policies in the Bromsgrove Local Plan, as well as guidance in the NPPF. As the harm to the designated heritage asset, would amount to less than substantial harm, Paragraph 196 will be engaged which requires harm to be weighed against the public benefits of the proposal.

4.0 *Highways*

- 4.1 Given the scale of the proposal it will generate additional vehicle trips onto the Highway network and notably onto the A38. The A38 is a heavily trafficked route that is congested at peak times and as a result the Highway Authority is promoting a major improvement scheme. Given that this application will result in additional vehicle movements on the A38 at peak times it is appropriate that financial contributions are provided to mitigate that harm. Worcestershire County Council has requested the applicant contribute £104,193.92 to mitigate for the additional

demands on the wider transport network that the development will generate. This is required to deliver the growth proposed within the Bromsgrove District Plan and it will be necessary to maintain a transport network that is capable of minimising adverse impacts upon the economy and environment. The Highways Authority have advised that the impact of this development is considered to have a residual impact on the highway network and without mitigation the cumulative impact with other development assumptions in the Local Plan will be severe.

5.0 *Ecology and trees*

- 5.1 The applicant has submitted a Preliminary Ecological Appraisal by Middlemarch Environment dated November 2018. The appraisal does not require any further surveys to be submitted however has recommended mitigation and enhancements which can be conditioned.
- 5.2 There is a broken line of trees on the boundary of Buntsford Park Road to the North-East of the site. However these trees sit at the base of a steep bank and therefore will not be adversely affected by the proposed development. The proposed landscaping scheme as shown on the BEA Landscape design Ltd drawing number 18-89-01 is uncomplicated but suitable in terms of species choice and layout for a site of this nature and therefore is considered acceptable.

6.0 *Drainage*

- 6.1 The site falls within flood zone 1 and is not shown to be susceptible to surface water flooding. Since this is a major development, there is a requirement for SuDS to be considered on site unless it can be demonstrated inappropriate. This can be secured by the suggested drainage strategy condition as attached to this recommendation.

7.0 *Planning Balance*

- 7.1 As outlined above, the Conservation Officer has identified harm to the setting of the Grade II Listed Building Tan House Farm and the adjacent Grade II Listed barn as a result of this proposal. Paragraph 190 requires Local Planning Authorities to take account of the significance of affected heritage assets when considering the impact of a proposal, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal; Paragraph 193 requires great weight to be attached to the conservation of designated heritage assets, irrespective of the level of potential harm. Any harm to or loss of, the significance of a designated heritage asset, including its setting, requires clear and convincing justification, Paragraph 194; and Paragraph 196 requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal.
- 7.2 Given the separation of the Listed Buildings to the proposal the harm has been identified to be from views of the development from the upper floors of the Farm house and views of the roofs of the buildings from the site. This harm is considered to be less than substantial and therefore must be weighed against the public benefits.

- 7.3 The proposed development is to be constructed within an allocated site for employment which has been left vacant for some time. Having regards to the public benefits with the creation of jobs, support of business start-ups and existing growth and investment within a site which has been designated for such a use; on balance it is considered that the benefits are sufficient to outweigh the harm to the setting of the listed building in this instance.
- 7.4 Paragraph 109 of the NPPF states that 'development should only be prevented or refused on highways grounds of there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. The applicants have put forward a viability assessment to justify that the scheme cannot sustain the requested highways contribution of £104,193.92, the imposition of which would deem the scheme unviable. Within the submitted Cost Model, and excluding design development, design fees and inflation, the total cost of the development is estimated at £2,795,401, equating to £100.46 per sq ft. The competitive return to a developer is measured at a profit margin to be received from undertaking development. It has been advised that the minimum return that any developer (and funder) would require from a speculative development of this type is 15% on the Gross Development Value (GDV). This is to cover risk, overhead recovery and profit and providing a minimum level of headroom required by those lending institutions willing to fund speculative projects of this size. The output of the above appraisal is a small profit of £8,516, reflecting a profit on GDV of just 0.23%, well below the usual target rates of return for a development of this nature. This is therefore considered to be a marginal scheme where viability is challenged. Having regard to the above the financial viability consultant is in agreement with the Applicant that the scheme is unable to support the requested financial contribution of £104,193.92 from the Highways Authority and any imposition of additional financial requirements will further prejudice the viability and deliverability of the scheme.
- 7.5 The pre-text of BDP6 outlines that development often has an impact on service provision and that new infrastructure may be required to ensure that the plan is deliverable. It is therefore considered reasonable that developers contribute towards new and/or improved infrastructure that is designed to mitigate these impacts provided that this does not affect the viability of the proposed scheme. A balance must therefore be made as part of the planning assessment to determine whether the proposal can be viewed favourably in the absence of the money requested by the Highways Authority. As outlined previously the site is allocated for this use and the under the original outline application in 1998 the Highways Authority undertook works to the highways to facilitate the development. The allocated site contributes to there not being a shortfall of employment land within the District. Furthermore North Worcestershire Economic Development and Regeneration have confirmed that vacancy rates for business premises for smaller businesses within Worcestershire are at a record low and that Industrial vacancies are 3.1% which is less than half of the national average. In terms of Bromsgrove, the district has the lowest vacancy rate across the county. Policy BDP14 requires the Council to safeguard employment areas that are physically and viably capable of providing through development, good quality modern accommodation attractive to the market.

- 7.6 A key principle in Bromsgrove is the sustainable growth of job opportunities to maintain a balance with house building. Outside the Town Centre employment growth is expected to be provided primarily in existing Industrial estates and Business Parks such as Buntsford Hill. These are expected to make a significant contribution towards creating jobs across Bromsgrove and meeting the employment targets identified in BDP3. This allocated employment site has been vacant for a considerable amount of time and the proposal is to provide new 'start-up' units which there are a shortage of within the Worcestershire area.
- 7.7 Paragraph 80 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity.
- 7.8 The Highway Authority identified in its response of 15th February 2019 that a financial contribution of £104,193.92 should be made to mitigate for the cumulative impact on the A38, it has been confirmed by the Local Planning Authority that an independent financial viability review has concluded that there is no scope to provide contributions, as a result of this process the Highway Authority concurs that this application should not be required to make such a contribution and it has been excluded from their recommendation.
- 7.9 On balance, taking all these matters into consideration it is considered that given any financial contribution would render the development unviable to come forward it is considered that the need within the District for this development provides sufficient weight to put forward a positive recommendation in this instance.
- 8.0 *Third party comments*
- 8.1 One objection has been received from a neighbouring property as a result of the public consultation. The neighbour contends that larger units are required within Bromsgrove however this conflicts with the information provided by NWDER. In any event given the arrangement of the units these could be combined into larger units as a business grows to accommodate changing or larger businesses.
- 8.2 In addition, the objection received relates to the design of the proposed units. The design of the units is considered to be appropriate in this location as outlined within this report.
- 8.3 Concerns on flooding and subsidence have been raised on the basis of the steep boundary on the east of the site. North Worcestershire Water Management has requested a drainage strategy condition be attached to any planning permission to ensure the site is not susceptible to flooding. Any structural works required to ensure the position of the buildings do not cause subsidence would be a building regulations matter during construction.
- 9.0 *Conclusion*
- 9.1 Overall it is considered the proposed development is in accordance with the relevant policies of the Bromsgrove District Plan and can be properly characterised

as sustainable development for the purposes of the NPPF. The harm to the Listed Building is considered to be less than substantial and given the public benefits of the development this harm is considered to be outweighed. The Highways Authority have stated that the residual cumulative impacts on the road network as a result of this development are severe however when taking a view on the Development Plan as a whole, the local need for this development and the viability argument put forward by the applicant in terms of deliverability it is considered on balance that the proposed development should be supported.

RECOMMENDATION: 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:

17120_P0001_D_Site Location Plan_A2
17120_P0002J_Site Layout-A1 Land
17120_P0003G_External Finishes-A1 Land
17120_P0004_D_Cycle and Smoking Shelters
17120_P0005_C_Ancillary Building Details
17120_P0101_C_Unit 1 Building Layout_A1
17120_P0103_B_Unit 1 Roof Plan_A1
17120_P0104_A_Unit 1 Ga Section_A1
17120_P0201_C_Unit 2 Building Layout_A1
17120_P0202_E_Unit 2 Elevations_A1
17120_P0203_B_Unit 2 Roof Plan_A1
17120_P0204_A_Unit 2 Ga Section_A1
17120_P0301_B_Unit 3 Building Layout_A1
17120_P0302_D_Unit 3 Elevations_A1
17120_P0303_B_Unit 3 Roof Plan_A1
17120_P0304_A_Unit 3 Ga Section_A1
17120_P0401_C_Unit 4 Building Layout_A1
17120_P0402_D_Unit 4 Elevations_A1
17120_P0403_B_Unit 4 Roof Plan_A1
17120_P0404_A_Unit 4 Ga Section_A1
BEA Landscape 18-89-01-A0 Soft Landscape

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

- 3) The proposed buildings shall be finished in the following materials;
- Horizontally laid trapezoidal cladding. Colour White RAL 9003

- Horizontally laid trapezoidal cladding. Colour Grey RAL 7038
- Steel doorsets. Polyester powder coated RAL 7038
- Steel doorsets. Polyester powder coated RAL 000 55 00.
- Glazed aluminium loading doors with steel bottom section. Steel section and frames to be polyester powder coated RAL 000 55 00
- Aluminium frames windows. Frames to be polyester powder coated RAL0005500
- Glazed canopy to entrance doors

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

- 4) No works or development 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 hard-standing areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015).

The peak runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event plus an appropriate allowance for climate change must never exceed the peak runoff rate for the same event. The scheme shall be designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event and not in any part of any building for the 1 in 100 year rainfall event plus climate change. Flows resulting from rainfall in excess of a 1 in 100 year rainfall event shall be managed in exceedance routes that minimise the risk to people and property.

The runoff volume from the development in the 1 in 100 year 6 hour rainfall event shall not exceed the Greenfield runoff volume for the same event.

The surface water drainage measures shall provide an appropriate level of runoff treatment. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.

Reason: In order to ensure no increase in flood risk on or off site.

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

a. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

b. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

c. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

d. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

e. 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.

f. 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.

g. 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.

- 6) In addition to WRS standard recommendations for all development, the additional mitigation measures as outlined in the Air Quality Assessment dated January 2019 submitted by the applicant must be incorporated into the development.

REASON: NPPF paragraph 181 states: 'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.'

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

REASON: To reduce vehicle movements and promote sustainable access.

Informatives

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.
- 2) All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.
- 3) Construction Phase Nuisance: In order to minimise any nuisance during the construction phase, from noise, vibration and dust, the applicant should refer to the WRS Demolition & Construction Guidance (attached) and ensure its recommendations are complied with.

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

Agenda Item 6

Name of Applicant	Proposal	Expiry Date	Plan Ref.
A Chalmers	Change of use from dwelling (C3) to new Independent School (D1) Lokrum, Copyholt Lane, Redditch, Bromsgrove, Worcestershire B60 3AY	30.05.2019	19/00459/FUL

This application was requested by Councillor Glass to be considered by Planning Committee rather than being determined under delegated powers.

RECOMMENDATION: that permission be **REFUSED**

Consultations

Education Authority Consulted 10.05.2019

The proposal is independent of Worcestershire County Council therefore, it would not be appropriate to comment on whether or not there is a need. However would comment as follows:

Special Educational Needs (SEN) provision is a complex one. The LA will consult parents on appropriate settings for their child however, where a parent chooses to name a school on their child's Education Health Care Plan (EHCP), the local authority must comply with the parents request unless there is good reason as to why the child should not be admitted. Therefore, there is no guarantee that the number of pupils attending the school will be restricted to 18. Additionally, consideration needs to be given to those pupils who may attend on a part time basis for either a morning or afternoon session which would incur additional vehicular traffic.

It is highly unlikely that the LA would provide shared taxi or any transport for these pupils. It is far more likely that there would be separate vehicles for each child equating to 12 - 18 pupil vehicles twice a day at full complement, in addition to any extra curricula activities that may occur off site. Staff, visiting professionals and service vehicles would also need to be considered.

It is Worcestershire County Council's (WCC) intention to develop its own specialist Autistic Spectrum Disorder (ASD) provision through a Free School Bid to the Department for Education (DFE) and WCC has discussed its concept plan with the DFE. WCC is also considering the enhancement of its current mainstream sited specialist ASD provision, following a recent annual review of this provision, and of which there is existing funded provision in the Bromsgrove area. The Council has no financial plan that would include extending its use of independent special school provision. WCC already has a higher dependency on independent special schools than most LAs, and in order to reduce its large overspend on its High Needs revenue budget known as the High Needs Block, has commissioned a Plan that will invest in local state-funded provision rather than in the private sector.

If asked by the DfE, WCC are more likely to advise that this is not a provision whose development it supports or needs.

Highways - Bromsgrove Consulted 10.05.2019

Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application and advises that there would be an unacceptable impact on Highway Safety and reliance on car access, and would be unsustainable development and as such recommends that this application is refused.

North Worcestershire Water Management Consulted 10.05.2019

The site falls within flood zone 1 (low risk of fluvial flooding) and is not shown to be susceptible to surface water flooding. There is no reason to withhold permission on flood risk grounds and require no additional information or conditions.

Stoke Parish Council Consulted 13.05.2019

The Parish Council support this application. The change of use of these premises to a new independent school will bring huge benefits to the local area as well as providing good educational provision to young people who need this special support.

Publicity

Site notice displayed 10.05.2019 (expired 10.06.2019)

4 neighbour notification letters sent 10.05.2019 (expired 03.06.2019)

Representations

2 letters of objection

- Unsustainable location and vehicular movements are a concern to us especially with the amount of HGV and farm vehicles (tractors) that use the lane all year round.
- As there are no footpaths around stoke pound and the roads are very narrow we are concerned for the students safety.
- If the change of use goes ahead what other planning applications will be put forward in future to accommodate more students
- Pressure to extend building when it has had numerous extensions already.
- Transport support document says that school will attract pupils from around the County, so the site will be too small to start with. Pressure to extend further given the letters of support for the scheme.
- All movements will be via private transport.
- Pressure to increase the pupil size after the first year given the level of interest in the facility.
- How can a semi-rural location help pupils socialise and prepare them for life after 16 years of age? Need different location/building.
- Pressure on road when social events are on such as Summer/ Christmas Fayres etc.

135 letters of support

- Parents are in great need of alternative provision for children for whom mainstream school is not an option.
- Currently unable to find a school to meet our children's needs in the area and this school would meet the needs of many children who have so much to contribute to society if they have the right environment to thrive in.
- There is currently a huge gap in education in Worcestershire for children who have Autistic Spectrum Disorder (ASD) and high anxiety, who struggle greatly in

mainstream education amongst a class of 29 other children, yet academically are only just below their peers. If the children are left in mainstream, their academic ability will lower due to them not being supported socially and emotionally, if not supported correctly, this will lead to issues into adulthood.

- Much needed provision.
- As a teacher, I understand the need to tailor education around the needs of an individual child. It is archaic to believe that education is a 'one size fits all' service; children are different and deserve to be treated as individuals and not a collective.
- Fully support this application as it is a much needed school in an area that has no such provision. I speak from a personal level whereby my son has had to go to a residential school in Cheshire because there is no school locally that caters to his needs.

Councillor Glass: views received 4 July 2019

Would like to call in the above planning application in order that the Planning Committee can debate the merits of this application.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP12 Sustainable Communities

BDP15 Rural Renaissance

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP22 Climate Change

Others

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

Relevant Planning History

B/2004/0513	Erection of timber framed stables & attached hay store on concrete base.	Approved	04.08.2004
B/2000/0073	Living room extension and build over existing garage.	Approved	14.03.2000
B/1996/0219	Alterations and extension to existing dwelling. (as amended by plans received 09/05/96).	Approved	16.05.1996
B/19955/1990	Extend garage, construct pitched roof over with additional bedroom in roof space.	Approved	10.12.1990

Assessment of Proposal **Site**

The site is a detached dormer bungalow located off Copyholt Lane. The bungalow has been extended over the years and has an in/out access arrangement onto Copyholt Lane. A detached building is located at the rear of the bungalow and used as a home office. A stable building and paddock area also exists at the rear. Access from the drive serves these two buildings and is currently in the form of a loop around the site.

Proposal

Permission is sought to convert the whole of existing bungalow to a non-residential independent school (Use Class: D1). The school is intended for children with autism. A total of 18 children would be educated at the site. Three main classrooms would be provided, two in the bungalow and a third in the home office. Other rooms within the bungalow would be used for kitchen/dining facilities, reception, multi-purpose rooms/individual study.

The school would operate 07:30- 17:00 Monday to Friday, with 8 full time staff and 2 part time employees. The school would include outdoor activities. The stables building would be used for cycle storage/ outdoor learning/sports.

The grassed garden area at the front and side of the bungalow would be removed and replaced with hardstanding to be used as a car parking area for a mini bus and general car / cycle/ motor bike parking with an electric charging point.

Green Belt

The new school would be in a rural environment within the Green Belt in the Bromsgrove District Plan, which is remote from settlements and towns where the majority of pupil and staff would reside.

Under paragraph 146 of the NPPF; the re-use of a building provided it is of permanent and substantial construction, engineering operations and the change of use of land can be considered as appropriate development provided it preserves openness and does not conflict with the purposes of including land within it.

The building is substantially constructed (occupied as a dwelling at present). However, given the extent of hard surface for the car park and the presence of parked cars in this area would appear as a visual incursion and have a harmful effect on the openness itself and encroach into the countryside contrary to the five purposes of the Green Belt as outlined in paragraph 134 of the NPPF. The development is therefore considered inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and is contrary to the provisions of the National Planning Policy Framework (NPPF) and BDP4 of the Bromsgrove District Plan.

The applicant has put forward the following arguments as their very special circumstances summarised as follows:-

- It has taken several months to identify a site which we consider suitable, viewing numerous properties including a disused school, a property previously used as a B&B and offices on a business park.

- The typical needs of prospective pupils have also been discussed with educational professionals/therapists/parents.
- It is widely accepted that spending time outdoors and interacting with nature can be beneficial for people who suffer with anxiety. Our search for a suitable location has been influenced by the need to ensure sufficient outdoor space for pupils, ideally with rural views and scope for accommodating a small and appropriate selection of animals. Lokrum benefits from a paddock, stabling, safe access to a quiet waterway and views across the surrounding countryside.
- Consider that the rural approach at the start of the school day will help to reduce pupils' anxiety and contribute towards them being able to access education.
- By the time a young person reaches the point of needing a specialist school, their experiences of education have often been very difficult. As a result, it is not unusual for young people to experience anxiety in connection with sites and situations which remind them of their previous schooling. Anxiety of this nature was very evident during our visit to a disused school and this was influential in our decision not to pursue that option.
- Young people with autism typically benefit from being in an environment which is as predictable as possible. We have found that the local business parks typically accommodate diverse commercial activity. There is insufficient scope on these sites for the extent of screening (for example, planting trees) which would be needed to prevent pupils being affected by unpredictable and intrusive vehicular or manufacturing noise. In addition, we have been unable to identify any commercial premises which could provide sufficient outdoor space or on-site opportunities for interacting with nature.
- A home-from-home environment is preferred option for this cohort of young people, and as such we have focussed on the residential market for sites with a rural outlook and outdoor space, good road access, space for parking and turning and sufficient interior accommodation for pupils to feel uncrowded.
- The site at Lokrum borders farmland on both sides and opposite, with a higher than average distance between Lokrum and its only neighbouring residential property. There is ample parking and an extensive in and out driveway. The outside space lends itself to small group activities including animal care, gardening and interacting with nature. The interior can accommodate the proposed low number of pupils without any overcrowding.
- The site is not served by public transport. We are very conscious of environmental issues and have sought to mitigate this lack by proposing a minibus service and staff car sharing.
- In the absence of a local specialist school, prospective pupils are currently being placed out of county, which inevitably involves significant travel and associated costs for the Local Authority. We are confident that our proposals would lead to an overall reduction in travel.

The applicant has also responded to the three dimensions of sustainable development referred to in Paragraph 7 of the NPPF summarised as follows:-

- We believe that the plans for Lokrum directly meet all three of these objectives and therefore should qualify under the NPPF for a presumption of planning approval. In respect of the environmental criterion, for example, we intend to keep traffic to a minimum by providing a school minibus service and supporting the use of shared LA taxis, which pupils with additional needs are offered as standard practice.

- Pupils will be dropped off at the rear of the property, where there is an extensive driveway, which will avoid any accumulation of traffic on Copyholt Lane. We intend to operate the site on a carbon neutral basis and to manage it in a way which both enhances local wildlife and provides new opportunities for local families to interact with nature.
- There are clear environmental gains compared to the LA's current practice of transporting pupils to out of County schools. While we appreciate that Lokrum is not on a bus route, the nature of our pupils is such that it is very unlikely they would be able to access public transport even if it were available.
- Local policy is to presume that schools will need one parking space per member of staff. Although our plans show that we will meet this requirement, we have reason to believe our staff will improve on the status quo by being willing to car share.
- The specialist nature of the proposed school is such that pupils and staff are unlikely to live within walking or cycling distance, regardless of the location. We have taken several months to identify an appropriate site, in consultation with affected families and educational and clinical professionals. We have not found any other suitable properties which both combine a rural outlook and provide greater choice of transport.

In response to the applicant's very special circumstances, and the applicant's sustainable development arguments, appropriate weight has been applied to the following factors referred to in Paragraph 7 of the NPPF:-

Economic

In terms of the economic benefits of the scheme it is acknowledged that the proposal will provide 10 jobs. In terms of the demand, there has been substantial support for the proposal. Officers do not dispute the demand for such a facility. However, the economic role within the NPPF requires the right type of development is located in the right places. Given the up to date District Plan has allocated land for the requirement of businesses; and in this instance it is considered that the business has no requirement to be wholly within this location, such a facility would in fact be better located within a more urban area or even a semi-rural area that has access to public transport links. Limited weight should be given to this matter.

Social

In terms of the social role; it is acknowledged that the business would create access to a required need for children. However, the purpose of the social role is to create accessible local services. The service is certainly welcomed in Bromsgrove, and is supported by way of public comments, some of which are local, although it is noted that a number of these comments have been received from residents who live a fair distance from the site such as Birmingham, Worcester, Evesham, Badsey, Stourbridge, Sutton Coldfield, Pershore, Solihull, and Malvern etc.

Furthermore the proposed use would only benefit a limited number of children and therefore is not a need for the community as a whole. The site is not accessible to the local community given its location and lack of transport options. Limited weight should be given to this matter.

Environmental

The concern in regards to the environmental impacts of this proposal relate to the rural location of the site which is to be afforded significant weight against the scheme. The lack of adequate footway provision and street lighting will deter journeys on foot particularly in times of darkness and adverse weather conditions. BDP2 of the District Plan outlines that proposals should be located in accordance with the Council's Settlement Hierarchy to ensure that development contributes to the regeneration properties of the area; preserves the attractiveness of the environment, reduces the need to travel and implications for the local and strategic road network and promotes sustainable communities based on services and facilities that are available in each settlement.

This site is located outside of any existing settlement and does not have good transport links to the surrounding settlements. County Highways has raised objections to the proposal. It is essential that all new developments are located where a choice of transport modes are available and opportunities to promote sustainable travel are exploited. In this location the school cannot be accessed on foot or by public transport, and the local road network does not lend itself to be a cycle route for students or teachers given the surrounding infrastructure and times of the year when schools operate.

County Highways considers that the location of this application makes it reliant on car access and consequently unsustainable. The proposal is therefore in conflict with the NPPF. In addition, the vehicular access has restricted visibility in both directions. The application does not provide any details of traffic generation, existing traffic flow or approach speeds, it is however self-evident that the visibility splay is very limited and would be contrary to the interests of Highway Safety.

The application is in principle unacceptable due to its rural location and consequently reliance on car based travel. It is not possible to mitigate for the limitations of this application and as such the application conflicts with paragraphs 91, 102, 103, 108, 109, 110, 111 of the NPPF. County Highway concludes that there would be an unacceptable impact on Highway Safety and its reliance on car access makes the scheme an unsustainable development, and recommends that this application is refused.

Members will be aware that there is a lot of interest in the application generating 135 letters of support. However, as you can appreciate the letters of support are not necessarily from residents in the locality. Some do come from residents who live in Bromsgrove, however, there are also support letters from residents who live in Birmingham, Worcester, Evesham, Badsey, Stourbridge, Sutton Coldfield, Pershore, Solihull, and Malvern etc. Due to the amount of letters submitted to support the application, it is appreciated that there may well be a need for such a facility (and officers do not dispute that matter). However, given the location of the writers who support the scheme, it is clear that the letters support the need for a facility but may not be personally familiar with the site and its environs.

It is important to consider the comments from the County Education Service who are aware of the need for such facilities and are looking into providing such facilities themselves. In addition, County Education as the LA has also clarified that they are unlikely to provide shared taxis or any transport for these pupils (see comments above). Therefore, there will be a reliance on personal transport.

Residential Amenity

The property is currently used as a dwelling with a home office and stable building at the rear. The number of car movements would be low for the current use. However, the proposed facility would lead to a general disturbance of vehicles coming and going to the site having a detrimental impact on the amenities of the neighbouring occupiers who have objected to the proposal. Members need to weigh up the impact of the scheme in terms of residential amenity above that generated by a domestic dwelling.

Conclusion

Whilst officers fully appreciate that there is a need for this facility for children in the Bromsgrove area, the application is considered to be inappropriate development within the Green Belt. Inappropriate development should not be approved except in very special circumstances. No very special circumstances exist or have been put forward to overcome the harm by reason of inappropriateness, the harm to openness and the other harm identified by reason of its unsustainable location that would be heavily reliant on private transport and as such the proposal would be contrary to policies in the Bromsgrove District Plan and the NPPF.

RECOMMENDATION: that permission be **REFUSED**

Reasons for Refusal

- 1) The extent of hard surface for the car park and the presence of parked cars to serve the development would appear as a visual incursion and have a harmful effect on the openness itself and encroach into the countryside contrary to the five purposes of the Green Belt as outlined in paragraph 134 of the NPPF. The development is therefore considered inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances exist or have been put forward that would outweigh the harm by reason of its inappropriateness and by reason of the harm to openness. As a result the proposal is contrary to Paragraph 146 of the National Planning Policy Framework (2019) and policy BDP4 of the Bromsgrove District Plan.
- 2) The development is situated outside any defined settlement boundary and isolated from key facilities. The proposal has poor access to public transport with no pedestrian footway. Pupils and staff would be likely to rely heavily on the private car for travel to and from the site. The development therefore does not constitute a sustainable form of development having regard to the three dimensions as outlined in paragraph 7 of the NPPF. It is therefore contrary to policies BDP1, BDP12, BDP15, BDP16, BDP22 of the Bromsgrove District Plan and paragraph 7 and 108-110 of the NPPF.

Case Officer: Sharron Williams Tel: 01527 534061 Ext 3372
Email: sharron.williams@bromsgroveandredditch.gov.uk

Applicant	Proposal	Plan Ref.
Mr Roman McAllindon	Proposed dwelling Rear 34 Lickey Square, Lickey, Birmingham B45 8HB	19/00477/FUL

Councillor King has requested his 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 – Objection on the following grounds

- Contrary to emerging Neighbourhood Plan which advises against back garden development
- The proposed amendments show slightly smaller development but lack of measurements on the proposed plans make this difficult to assess
- Access – highway safety problems
- Drainage in wet weather
- Risk of tree loss from root harm and tree shading and from creation of the necessary visibility splays
- They note and support residents' comments
- They would encourage the District Council to take the application its Planning Committee

Tree Officer – No objections, subject to conditions

1. All trees within the site or within influencing distance of any ground or development work in any adjoining land are given full protection in accordance BS5837:2012 recommendations throughout any ground or development work on the site.
2. The submission and approval of an arboriculture method statement and tree protection plan

Reasoning summary (~~based on amended plans and further information~~)

- The footprint of the drive entrance local to the Douglas Fir tree T903 is not to be altered and therefore there will be no increased pressure on this tree by this development
- The proposed site cross section ground level information has now confirmed that the installation of the drive will require ground levels to be slightly reduce outside of the BS5837:2012 recommended Root Protection Area of Beech tree T203 which will not adversely influence this tree. The reduction of ground levels would also reduce the potential conflict with outer canopy of the tree so no pruning of the tree should now be required
- Following further site meeting and on site evaluation of the shading potential of the trees on the revised scale of proposed property it is felt that the rear of

the property would not be subject to an excessive and unacceptable level of shading from the tree stock on the site

- Plans have now been submitted showing that all services which it is assumed also includes the foul and drainage services to the property will be installed in a line to the centre of the proposed access road to the new property.
- Due to the slope of the site from North to South there will be some cut and fill ground level adjustments required to achieve the level platform required to install the proposed property. Plans have been submitted confirming that the area of land to be affected by this process will not affect the RPAs of any of the protected trees within the site

Worcestershire County Highway Authority – No objections subject to conditions:

- No occupation until the vehicular access and visibility splays
 - No occupation until the first 5 metres of access road is surfaced in a bound material
 - Prior to the construction of the access a visibility splays shall be provided 43metres for a point 0.6 metres above ground level at the centre of the access and 2.4 metres back from the nearside carriageway edge
 - No occupation until the proposed dwelling has being fitted with an electric charging point which shall be retained for the lifetime of the development
 - No occupation until the provision of approved sheltered and secure parking
- The reasoning for the no objections include the fact that the site benefits for an extant outline planning permission granted on appeal for 5 dwellings (subject to reserved matters) which approved the details of the access junction, subject to conditions.

North Worcestershire Water Management – No objections

- The site falls within flood zone 1 – (low risk of fluvial flooding) and is not shown to be an area susceptible to surface water flooding
- No need for a storm water drainage condition for surface water flooding reasons because it is controlled under building regulations (H3)

Public Notifications

- 41 neighbour notifications sent 25/04/19 (expired 25/06/19)
- 42 neighbour notifications sent 19/05/19 following receipt of amended plans and supplementary documentation (expired 12/07/19)
- 23 letters of objection from 14 household representatives
- 2 letters of objection in support

Objection summary:

- The proposed development represents 'Garden grabbing' detrimental to the impact of the character and quality of the area and which conflicts with emerging Neighbourhood Plan Draft Policy BD3. Garden development should be resisted because of. loss of mature trees and substantial increases in density.
- This 'Garden grabbing' conflicts with Bromsgrove District Plan BDP19n) and the Government White Paper 'Fixing our Broken Housing Market'

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- It would be contrary to the Lickey and Blackwell Parish Village Design Statement which has a guideline advising against sub division of plots and ensuring new houses are broadly compatible with adjacent buildings in form, details and materials.
- This new proposed development is nothing like the original application for 5 detached houses and should be treated as a separate application
- Lack of information various matters including landscaping, storm and foul drainage, fencing, no dimensions on plans, the proposals profiles including increase in levels by retention of surplus material.
- Increase in traffic movements into and out of the site and vision splays being blocked by trees or fences and, in incapable of improvement due to lack of pavement and encroachment onto 3rd party land,
- Increased traffic movements on a narrow carriageway and pavements on busy congested road, particularly at school time and with difficult junctions at each end of Lickey Square will be unacceptably detrimental impact on highway safety.
- Not possible to comply with the requirements for a visibility splay for the proposed driveway without an unacceptable loss of tress within the necessary visibility splay.
- There are no proposed facilities for bin storage near the proposed access junction with Lickey Square
- There is little difference between previous application for a 3 storey dwelling - 18/01322/FUL and the current application for a large two storey dwelling and therefore the previous reasons for refusal ought to still apply
- The density height, mass, form and siting and potential loss of protected trees would still make it prominent in the street scene and result in an urban character which would not integrate or be in harmony with the verdant character of the locality.
- The amended design still leaves the potential for additional primary residential accommodation in the second storey roof space with overlooking to the houses beyond the tree and shrub line along the southern boundary. The proposed roof ought be designed to be smaller to preclude future loft conversions
- The applicant's photos of the intervening tree and shrub line are taken at ground level and do not illustrate the loss of privacy at first floor or second floor level.
- The proposed cut and fill to create a plateau for the dwelling involves creating a raised rear garden terrace and patio which would be a similar level to the eaves of no 17 and therefore would exacerbate privacy problems
- The photos of local residents taken in winter show that the tree and shrub line adjacent to the southern site boundary would provide little screening.
- The amended design is still a large two storey house and on elevated ground in relation to properties in The Badgers harming their outlook
- The separation distance between the new dwelling and the nearest properties in the Badgers ought to be 45 to 47 metres because of 6 – 8 metre height difference, to accord with the High Quality Design SPG, rather than the 37metres proposed

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- Risk of loss and damage to trees, from the construction of the proposed driveway many of which are mature and in good condition and protected by Tree Preservation Orders
- The District Council's tree officer reports which represent an independent appraisal ought to be preferred to the biased report from a paid third party. Whilst the Tree officer appears to have withdrawn his objections there is concern that there is little change between the initial scheme
- The tree shadow report shows how the rear of the proposed dwelling will be in shadow for much of the time which would inevitably cause pressure from future occupants to cut the trees back
- The proposed dwelling would still be in close proximity to mature deciduous trees and is likely to need artificial lighting rather than natural light during daytime. This is contrary to BDP policy 19m and NPPF paras.127a and f
- Impact on birds, bats, badgers and other wildlife
- No flood or drainage information submitted. Additional drainage run off due to the additional hard surfaces with the proposed soakaways The site already has drainage problems which is evident by the soil bank resting against the rear fence which has been washed down
- Increased noise and disturbance to peaceful rear gardens
- The previous outline application was the subject of strict conditions and this application is a fresh application not a reserved matters one
- Concern over the drip feeding of additional late information without neighbours being formally notified and given a reasonable time period to comment.
- Concern that the tree and highways officers have radically changed their views during the course of the application without apparent significant changes in the proposed development
- Concern of the validity of a visibility splay condition which would involve third party land at 4 Cleveland Drive, whose occupants have not been notified. If the condition cannot be enforced the visibility splay would be reduced to the 26 metres in front of no 36 Lickey Square which would be a danger to highway safety
- Risk that planning permission for an uncharacteristically large dwelling would set a precedent

Support Summary:

- The plans and documentation for this current application have addressed the concerns raised by the previous application notably the footprint is smaller
- The proposed dwelling would be integrated into the character of the area and would not unacceptably harm privacy due to the adjacent trees which it is proposed to be retained
- The proposed dwelling would accord with the character of other back land development in the locality.
- An additional dwelling would help achieve a steady supply of houses

Councillor J.E King

Views received 12 July 2019

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- I wish to call in to committee the second amended application for this site due to the inability of the amendment to satisfy myself as ward councillor and a number of local residents that the changes have made sufficient difference to the previous application.
- I acknowledge that the inclusion of measurements which were lacking is welcome but I am not convinced that they make any real difference to my previous objections.
- The new house towers above 17 The Badgers and will have a harmful impact on the residents there. A bungalow might have been more acceptable but the house is not.
- If you are minded to grant permission I request that it be called in please

Additional views received 24 July 2019

I have called in planning application 19/00477/FUL for the following reasons:

1. The size and design of the house is very different from the five smaller houses which gained planning permission on appeal. This is to all intents and purposes therefore a new application. The proposed new house is higher and larger and is not set at an angle, which would at least have mitigated the oppressive impact on the residents of 17 The Badgers and its neighbours.
2. There have been a sufficient number of objections to this new application to justify a call in.
3. As I stated in my comments in response to the application this is the first house of a number of potential houses on this multiple site and is therefore a 'test case'; it is very important that this decision is right because it will have a huge influence on 5 new ones which follow.
4. The oppressive impact on the residents of The Badgers (especially 16 and 17) cannot be denied. No 17 lies well below the height of the garden of 34 and the last minute addition of a patio to the application plans brings the large house even nearer to no 17, with a small back garden, which is used as a tranquil sitting area. The roof height proposed will be level with the first storey of no 17 and the design with gables is such that these could easily become windows to additional bedrooms. It should be noted that this kind of departure from the original plans has happened in previous developments by the agent.
5. There is some conflict re. trees on the site to the extent that the tree preservation officer very recently changed his recommendation for no apparent reason. TPO'd trees cannot legally be felled and this means that in summer the proposed house will be so well shaded that artificial light will be required and there will be a temptation to clear the trees away with resulting harm to the ecology of the area.
6. The County Highways Officer's very recent change from a recommendation of refusal due to the impossibility of providing a visibility splay which complies with current planning requirements to acceptance with no justification for that sudden change should be aired publicly at committee.
7. This application though for a single dwelling is complex and I believe it should be decided by committee and that those most involved ie developer, residents and councillors should be given the opportunity to present their cases in public.

Bromsgrove District Plan

- BDP1 Sustainable Development Principles
 - BDP2 Settlement Hierarchy
 - BDP3 Future Housing and Employment Development
 - BDP19 High Quality Design
 - BDP21 Natural Environment
 - BDP23 Water Management
 - BDP24 Green Infrastructure
-
- High Quality Design SPD
 - Lickey & Blackwell Village Design Statement SPG 9
 - Lickey & Blackwell and Cofton Hackett Neighbourhood Plan. Submitted and currently subject to Examination. Limited weight
-
- NPPF National Planning Policy Framework (2019)
 - NPPG National Planning Practice Guidance

Site Description

The application property is located within the defined settlement boundary of Lickey Hill area to the north western of Barnt Green. The site lies within a defined residential area and not in the Green Belt

The property fronting the application site is a relatively large two storey dwelling, of individual design facing the south side of the road. It is set within large back and front gardens containing many mature trees in both front and rear garden much of which are protected by Tree Preservation Orders (TPO's) This part of Lickey Square is fronted by other individually designed houses set within distinctive soft landscape dominated surroundings. The site falls steeply from front to back (north to south).

Adjacent to the rear (south) of the site is an end of a cul-de-sac of 'The Badgers' a more recent development of smaller two storey dwellings with relatively small gardens.

The dwelling fronts, an unclassified road, Lickey Square and benefits from a footpath and street lighting on the opposite side of the road and there are no parking restrictions in force in the vicinity. The site is located 340 metres from Lickey First and Middle School and approximately 140m from a bus route and a bus stop

Relevant Planning History

- 18/01322: 1 detached dwelling
Refused: 20 February 2019
- 16/0190: 5 detached dwellings on land to rear of no's 32, 34 and 36 Lickey Square. Refused 19th August 2016. Allowed at appeal, subject to conditions – 6th July 2017.

Proposed Development

It is proposed to construct a two storey dwelling which would be 9.8 metre high at ridge (excluding chimney), and 6 metres high at eaves and maximum of 14metres (excluding chimney stack) wide and a maximum of 18.7metres deep (including the rear 'orangery'). The front elevation would be articulated with a two storey gable (9.3 metres high) above the garage, a central doorway and a two storey bay window with gable above (9 metres high). The rear elevation would have matching gables and a flat roofed orangery. The main roof would have a 30 degree roof pitch and a ridge parallel to the road. The east side elevation would be 7.5 metres in from the side boundary with no. 32 Lickey Square, which is double the distance of application 18/01322/FUL.

The proposed development would also involve cutting and filling to create a plateau for the footprint of the dwelling with space for 5 cars in front and the disposal of surplus material and creation of a patio and patio level to the rear. The patio level would project the south from the proposed by 15.2 metres and fill material would be retained by a 1.2 metre high retaining wall.

ASSESSMENT

It is considered that there are four main issues:

- Whether it is good design and the effect on the character and appearance of the area
- Effect on Green infrastructure and particularly protected trees
- Effect on living conditions of the occupants of neighbouring dwellings and the future occupants of the proposed dwelling
- Effect on highway safety
- Other issues - Ecology, Drainage, Housing Land Supply and the weight attached to the Draft Lickey and Blackwell and Cofton Hackett Neighbourhood Plan

Issue 1: Design considerations and the effect on character and appearance of the area

The underlying character of the locality is one of relatively large houses individually designed, two storey dwellings of varying ages and styles facing the road and set within substantial and maturely landscaped, verdant plots. However, there are several examples of the provision of houses behind established frontage properties including 'The Badgers' a gated two armed cul-de-sac to the south of the site and Stretton Drive and Cleveland Drive both relatively short cul-de-sac to the east of the site. In general terms these comprise smaller detached houses on smaller plots.

The Lickey and Blackwell Village Design Statement (SPD) states that new housing should generally reflect the character, setting and style of housing in the immediate vicinity. Also, it states that note should be taken that the unifying character of residential area is the 'greenness' and that the tree and hedge guidelines should apply. These are focussed on the prevention of loss of trees and their replacement. However, guideline 6 states that sometimes houses are built too close to trees and in subsequent years residents have asked them to be felled. Therefore its states developers need to design sites to avoid possible problems in the future.

With regard to the issue of 'garden grabbing' and whether it is detrimental to the character and quality of the area and conflict with the Lickey and Blackwell and Cofton Hackett Neighbourhood plan, this plan currently has limited weight because it is still at the public examination stage. Moreover, the policy would not be a blanket ban but would rather require a judgement as to whether the impact would be unacceptable in terms of matters such as tree loss and density.

In this context, and taking account of the 2017 appeal decision, it is considered that a single dwelling in the rear garden served by a side access drive between no's 34 and 36 is potentially acceptable, in principle. It is considered the design acceptable and has limited impact on the street scene

The proposed timber framed design with brick walls and tiled roof would also assist in the integration of the dwelling with the character of the locality. However given that there are not annotations on the plan it is necessary to impose a materials condition.

In this context, the proposed development would deliver acceptable design in accordance with Bromsgrove Local Plan policy BDP19 being compliant with BDP 19n or BDP19.p, BDP19.n. It would also accord with the National Planning Policy Framework (NPPF), paragraph 127.c) and 130 the Bromsgrove High Quality Design SPD and the Lickey & Blackwell Village Design Statement SPG 9, and the High Quality Design SPD

Issue 2: Effect on Green Infrastructure and particularly TPO trees

The proposed access junction of the proposed driveway to the site would be in the same position as that of the previous appeal scheme and re-use the existing access. This was found by the appeal inspector to result in no greater impact on the Douglas Fir (T903) and the necessary removal of hedges to create a visibility splay would have minimal works within the root protection area of the Scots Pine (T902). Given that access was not a reserved matter this appeal decision has some weight in the determination of this application. However, outline planning permission was the subject of the approval of method of construction and surfacing materials in the root protection area.

The construction of the access drive through the side of the sloping garden would be not increase ground levels or encroach on the root protection area (RPA) of the semi mature Copper Beech tree (T203), as shown on the cross sectional plan.

The Tree Officer advises that the smaller footprint and more central positioning of the proposed dwelling would not cause a significant incursion into the RPA of surrounding trees. The Tree Officer has raised no objection to the scheme, subject to the imposition of suitable conditions. Nevertheless, in the context of the proximity of mature protected trees, it is considered it is necessary to remove permitted development rights for extensions and outbuildings.

Therefore, overall, it is concluded that the proposed development accords with BDP.19.p, and BDP24 'Green Infrastructure' in that it would maintain the connectivity and enhance the quality of Green Infrastructure of this locality. It also represents

acceptable design in terms of Lickey and Blackwell Village Design Statement SPD, guideline 6

Issue 3 Living conditions

The topography of the site dictates a greater separation distance between the new dwelling and 17 The Badgers to the south of the site. The proposed separation distance of 37.3 metres, at ground floor, and 40.3 metres at first floor level exceeds the 35 metres required by the Council's SPD for a conventional two storey facing dwelling. No. 16 and 18 The Badgers can be viewed at an angle from the proposed rear elevation and with intervening mature soft landscaping, there would not be a demonstrable impact on residential amenity for the occupiers of these dwellings. The new dwelling is comfortably able to achieve the published separation distances in relation to 32, 34 and 36 Lickey Square to the north. Whilst it is accepted the new dwelling would result in some overlooking of the lower parts of the steeply sloping rear gardens to 32 Lickey Square and 36 Lickey Square, these lower parts are not likely to be intensively used. Further, the suburban setting of the new dwelling means that overlooking to some degree is inevitable.

Third parties have raised the issue of the scope in the future to convert part of the attic to primary residential accommodation which has the potential for occupants to look out over the trees and shrubs adjoining the southern boundary. It is considered that these concerns can be satisfactorily ameliorated by the removal of permitted development rights for roof enlargements and alterations.

The existence of the TPO trees that partially screen this boundary combined with the existing evergreen cherry laurel hedge would enclose what would be a reasonable sized useable garden and would also assist in mitigating the effect of raised rear garden levels and the creation of a patio.

Members will note the Tree Officer has not objected to the design, which as the tree shadowing diagrams show would result in a partial, seasonal overshadowing of the proposed garden by boundary trees which enclose the proposed rear garden. Therefore, it can be concluded that the proposed design would not compromise of the existing protected trees and this should assist with long term privacy issues. Similarly, it is considered that the partial overshadowing of the proposed house and garden by trees would not result in unacceptable daylight and sunlight enjoyed by future occupants of the proposed dwelling

In conclusion, it is considered that any resultant development can be accommodated without unacceptably harming existing residential amenities and would accommodate an acceptable level of privacy and separation as detailed in the guidance within the High Quality SPD. Furthermore it is concluded that the proposed development would provide functional space with adequate daylight or sunlight for everyday needs and expectations of their homes in accordance with BDP19.m

Issue 4 Highway Safety

Members will note the site is part of the larger site which has the benefit of outline planning permission for 5 dwelling. The proposals utilise the same access

arrangements leading off Lickey Square as that approved as part of the appeal proposals. This is a material consideration in the determination of this application. Members will note Worcestershire Highways have raised no objection to the scheme, subject to conditions.

Therefore, overall it is concluded that the proposed development is acceptable in terms of highway safety

Other Issues

Ecology and protected species

There are no protected species concerns arising from the development

Flood Risk and Drainage

The Parish Council and some third parties have raise drainage concerns. However, North Worcestershire Water Management advises that the site is low risk of fluvial flooding and drainage can be dealt with under building regulations. Therefore it is considered that flood risk or drainage matters would not result in unacceptable harm

Contribution to housing land supply

Policy BDP3.3 requires that the Council maintain a 5 year land supply. Since the Council cannot currently demonstrate a 5 year supply of housing land within the District, the National Planning Policy Framework 2019 (NPPF) states that relevant policies for the supply of housing should not be considered up-to-date. The so called 'tilted balance' as advocated by the Framework is engaged and the presumption in favour of sustainable development, as set out in the framework applies. Where relevant polices are out of date, Paragraph 11 advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole, (or where specific polices in the Framework indicate development should be restricted).

In its favour, the scheme would be located in an existing built up area with reasonable accessibility to various modes of transport, services and facilities, and the general thrust of national policy seeks to boost housing provision. The proposal would be a windfall site and be a more efficient use of the land. It is accepted that the contribution of one dwelling to the supply and mix of housing in the area would be minimal but nonetheless it would make a meaningful contribution to the Council's housing figures. Members will also note that there will be opportunities for local businesses in the construction of the new dwelling, together with the spending of future occupiers.

Conclusion

The proposed development would not cause unacceptable harm in respect of the main issue: the character and quality of the locality, to TPO trees or the living conditions of existing and future occupants, and highway safety. Moreover, it is

acceptable in terms of the other issues - drainage, protected species the benefit in contributing to housing land supply. It would thereby comply with BDP19 and BDP24 of the Bromsgrove District Plan, Lickey and Blackwell Village Design Statement SPD, the High Quality Design SPD and the provisions of the NPPF.

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 permitted shall be carried out in accordance with the Approved Plans/ Drawings/ details listed in this notice:

- Site Location and land in applicant's ownership plan, Revised July 2019
- Amended Site Plan, scale 1:250, with tree protection areas and measures and separation distance information undated, but received on 11th July 2019
- Cross section scale 1:250 showing relationship between no. 34 Lickey Square, the application proposed dwelling and no. 17 The Badgers undated, but received on 11th July 2019
- Amended front elevation, scale 1:100, dated June 2019
- Amended rear elevation, scale 1:100, submitted June 2019
- Amended side elevations, scale 1:100 – side 1 and 2, both dated June 2019
- Amended ground floor and first floor plans, scale 1:100, submitted June 2019.
- E mail from agent dated 17th July 2019 stating materials for the proposed gables would be timber cladding and rendered panels between.
- Tree protection plan entitled 'Tree Protection and Exclusions 34 Lickey Square submitted by e-mail on 24th July 2019

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

3. All trees within the site or within influencing distance of any ground or development work in any adjoining land shall be given full protection in accordance BS5837:2012 recommendations throughout any ground or development work on the site

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

4. No development shall commence until a written Arboricultural Method Statement (AMS) is submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved document.

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

5. Prior to installation, full details of a scheme for foul and surface water drainage which shall be based on the alignment of the service trench shown on the 1:250 scale site plan submitted on 11th July 2019, shall be submitted to, and approved in writing, by, the Local Planning Authority. The details thus approved shall be fully implemented prior to first use or occupation of the development.

Reason:- To allow proper consideration of the proposed foul and surface water drainage systems and the juxtaposition to existing trees and to ensure that the development is provided with a satisfactory means of drainage and in accordance with National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A to F shall be carried out without the prior approval of the local planning authority to an application in that behalf.

Reason: To protect the living conditions of the occupants of adjacent properties, the future occupants of the proposed dwelling and the adjacent protected trees from root disturbance and additional pressure from future occupants to undertake tree works

7. Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs, shown on proposed elevation drawings, 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 and residential amenities of the area.

8. 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.

9. Prior to the construction of the vehicular access, a visibility splays shall be provided 43 metres either side of the proposed access from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway. Shrubs and

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trees or other vegetation and structures or erections within this visibility splay shall reduce and/ or prevented from being over 0.6 metres in height,

Reason: In the interests of highway safety.

10. The Development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging point shall be retained for the lifetime of the development unless it is required to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To encourage sustainable travel and healthy communities.

11. 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

12. The development hereby approved shall not be first occupied until a refuse and bin collection facilities shall be constructed in accordance with details first submitted to and approved, in writing, by the Local Planning Authority.

Reason To ensure an appropriate bin collection area is installed in the interest of visual amenity and highway safety.

Case officer – David Edmonds. David.Edmonds@bromsgroveandredditch.gov.uk

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Access Homes LLP c/o Agent	New build scheme two detached dwellings.	07.06.2019	19/00501/FUL
Cross & Craig Associates	Site Adjacent To 73 Linthurst Newtown, Blackwell, Bromsgrove, Worcestershire, B60 1BS		

RECOMMENDATION: That subject to:

- (a) The receipt of satisfactory amended plans relating to the design and scale of the development;
- (b) The satisfactory views of the Conservation Officer

Planning permission be Granted

Consultations

Lickey And Blackwell Parish Council Consulted 20.05.2019

Objection:

- The land concerned is currently Green Belt
- Harm to RSPB amber and red bird species
- It is a site with many TPO trees that would be at risk from any development
- Would require access onto a dangerous site on the road where visibility is restricted by parked cars and a bend.
- The two large properties proposed do not meet our housing needs
- The dwelling are of virtually identical design, not in keeping with our emerging neighbourhood plan policy H2 on housing mix and BD2 encouraging high quality design

Highways - Bromsgrove Consulted 20.05.2019

No objection subject to Conditions relating to:

- Pedestrian & Vehicular Visibility Splays
- Provision of two off road car parking spaces per dwelling in accordance with Highways Design Guidance
- Provision of cycle parking
- Provision of electric vehicle charging points

Arboricultural Officer Consulted 20.05.2019

No objection subject to Conditions relating to:

- Root Protection Areas of trees and hedges on or adjacent to the application site
- Driveway to be installed by use of a suitable grade of No Dig construction to protect the Lawsons Cypress Tree

North Worcestershire Water Management Consulted 20.05.2019

No objection

Conservation Officer Consulted 20.05.2019

- The application site forms part of the original plot to No. 73 Linthurst Newtown and is located to the immediate south-west of the main house and stable buildings. Whilst neither No 73 or No 67 Linthurst Newtown are designated heritage assets and do not fall within a conservation area, I would consider both No 73. Linthurst Newtown and No 67 Linthurst Newtown to be non-designated heritage assets; therefore the application site falls within the setting of two non-designated heritage asset.
- Whilst I have no objections to the principle of small-scale development on this site, the proposed dwellings fail to sustain and enhance the settings' of 67 Linthurst Newtown and 73 Linthurst Newtown, which are both considered to be non-designated heritage assets. The proposed overall individual width of the 2no new dwellings would be larger than that of both No.67 & No.73, and therefore would not be acceptable as this would fail to sustain their significance by dominating the street scene. I would therefore suggest that the garages are removed to reduce the overall width and maintain the small cottage design of the proposed new dwellings. This would also help to retain the openness around 73 Linthurst Newtown by increasing the distance between the former stable building and the proposed dwelling on Plot B. The proposed 3 storeys are also out of character with the neighbouring non-designated heritage assets and the wider streetscene, I would therefore suggest that the height is reduced and that the rooflights are omitted.
- I acknowledge the architect has taken some design cues from the surrounding area such as the brick arches, covered bay to the front elevation, and brick chimneys, however it is considered that these are minimal. I would suggest that the proposed chimneys are relocated so that they are central within the gable, the pitch of the porch to plot B is reduced and that the rooflights to the front elevation are removed. The predominant roofing material is slate and this should therefore be replicated on the proposed new dwellings. An alternative option to address the design issues and to ensure a differentiation between the proposed dwellings under this application and that approved under 18/00396/FUL, could be to have a single pile depth front range with a cross-gabled rear extension. The composition of the proposed hardstanding is unclear at this stage, whilst it would be useful to have at this stage I would be happy for this to be conditioned - tarmac hardstanding would not be acceptable.
- Should you be minded to grant permission for this application I would suggest that all proposed materials are conditioned including brick bond, brick type, roof covering etc; that the number of storeys reduced from 3 to 2; the garages are to be removed or made integral; amend the proposed fenestration to ensure differentiation between the 2 dwellings and the earlier approved scheme (18/00396/FUL); and ensure the overall design is amended to reflect the local character and appearance.

Publicity

- 16 Neighbour notification letters were sent out on 20/05/2019 (expiry date 13.06.2019)
- A site notice was posted on 21.05.2019 (expiry date 14/06/2019)

Eight Objections were received. In summary the concerns and issues raised in relation to the proposal are:

- Concerns over the loss of Green Belt land and that this is part of an incremental creeping bid to chip away at a large piece of Green Belt land.
- Highway safety issues as the site is located on an unsafe bend in the road.
- The proposed development will contribute to on street parking problems and increase accidents along this stretch of narrow road.

- Loss of natural habitat and trees
- Loss of green space will put unprotected species of wildlife at risk
- Three storey houses are not in keeping with the character of the village
- Lack of infrastructure to support the additional dwellings: the village school and local GP practice are already overwhelmed.
- Flood risk will be heightened by additional buildings and there are drainage issues on the bend in the road
- The loss of the trees which act as a screen to reduce noise and filter pollution from the nearby motorway
- Village atmosphere should be nurtured
- Cumulative impacts of small & incremental developments and the disruption to local residents and businesses.

Relevant Planning History

18/01540/CUPRIO	Change of use from two storey coach house, used as offices. Located within the domestic curtilage of No.73 Linthurst Newtown	Granted	05.02.2019
18/00396/FUL	Two detached dwellings	Granted	14.08.2018
B/15652/1987	Erection of 4 detached dwellings. Appeal dismissed 03.02.1989	Refused	05.02.2019

Relevant Policies:

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP3 Future Housing and Employment Growth
BDP4 Green Belt
BDP19 High Quality Design
BDP20 Managing the Historic Environment
BDP21 Natural Environment

Others

NPPF National Planning Policy Framework (2019)
High Quality Design SPD
Lickey and Blackwell and Cofton Hackett Neighbourhood Plan

Site:

The application site is located on land between No's 67 and 73 Linthurst Newtown. The site falls within the Green Belt, just outside of the settlement boundary, opposite the residential area. The site is currently a grass field which is well screened by a mature tree belt with the carriageway of Linthurst Newtown. These trees are protected under Bromsgrove District Tree Preservation Order (11) 2017 as Group (1) and T5.

Proposal:

The proposed development is for the construction of two dwellings. The development comprises of two detached three storey properties with three bedrooms, garages and associated parking. The proposed access for the dwellings will be sited from Linthurst Road and the dwellings would be sited in a linear form continuing the existing street scene.

Assessment of Proposal:

Housing Land Supply:

The Council can currently demonstrate a Housing Land Supply of 4.02 years, therefore it is acknowledged that it cannot demonstrate a five year Housing Land Supply in accordance with Paragraph 73 of the NPPF. Paragraph 11(d) of the NPPF is therefore engaged, which specifies that where the policies which are most important for determining the application are out of date (in this case Policies BDP.2 & BDP.3 are relevant), permission shall be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

It is considered that the relevant factors on which this decision turns are:

- Whether NPPF Green Belt policy indicates that development should be restricted?
- Whether or not the proposal represents a sustainable form of development?

Conformity with Green Belt policy is subsequently assessed below under Policy GB.4 and the Principle of Infill Development. In summary, the proposal is not considered to be an inappropriate form of development in the Green Belt due to its compliance with Paragraph 145(e) of the NPPF.

With regard to whether or not the proposal represents a sustainable form of development, Paragraph 79 of the NPPF seeks to avoid the creation of isolated homes in the countryside. Blackwell is identified as a small settlement in Policy BDP.2. The application site is located immediately adjacent to the settlement boundary of Blackwell and therefore is well located with regard to access to local services, including Blackwell First School, convenience store and social club. There is also a bus stop in very close proximity to the site.

In summary, the location and accessibility of the site is therefore considered to be reasonably sustainable in relation to its proximity to services and the nature of the route to them.

Policy BDP.4 (Green Belt) and the Principle of Infill Development:

The site sits just outside of the defined Blackwell village envelope on Green Belt land between the motorway and the settlement boundary. Blackwell is a small settlement as

defined in BDP2 of the District Plan. Furthermore, the majority of Blackwell including the properties on the other side of the road is designated for residential uses on the BDP Policies Map.

The National Planning Policy Framework (Paragraph 145) states that the construction of new buildings, other than in connection with a small number of exceptions, should be regarded as inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions identified is limited infilling in villages. Policy BDP.4 of the Development Plan sets out the exceptions to inappropriate development, one of which is infilling in settlements.

The term 'limited infilling' is not defined, however it normally comprises of the development of a modest size gap in an otherwise substantially built-up frontage which is broadly linear in formation. In this instance, the existing site is a break within a ribbon of development along both sides of Linthurst Newtown.

The linear form of development will create 2 dwellings which bridge this gap in the street scene between numbers 67 and 73 Linthurst, Newtown. Given the small scale of the proposed development, this is considered to be limited. The site is located opposite the Blackwell Club and close to the local convenience store and therefore is considered to be both physically and functionally linked to the settlement.

It is therefore considered that the proposed development would constitute 'limited infilling' and would thus represent appropriate development in the Green Belt within the context of Green Belt policy.

Heritage & Design Issues:

The application site forms part of the original plot to No. 73 Linthurst Newtown. Whilst neither No 73 or No 67 Linthurst Newtown are designated heritage assets and do not fall within a conservation area, both No 73. Linthurst Newtown and No 67 Linthurst Newtown are considered to be non-designated heritage assets; therefore the application site falls within the setting of two non-designated heritage assets and is subject to the provisions of Policy BDP.20 (Managing the Historic Environment).

Following concerns raised by the Conservation Officer, the applicant has agreed to revise the scheme by amending the design of both plots. This revision has included the removal of the garages to reduce plot width, the reduction of the roof pitch on the porch of Plot B; the removal of the roof lights and the re-centering of the chimneys to reflect local building types. Subject to the receipt of satisfactory plans and the satisfactory views of the Conservation Officer, it is considered that the proposals accord with the provisions of Policy BDP.20 and the Bromsgrove High Quality Design Supplementary Planning Document. I will update Members at your Committee on this issue.

BDP7 states that proposals should focus on 2-3 bed properties. The two proposed dwellings are shown to be 3 bedrooms and are therefore considered to be compliant with this policy.

Natural Environment:

Residents have raised concerns in respect of natural habitats and impact on ecology on site. The Wildlife and Countryside Act 1981 (WCA) protects a number of species and their habitats in England, Scotland and Wales. The LPA are required to have details on the likely impact to protected species on site to make a planning decision. In this instance a Preliminary Ecology Appraisal has been submitted by a qualified ecologist. The report submitted has not identified any protected species on site however has outlined various mitigation measures to ensure the developer does not commit an offence to any possible protected species. These measures can be conditioned as part of the application. In order to provide a net gain in biodiversity, it is also considered necessary to condition the requirement for bat boxes on the development. Should during the construction process any protected species be identified which have not been found on the survey, all works will be required to cease whilst the correct license is obtained from Natural England.

The site is currently well screened from the road by a mature group of trees which are protected under TPO (11) 2017. The most easterly standing tree being a Lawsons Cypress. The Arboricultural Officer has raised no objection to the scheme, subject to the imposition of suitable conditions. This includes tree protection measures arising from works to the proposed access driveway.

The footprint of the proposed dwellings would not directly impact with any other trees or hedge lines on the site. However it is necessary to ensure that due to their amenity value all trees that are subject to TPO (11) 2017 are adequately protected in accordance with Policy BDP.21 (Natural Environment).

I find the proposed siting of the dwellings acceptable subject to protection measures throughout construction and conformation on the method of construction of the driveway access.

Highways & Accessibility:

The application site is located in a sustainable location with a bus stop in very close proximity to the site. There is also a footpath on the opposite side of the street and a speed limit of 30mph.

Third parties have raised a number of concerns in relation to highway safety and the location of the proposed development on a dangerous bend. However, the proposal has been thoroughly assessed by WCC Highways who have concluded that there would not be an unacceptable impact arising from the development subject to a number of conditions.

The layout provides 2 car parking spaces for each dwelling which is acceptable and in accordance newly adopted Streetscape Design Guide. There is space for the vehicles to turn and leave the site in forward gear. The provision of the off street car parking spaces will help to ensure that vehicles do not contribute to on street parking in the adjacent road.

Conditions are required to ensure that the recommended pedestrian and vehicular visibility splays are retained to ensure highway safety.

Residential Amenities:

The dwellings along this part of the street are sited close to the road however the proposed properties benefit from being set back within the plots. The separation distance achieved between these properties exceeds that outlined in the High Quality Design SPD. Therefore the proposed dwellings would not cause demonstrable harm to the amenity of this dwelling. Given the location of the proposed dwellings and their relationship with the neighbouring properties, within a large plot no concerns are raised in respect of loss of light, overbearance or overlooking to the neighbouring properties.

Lickey, Blackwell & Cofton Hackett Neighbourhood Plan:

The Lickey & Blackwell & Cofton Hackett Neighbourhood Plan was submitted in autumn 2018 and is currently subject to independent examination. Paragraph 007 Ref ID: 41-007-20190509 of National Planning Practice Guidance provides guidance on the weight that should be attributed to emerging neighbourhood plans when determining planning applications. Factors to consider include the stage of preparation and the extent to which there are unresolved objections to relevant policies. Section 70(2) of the TCPA (1990) as amended provides that the Local Planning Authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application.

Due to the stage in the preparation of the Plan and the fact that it is still subject to examination, has unresolved objections, the examiner has yet to issue their report and it would require a referendum, I find that it can only be attributed limited weight in the determination of this application in accordance with national guidance.

Other Matters:

A number of objections have been received from the neighbouring properties and the Parish Council include a wide range of issues on the impact on the Green Belt, design, highways and flooding. These have been addressed in this report. Issues have also been raised on the pressure for future development in the locality and impact on the local services such as schools and GPs. Each application is assessed on its individual merits and therefore this approval will not set a precedent locally. Furthermore the addition of two properties in the village is not considered significant to overwhelm the existing services.

The application site is located within flood zone 1 (low risk of modelled watercourse and tidal flooding). Although current models show the risk of flooding to be low, there is some historic data for flooding near to the site. The drainage engineer has therefore requested a condition in respect of finished floor levels within the development.

Conclusion:

The proposal for two dwellings is considered to constitute limited infill in the settlement of Blackwell and therefore accords with one of the exceptions to inappropriate development in the Green Belt listed at Paragraph 145 of the NPPF and BDP.4.

The applicant has agreed to revise the design of the house types in order to address the concerns raised by the Conservation Officer relating to the potential adverse impacts on the adjacent undesignated heritage assets and to reflect local building character.

For the reasons set out in this report, it is considered that the proposal does accord with the provisions set out in relevant national and local planning policy.

RECOMMENDATION: That subject to:

- (a) The receipt of satisfactory amended plans relating to the design and scale of the development;
- (b) The satisfactory views of the Conservation Officer

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:

- 5537/10 (1:100) Planning Scheme Plot A
- 5537/11 (1:100) Planning Scheme Plot B
- 5537/12 (1:200) Site Layout
- 17095-08 (Visibility Splays)
- Preliminary Ecological Appraisal of land at side & rear of 73 Linthurst Newtown (20/06/2017)

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 all materials to be used externally on the walls, windows, doors 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 proposed works shall be carried out in accordance with the recommendations as set out in the Preliminary Ecological Appraisal by Cotswold Wildlife Surveys dated 20th June 2017. In addition, to provide a net gain in biodiversity two schwegler bat boxes or equivalent shall be placed in each plot of the development

on site in suitable locations at least 3 metres above ground level facing to the south or east and kept thereafter in perpetuity.

REASON: To ensure that the proposal results in a net gain of biodiversity.

- 5) No site clearance shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed boundary treatment and other means of enclosure, hard surfacing materials, new planting, trees and shrubs to be retained, together with measures to be taken for their protection while building works are in progress. If within five years of the development being finished, any of the soft landscaping is removed, seriously damaged, diseased or dies, they shall be replaced in the next planting season with others of a similar size or species any change to size or species will need to be agreed with the Council.

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

6. All retained trees and their Root Protection Areas must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. No storage of plant/materials within the Root Protection Areas of any retained trees. This fencing and /or ground protection shall be constructed in accordance with the guidance in the British Standard BS5837:2012 and shall remain as erected until the development has been completed.

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

7. No works of any kind shall be permitted within or through the Root Protection Areas of trees or hedges on and adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of concrete mixing plants or fuel tanks.

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

8. Any excavations within the root protection areas must be carried out by hand and in accordance with BS5837:2012.

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

9. Any section of the drive that falls within the BS5837:2012 recommended Root Protection Area of the Lawsons Cypress standing closely adjacent to the Western side of the existing site access should be installed by use of a suitable grade of No Dig construction largely over the existing ground levels.

REASON: In order to protect the tree which forms an important part of the amenity of the site.

10. Prior to the installation of the utility services a plan showing the intended routing of any ground installed utility services shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: To ensure the existing trees on site are sufficiently protected

11. The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

REASON: In the interests of highway safety and in accordance with National Planning Policy Framework.

12. The Development hereby approved shall not be occupied until the proposed access gates have been set back 5 metres from the adjoining carriageway edge, and made to open inwards only.

REASON: In the interests of highway safety.

13. 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.

14. The development hereby permitted shall not be occupied until an electric vehicle charging point to serve each dwelling has been installed and once provided it shall be retained and maintained as such at all times.

REASON: To support sustainable communities.

15. Prior to the commencement of development, details of cycle parking provision shall be submitted to and agreed in writing by the Local Planning Authority. The details agreed shall be implemented on site prior to the occupation and use of the building hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of sustainability

16. Development shall not begin until visibility splays are provided from a point 0.6m above carriageway level at the centre of the 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

Plan reference

on the triangular area of land so formed which would obstruct the visibility described above.

REASON: In the interests of highway safety.

Case Officer: Rebecca Brown Tel: 01527 881337
Email: rebecca.brown@bromsgroveandredditch.gov.uk

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Agenda Item 9

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Sheppard	Single storey rear extension 7 Station Drive, Hagley, Stourbridge, Worcestershire, DY9 0NX	07.08.2019	19/00604/FUL

The application is to be considered at Planning Committee rather than being determined under delegated powers because the applicant is a member of staff at the Council.

RECOMMENDATION: That planning permission be granted.

Consultations

Hagley Parish Council

No objection.

Conservation Officer

No objection.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP19 High Quality Design
BDP20 Managing the Historic Environment

Others

NPPF National Planning Policy Framework (2019)
Bromsgrove High Quality Design Supplementary Planning Document

Relevant Planning History

B/8840/1981	Erection of side garage and extension to hall.	Approved	01.06.1981
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Assessment of Proposal

The application dwelling is located within the residential area and therefore Policy is supportive of residential development so long as it respects the character and appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development. In addition the application site is located within the Hagley Conservation Area and therefore the proposal must preserve or enhance the historic significance of the area.

No 7 Station Road is a large semi-detached house dating from the mid-19th century and together with No 5 are two of the oldest properties in the Conservation Area. Together

with the Station and Grade II Listed footbridge, No5 & No 7 Station Road form the focal point of the Conservation Area. The Hagley Conservation Area Character Appraisal (June 2014) describes the conservation area's special interest as 'Victorian/Edwardian character, set within a landscaped setting with the historic station at the West End'. The applicant is proposing to construct a single storey rear extension with lantern roof light, block the existing side entrance door with brick to match the existing, replace the existing flat roof to the garage with a pitched roof and install 6no new conservation rooflights to the side and rear.

The simple design of the proposed extension would not compete with the host building and would represent as a subservient addition. The proposed alterations to the existing garage roof are supported as this would create a more sympathetic garage that would sit better within the existing street scene, thus positively impacting the Conservation Area and is therefore considered acceptable. The proposed 6no conservation rooflights have been located discretely and would therefore also be acceptable. Members will note the Conservation Officer has raised no objection to the scheme.

Given the orientation, boundary treatments and space achieved with the neighbouring properties no concerns are raised on neighbour amenity in respect of overlooking, overbearing impact or loss of light.

No objections have been received from any other consultees or third parties in respect of this application and it is not considered to raise any other planning considerations.

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, details and drawings:

3833-02B Proposed Plans
Velux Conservation Roof Lights
Roof and Tiles as seen by Conservation Officer on site and photographed

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

Informatives

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.

Plan reference

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

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Kim Williams	Erection of factory extension with 2 storey office block (B1, B2 or B8 use). 23 Aston Road, Bromsgrove, Worcestershire, B60 3EX,	05.09.2019	19/00624/FUL

This application is being reported to members because it is a major planning application.

RECOMMENDATION: That planning permission be Granted.

Consultations

Highways - Bromsgrove Consulted 06.06.2019

Worcestershire County Council acting in its role as the Highway Authority has raised no objection to the proposal subject to conditions relating too: the provision of electric vehicle charging points, Accessible Parking Provision, Cycle parking provision, conformity with details and Travel Information Pack.

Worcestershire Regulatory Services - Contaminated Land Consulted 06.06.2019

The history of the site suggests that contamination issues may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and is in accordance with the National Planning Policy Framework, pre commencement site investigation conditions are recommended for inclusion on any permission granted.

Worcester Regulatory Services- Noise Consulted 06.06.2019

No objection.

North Worcestershire Water Management Consulted 06.06.2019

The site falls within flood zone 1 and is not shown to be susceptible to surface water flooding. As far as I am aware the site is currently 100% impermeable, however with all major applications there is an assumption in favour of sustainable drainage and a reduction in the rate and volume of runoff from the site. As such, I would welcome the inclusion of measures to meet these targets where possible, as it is important that there is no increase in runoff from the site as a result of the development.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP13 New Employment Development
BDP14 Designated Employment
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP23 Water Management

Others

Bromsgrove High Quality Design SPD
NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance

Relevant Planning History

15/0878	Erection of factory extension with 2 storey office block B1, B2 or B8 use	Granted	08.12.2015
08/0867	Extension of existing industrial unit to provide additional single storey factory/storage area and two storey offices.	Granted	03.12.2008
08/1079	Application for the discharge of conditions 2 to 9 of planning approval 08/0867 (Extension of existing industrial unit to provide additional single storey factory/storage area and two storey offices).	Granted	27.03.2009
B/2004/0918	Extension to workshops and offices.	Granted	14.09.2004
B/6594/1979	Change of use from warehouse Class X to industrial Class IV	Granted	10.09.1979

Assessment of Proposal

This application is the resubmission of a previously approved development that was granted in 2015 under planning application reference: 15/0878. The permission granted subject to conditions in December 2015 has now expired.

The site is situated adjacent to the existing All4One factory which is used for light industrial steel fabrication. The application proposes to erect an extension to the west of the existing premises to be used for heavier industrial steel fabrication and offices.

The factory extension would measure 38 metres in length and 31 metres in width, with the overall height being approximately 10 metres and the eaves height being approximately 8.6 metres.

A proposed two storey office development is proposed to be attached to the western side of the proposed factory extension, near to the entrance of the site. This would measure 9.6 metres in length, 6.9 metres in width and 6.75 metres to ridge.

The factory extension would be finished in silver profiled sheeting with blue flashings (walls) under a shallow pitch roof constructed from light grey profiled steel sheeting. The

offices would be constructed from facing brickwork (walls) under the same roof materials as used in the proposed factory extension.

An existing access located off George Road would serve the development together with a total of 16 new car parking spaces.

The application indicates that the site is currently vacant, however it is currently being used for car storage and scrappage. I have however been informed that this use of the site is due to cease at the end of July.

Use and Principle of the development

The site is allocated for employment purposes within the Bromsgrove District Plan adopted 2017. The development is proposed to be used for business purposes falling within use classes B1, B2 and B8, which are considered to be employment uses. As such it is considered that the principle of the development is acceptable.

It is also noted that the proposals would contribute to the commercial development of the area, assisting in job creation and economic development in accordance with the principles of the National Planning Policy Framework (NPPF).

Character and appearance

The design and appearance of the proposed factory and office extension would conform with the design of the surrounding built form including that of the existing factory premises.

Amenity

Given the change in levels and the overall separation distances between the site and the adjacent office development to the north of the site, it is not considered that the proposal would have an adverse impact on the amenity of the existing occupiers of the office building.

Highways

Worcestershire County Council Highways have commented on this application setting out that the proposed development has the benefit of an existing vehicular and pedestrian access with good visibility in both directions. They also set out that the site is situated near to bus stops which are accessible from the site via lit footpaths. The proposal does also include the provision of 16 on site car parking spaces.

Overall Highways have raised no objection to the proposal subject to certain conditions relating to vehicular and cycle parking provision and layout.

Highways did also request for a condition to be imposed relating to a travel information pack. However given that this application is for an extension to an existing business, this is not considered to be necessary.

Drainage

North Worcestershire Water management have confirmed that the site falls within flood zone 1 and is not shown to be susceptible to surface water flooding. As far as they are aware the site is currently 100% impermeable, however with all major applications there is an assumption in favour of sustainable drainage and a reduction in the rate and volume

of runoff from the site. As such, they would welcome the inclusion of measures to meet these targets where possible, as it is important that there is no increase in runoff from the site as a result of the development. To control this surface water drainage condition could do be attached to any permission that is granted.

Contamination

Worcestershire Regulatory Services have reviewed the proposal and set out in their comments that the site historically forms part of Garringtons factory and is on or very close to areas which were subject to landfilling. As such they have recommended that a condition be attached to any permission that is granted in relation to land contamination site investigations.

Noise

The application site appears to be an established industrial site remote from any residential receptors. Furthermore the application does not appear to be proposing any external plant / equipment. Worcestershire Regulatory Services did initially raise concern over the potential noise breakout from the factory extension, therefore asked the applicant to submit a noise statement estimating the likely noise breakout from the proposed extension for comment.

The applicant submitted information relating to the industrial processes to be used within the unit and the potential noise this could give rise to, which does not include: grinding, turret punching or milling machines. The applicant also confirmed that the roller shutter doors would be kept closed. Following this information, Worcestershire regulatory Services confirmed that they have no objection to this application in relation to noise.

Conclusion

The proposal is considered to accord with the relevant development plan policies and therefore be acceptable.

RECOMMENDATION: That planning permission be granted subject to conditions.

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:

Drawing No. 15:27:02 Proposals

Drawing No. 19:16:03 Site Plan and Elevations

Drawing No. 19:16:04 Site Plan and Elevations

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

3. All new external walls and roofs of the proposed factory extension shall be finished in materials to match in colour, form and texture those on the existing factory building.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area and in accordance with Policies in the Local Plan.

4. Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs of the office extension 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. Other than that required to be carried out as part of an approved scheme of remediation, no development hereby approved shall commence until conditions 1 to 6 have been complied with:

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
4. Where identified as necessary a detailed remediation scheme to bring the site to a

condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

5. 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.

6. 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.

7. 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.

Pre-commencement conditions for contaminated land risk assessment are considered necessary for the following reasons:

- There is potential for contamination to exist on the site. The degree and extent of contamination is currently unknown. More information relating to ground conditions is required to determine whether or not remediation will be required (prior to any construction work commencing).

6. Prior to the installation or construction of the development hereby approved, details of a scheme for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented prior to first beneficial use or occupation of the development.

Reason: In order to secure satisfactory drainage for the site.

7. The Development hereby approved shall not be first used until 2 electric vehicle charging spaces have been provided within the site.

Reason: To encourage sustainable travel and healthy communities.

8. The Development hereby approved shall not be first used until 1 accessible car parking spaces has been provided within the site.

Reason: To provide safe and suitable access for all.

9. The Development hereby permitted shall not be first used until 5 sheltered and secure cycle parking have been provided within the curtilage of the site. These facilities shall thereafter be retained for the parking of cycles only.

Reason: In the interests of sustainability and to comply with the Councils parking standards.

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Andy Dane	Extend existing dropped kerb by 3m along the front of property in order to allow wider driveway access 385 Stourbridge Road, Catshill, Bromsgrove, Worcestershire, B61 9LG	27.07.2019	19/00713/FUL

Councillor Webb has requested that the application be considered by Planning Committee rather than being determined under delegated powers.

RECOMMENDATION: That planning permission be **Refused**

Consultations

Highways - Bromsgrove Consulted 25.06.2019

The Highway Authority is unable to support this planning application to extend the existing dropped kerb by 3m along the front of the property due to the issues which would be created for highway users and therefore recommends that the application is **refused**.

It is noted the applicant has highlighted only the location of the extended drop kerb with a red line and the whole site including the proposed and existing drop kerb within the blue line.

The applicant has indicated the location of the drop kerb extension on the highway, however they have failed to provide the reasoning for this extension i.e. location of any extended parking area. Any new parking area being provided must be made to enable a vehicle to enter and exit the parking area in a forward gear on to roads with high levels of vehicle flow. I would consider and it is noted that the Stourbridge Road has high levels of traffic flow.

The proposal put forward by the applicant during a site visit would require the vehicle to drive onto the footpath and then reverse into the parking space being created which would be unacceptable for highway and pedestrian safety reasons.

Having considered the applicants reasoning, the highway authority do not find this to be a compelling case for additional access widening. It is noted the applicant could provide spaces off the existing drive with some earth works being removed to achieve a similar outcome. There is no reason for the applicant to have to provide this level of access and future proofing is not a robust argument when the issues highlighted above could be resolved by providing a car parking space off the existing drive.

The application fails to demonstrate that the extent of widening is necessary to facilitate access and the consequences of this will result in an unacceptable impact on the highway network which would be contrary to Paragraphs 108 and 110 of the National Planning Policy Framework (NPPF) and the provisions of the adopted Worcestershire County Council Streetscape Design Guide.

Catshill and North Marlbrook Parish Council Consulted 21.06.2019
The Parish Council support the application

Publicity

4 letters sent 21 June 2019, expired 15 July 2019. No response received

Councillor Shirley Webb

Supports the application and considers the proposals to be acceptable in planning terms

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP16 Sustainable Transport

Others

NPPF National Planning Policy Framework (2019)

Relevant Planning History

None

Assessment of Proposal

Schedule 2, Part 2, Class B (*means of access to a highway*) of the General Permitted Development Order allows for the formation, laying out and construction of a new or widened means of access to a highway which is not a trunk road or classified road, where that access is required in connection with development permitted by any Class within Schedule 2 (other than by Part 2, Class A – erection of gates, fences and walls). Such permitted development would include (for example) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse, under Schedule 2, Part 1, Class F.

In this case however, the applicant proposes to create a means of access on to the Stourbridge Road which is a 'B' Class, classified road (B4091), triggering the need for a planning application to be submitted.

The reasons given for the submission of the application are as summarised below:

The applicant has a single garage which accommodates a vehicle which is mostly garaged and used only infrequently. In front of the garage is a private drive which can accommodate two cars in a tandem arrangement (one immediately behind another).

The two cars which are parked in 'tandem' are both used on a daily basis and the applicant considers this to be an inconvenient arrangement. They also comment that their two children will be learning to drive in the future and are anticipating that further vehicles would have to be accommodated on the public highway rather than within the curtilage of the dwelling.

Policy BDP16 (16.1) of the Bromsgrove District Plan comments that development should comply with the Worcestershire County Council's Transport policies, design guide and car parking standards (currently the Streetscape Design Guide 2018), incorporate safe and convenient access and be well related to the wider transport network.

Paragraph 108 of the National Planning Policy Framework comments that: in assessing applications for development, it should be ensured that (b) safe and suitable access to the site can be achieved for all users.

Paragraph 110 comments that applications for development should (a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

The County Council have commented that insufficient details and justification have been advanced to demonstrate that this application is acceptable in highway safety terms.

Further, in the absence of adequate turning facilities within the application site which would enable vehicles to enter and exit the site in a forward gear, the applicant would have no option but to reverse from or onto the B4091, a road which carries high levels of traffic. Either of the two described manoeuvres would result in disruption to the Stourbridge Road which would have an adverse impact in the immediate locality to the site.

In conclusion, whilst it is acknowledged that the proposed dropped kerb application would result in increased convenience of access and egress to the application site, this should not be at the expense of highway safety. County Highways have raised strong objections to this application for the reasons set out above. I have concluded that the proposed development would not be in accordance with Policy BDP.16 of the Bromsgrove District Plan and the application is therefore recommended for refusal.

Finally, it should be noted that other properties along Stourbridge Road have applied previously for planning permission for similar forms of development, (including for example 112 Stourbridge Road: application ref 10/0074) where planning permission was refused on grounds of harm to highway safety.

RECOMMENDATION: That planning permission be **REFUSED**

Reason for Refusal

- 1) Insufficient details and justification have been advanced to demonstrate that this application is acceptable in highway safety terms. Further, in the absence of adequate turning facilities within the application site, vehicles reversing from or onto the Stourbridge Road (the B4091) would prejudice the safety and free flow of moving traffic on the highway and the safety of pedestrians using the adjoining footpath. The application is therefore contrary to Policy BDP16 of the Bromsgrove District Plan, the Worcestershire County Council Streetscape Design Guide and Chapter 9 of the NPPF

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