



## **BROMSGROVE DISTRICT COUNCIL**

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

MONDAY 7TH OCTOBER 2019  
AT 6.00 P.M.

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

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

**MEMBERS:** Councillors R. J. Deeming (Chairman), P. 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 5th August 2019 (Pages 1 - 10)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 18/00769/FUL - The erection of a 61 bed care home (Use Class C2) and associated works including car parking, access, landscaping and related engineering works - Land adjacent to Bennett Drive, Hagley, DY9 0WA - Hagley Care Homes Limited (Pages 11 - 30)
6. 18/01053/FUL - Demolition of two storey wing of existing Class C2 use building and the erection of a new part-single/part-two storey detached building and associated works, including reconfiguration of car parking - Lickey Hills Nursing Home, Warren Lane, Lickey, B45 8ER - Priory Healthcare (Pages 31 - 38)
7. 19/00478/FUL - Full planning application for the erection of 6 dwellings - Land to the Rear of 454 Birmingham Road, Marlbrook, Worcestershire, B61 0HR - Mr. S. Hussey (Pages 39 - 52)
8. 19/00619/REM - Application for approval of reserved matters relating to appearance, landscaping, layout, scale and access (internal to the site) for a use class B8 (storage and distribution) building with ancillary floorspace including use class B1 (offices); earthworks; plot and structural landscape works inclusive of an ecological enhancement area; internal access roads, car parking, gatehouse; utilities and plant infrastructure; on the northern development parcel pursuant to S73 permissions SDC 18/03746/VARY, BDC 18/01596/S73, RBC 18/01626/S73 following outline permissions SDC 17/01847/OUT, BDC 17/00701/OUT, RBC 17/00700/OUT - Redditch Gateway Land Adjacent To The A4023, Coventry Highway, Redditch, Worcestershire - Stoford Gorcott Limited (Pages 53 - 78)
9. 19/00820/FUL - Conversion and change of use of existing 27 Bedroom Hotel (C1 use) into 22. no One Bedroom Apartments (C3 use) with external alterations and extensions - Inkford Hotel, Alcester Road, Wythall, Worcestershire, B47 6DJ - Mr. R. Haider (Pages 79 - 94)
10. 19/01037/FUL - Demolition of existing buildings and erection of twelve dwellings (of which four are affordable) and ancillary landscaping, garages and bin storage - Burcot Garden Centre, 354 Alcester Road, Burcot, Bromsgrove, Worcestershire, B60 1PW - Mr. M. Richardson (Pages 95 - 120)
11. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS  
Chief Executive

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

27th September 2019

# BROMSGROVE DISTRICT COUNCIL

## PLANNING COMMITTEE

### Information for Members of the Public

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

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

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

The Agenda is divided into the following sections:-

- Procedural Items

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

- Reports of the Head of Planning and Regeneration

(i) **Plans and Applications to Develop, or Change of Use** - Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues

and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the District Council's website [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk). Recent consultee and third party responses will be reported at the meeting within the Update Report.

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

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

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

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

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

- Reports of the Head of Legal and Democratic Services

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

- Urgent Business

In exceptional circumstances, and at the discretion of the Chairman, certain items may be raised at the meeting which are not on the Agenda. The Agenda is published a week in advance of the meeting and an urgent matter may require a decision. However, the Chairman must give a reason for accepting any "urgent business". 'Public Speaking' policy would not necessarily apply to this type of report.

- Confidential / Exempt Business

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

### **Public Speaking**

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

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

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

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

### **NOTES**

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

Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officer(s) in order to avoid unnecessary debate on such detail at the meeting. Members of the Committee are requested to arrive at least one hour before the start of the meeting to read any additional representations and to ask questions of the

Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting. Councillors should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.

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

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

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

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

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

BDP	-	Bromsgrove District Plan 2011-2030
SPG	-	Supplementary Policy Guidance
NPPF	-	National Planning Policy Framework
NPPG	-	National Planning Practice Guidance
  
3. Any other items listed, or referred to, in the report.

Note: For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers" in accordance with Section 100D will always include the Case Officer's written report and any letters or memoranda of representation received (including correspondence from Parish Councils, the Highway Authority, statutory consultees, other 'statutory undertakers' and all internal District Council Departments).

### **Further information**

If you require any further information on the Planning Committee, or wish to register to speak on any application for planning permission to be considered by the Committee, in the first instance, please contact Pauline Ross, Democratic Services Officer, at [p.ross@bromsgroveandredditch.gov.uk](mailto:p.ross@bromsgroveandredditch.gov.uk), or telephone (01527) 881406



## **BROMSGROVE DISTRICT COUNCIL**

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

**MONDAY, 5TH AUGUST 2019, AT 6.00 P.M.**

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), A. J. B. Beaumont, S. P. Douglas, M. Glass, C.A. Hotham, J. E. King, P. M. McDonald, P.L. Thomas and S. A. Webb

Officers: Ms. C. Flanagan, Mr. D. M. Birch, Ms. R. Brown, Mr. D. Edmonds, Ms. E. Farmer, Ms. C. Gilbert, Ms S. Williams, Mr. S. Agimal (Worcestershire Highways Authority) and Mrs. P. Ross

The Chairman announced that with regard to Planning Application 19/00459/FUL – Lokrum, Copyholt Lane, Bromsgrove, Worcestershire, B60 3AY; it had been suggested that the MP for Bromsgrove, Sajid Javid had written to the Planning Committee Chairman and the Portfolio Holder for Planning. The Chairman stated that he had not received any such letter.

20/19

### **APOLOGIES**

Apologies for absence were received from Councillors S. J. Baxter, A. B. L. English and S. G. Hession; with Councillor C. A. Hotham present as substitute for Councillor A. B. L. English and Councillor S. A. Webb present as substitute for Councillor S. G. Hession.

21/19

### **DECLARATIONS OF INTEREST**

Councillor J. E. King declared a Disclosable Pecuniary Interest in relation to Agenda Item 7 (Application 19/00477/FUL) – Rear 34 Lickey Square, Lickey, Birmingham, B45 8HB) and Agenda item 8 (Application 19/00501/FUL) – Site Adjacent To 73 Linthurst Newtown, Blackwell, Bromsgrove, Worcestershire, B60 1BS and that she would withdraw from the meeting room during the consideration of both items.

Councillor King withdrew from the meeting room prior to the consideration of both items and took no part in the Committee's consideration or voting on the matters.

Councillor M. Glass declared in relation to Agenda Item 6 (Application 19/00459/FUL) – Lokrum, Copyholt Lane, Bromsgrove, Worcestershire, B60 3AY, in that he had a predetermined view on the matter and would be withdrawing to the public gallery to speak on this item as Ward Councillor under the Council's public speaking rules.

# Agenda Item 3

Planning Committee  
5th August 2019

Following the conclusion of public speaking, Councillor Glass remained in the public gallery for the duration of the Committee's debate and took no part in the Committee's consideration nor voting on the matter.

C. A. Hotham declared in relation to Agenda item 7 (Application 19/00477/FUL) – Rear 34 Lickey Square, Lickey, Birmingham, B45 8HB. Having advised that, he had not commented on the Application, Councillor Hotham participated and voted on the matter.

P.L. Thomas declared in relation to Agenda Item 6 (Application 19/00459/FUL) – Lokrum, Copyholt Lane, Bromsgrove, Worcestershire, B60 3AY, in that he sat on the local governing body for Rigby Hall Special School. Having advised that, he had not commented on the Application, Councillor Thomas participated and voted on the matter.

Councillor S. A. Webb declared in relation to Agenda item 7 (Application 19/00477/FUL) – Rear 34 Lickey Square, Lickey, Birmingham, B45 8HB. Having advised that, she had not commented on the Application, Councillor Webb participated and voted on the matter.

Councillor S. A. Webb also declared in relation to Agenda Item 11 (Application 19/00713/FUL) – 385 Stourbridge Road, Catshill, Bromsgrove, Worcestershire, B61 9LG, in that she had a predetermined view on the matter and would be withdrawing to the public gallery to speak on this item as Ward Councillor under the Council's public speaking rules.

Following the conclusion of public speaking, Councillor Webb remained in the public gallery for the duration of the Committee's debate and took no part in the Committee's consideration nor voting on the matter.

22/19

## **MINUTES**

The minutes of the meeting of the Planning Committee held on 1st July 2019 were received.

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 1st July 2019, be approved as a correct record.

23/19

## **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.

24/19

## **19/00459/FUL - CHANGE OF USE FROM DWELLING (C3) TO NEW INDEPENDENT SCHOOL (D1) - LOKRUM, COPYHOLT LANE, REDDITCH, BROMSGROVE, WORCESTERSHIRE, B60 3AY - A. CHALMERS**

# Agenda Item 3

Planning Committee  
5th August 2019

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

Officers reported that revised plans had been submitted (30.7.19) showing the car park provision (10 car spaces) and a dropping off bay to be relocated at the rear of the bungalow, and the comments received from County Highways in respect of the revised plans. Five additional letters of support had been submitted stating the need for the facility. A letter of comment stating that the land was not fit for purpose due to the location and an additional support letter from RCA Regeneration Limited, on behalf of the Applicant and summarised by Officers; as detailed in the published Update Report, copies of which were provided to Committee Members and the public prior to the commencement of the meeting.

Officers drew Members' attention to page 22 of the main agenda report, which detailed that permission was being sought to convert the whole of the existing bungalow to a non-residential independent school. The school was 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 and multi-purpose rooms/individual study.

The school would operate between 07:30 hrs to 17:00 hrs Monday to Friday, with 8 full time staff and 2 part time employees.

Officers highlighted that there were 3 dimensions of sustainable development to be considered, 'Economic, Social and Environmental', as detailed on pages 24 and 25 of the main agenda report.

Officers highlighted that there was a lot of interest in the application, generating 135 letters of support. However, some of the letters of support were not necessarily from residents in the locality; their letters clearly supported the need for such a facility, but they may not be personally familiar with the site and its environs.

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

The site was located outside of any existing settlement and did not have good transport links to the surrounding settlements. County Highways had raised objections to the proposal, as detailed on page 25 of the main agenda report.

Whilst Officers fully appreciated that there was a need for this facility for children in the Bromsgrove area, the application was considered to be inappropriate development within the Green Belt.

# Agenda Item 3

Planning Committee  
5th August 2019

At the invitation of the Chairman, Mr. A. Snelgrove (on behalf of Mrs. Tolley and Mrs. Till) addressed the Committee in objection to the Application. Ms. A. Chalmers, the Applicant and Ms. L. Chance, Headteacher, addressed the Committee. Councillor M. Glass, in whose Ward the Site was located also addressed the Committee.

The Committee then considered the Application, which had been recommended for refusal by Officers. Members commented that they had attended the site visit and were impressed with how calm and still the surroundings were and the attractiveness of the environment.

Whilst Members fully understood and appreciated that Officers were following planning guidance and legislation; they did however debate as to who would be affected by the harm to openness in the Green Belt and its unsustainable location, other than the staff and pupils. The Applicant had offered the provision of a mini bus, which, in Members opinion would make it somewhat sustainable. The location was, as highlighted by the Applicant and Headteacher, a learning environment more conducive to learning for pupils with autism.

Members further debated the concerns raised with regard to the extent of hard surface for the car park. Members were mindful that the Applicant had submitted revised plans which showed that the car parking provision (10 car spaces) and a dropping off bay had been relocated to the rear of the bungalow. Members commented that the revised plans showed only a limited amount of parking provision and Members were aware of other special schools within the District that had reinforced grass parking areas.

Having considered the Officer's report, the information provided by the public speakers, Members were of the view that there was a need for such a provision, which offered a calm and rural environment for children with autism; and the surfacing for the car-parking area could remain soft in appearance by the use of a reinforced membrane. Members considered these matters constituted very special circumstances to outweigh the harm that would be caused to the openness of the Green Belt. Members considered the concern over the geographic location of the site in terms of sustainability could be adequately mitigated by the use of a mini-bus for pupils. Members were therefore minded to approve the application.

Members further debated the matter of the use of the dwelling and that a condition be imposed that permission be granted to the Applicant only, and that should the operation of the site as a school cease, that the dwelling to be restored to a residential use; the provision of a mini-bus for pupils to serve the development from the outset, together with any other relevant conditions and informatives as required.

**RESOLVED** that Planning Permission be granted, subject to relevant Conditions and Informatives as appropriate:

25/19

**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**

Officers reported that the Application site was located within the Buntsford Hill Business Park which had been allocated as Designated Employment Land within the Bromsgrove District Plan 2011-2030; the site also bounds onto the Green Belt. To the south west of the site there were two Listed Buildings, Tan House Farm a Grade II listed farmhouse and to the west a Grade II listed barn.

Officers drew Members' attention to page 14, paragraph 7.8 of the main agenda report; in regard to the reasons as to why financial contributions towards highway improvements in the area had been removed from the recommendation from County Council's, Highways Authority.

At the invitation of the Chairman, Mr. M. Namih, addressed the Committee in objection to the Application.

The Committee then considered the Application, which had been recommended for approval by Officers. Officers responded to the concerns raised by Members during the debate with regard to the financial viability of the proposed development and the viability assessment put forward by the Applicant.

Having considered the Officer's report, the speaker's representation and additional clarification on highway matters from the County Council's Highways Officer; Members were mindful that the application site was located within Designated Employment Land and therefore minded to approve the application.

**RESOLVED** that Planning Permission be granted, subject to the Conditions and Informatives, as set out on pages 15 to 18 of the main agenda report.

26/19

**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**

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

Officers reported that additional substantive comments to those in the Committee report had been received, as detailed in the published Update Report, copies of which were provided to Committee Members and the public prior to the commencement of the meeting.

# Agenda Item 3

Planning Committee  
5th August 2019

Officers drew Members' attention to page 32 of the main agenda report, which detailed the 'Relevant Planning History'.

At the invitation of the Chairman, Mr. P. Ollis, addressed the Committee in objection to the Application. Mr. D. Jones, the Applicant's planning agent also addressed the Committee on behalf of the Applicant.

The Committee then considered the Application, which had been recommended for approval by Officers. Officers responded to several questions from Members with regard to the separation distance between the proposed new dwelling and 17 The Badgers.

Officers further reported that the Tree Officer had not objected to the design of the amended application. In conclusion, it was considered that any resultant development could 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.

Having considered the Officer's report, the information provided by the public speakers; and clarification from Officers with regard to the separation distance, Members were minded to approve the application.

**RESOLVED** that Planning Permission be granted, subject to the Conditions, as set out on pages 37 to 39 of the main agenda report.

27/19

**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**

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

Officers reported that, the Conservation Officer had confirmed that the revised plans, as submitted by the Applicant, had addressed her initial concerns, as detailed in the published Update Report, copies of which were provided to Committee Members and the public prior to the commencement of the meeting.

Officers further reported that the application site was located on land between No's 67 and 73 Linthurst Newton, and that the site fell within the Green Belt. The mature tree belt within the carriageway of Linthurst Newtown, were protected under Bromsgrove District Tree Preservation Order (11) 2017 as Group (1) and T5.

Officers drew Members' attention to pages 4 and 45 of the main agenda pack 'Housing Land Supply' and 'Heritage & Design Issues'.

# Agenda Item 3

Planning Committee  
5th August 2019

The proposal had been thoroughly assessed by Worcestershire County Council, Highways, who had concluded that there would not be an unacceptable impact arising from the development subject to a number of conditions, as detailed on page 46 of the main agenda report.

At the invitation of the Chairman, Mr. D. Middleton, Access Homes LLP, addressed the Committee.

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

Having considered the Officer's report, the information provided by the public speaker, Members were minded to approve the application.

**RESOLVED** that planning permission be granted 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;
- c) the Conditions 1 to 16, as set out on pages 48 to 51 of the main agenda report;

with the following additional condition:

- d) 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, Class A, B, C, D, E and F and Part 2, Class A shall be carried out without the prior approval of the local planning authority to an application in that behalf.

28/19

**19/00604/FUL - SINGLE STOREY REAR EXTENSION - 7 STATION DRIVE, HAGLEY, STOURBRIDGE, WORCESTERSHIRE, DY9 0NX - MR. SHEPPARD**

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

29/19

**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**

Officers clarified that the Application had been brought to the Planning Committee because it was a major planning application.

Officers reported that the Application was a resubmission of a previously approved development, as detailed on page 58 of the main agenda report. The factory extension would be finished in silver profiled

sheeting with blue flashings (walls) under a shadow pitch roof constructed from light grey profiled steel sheeting.

**RESOLVED** that planning permission be granted subject to the Conditions, as set out on pages 60 to 63 of the main agenda report.

30/19

**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**

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

Officers reported that the Application was for an extension of the existing dropped kerb.

At the invitation of the Chairman, Mr. Dane, the Applicant, addressed the Committee. Councillor S. A. Webb, in whose Ward the Site was located also addressed the Committee.

The Committee then considered the Application, which had been recommended for refusal by Officers. Members sought clarification from the County Council's Highway Officer with regard to the concerns raised.

In response to the Committee, the County Council's Highways Officer stated that the Application had not included adequate turning facilities within the Application site. Vehicles reversing from or onto the Stourbridge Road, which was a 'B' Class, classified road, would prejudice the safety and free flow of the moving traffic on the highway and the safety of pedestrians using the adjoining footpath.

Officers reiterated the comments made by the County Council's Highways Officers, with regard to adequate turning facilities not being included within the Application and further informed the Committee that; full planning permission was required for a hardstanding greater than 5 square meters in a non-porous material and with no provision for surface water to run-off into a porous area within the property boundary.

Members commented that, as detailed in the Application, the Applicant had failed to provide sufficient details and justification for the Application. Members were therefore minded to defer the Application in order for the County Council's Highways Authority to provide additional clarification to the Applicant in respect of the Application.

**RESOLVED** that the matter be deferred in order for the County Council's Highway Authority to provide additional clarification to the Applicant in respect of the Application and that the Application be brought back to Committee in due course for consideration.



# Agenda Item 3

Planning Committee  
5th August 2019

The meeting closed at 8.11 p.m.

Chairman

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Applicant	Proposal	Plan Ref.
Hagley Care Homes Ltd	The erection of a 61 bed care home (Use Class C2) and associated works including car parking, access, landscaping and related engineering works. Land adjacent to Bennett Drive, Hagley DY9 0WA	18/00769/FUL

## RECOMMENDATION

- (1) Minded to **APPROVE FULL PLANNING PERMISSION**
- (2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following:
  - (a) The satisfactory completion of a S106 planning obligation ensuring that:
    - i. Capital contribution for NHS Primary Care Commission to mitigate the primary care impacts arising from the proposed development which would be used for medical infrastructure (financial figure to be confirmed)
    - ii. £18,500 - Contributions for Community Travel to Serve the Hagley Area regarding the transport needs of elderly and disabled residents who cannot use bus services and in accordance with the 2010 Equality Act.
    - iii. The occupancy of the development hereby approved shall be limited to persons aged 55 and over (the qualifying person), together with any spouse or partner and any surviving spouse or partner and ensuring that a minimum level of care is needed and taken up by future residents
    - iv. Planning Obligation Monitoring Charge: the fee to be agreed by the Head of Planning and Regeneration in conjunction with the Planning Portfolio Holder following the meeting of Full Council on 25 September 2019.
  - (b) The expiry of the publicity period on 18 October 2019
- (3) That in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

## Consultations

### Hagley Parish Council (HPC) . Objections

- The principle of some development on site the site so long as it is not all C3 housing is accepted
- It is accepted that the proposed development falls within class C2 rather than C3 is accepted

# Agenda Item 5

- A C2 use is contrary to the policies of Bromsgrove District Plan for this site. If it is to be allowed, there needs to be clear justification of the departure from the plan.
- Concern regarding the adequacy of evidence of marketing of the site for employment use and the need for viability evidence to be made public  
We note this is to be a Care Home.
- The location is relatively remote from the village shops, with infrequent bus services so that it is unlikely to be viable for elderly and frail residents to get to the shops..
- Concern about adequacy of proposed parking provision. Although there may not be parking standards laid down for this kind of development evidence should be sought from similar developments elsewhere as to what is needed.
- Any possibility of parking overflowing on to Bennett Drive, the sole access into this estate ought to be wholly unacceptable, particularly since it is very close to the Hagley island, an extremely busy road junction. It would even more be unacceptable for parking to overflow on to the island.
- A new traffic assessment is required for the whole development within the previous outline consent to show that the roads are adequate for a car home compared with the use of the site for B1 employment.
- Concern that the proposed large scale development in hilltop position, will be over-prominent and not sufficiently disguise but the adjacent belt of trees At the very least
- There ought to be a planning condition (or perhaps an undertaking by its owner) requiring the belt of trees to be retained in perpetuity with appropriate under-planting.
- The belt of trees is believed to have been planted by the late Lord Cobham to protect their view from Hagley Hall. The trees are accordingly important to protect the setting of Hagley Hall (a listed building) and Hagley Park, a grade-1 registered park.
- An alternative solution to the issue of prominence might be for the developer to bring forward a somewhat smaller scheme, consisting of a building of two storeys or largely so.
- Concerned that the development may be too close to certain houses (or intended houses) in Bennet Drive. This should be checked and the developer asked to revise its plans if necessary.
- Hagley is an area where house prices are high, probably too high to afford for those on the minimum income that is typically paid to care workers. The developer should accordingly be required to provide housing for key workers
- This will inevitably be off-site provision, perhaps by financing some of the affordable housing already being built on the adjacent Cala site.
- Concern about the provision of primary medical healthcare. Despite the extension to the Hagley Medical Centre the practice is overburdened. It is therefore necessary that the applicant should provide a clear plan as to how primary healthcare should be managed without imposing an unacceptable burden on the local practice. In this connection the planning officers should note that the Hagley practice belongs to the Wyre Forest CCG; Glebe medical practice at Belbroughton (the next to the east) to the Bromsgrove and Redditch CCG; and those in Stourbridge (to the north) to a CCG in Dudley. This means that any negotiations on this will have to be handled through NHS England. We

understand that the developer's response to this was that they would pay for this. However a detailed proposal is required as to how this should be handled in practice, not merely in theory.

- Contrary to 8.15 of the Planning Statement, the bus service is regular, but not frequent (according to the usual definition of that term). It is under once an hour in the daytime with little or nothing in the evening. Hagley Station is fully a kilometre away, beyond a normal walking isochrones.
- The A456 is an Air Quality Monitoring Area. This is extremely close to the site. This is formally an objection. However we are only objecting to issues of detail, not to the principle of a development of this kind taking place.

HPC have further specific comments on the amended plans and supplementary comments which can be summarise thus:

- Not satisfied that the applicant has proven that the car park provided would be adequate and that there was no risk of staff or visitors' cars overflowing the car park on to adjacent roads, which would be unacceptable near the main entrance to a housing estate
- Conditions controlling the occupancy of the proposed care home ought to be based more on the residents long term physical condition and prospect for recovery rather than a minimum age of 55.

## **Bromsgrove Strategic Planning**

No objections. The site is part of the allocation policy BDP5B within the BDP, development on this site should be a mixed use site with community leisure/employment and residential being the specified uses, the proportion of these uses is not fixed.

- Outline application. 12/0593 contains an element of B1 uses within the application which is then carried forward into the reserved matters 13/0398. Therefore the council's position both when the plan was being drafted and when those applications were considered was that an element on non-residential development is expected on this site as per wording of the plan, and the outline application approved.
- Whilst the land is not strictly allocated as employment land as per policy BDP14, useful information has been provided to evidence the ability of this site to support a B employment use. Further to this viability evidence from consultants commissioned by BDC confirm that a standalone employment use is unlikely to be viable on this site. Therefore the ability for this site to be a wholly employment use is something which is not possible at this time, and I raise no objections in relation to BDP14.
- The viability evidence does suggest that a mixed use scheme could be viable. As the allocation under BDP5B is for a mix of uses further clarification was sought on what other uses could come forward on this site. From the submitted evidence there seems to be have been some level of interest from other uses on this site. What is also clear is that there was a lot of interest from the residential care sector. We are content from the evidence provided that the ability to provide non-residential uses on this site in the current market is limited.
- The care home provision will provide for some level of employment to be generated on this site which weighs in its favour, over purely traditional dwelling houses.

## **North Worcestershire Economic Development -**

No objections, on balance. Overall, the additional information contained in the document helps to provide some more comfort that the provisions of the policy outlined in BDP14.4 have been satisfied.

## **Viability Consultant -**

He was commissioned by your officers as specialist viability consultants to assess the viability for employment or a mixed use with an appropriate level of employment and to critically appraise the applicant's viability consultant's report, by Walton Hipkiss. This was in connection with the assessment of whether the proposed development is compliant with policy BDP14. The conclusions summary is

- A free standing commercial employment use is not viable
- A mixed residential and employment use involving 40% affordable housing and 700 square metres of office development would be viable

## **Worcestershire Highways.**

No objections subject to conditions and financial obligations

The suggested conditions cover the following matters to be implement prior to occupation: :

- Access, parking and turning facilities as per drawing 1267/001
- Travel Plan to promote sustainable transport

The suggested planning obligation.- £18,500 contribution for community travel to serve the Hagley Area. This is for non-ambulatory residents needing a door to door transport service to access key public services. Based on 50% of Users accessing a Community Transport service and an average trip length of 6.5 miles based on the distance to Kidderminster Hospital, this could add £3685 per annum to CT operating costs justifying a contribution of £18,500 for CT.

The conclusions of the Transport Assessment area accepted - proposed development

- is located within easy walking/cycling distance of key services in the area
- is readily accessible by public/communal transport, on foot and by cyclists
- will provide suitable access, parking and servicing arrangements
- will have no material impact on the operation of the local highway network

## **Mott Macdonald Highway comments (Bromsgrove DC's direct highway consultee)**

- Robust justification is required for the level of parking based on similar sites to avoid overspill onto nearby residential streets
- The proposed new access junction needs to be compatible with other site accesses

## **NHS Primary Care – Redditch and Bromsgrove Clinical Commissioning Group (NHS CCG)**

No objections if a developer contribution of £ 9,621 is secured for the following reasons

- It is required to mitigate the likely impact on the services of 1 GP practice – Hagley Surgery. The GP practice does not have capacity for the additional growth resulting from this development.
- The development could generate approximately 61 residents and subsequently increase demand upon existing constrained services.
- The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development
- It is calculated on the basis of expanding footprint which is one way of providing the capacity but an alternative is freeing up existing capacity or repurposing it. Increasingly clinical services are provided either by telemedicine or by clinicians other than GPs. So the capacity issue can be addressed by provision of IT systems able to put clinical staff in contact with patients or information systems remotely or by converting existing space to allow for patient contact.
- The NHS is capacity to see patients not limited to physical space. That capacity can be derived from both the increasing space and increasing the efficiency of use of clinician's time or a combination of both, especially in the case of a low number but high demand care home. Normally this is done by increasing the use of Information and Communications Technology enabling remote communications between the sites although that may involve some building works on the Primary care site(s) and normally it would involve agreement with the home, and indeed the patients on the specific care plans.

## **Worcestershire Acute Hospitals NHS Trust**

No objections if a developer contribution of £14027 for the purpose of the provision by the Trust of acute and accident and emergency healthcare services. The reasoning is summarised as follows:

- The existing service infrastructure for acute and planned health care is unable to meet the additional demand – 63 extra interventions, generated from a 61-bed care home.
- The population increase associated with this proposed development will significantly impact on the service delivery and performance of the Trust until contracted activity volumes include the population increase
- Without the contribution the development would not be acceptable in planning terms because there would be inadequate healthcare services available to support it and it would adversely impact on the delivery of healthcare for others in the Trust's area

## **Urban Designer**

- The design is broadly acceptable. Whilst it is a pastiche of English Arts and Crafts mode, the proposed building is composed very successfully.
- The large mass of the building is successfully articulated into smaller parts, which enclose external spaces well, and the disposition of the various architectural elements and materials gives variety and legibility to its different elevations.

- There is a strong desire in the design of a care home to avoid small changes in level internally to address the sloping site. The differences in site level appear to be taken up by retaining walls or banks to external spaces on the southeast and northeast sides of the building. This is a reasonable strategy, but the level changes are not fully explained on the elevational drawings.
- The Design and Access Statement (DAS) describes the changes in the proposed site layout which took place following pre-application discussions in September 2016. One significant change has been to move the car park from the southern side of the building to the northern side, and to move the external amenity space from the northern side of the building to the southern side. The car park will not be an appropriate neighbour to the public open space to the north of the site, although private amenity space is more suited to the southern side of the building.
- The position of revised building now reasonable being almost, but not quite, parallel to the adjacent four houses fronting Bennett Drive
- The movement of cars is given prominence over the movement of pedestrians. The route of the footpath from Bennett Drive to the front door follows the edge of the car park rather than taking a more direct, legible and convenient route, and this has not been addressed in the amended plans

## **Tree Officer –**

No objection in respect of the final layout plan which would avoid any need to carry out significant tree pruning or removal. There are suggested pre-commencement conditions:

- Protective fencing around trees on or adjacent to the site
- Preclusion of works in root protection areas,
- The implementation of a landscaping scheme.

**Community Safety.** Concern regarding the lack of detail regarding the issue of crime and security and specific concern in certain design aspects including:

- *External lighting* of the building and parking area including positioning, amount, type and how it would support an effective CCTV system.
- *Open Space.* If a timber knee rail, sufficiently robust this is well maintained this should deter unauthorised vehicular incursion but the applicant should ensure that access points are of a dimension that does not allow the passage of road vehicles or caravans. It should be noted that incursions frequently involve damage to boundary markers so any such knee rail should be robust enough to deter this.
- *Bin Store* The re orientated bin store entrances, to promote natural surveillance is a positive .
- *Perimeter; Stairs-* The rear service areas need to be sufficiently protected to negate allowing an intruder to gain access to the open areas to the SE, S and W of the building which is otherwise secure.

**Worcestershire Regulation Services (Air Quality)** No objections subject to a standard air quality conditions – specifically the provision 10% of the proposed parking spaces with electricity storage points and the installation of Ultra-Low NOx boilers with maximum NOx emissions less than 40mg/kWh



**Worcestershire Regulation Services (Noise and Odour )** – No objections, subject to conditions

**Worcestershire Regulation Services (Contaminated Land)** - No objections

**North Worcestershire Water Management.** – No objections. A specific drainage condition is recommended requiring the implementation of an approved drainage strategy.

**Conservation Officer –**

No objections. The three storey care facility on the site, with the top floor located within the roof space, in a pastiche arts and crafts design. The Hagley Hall (Grade I listed) lies approximately 1 km to the north and its associated Registered Park and Garden (also Grade 1 listed), at its closest point is approximately 350 metres to the north east. The most important features of the Park, many of them listed in their own right lie to the east and north of the house. Although there are long views to the west from Hagley, intervening land and now buildings are largely filtered out by tree planting along the Bromsgrove Road boundary and within Beacon Hill. The planting to the east of the site adjacent to the A491 might also contribute to this screen, but this is much later planting and not part of the designed landscape. Therefore it is unlikely that the proposed development would impact on the setting and therefore significance of the designed landscape.

**Leisure Services –**

No objections based on the assumption that the public open space allocation meets with the requirements of the SPD from a quantitative perspective then we would have no concerns from a Leisure perspective accepting the open space would be managed and maintained by a management company.

**Waste/ Environmental Policy**

Any 26 tonne refuse collection vehicle would have issue in collecting from the bins where they are proposed, particularly if the bin store is not even at the edge of the car park – being tucked around the corner makes it even more of an issue. Although the developers may identify that an external collection company will be servicing the waste collection of this development, it should be noted that

- Any waste collection provider will run into these same issues
- As the LA, we have a legal duty to collect business waste if asked and business may change their waste contract provider at any time

**Worcestershire Wildlife Trust** - No consultation response received

**Public Notifications**

- 13 Neighbour notifications, to near neighbours, sent on 30/07/18 (expired 23/08/18) in respect of original plans and documents
- 26 Neighbour notifications sent on 04/12/18 (expired 21/12/19) to both near neighbours and occupants of other properties commenting on the original application, in respect of amended plans and documents
- Site notice displayed 03/09/18 (expired 24/09/18)
- Press notice – 27/09/19 (expires 18/10/19)

- 15 letters of objection summarised below:

## Objection summary

### *Principle and marketing*

- Walton Hipkiss marketing report is insufficient to demonstrate the grounds for the developer to move from the original planning permission of B1 offices . The facts and figures are distorted particularly comparing a ground floor area for B1 use of 700 square metres with a ground floor area of C2 use of 3379 square metres and adding 17.5% to obtain a ground floor external area. A care home of 700 square metres is far more uneconomic than office of equivalent floor space. Also, finding a B1 user much depends on land price and negotiation skills. The report's conclusions relate more to development yield than lack of demand and the desire to recover buying the land at a premium price
- Conflict with the original planning permission (12/0593) which approved office development on the site subject to reserved matters

### *Scale and Design*

- Monolithic block with minimal poor architectural features
- Unacceptable mass and dominance in relation to the boundaries of the site and the relatively small adjacent dwellings
- Scale and height of the building – 3379 square metres compared with 700 square metres approved for a B1 use and three storeys
- It does not fit in with the heritage and design themes with a village feel which formed the basis of planning permissions 12/0593 and 14/0629
- Boundary treatments unsympathetic – particularly a 1.8 metre high fence running parallel with Bennett Drive
- It would have been a better design to have the car park rather than amenity space for the proposed building to the south adjacent to 1 Bennett Drive

### *Noise*

- There is insufficient information on noise particularly the justification for the noise monitoring points and that the design can be achieved without future non material amendment applications for . It underemphasises the effect of low frequency noise which is likely to be intrusive on a site next to a busy road, particularly with trickle vents open which would disturb sleep and if kept shut would provide inadequate ventilation.
- A noise sensitive residential property should not be situated next to a busy road junction would conflict with policy BDP19
- Noise from delivery vehicles

### *Highways Parking, Transport*

- Exacerbation of current traffic , visibility and parking difficulties on Bennett Drive
- 21 car parking spaces is inadequate for staff and visitors particularly at shift changeover resulting in on street parking causing congestion on a relatively narrow road
- Poor public transport service in Hagley – infrequency service

### *Living conditions*

- Invasion of privacy particularly from the terraced area on the 1<sup>st</sup> floor and café on the ground floor and potential for window to landing of the south west elevation looking directly into rear windows to habitable rooms and rear gardens
- Loss of light and outlook for directly adjacent properties

- Inadequate separation distance between the south east elevation and adjacent properties fronting Bennett Drive and Creed Close exacerbated by being at a higher level
- The amended plans show marginal differences which do not make the loss of privacy, light and outlook acceptable
- The construction of such a large building with for multiple deliveries and the likely need to storage, staff cabins, a balanced cut and fill etc would make it problematic to keep all construction traffic segregated from Bennett Drive

#### *Health Services/ Infrastructure*

- Wyre Forest Health Partnership, Hagley Surgery- Objection. Detrimental impact on ability of Hagley Surgery to deliver effective care to its patients. Care home residents tend to have multiple medical conditions and are quite unwell for a large proportion of the time and require a disproportionate amount of clinical resources. The medical services in Hagley area already overstretched having absorbed additional patients arising from local developments A further extension to the surgery with the benefit of Section 106 monies would not help as the care would take place the care home

#### **Councillor Colella:**

It is essential that the application does not have a detrimental impact upon the health service in Hagley ie the Hagley Doctors surgery and the impact upon general health provision in Hagley. Such a care home is likely to have 24/7 pressures on the existing doctors and therefore the wider available to the general health matters in Hagley. This application must not be approved without a formal agreement from the care home to the doctors practice in terms of financial agreement which matches the size of the establishment with the appropriate financial support to the doctors. He wholeheartedly endorsed the comments of local residents summarised in this report

#### **Site Description & Background**

The 0.53 hectare application site forms part of a wider mixed use site that was granted outline planning permission for 175 dwellings and Class B1 development in April 2013 (ref. 12/0593). The area that was earmarked for Class B1 development lies to the north-eastern corner of the Wychbury Fields housing estate. The site is part of a designated under BDP5B as a development site for a mixed use development of community leisure/ employment/ residential. This site is outside the Green Belt

The site is located on the eastern side of Bennet. Drive. There are dwellings with associated gardens and parking adjoining the southern boundary and fronting Creed Close. There are roads and junctions adjoining the northern and eastern boundary of the site – A456 and A491. The site sections reveal a gently sloping site towards the south and south east.

The site is within the Hagley built up area since it is part of the 'Hagley Development Site' and is not within the Green Belt. The designated use is a mixed use site with community leisure/employment and residential, (full analysis is in the Strategic Planning comments)

#### **Nature of Development**

The proposed two, two and a half and three storey building with broadly 'H' shaped footprint would be constructed in the southern part of the site with the northern part of the site managed as open space. The total gross internal floor space would be 3379 square metres. The proposed care facility would provide 24 hour care to elderly patients in individual rooms within the use class C2 with facilities including lounge, dining room, café and cinema room

The Proposed landscaping plan including the planting of trees and shrubs in groups within the proposed open space and for the proposed amenity area in the southern part of the site a car parking space (22 spaces, including 2 disabled spaces) and bins and cycles store on the north side of the proposal.

## **Relevant Planning Policies**

### **Bromsgrove District Plan**

- BDP1 Sustainable Development Principles
- BDP 2 Settlement Hierarchy
- BDP5B Other Development Sites
- BDP6 Infrastructure Contributions
- BDP12 Sustainable Communities
- BDP 14.4 Loss of Employment
- BDP 16 Sustainable Transport
- BDP19 High Quality Design
- BDP 20 Managing Historic Landscape
- BDP24 Green Infrastructure

### **Others**

- NPPF National Planning Policy Framework (2019)
- NPPG National Planning Practice Guidance

## **ASSESSMENT**

Issue 1: Principle of the development regarding compliance with BDP 5b & BDP 14

Issue 2 Whether the proposed development represents high quality design and rural character in accordance with development plan

Issue 3 The compatibility with adjoining users and impact of living conditions of future occupants

Issue 4: Effect on Highway safety and adequacy of parking provision

Issue 5: The effect of the proposed development on the green infrastructure and Heritage Matters

Issue 6: The effect of the proposed development in terms of the effect of the increase population on infrastructure, facilities and services

### **Principle of the development regarding compliance with BDP 5b & BDP 14**

Members will note the views of the Strategic Planning Manager. The site is partly policy compliant, in respect of BDP14, and whilst it is not strictly compliant with BDP5B, at least a care home is not a C3 dwelling use and has an element of employment. These are a material consideration of considerable weight in the

assessment of the principle of development. Moreover, the final views of the North Worcestershire Economic Development, regarding the adequacy of marketing, demonstrates, on balance, that marketing of the site for employment and other non-residential users has been adequate in terms of duration and nature. Thus it is accepted that the original marketing report lacked some details. However, the applicant's supplementary narrative indicates the marketing met, and exceeded, the minimum 12 month requirement of policy BDP 14.4, criteria iii), Furthermore the additional interest shown in the site has now been recorded and dated. There is only one potential interest recorded after May 2016, which is when the 12 month period of marketing would have needed to run until in order to satisfy the policy.

Similarly, the Council's Viability Consultant has concluded that the site is non-viable for a standalone employment use. Whilst he has concluded it could be viable for a mixed residential and business use, a residential use was not envisaged for this site in terms of policy BDP5B and a care home has an element of employment, notwithstanding it is not set within an employment use class.

In conclusion, on balance, the proposed development is acceptable in terms of BDP5B and BDP14.

A key issue in consideration of the principle of the proposal is the nature of the residential accommodation proposed. If the proposal was considered to fall within the C3 Use Class, the provision of affordable housing would be required by BDP8. The applicant has adequately justified that the proposal is a C2 use. The applicant has made the following pertinent points from which it is evident that the proposed development falls within the use class C2

- The provision of a range of communal facilities which would be ancillary to the proposed 61 bedrooms
- Residents that need to live in a care home are unable to cook their own meals. The care home would employ a kitchen staff which will prepare every meal for each resident. Carers would be on hand to assist residents with eating those meals, should they need it.
- The scheme/apartments are designed to meet the needs of the occupants. This includes a range of specialised features and adaptations such as wheelchair accessible doors and electric sockets, level threshold showers and a 24 hour emergency alarm system. All of these features would not necessarily be found in other housing stock and facilitate assisted living as well as social well-being.
- Every resident that enters the care home is unable to continue living at their home and needs 24 hour care. The care home would provide personal care to every resident for all aspects of life at all times of the day. This includes eating meals, washing, going to the toilet and taking their medicine
- The care home would offer a standard level of care to all residents. There are no minimum or maximum hours of care offered, nor are there any variations in care packages. A standard package of care would be provided 24 hours a day to all residents.
- The units are not for sale. Residents pay weekly / monthly for care and accommodation.
- It is proposed to secure the applicants intention to restrict the age of primary occupants by a planning obligation

## **High Quality Design and Effect on character and appearance**

The proposed building, which is effectively three storeys in that the second floor is not unduly constrained by the roof pitch and covering much of the southern part of the side is of a different character and grain than the adjoining streets of two storey residential dwellings. However, the large mass of the building is successfully articulated into smaller parts with the 3<sup>rd</sup> floor partly in the roof space, gables and recesses in the elevational alignment. Moreover, the final design has resulted in a frontage on Bennett Drive which has a similar set back and is only slightly not parallel with the road such that it would appear integrated into the street scene. The disposition of the various architectural elements and materials gives variety and legibility to its different elevations. The broadly 'H' shaped footprint of the building provides a sense of enclosure and space for the external grounds which also facilitates space for meaningful landscaping which would help integrate the large building onto the site and would assist in mitigating the concerns of local residents in respect of living conditions. It represents an efficient use of the site

The larger scale of the development on relatively high ground would be satisfactorily integrated into the wider landscape by the retention of the tree belt to the north and east of the site.

The car park has also been designed to retain the tree belt adjacent to the north east boundary of the site, Therefore it is considered that the application is in accordance with BDP 19..e,,o and p).

## **The compatibility with adjoining users and impact of living conditions of future occupants**

The design of the building together with its recesses and creation of landscaped grounds would provide an adequate separation distance between habitable windows and adjoining properties. With regard to the juxtaposition between the south west elevation of the proposed development and the rear elevations of properties fronting Bennett Drive and Creed Close, the applicant's 'information site plan' highlights certain pertinent separation distance between windows of habitable rooms, including:

- 33.7 metres between the recessed raised terrace on the SW elevation and the north elevation on no. 1 Creed Close
- 28.6 metres between the south eastern projecting component of the 'H' shaped proposed building and no. 3 Creed Close
- 27.5 metres between the nearest clear glazed window in the south west elevation and the rear elevation of no. 1 Bennett Drive

In terms of the High Quality Design SPD, paragraph 4.2.49 the minimum separation distance between opposing faces of buildings where main living rooms are above ground level is 27.5 metres. Additionally since the neighbouring dwellings eg 1 Bennett Drive and no. 1 Creed Close are at a lower level which the applicant's cross section indicates is 1 metres lower the appropriate separation distance ought to be 29.5 metres since the SPD advises that 2 metre separation distance be added for every 1 metre lower height difference .

Additionally, in accordance with paragraph 4.2.32 of the SPD balconies will only be acceptable where it can be demonstrated that the privacy of adjacent residents can be safeguarded by ensuring no direct overlooking of windows or at close quarters the rear gardens of adjacent dwellings. In this context the balconies at 1<sup>st</sup> and 2<sup>nd</sup> floor level which are accessed communal areas and rooms on the south west elevation and which do overlook various properties, particular no. 1 Creed Close has been carefully considered. I am of the view that privacy concerns can be satisfactorily ameliorated by the combination of separation distance, the space for meaningful landscaping close to the southern boundary and the scope to enclose the balcony by an obscure glazed screen, secured by condition,

The applicant has produced a 45 degree code analysis report which demonstrated that adjacent dwellings notably no. 1 Bennett Drive would not be unduly overshadowed by the proposed buildings particularly as the site lies to the north. The concerns about construction noise and disturbance can be satisfactorily ameliorated by an appropriate condition.

In terms of the living conditions of future occupants WRS has not objected to the scheme on noise grounds. A suitable glazing condition has been imposed

Therefore, on balance, the application is in accordance with policy BDP1.4e) and the High Quality Design Guide SPD

### **Effect on Highway safety and adequacy of parking provision**

The nature and extent of the proposed parking provision has been the subject of detailed discussion with the applicant resulting in the conclusions of no highway objections subject to conditions. During these discussions the applicant has supplied information of the parking provision of comparable sites and a TRICS assessment has been undertaken in which it is concluded that 22 car parking spaces is an appropriate provision and the plans now included provision for accessible spaces, electric vehicle spaces, motor cycles and cycle spaces. Moreover there is a reasoned justification for the visibility splays. The suggested conditions and planning obligation for community transport contributions are considered appropriate. The issue of community transport justification is considered under the infrastructure section below. This would satisfactorily ameliorate highway and highway related sustainability issues in accordance with policy BDP 16.

Regarding the Mott MacDonald comment the proposed access is a dropped kerb and care homes generate low numbers of trips. In this context, it is considered that the conflict with the opposite accesses given the level of visibility, the low trip numbers and the limited overlap of housing and care home peak movement times would not cause a significant problem

### **The effect of the proposed development on the green infrastructure and Heritage Matters**

The juxtaposition of the proposed car park, bin store and retaining wall with the tree belt to the north east of the site had been the subject of detailed discussion, amended plans and with the Council's tree officer ultimately being satisfied that there

would little or no impact on tree canopies or roots, subject to pre-commencement conditions which have been accepted by the applicant. Therefore the application accords with BDP24.1b in that it would maintain the quality of green infrastructure.

The Conservation Officer has raised no objection to the scheme. I am satisfied the scheme will not have a harmful impact on the setting of the identified heritage assets.

## **The effect of the proposed development in terms of the effect of the increase population on infrastructure, facilities and services.**

### Medical Infrastructure

The request from the CCG for medical infrastructure is acceptable in principle. However, the evidence required to support the request from the CCG is currently awaited. I will update Members at your Committee on this issue.

Members will note the request from the Worcestershire Acute Hospitals NHS Trust for financial contributions towards acute and accident and emergency healthcare services. The Council has obtained Legal Advice on this matter. Whilst I accept, the request is material and is more than *de minimus*, it is considered that the planning obligations requested by the Worcestershire Acute Hospitals Trust (NHS Trust) requiring the developer to make annual shortfalls in National Health Service revenue would be likely to be unlawful. Such requests do not meet the Community Infrastructure Levy Regulations 2010 Regulation 122 tests: the requests are contrary to policy and they do not serve a planning purpose and/or do not fairly and reasonably relate to the proposed development. Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet the tests in Regulation 122 of the CIL Regulations. I am therefore of the view that the NHS Trust have failed to meet these three tests and therefore the request is not CIL compliant.

### Worcestershire County Highways Community Transport Worcestershire County Highways Community Transport

Members will note this request relates to contributions relating to £18,500 for This is for non-ambulatory residents needing a door to door transport service to access key public services. This request is considered acceptable.

As of 1 September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met. The applicant has agreed to this fee in principle. The fee/charge is subject to confirmation following authorisation to proceed with this provision at the meeting of Full Council on 25 September 2019

The applicant has engaged in the process towards a prospective Section 106 agreement. Moreover the fact that a completed Section 106 agreement is at an advanced stage that this is a further positive in the planning balance. Therefore, overall the proposed development complies with BDP 6.

### **Other issues**



Noise Taking account of the comments from WRS (Noise) it is accepted, in principle, that the site is suitable for residential occupation. However with the windows open the recommended internal noise level may be exceeded but as the noise assessment recommends passive trickle ventilators recommended internal noise levels can be achieved with windows closed while still providing adequate ventilation. A condition has been imposed relating to suitable glazing and ventilation measures.

Air Quality:- It is not considered that the requested condition from WRS relating to low emission boilers can be imposed. However an informative can be added to encourage the application to install this feature.

Waste: Whilst the car parking size and layout may not be optimum in terms of waste collection, given the applicant's stated intentions for it to be served by private waste collection operators and the Cinnamon group have similar operations it represents a reasonable compromise between parking, manoeuvring, cycle & motor cycles spaces and bin storage and does not encroach the tree belt.

### Hagley Parish Council representation comments where not covered under the subject headings

- There are no C2 parking standards, the adopted parking policy simply required an evidence base to be provided and the robustness of that evidence relevant to this site has ultimately been accepted taking account of the advice and conclusions from County Highways
- The distance between the proposed site and the village centre is under 1 km. According to 'Manual for Streets' acceptable walking and cycling distances are 2km and 5km respectively. It is accepted that compared with urban areas public transport is not frequent. However for the size of settlement the weekday day time public transport serving Hagley is reasonable. Members will also note the Community Transport contribution will also allow accessibility for occupants of the site.
- It is not considered that the provision of affordable housing for the workers of the proposed facility secured by planning obligation would be a valid planning condition or obligation. There is no valid planning policy base for this request.

### **Conclusions**

The proposed development would be an acceptable use, in principle, on the site and not cause unacceptable harm in respect design character and appearance, living conditions, highways and parking, green infrastructure and pressure on community infrastructure subject to conditions and planning obligations.

### **RECOMMENDATIONS**

- (1) Minded to **APPROVE FULL PLANNING PERMISSION**
- (2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following:

# Agenda Item 5

- (a) The satisfactory completion of a S106 planning obligation ensuring that:
- i. Capital contribution for NHS Primary Care Commission to mitigate the primary care impacts arising from the proposed development which would be used for medical infrastructure (financial figure to be confirmed)
  - ii. £18,500 - Contributions for Community Travel to Serve the Hagley Area regarding the transport needs of elderly and disabled residents who cannot use bus services and in accordance with the 2010 Equality Act.
  - iii. The occupancy of the development hereby approved shall be limited to persons aged 55 and over (the qualifying person), together with any spouse or partner and any surviving spouse or partner and ensuring that a minimum level of care is needed and taken up by future residents
  - iv. Planning Obligation Monitoring Charge: the fee to be agreed by the Head of Planning and Regeneration in conjunction with the Planning Portfolio Holder following the meeting of Full Council on 25 September 2019.
- (b) The expiry of the publicity period on 18 October 2019
- (3) That in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

## 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 proposed development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:

- 1267\_000 Site Location Plan
- 1267\_001S Site Plan
- 1267\_003J Ground Floor Plan
- 1267\_004J First Floor Plan
- 1267\_005H Second Floor Plan
- 1267\_006D Elevations 1
- 1267\_007F Elevations 2
- 1267\_008A Elevations 3
- 1267\_011 Boundary Treatments
- 1267\_012A Site Sections
- 1267/CS Proposed Cycle Stand
- 819/A – Landscape Plan

Reason: For avoidance of doubt to seek compliance with the approved plans

# Agenda Item 5

3. Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.  
Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.
4. The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:
  - Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
  - Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
  - The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
  - Details of any temporary construction accesses and their reinstatement.
  - A highway condition survey, timescale for re-inspections, and details of any reinstatement.
  - Site construction operation hoursThe approved construction plan shall be fully implemented and all works shall be undertaken in accordance with it
5. Prior to the commencement of any works on site, including any site clearance, demolition, excavations or import of machinery or materials, the trees or hedgerows which are shown retained on the approved plans both on and adjacent to the application site shall be protected with fencing around their Root Protection Areas. This fencing shall be constructed as detailed in Figure 2 and positioned in accordance with Section 4.6 of British Standard BS5837:2012 and shall be maintained as erected until all development has been completed.  
REASON: In order to protect the trees, hedges & landscape features which form an important part of the amenity of the site and adjacent properties.
6. Prior to the development being occupied or operational, the approved landscaping scheme– Landscape Plan 819/A – Landscape Plan shall be completed in the first planting season following first occupation of the proposed development. Should any trees or hedges which are shown to be retained or planted on the approved plans either die, become diseased or are removed, they shall be replaced or restored to within a 5 year aftercare period starting from the completion of the approved planning scheme  
REASON: In order to protect the trees, hedges & landscape features which form an important part of the amenity of the site and adjacent properties
7. No development shall commence until the specific details of the proposed means of enclosure around and fencing within the site and the timber knee rail fences have been submitted to and approved, in writing by, the Local Planning Authority. The proposed means of enclosure shall be erected in

accordance with the approved details prior to first occupation of the proposed development and be kept in the approved positions permanently  
REASON. In the interests of visual amenity, highway safety, site security and noise mitigation.

8. No development shall commence until details of the proposed external lighting and CCTV have been submitted to and approved, in writing by, the Local Planning Authority. The proposed means external lighting and CCTV shall be erected in accordance with the approved details prior to first occupation of the proposed development and be kept in the approved positions permanently

REASON: In the interests of site security and visual and residential amenity.

9. The Development hereby permitted shall not be first occupied until 3 of the parking spaces have been equipped 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 points shall be retained for the lifetime of the development unless they need 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.

10. Notwithstanding the details within the noise assessment, prior to the installation of glazing, details of the specification of glazing to be installed shall be submitted and approved by the Local Planning Authority in order to demonstrate that they meet or exceed the sound reduction specification detailed in the noise assessment. The glazing shall be installed in full accordance with the approved details.  
Reason: To safeguard the amenities of the occupiers of the proposed development.

11. Prior to the first occupation of the development, equipment to control the emission of fumes and smell from the restaurant shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.  
Reason: To safeguard the amenities of the adjoining properties and the surrounding area

12. 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 the principles set out in the drainage design strategy report (Arc Engineers, June 2018) submitted with the application. Details and results of field percolation tests shall be provided. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained  
Reason: to manage flood risk in the interests of future occupants

13. The windows to be installed in first floor landing window on the south west elevation of the approved plan(s) shall be fitted with obscure glazing and any opening lights shall be at high level and top hinged only. The obscure glass and opening light shall be maintained in the said window opening in perpetuity.  
Reason: To protect the amenities of neighbouring residents
  
14. No development shall commence until details of the method of enclosing the two roof balconies on the proposed south west elevation including the use of obscure and fixed glazing up to 1.7 metres above the balcony deck level, are submitted to and approved in writing by the Local Planning Authority. The balconies shall be enclosed in accordance with the approved details and retained thereafter.  
Reason: To restrict the outlook of the users of the proposed development in the interests of privacy of adjoining residents
  
15. The development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Council's Travel plan co-ordinator.  
REASON: To reduce vehicle movements and promote sustainable access

**Case officer:** David Edmonds. Tel 01527 881345  
Email: David.Edmonds@bromsgroveandredditch.gov.uk

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Applicant	Proposal	Plan Ref.
Priory Healthcare	Demolition of two storey wing of existing Class C2 use building and the erection of a new part-single/part-two storey detached building and associated works, including reconfiguration of car parking Lickey Hill Nursing Home, Warren Lane, Lickey B45 8ER	18/01053/FUL

**RECOMMENDATION:** That planning permission be **REFUSED**

### Consultations

#### **Cofton Hackett Parish Council**

They make the following comments:-

- There are no objections in principle to the demolition and building works. It does seem however a great deal of change to reduce the number of beds from the current 97 to 39.
- Although, as stated, the applicant intends to operate the site as a bespoke healthcare facility it begs the question as to what type of healthcare.
- Before the Parish Council could remove their concerns is the BDC Planning Department be able to reassure the residents there will be no increase in the risks to local people and to visitors to the area and local facilities

#### **Worcestershire Highways:**

No objections subject to a condition requiring conformity to the submitted plans. The reasoned justification includes the following:

- Reduction of the number of beds from 97 to 39 resulting in a decrease in the number of trips albeit with a net increase in floor area of 303sqm.
- Good accessibility of the site to pedestrians, cyclist and public transport users
- TRICS assessment – 8 fewer return trips with no detriment to local junctions.
- They are content that the proposed car parking provision would be adequate for the proposed building

Conditions are recommended should the Council be minded to approve covering electric vehicle charging, accessible parking provision, motor vehicle parking, and conformity with submitted details

#### **Tree Officer:**

No objections subject to conditions related to protection of trees to be retained within influencing distance of any demolition or construction of the building and car park.

#### **Worcestershire Wildlife Trust:**

No objections subject to condition requiring a plan showing the location of each intervention (bat boxes etc). The reason justification supports the recommendations of the WYG bat survey and states that the outline bat mitigation strategy is in line with the law and relevant planning guidance

#### **Community Safety Officer :**

Concerns about the proposed development for the following summarised reasons:

- Secluded location in an area offering good accessibility to criminals and the users of the building would be vulnerable
- Details of the external lighting including position, amount, type, uniformity and support to an effective CCTV system are absent.
- Vulnerability of the car park and open spaces
- Creation of a narrow pathway between proposed and resulting existing building – not well lit and lacking natural surveillance
- Multiplicity of accesses which would be vulnerable

**North Worcestershire Water Management** - make the following comments

- Low risk of flooding since it is flood zone 1 and has a low surface water risk according to the EA's surface water flood maps
- Surface water from extra hard surfaces can be kept on site using a soakaway or other infiltration advice provided ground conditions allow
- No need for a drainage condition since it is considered to be covered by Building Regulations

**NHS Primary Care Redditch and Bromsgrove Clinical Commissioning Group**

Due to the proposed reduction from 97 to 39 rooms it is likely to reduce the impact on the services of nearby GP practices unless the home intends to provide a highly specialised service. Whilst it is acknowledged that the provision of care and therapy for adults suffering from a range of mental health illnesses is specialised it would not give rise to significantly higher primary health care provision. Therefore there is no need for additional primary care provision and the securing of contributions. There is currently a premises capacity deficit in the Redditch and Bromsgrove area.

**NHS Acute Hospitals NHS Trust**

As this particular development is an intensive care centre for people suffering from mental illnesses, there would be no need to mitigate the impact on an already overburdened health services. Therefore no financial contributions are sought

### **Public Notifications**

- 5 Neighbours notified – 27/09/18 (Expiry - 21/10/18)
- Site Notices – 06/09/18 (Expiry 27/09/18)
- Press Notice - 14/09/18 (Expiry 01/10/18)
- No representations

### **Site Description**

The 0.7 hectare site is located to the north of Warren Lane and is partly enclosed, surrounded on its north, east and west sides by woodland. To the south of the site are several detached dwellings set within relative large grounds. The Lickey Hills Visitor Centre lies approximately 70 metres to the south east. The land surrounding the site is predominantly rural in character, most of which forming part of the Lickey Hills Country Park. The application site comprises a substantial two storey building configured in an 'L' shape layout, with a large car parking area to the front

### **Proposed Development**



It is proposed to demolish a two-storey section of the western portion of the existing building and erect a new part-single/part-two storey detached building on both the footprint of the demolished building and on some of the front car park resulting in an extra 303 square metres of accommodation. The proposed development would encroach into the northern part of the existing car park and to compensate it is proposed to extend the car park to the south-west into an enclosed area which has groups of trees and shrubs. There would be an increase of parking provision from the current 35 car parking spaces to the proposed 43 car parking spaces, representing an increase of 8 car parking spaces.

It is stated that the proposed development works are necessitated by the desire of the applicant to replace the existing 97 bed care home and to operate the site as a bespoke healthcare facility for 39 service users under the site's lawful Class C2 use.

The applicant has clarified that the site will provide care and therapy for adults suffering from a range of mental health illness, such as stress, depression and anxiety. The existing retained building will house two areas delivering care to both private and NHS patients. The new building will accommodate patients who need intensive support over a shorter period of time than those in the existing building. The two areas are interdependent as the care pathway of many patients will see them transition from one to the other as their treatment progresses. On this basis the applicant's case that the proposed use falls within Use Class C2 is accepted

## **Planning History –**

The site has been in use as a nursing home since about 1988 when planning permission was granted for the change of use from a squash club (LPA ref. B/16092/1988). In January 2018, an application was made to remove condition 2 of permission B/16092/1988 and the application was approved by the Council (LPA ref. 17/01333/FUL). This means that the site can now be used for any purposes in Use Class C2, without the need for planning permission.

## **Planning Policies**

### **Bromsgrove District Plan**

- BDP1 Sustainable Development Principles
- BDP 2 Settlement Hierarchy
- BDP4 Green Belt
- BDP6 Infrastructure Contributions
- BDP12 Sustainable Communities
- BDP 16 Sustainable Transport
- BDP19 High Quality Design
- BDP21 Natural Environment
- BDP24 Green Infrastructure

### **Others**

- High Quality Design SPD
- Lickey & Blackwell Village Design Statement SPG 9

- Lickey & Blackwell and Cofton Hackett Neighbourhood Plan. Submitted and has gone through examination with the publication of the Inspectors report making minimal substantive changes. Moderate weight
- NPPF National Planning Policy Framework (2019)
- NPPG National Planning Practice Guidance

## **ASSESSMENT**

It is considered that there are two main issues:

Issue 1: Green Belt - Whether this is inappropriate development, in principle, and whether it would cause unacceptable harm to openness and the purposes of green belt policy and if it is inappropriate whether there are very special circumstances which clearly outweigh the harm.

Issue 2: Whether the proposed development represents high quality design and protects rural character

### Other Issues :

- The effect of the proposed development on the natural environment – particularly bats
- The effect of the proposed development on the green infrastructure
- The effect of the proposed development in terms of the effect of the increase population on infrastructure, facilities and services
- The effect of the proposed development on highway safety

## **Green Belt –**

The National Planning Policy Framework (NPPF) and Bromsgrove District Plan policy BDP 4 states that the construction of new buildings, other than in connection with a small number of exceptions, should be regarded as inappropriate in the Green Belt. Inappropriate development according to the NPPF is harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with Paragraph 145 of the NPPF and BDP 4 the construction of new buildings in the Green Belt is inappropriate development unless it falls within specific categories of exceptions. In this context, the only realistic category of exception it might potentially fall within is the partial or complete redevelopment of previously developed land which does not have a greater impact on the openness of the Green Belt than the existing development.

It is considered that the construction of the detached building over part of the car park, in additions to being rebuilt on the footprint of the wing to be demolished, involving an extra 303 square metres of floor space, inherently involve a greater impact on the openness of the Green Belt.. Furthermore it estimate of the additional volume of the resulting building would be 1210 cubic metres and since most of it would be in the front wing it would be more prominent. There would also be harm to the purposes of the green belt, particularly assisting in safeguarding the countryside from encroachment, as per paragraph 134 of the NPPF. Therefore, it does not fall in any of the categories within paragraph 145 or BDP4, and consequently it is inappropriate development which should only be approved in very special circumstances. These would only arise when the harm by reason of ‘inappropriateness’, loss of openness and all other harms are ‘clearly outweighed’ by

other considerations. The NPPF paragraph 143 states that inappropriate development is, by definition, harmful to Green Belt and should not be approved except in very special circumstances.

Regarding the question of very special circumstance the applicant has submitted a number of points in support of the application. The Supplementary Supporting Statements states that demand for both Acute and Psychiatric Intensive Care Units (PICU) has greatly increased over recent years. NHS Trusts are facing financial challenges and are unable to provide the capital to improve and maintain these services, especially in light of increased scrutiny from the Care Quality Commission (CQC). The applicant's services have sustained high occupancy throughout 2018 and 2019 and they are often unable to meet the demand for more NHS placements, meaning that patients are held in inappropriate environments, such as police stations and emergency hospital departments. The ability to provide these vital services on one site will enable the applicant to provide additional much needed capacity to support the high numbers of NHS patients requiring in-patient care and support.

It is further stated that the applicant works closely with NHS Trusts in the surrounding area to meet NHS targets around 'out of area' placements. Additional beds in this locality will allow more patients to be treated closer to home. People with mental health problems will usually access health, education or social services before accessing the specialist services provided by the applicant. The applicant's specialist services are not normally provided by the NHS and this is reflected in a significant number of people from the local area being referred to in-patient facilities out of the local area, and away from their family and friends.

Along with this statement, the applicant provides an appeal decision relating to the applicant's Woking hospital which is also located within the Green Belt – (PINS REF. APP/A3655/A/10/2125384 ). The Inspector states at para 13 *"Priory Group provides in-patient facilities for children referred by local NHS trusts, which cannot offer such facilities...I consider that the ability for children from the local area to be treated locally, close to their family and friends, is an extremely important benefit."*

The applicant argues that placing patients for treatment closer to home is of crucial importance and is a very high priority for the NHS, The new facilities also need to be co-located, as various elements are interdependent for operational reasons. It is more effective to provide the accommodation and care at an established site, where existing structures and resources can be efficiently utilised and where significant investment has already been made.

The site would have a rear garden and this is considered to be an important part of the environment and care afforded to patients who may use them for horticultural therapy, sport or relaxing with some areas made more secure than other to cater for a range of potential patient needs

These matters have been carefully considered. It is accepted that there may be some need for facilities to provide care and therapy for a range of mental health illnesses and the site could provide interdependent care pathways. However, this need seems primarily to come from NHS Trusts in Birmingham and Solihull and Coventry and Warwickshire rather than North Worcestershire. There is no justification as to why these needs cannot be satisfied on sites in urban areas, or in

countryside outside the green belt. Moreover, the applicant's statement implies the greatest need comes from NHS Trust areas outside North Worcestershire and that clients might well come predominately from the whole of Birmingham or Coventry. This could undermine the reasoning that the clients would be close to home. Furthermore, from reviewing the CCG comments it is evident this would result in the provision of a reduced number of beds inherent with the specialised facility, at a time when North Worcestershire has a deficit of nursing home beds. Therefore I conclude that the matters put forward by the applicant do not amount to very special circumstances required to outweigh the identified harm to the Green Belt.

## **Whether the proposed development represents high quality design and protects rural character**

The existing substantial L' shaped footprint of the two storey building and the existing car part takes up most of the relatively confined site and is already a relatively dominant complex in the context of the rural environment of the Lickey Hills. Warren Lane, as analysed with the Cofton Hackett Character Appraisal, which is one of the reports associated with the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan, has a rural character with sporadic cottages and interesting world war buildings together with the Lickey Hills country park visitors centre and the Drovers Way bridleway running north from Warren Lane adjacent to the care home.

The existing part of the building which fronts the car park and access has regular symmetrical window openings which results in a distinctive active frontage facing south, which can be seen from the junction of the driveway leading to it from Warren Lane. In contrast, the proposed two storey projecting wing, with a truncated pitched/flat roofed gable end and with its large, asymmetric windows together with a flat roofed single storey component and with face materials of brick and timber cladding would be unduly dominant and would not harmonise the west-east part of the existing building. Moreover, it would result in an inward looking building orientated to face what would become a central courtyard. The loss of car parking, hardstanding would be made up by removing a landscaped area in the front of the site which currently helps integrated the building and would leave insufficient remaining space for meaningful replacement trees and shrubs.

It is considered this is poor design which does not enhance the character and distinctiveness of the local area, contrary to BDP19.1e. Moreover, since it would not leave enough space to incorporate sufficient and appropriate soft landscaping it the resultant building would not be sufficiently disguised and would appear as an over developed complex, in the context of the rural surroundings described in the Warren Lane section of the Character Appraisal. Policy BD2 of the Neighbourhood Plan requires that new development should reinforce the distinctive character and should respond positively to its local context as described in the Character Appraisal. This is further reinforced by the High Quality Design SPD, paragraphs,4.2.11 & 12, which states, amongst other things, that new residential development should embody the particular characteristics of the built and natural environment in which it is located

In terms of crime prevention, Community Safety have cited a number of concerns regarding the design. The applicant has responded by inviting the council to condition things like lighting and CCTV cameras. However, planning conditions

cannot ameliorate fundamental design flaws. In particular, it is not good design to have a detached block separated by a narrow alley from the main building and there would be relatively narrow strips of amenity space to the sides which do not benefit from good natural surveillance. The NPPF paragraph 127f) states, amongst other things, that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime do not undermine the quality of life. Moreover, it would not accord with the Bromsgrove District Plan policy BDP 19 'High Quality Design' and in particular o) relating to 'Designing out crime and fear of crime by incorporating 'Secure by Design' measures. This is reinforced in the High Quality Design SPD which states, amongst other things, that surveillance should be ensured to provide safe and secure places to live.

In terms of the residential amenity, the small and narrow outdoor amenity spaces would be heavily shaded by the proposed building and surrounding trees and would be incompatible with the desire to create an outdoor amenity space for therapeutic horticulture. Therefore, it is considered proposed development would not be in accordance with BDP19.1m) since it would not have sufficient functional space for everyday activities meeting people's needs and expectations of the residential development they occupy. It is considered that this policy is applicable because the proposed development which would fall within is a C2 'residential institutions' use class, is still a residential use. Whilst the High Quality Design SPD which requires a minimum of 70 square metres amenity space for each dwelling cannot be directly applied to residential institutions it indicates that the proposed amount of amenity space for this residential institutional use housing 39 people is relatively small.

In conclusion, the proposed development represents poor design which does not harmonise with the character of the area, does not design out crime and does not meet the needs and activities of its future occupants.

## **Other issues**

The revised response of the NHS Acute Hospitals and NHS Primary Health CCG presents a reasoned justification for not securing contributions, in this case. Therefore it can be concluded that the proposed development would not result in unacceptable pressure on infrastructure, services and facilities and it would comply with policy BDP6.

The Worcestershire Wildlife Trust's response regarding the submitted outline bat mitigation strategy and the scope to address other bat matters by planning conditions leads to the conclusion that the proposed development would not cause unacceptable harm to the natural environment and that this would comply with policy BDP21.

Since there are no highways objections it can be concluded that the proposed development is in accordance with the policy BDP16

Similarly, in view of the tree officer comments it can be concluded that the proposed development is in accordance with BDP24.

Regarding the reassurance sought by the Cofton Hackett Parish Council about the actual or perceived risk to the community of as a result of the development these are purely operational matters and are not planning related. The applicant explains this would be a specialist facility for care and therapy for adults suffering from a range of mental health illness and the proposed design follows this function.

## **Conclusion**

The proposed development would cause unacceptable harm in respect of green belt appropriateness, purposes and openness. It would also cause unacceptable harm in terms of rural character and poor design. No very circumstances exist or have been put forward to outweigh the harm by virtue of inappropriateness and the other harm identified.. Therefore it would conflict with Bromsgrove District Local Plan Policy BDP4.4 and 19.1 and the National Planning Policy Framework (NPPF) paragraphs 145 and 146.

## **RECOMMENDATION** That planning permission be **REFUSED**

1. The proposed development would not fall within the definitions of exceptions to the general presumption against development within the Green Belt, as set out in Bromsgrove District Plan Policy BDP4.4 and the National Planning Policy Framework (NPPF) paragraphs 145 and 146. Furthermore, the resultant encroachment into the openness of the Green belt would be contrary to the key purpose served by Green Belt, set out in NPPF paragraph 134c. Very special circumstances do not exist which clearly outweigh the harm by reason of inappropriateness and all other harms. Therefore, the proposed development conflicts with policy BDP4 and paragraphs 144 and 145g of the NPPF.
2. The proposed development, which, by reason of the scale of the development, its orientation and fenestration, would result in an overly dominant complex of buildings with a mismatched and inactive frontage, which does not harmonise with the distinctive character of the rural area, does not design out crime and does not meet the needs and activities of its future occupants. It would thereby conflict with Bromsgrove District Plan policy BDP.19, the High Quality Design Guide SPD and the NPPF,

**Case officer:** David Edmonds. Tel 01527 881345  
Email: David.Edmonds@bromsgroveandredditch.gov.uk

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Shaun Hussey	Full planning application for the erection of 6 dwellings  Land To The Rear Of 454 Birmingham Road, Marlbrook, Worcestershire, B61 0HR		19/00478/FUL

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

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

### **Consultations**

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

No adverse comments

#### **WRS - Noise**

No objection subject to a Construction environmental management plan (CEMP) condition.

#### **WRS - Air Quality**

No Adverse Comments

#### **North Worcestershire Water Management**

No objection subject to a site drainage condition.

#### **Highways - Bromsgrove**

The Highways Authority has no objection subject to the conditions relating to;

1. Conformity with Submitted Details
2. Electric vehicle charging point
3. Cycle parking
4. Construction Environmental Management Plan

#### **Waste Management**

No objection

#### **Arboricultural Officer**

No objection subject to conditions

1. Retained trees
2. Replacement of retained trees
3. Protective fencing for retained trees

#### **Worcestershire Wildlife Trust**

We note the contents of the ecological survey by CWS and the fact that there do not appear to be any overriding ecological constraints to the proposed development. With that in mind we do not wish to object to the application but we would recommend that you

append a condition covering biodiversity enhancement to any permission you may be otherwise minded to grant.

## **Relevant Policies**

### **Bromsgrove District Plan**

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

### **Others**

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

### **Publicity**

A total of 35 neighbour notification letters were sent on 12.04.2019 expired 06.05.2019  
A further 43 notifications were sent out as part of a reconsultation on 09.08.2019 expired 26.08.2019

### **Representations**

20 objections have been received and summarised as below:

#### Highways

- Increase in traffic, resulting in a highways and safety impact on A38
- Un adopted access road contrary to WCC Streetscape Design Guide, no pavement for access road
- Parking arrangement unsatisfactory
- Inadequate access for emergency vehicles and refuse collection

#### Amenity

- Loss of amenity and overlooking/separation distances inadequate
- Increase in fear of crime
- Increase in noise pollution
- Increase in odour
- Increase in light pollution
- Disruption during construction phase

#### Design and Appearance

- Detrimental impact on character and appearance of the area
- Overdevelopment/ Housing density is too high
- Poor design



## Wildlife and Trees

- Ecological Impact
- Removal of open space and loss of semi-rural feel
- Loss of trees and vegetation

## Housing Mix and Affordable housing

- Mix of housing does not reflect policy requirement
- Lack of affordable housing

## Precedent

- The dwelling to the rear of 452 Birmingham Road should not be used as a precedent, the site to the rear was formally a commercial site
- Precedent for further infill/garden development

Other non-material planning considerations have also been raised; these do not form part of the assessment of the proposal.

## Councillor Jones

Councillor Jones shares the concerns of the local residents regarding the proposed development, including the proposed density of the development, loss of privacy and amenity, highways and parking issues, loss of habitat and trees.

## Relevant Planning History

18/01586/FUL	Erection of 7 detached dwellings	Withdrawn	12.02.2019
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## Assessment of Proposal

### The Site and its Surroundings

The site currently comprises of a single residential dwelling fronting Birmingham Road (No. 454) with a single vehicular access, together with land to the rear of 456 and 458 Birmingham Road. The site is located between a number of residential dwellings fronting Birmingham Road with dwellings along Hazelton Road and Belle Vue Close backing onto the site.

### Proposal

The application proposes to retain the existing property at 454 Birmingham Road and for the erection of 6 dwellings to the rear.

The proposal will comprise one and two storey dwellings and it proposes to deliver a mix of properties consisting of;

- 1 x 3 bedroom dormer bungalow
- 2 x 3 bedroom semi-detached dwellings
- 3 x 4 bedroom detached dwellings

## **Main Issues**

The main issues in this application are:

- Whether the proposal provides an appropriate residential use in accordance with relevant planning policy;
- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on the living conditions of the occupiers of neighbouring properties and future occupiers;
- The effect of the proposal on highway safety and the free flow of the road network;

## **Other Material Considerations**

- Landscaping/Trees
- Ecology
- Drainage
- Other Matters

## **Whether the proposal provides an appropriate residential use in accordance with relevant planning policy**

This application site is located in the residential area of Marlbrook where residential development is considered acceptable in principle; subject to ensuring development enhances the character and distinctiveness of the local area having regard to BDP19 of the Bromsgrove District Plan.

The NPPF excludes urban private residential gardens as previously developed land and advises that 'local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. The Bromsgrove District Plan acknowledges that development of garden land will be resisted unless it fully integrates into the residential area, is in keeping with the character and quality of the local environment.

It is noted that these policies do not outrightly preclude development of urban garden land altogether. Instead it should be demonstrated that there would be no harm to the local area.

There are examples in the District of residential developments of similar scale and nature being constructed on urban garden land. Such developments help boost housing numbers and can be an effective use of land. At present, the Council is unable to demonstrate a five year supply of housing and there is a drive at national level to significantly boost the supply of housing.

Applications should be determined in accordance with the policies in the plan unless material considerations indicate otherwise. In the case of residential development, Paragraph 11 of the National Planning Policy Framework 2019 (NPPF) states that:

*"For decision-taking this means:*

*- Approving development proposals that accord with an up-to-date development plan without delay; or*

- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

i. The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

This includes, for applications involving the provision of housing, where the local planning authority cannot demonstrate a five- year supply of deliverable housing sites.

As of 1<sup>st</sup> April 2019 the Council cannot currently demonstrate a five year housing land supply, being able to demonstrate a 3.45 year supply of deliverable land for housing. The Council falls short of a 5 Year Supply of Land for Housing, this shortfall has increased since April 2018, where the Council was able to demonstrate a 4.02 year supply.

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

This report considers if there would be any adverse impacts (harm) to the local area regarding assessing the impact on the character and local distinctiveness, neighbour amenity, highways, landscape, ecology and drainage. Finally, a tilted balance exercise is applied in the conclusion of the report.

## **The effect of the proposal on the character and appearance of the area**

BDP19 (n) seeks to resist the development of garden land unless it fully integrates into the residential area and is in keeping with the character and quality of the local environment. The Council's High Quality Design SPD provides design guidance to assist with interpreting these policies.

The application site currently forms part of the rear gardens of a number of residential properties fronting onto Birmingham Road. This stretch of Birmingham Road is predominantly residential and comprises detached, semi-detached properties and a small apartment block. The linear pattern of development along Birmingham Road and Hazelton Road is interspersed with a number of cul-de-sacs leading off Birmingham Road that sit behind the linear properties, which is a characteristic feature of the wider area. Other than to the rear of 453, other properties in the area are not characterised as having large open gardens.

Thus, cul-de-sac development is prevalent within the settlement, indeed the proposal would be adjacent to one such development, Belle Vue Close and in close proximity to

Cavendish Close. Therefore it is considered that the proposed development of this back land site would not appear out-of-character with the area.

The access for the site would require the demolition of the garage of 453. The loss of the garage would not have a significantly harmful effect on the character of the streetscene.

As the result of the new access, a gap would be created in the existing development opening up views into the site from Birmingham Road. As the frontage of the existing dwellings is not particularly distinctive, the creation of a gap between No 454 and 452 would not result in any significantly harmful disruption to it.

The development of the rear gardens would result in the loss of boundary planting and trees. However, this character is localised and is only really appreciated from within the application site and neighbouring gardens. A detailed tree survey by Cotswold Wildlife Surveys indicates the trees to be retained as part of this development. While some trees and landscaping will be lost, it is considered that that any harm as a result of the loss of the existing planting and trees would not be so severe that it would significantly harm the character and appearance of the area.

Birmingham Road does not lie within a Conservation Area and there are no listed buildings in the vicinity. A great variety of architectural styles are found within the vicinity of the site it is considered that the housing mix surrounding the site is varied with two storey and single storey properties which form no set style of development.

The properties take design cues from neighbouring dwellings in the wider locality, incorporating feature gable walls, oriel windows, bay windows, pitched roofs and a mix of brickwork and render. The cul-de-sac would maintain a degree of landscaping within and would exhibit its own sense of place and coherent design. The external design respects the local character and would contribute to the varied dwelling types already found in the area.

The development plots have attempted to mirror the plots in the adjoining cul-de-sac , it is considered that the properties would not appear overly dominant or unreasonably squeezed in, in this setting.

The Design SPD recommends a minimum garden depth of 10.5m for a two storey dwelling with an absolute minimum area of 70 sq m. The rear gardens of each property would comfortably exceed the Council's minimum requirements, allowing for comfortable living conditions. The plots would maintain a more than adequate degree of spaciousness to allow a satisfactory degree of amenity and privacy levels for occupiers and neighbours from both within and outside of the site.

The density of the proposal, at 22.5 dwellings per hectare (dph), is entirely comparable and compatible with the adjacent Cavendish Close and Belle Vue Close developments, whose densities are higher, at 27.5 dph and 25 dph respectively.

The site would involve the development of garden land. However, Policy BDP19 (n) allows such development providing it fully integrates into the residential area and is in keeping with the character and appearance of the local environment.

Therefore the proposed development would not significantly harm the character and appearance of the area. As such, it would accord with Policies BDP1, BDP7 and BDP19 of the BDP, which, amongst other things, seek to ensure that development respects visual amenity and maintains character and local distinctiveness and is of a high quality design.

Having regard to the above, neutral weight should be attributed to this in the planning balance.

## **The effect of the proposal on the living conditions of the occupiers of neighbouring properties**

Policy BDP 1.4 (e) requires developments to be compatible with adjoining uses and the impact on residential amenity. The Design SPD assists with interpreting this policy.

Concerns have been expressed relating to additional noise disturbances close to neighbouring garden boundaries. The proposed dwellings would be surrounded by existing dwellings. Gardens and the access road would back onto existing gardens. Vehicular movements within the site would be closest to the rear and side of number 452, 456 and to the rear of 458 Birmingham Road. Allocated parking and turning areas within the site would be surrounded by boundary fences, trees and planting, which would minimise noise disturbance.

In addition, whilst the properties would be within proximity of each other, there would be sufficient distance between them to ensure that any activities taking place within them have no increased harmful effect than one would normally expect when living in a built-up residential area. Moreover, the existing site is comprised of domestic gardens. Therefore, they could be used for various domestic activities that would not be materially different to the proposed development.

I appreciate the concerns regarding noise and disturbance and I accept that the introduction of six dwellings onto the site would inevitably lead to an increase in noise and light pollution. However, the issue is not whether there would be an increase in noise and light but whether this increase would have a significantly harmful effect on the living conditions of the neighbouring residents. Based upon comments from WRS Noise, the increase in noise would not result in a significantly harmful effect. In terms of light, it is considered that properties are significant distance away not to have a significant harmful impact on nearby residents.

The site is bound on three sides by residential developments. The site abuts 1,3,5,7 and 9 Belle Vue Close. The proposed rear elevations of the proposal would be separated by approximately 23.9m to 26.1m. The site also abuts 456 and 458 Birmingham Road, the proposed front elevations of the proposal would be separated by in excess of approximately 33m. These distances are all in excess of the 21m standard set out in the High Quality Design SPD. Therefore with regards to privacy, there would be sufficient distance between the windows in the proposed dwellings and the existing properties to ensure that any overlooking would not have a significantly harmful effect on the living conditions of the neighbouring occupants.

Concerns have been raised that the development will result in an increase of crime. However, there is no evidence that this would likely result in an increase in crime. It is also worthwhile noting that additional dwellings can provide increased natural surveillance and thus reduce the risk of crime.

WRS Noise have no objection subject to a construction environmental management plan (CEMP) condition. This will protect existing and new occupiers of residential areas from the unreasonable effects of noise, vibration, light and dust nuisance during any construction period.

In summary, the overall resulting separation distances, garden depths and design would ensure amenity and privacy levels would not be harmed between properties and there would be no harm to neighbour amenity by way of overshadowing, overlooking or overbearing impacts. Subject to the imposition of relevant conditions relating to obscure glazing, landscaping and boundary treatment, the proposal is considered to accord with Policies BDP1 and BDP19 of the BDP. Neutral weight should be attributed to this in the planning balance.

## **Housing Mix**

Policy BDP7 states that proposals must take account of identified housing needs in terms of the size and type of dwellings and, to ensure mixed and vibrant communities are created, development proposals need to focus on delivering 2 and 3 bedroom properties. The housing mix as proposed (including a dormer bungalow) is considered to be an appropriate mix having regard to Policy BDP7.

## **Highways**

Policy BDP1: Sustainable Development Principles taken from the Bromsgrove District Plan requires that in considering new development, regard will be had to "Accessibility to public transport options and the ability of the local and strategic road networks to accommodate additional traffic". Policy BDP16 requires that development should comply with Worcestershire County Council's Transport policies, design guide and car parking standards as well as a series of more specific development requirements.

Birmingham Road (A38) is a single carriageway connecting Bromsgrove with the M5 motorway. There is a 40mph speed limit along the highway.

The proposal would result in the creation of a private driveway to serve the existing dwelling at 454 Birmingham Road and proposed dwellings to the rear of 454 Birmingham Road. The drive would run past the side of 454 Birmingham Road leading to the proposed 6 dwellings.

It is acknowledged by Worcestershire County Highways that this application proposes 7 dwellings being served off a private driveway (the existing dwelling at 454 Birmingham Road and the six new dwellings) and this would normally be expected to result in the access being designed as a "street" rather than a driveway. The applicant has suggested that the adopted policy indicates that flexibility is needed through the design process and this is acknowledged. The question therefore is does the provision of 7 dwellings instead

of 6 dwellings being serviced off a shared driveway result in a severe impact on capacity or adversely impact safety.

The footway/margin is intended to serve 2 purposes, firstly to allow services to be installed in an area which prevents the need to excavate the carriageway as far as practical, and secondly to allow pedestrian a comfort space away from vehicles. It is acceptable for pedestrians and vehicles to share the carriageway space so long as an option for refuge in the eventuality of a pedestrian and 2 vehicles meeting together.

Given the likely vehicle speeds will be very slow and the limited number of trips that 7 dwellings generates compared to 6, it is considered in this instance that a variation to the design guide could be accepted. This is on the basis that there are opportunities for pedestrians to seek refuge on an adjoining verge and the carriageway / driveway area has been shown to be functional and capable of allowing the refuse collection vehicle to manoeuvre should it decide to penetrate the site. The Highway Authority concludes that whilst the application exceeds the desired 6 dwellings on a shared private drive there is no detriment to safety or capacity as a result. However, the Highway Authority note that the proposal would not be considered suitable for dedicated as a future highway due to the implications for services.

The Highway Authority raises no objection to the proposal subject to the imposition of relevant conditions regarding conformity with submitted details, electric vehicle charging point, cycle parking and construction environmental management plan. Subject to the attachment of these relevant conditions, it is considered the proposed development complies with Policy BDP1 and BDP16. Neutral weight should be attributed to this in the decision making process.

## **Contamination**

WRS Contamination raises no objection to the proposal.

## **Ecology**

The applicant has undertaken surveys to ascertain the presence of protected species on the site. No protected species have been found. WWT have no objection subject to a planning condition covering biodiversity enhancement scheme. The proposal is therefore compliant with Policy BDP21 of the Bromsgrove District Plan

## **Flooding**

The site is located in Flood Zone 1 and is at low risk of flooding. While a site drainage strategy has not been submitted, North Worcestershire Water Management raises no objection, subject to a condition.

## **Other Matters**

A number of comments have been received as a result of this public consultation and many of these concerns have been addressed within this report. In terms of the lack of affordable housing, due to the number of units proposed and the size of the site an

affordable housing contribution could not be required as part of the proposed development.

Concerns have also been raised in respect of the development setting a precedent locally and the fact that other 'similar' applications have been refused in the vicinity of the site and throughout the District. It is important to note that whether other applications have been refused locally or whether the proposal would set a precedent does not justify refusal of this application. Each application is considered on its individual merits and therefore would need to be assessed against the current local and national policies at the point of submission to the Local Planning Authority.

## **The Planning Balance and Conclusion**

The proposal would have an acceptable impact upon residential amenity, highway implications, landscape and ecology, subject to the imposition of relevant planning conditions. As such, neutral weight is attributed to these issues in the decision making process.

The development, with a cohesively designed cul-de-sac which would exhibit a clear design and whilst making an effective use of land, would not appear cramped within its setting. The overall scale, height and design of the proposal would be acceptable in the context of the wider locality and the character of the surrounding area.

The proposal would deliver a net increase of 6 dwellings in an accessible location in an established residential area. The benefits provided by the delivery of 6 dwellings comes at a time when the Council cannot demonstrate a 5 year housing land supply and there is a national drive to boost housing levels.

The NPPF states that where Council's cannot demonstrate a 5 year housing land supply, planning permission should be granted unless any adverse impacts in doing so would significantly and demonstrably outweigh the benefits. In this instance, the scheme is considered to be acceptable in terms of its impact upon the character and appearance of the area, impact on residential amenity, landscapes, ecology and highway safety.

Consequently, there are considered to be no adverse impacts which would significantly and demonstrably outweigh the benefits of providing an additional 6 dwellings. Accordingly, the scheme is recommended for approval.

**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, drawings and supporting information:

7679\_100\_LOCATION PLAN  
7679\_160G\_PROPOSED SITE PLAN  
7679\_161B\_PROPOSED CONTEXT PLAN  
7679\_162A\_PROPOSED BLOCK PLAN  
7679\_250A\_PLOT 1  
7679\_251A\_PLOT 2  
7679\_252A\_PLOT 3  
7679\_253A\_PLOTS 4+5  
7679\_254A\_PLOT 6  
7679\_255A\_PROPOSED GARAGES

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

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

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

- 4) 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. If infiltration techniques are used then the plan shall include the details of field percolation tests.

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

- 5) Notwithstanding the submitted details, prior to above ground works a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting feature(s) and or nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
- ii. Materials and construction to ensure long lifespan of the feature/measure

- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- iv. When the features or measures will be installed and made available.

Reason: To provide net gains for biodiversity to ensure the creation of wildlife habitat and wildlife corridors within development and minimize impact of the development on biodiversity.

- 6) a) No development shall commence until the fences for the protection of the trees to be retained have been erected in accordance with the submitted Tree Report by Cotswold Wildlife Surveys dated July 2019 and shall be retained until the completion of the development. No vehicles, plant or materials shall be driven or placed within the areas enclosed by such fence.
- b) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
- c) If any retained tree is removed uprooted or destroyed or dies, within a period of 5 years from the completion of the development another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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

- 7) The development hereby permitted shall not be brought into use until one of the new parking spaces to serve each of the new dwellings has been equipped with an electric vehicle charging point and once provided it shall be retained and maintained as such at all times.

Reason: In the interests of sustainability.

- 8) Full details of both hard and soft landscape works shall be 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.

All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities.

9) A construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. This shall include but not be limited to the following:

- Working Hours during construction phase;
- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.
- Comply with the requirements of Worcestershire regulatory Services Code of Best Practice for demolition and Construction Sites 1st Edition July 2011.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved.

Reason: To protect existing and new occupiers of residential areas from the unreasonable effects of noise, vibration, light and dust nuisance and to ensure the provision of adequate on-site facilities and in the interests of highway safety.

10) Notwithstanding the details on 7679\_160G\_PROPOSED SITE PLAN, 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.

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

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Stoford Gorcott Limited	<p>Application for approval of reserved matters relating to appearance, landscaping, layout, scale and access (internal to the site) for a use class B8 (storage and distribution) building with ancillary floorspace including use class B1 (offices); earthworks; plot and structural landscape works inclusive of an ecological enhancement area; internal access roads, car parking, gatehouse; utilities and plant infrastructure; on the northern development parcel pursuant to S73 permissions SDC 18/03746/VARY, BDC 18/01596/S73, RBC 18/01626/S73 following outline permissions SDC 17/01847/OUT , BDC 17/00701/OUT, RBC 17/00700/OUT</p> <p>Redditch Gateway Land Adjacent To The A4023, Coventry Highway, Redditch, Worcestershire,</p>	03.10.2019	19/00619/REM

## **RECOMMENDATION:**

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

## **Applicant's Supporting Documents**

### List of documents:

- Covering letter
- EIA Statement of Compliance
- Transport Technical Note 1
- Design and Access Statement
- Flood Risk Assessment
- Flood Risk Management Summary Note
- Sustainable Drainage Statement
- Geotechnical Assessment Report
- Factual Ground Investigation Report
- Veteran Tree Strategy
- External Lighting Strategy Report
- Written Scheme of Investigation
- Computer Generated Images (x3)
- Images of associated site infrastructure (e.g. bin store and generators)

## 1.0 **REPRESENTATIONS**

### **Parish Councils**

#### 1.1 **Beoley Parish Council**

We at Beoley Parish Council strongly object to this application for the following reasons and concerns:

- extensive light emissions. The lighting proposals, seem to have a light mitigation scheme in place to minimise the impact of lighting (a list of the type of downward lights to be used is just not enough), but previous applications on Ravensbank had similar 'assurances' that were ignored.
- the application appears to now be for one enormous building, rather than a series of smaller units. Why allow such large 'eye-sores'?
- noise pollution will cause huge stress to local residents.
- the application ignores Stratford DC's recent policy to be '.....carbon neutral by 2030'.
- how can all this application be agreed before the nature of the sites use and tenants have been decided. (Numbers of vehicles on and off the site for example)
- there is no assessment of the affect on ecology or any noise or light pollution report . Is this is an attempt to get detail agreed before the overall strategy and need for this site has been agreed by Bromsgrove, Redditch and Stratford DCs?

#### 1.2 **Mappleborough Green**

Object to the application for the following planning reasons:

- Applications should have been submitted to all three authorities (Stratford-on-Avon, Bromsgrove and Redditch)
- No agreement to the amendments to the original outline consent proposed in March 2019
- Concern regarding the problems that will accompany a building and associated business of this size, particularly light and air quality pollution, and increased living stress to local residents which will impact on their health and wellbeing
- Contrary to Stratford-on-Avon's decision to be carbon neutral by 2030
- Good decisions regarding drainage, landscaping and business impact cannot be made until the nature and operation of the business is fully understood – question why transparency is such a problem to the potential business operator (28.08.2019)

Officer clarified in an email to Mappleborough Green Parish Council that the application site for the reserved matters does not include land within Redditch Borough Council and that it is therefore correct for reserved matters submissions to be made to Stratford-on-Avon District Council and Bromsgrove District Council only (bullet 1).

Officer also clarified that planning permission had been granted to amend the parameters approved under the original hybrid application – 18/03746/VARY – following a resolution to grant from Planning Committee (bullet 2).

Mappleborough Green PC acknowledged receipt of the email (28.08.2019)

## 1.3 Coughton Parish Council

Object to the application for the following planning reasons:

- Scale of development has increased considerably from the first outline application
- Proposal accommodates a fivefold increase in the number of HGV spaces, with no indication of vehicle turnround times which are essential factors in predicting traffic flows
- No evidence to support the proposed occupier's statement that the majority of HGV traffic would route to and from the M42 junction 3, with insignificant HGVs travelling south
- Correct for HGV routing strategy to prevent vehicles travelling through Mappleborough Green and Studley, but no consideration has been given to the small villages of Coughton and Kings Coughton
- Increased traffic which will increase noise and disruption on the local highway network, poorer air quality for residents, visitors and school children
- Future occupier should be known at this stage to enable an informed decision to be made (02.09.2019)

## 1.4 The following nearby Parish Councils were also consulted. No representations were received

Studley Parish Council  
Tanworth in Arden Parish Council  
Sperrall Parish Council  
Morton Bagot Parish Council  
Ullenhall Parish Council  
Beaudesert Parish Council  
Henley in Arden Parish Council  
Oldberrow Parish Meeting  
Sambourne Parish Council

### **CONSULTATIONS**

The full responses are available in the application file.

### **Highways and Transportation Consultations**

## 1.5 Warwickshire County Council Highways No objection (11.09.2019)

## 1.6 Worcestershire County Council Highways

No objection subject to the following conditions:

- Access, parking and turning areas provided prior to first use
- EVCPs installed prior to first use in accordance with the contents of the amended Transport Technical Note
- Details of sheltered and secure cycle parking to be submitted and approved
- Details of showers and lockers to be installed in the building to be submitted and approved (13.09.2019)

1.7 Warwickshire County Council Rights of Way Make the following comments:

- Currently there are no public rights of way which cross the site
- However, there is a public right of way that currently runs adjacent to the County boundary which the applicant proposes to legally divert onto new alignment, part of which would fall within Warwickshire
- No objection to the principle of this diversion subject to assurances that the diversion route would be well drained and that any surfacing be agreed
- Condition should be attached to ensure at least 2m between the edge of the public right of way/associated planting and diverted brook
- Require assurances that the diverted public right of way would not be liable to flooding
- Stile is shown on Landscape Masterplan – a gap or gate should instead be provided
- Recommend notes relating to obligations toward the public right of way (02.09.2019)

1.8 Worcestershire County Council Rights of Way Make the following comments:

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

1.9 Ramblers Association

No representation – there are no public rights of way affected by this application on the Stratford-on-Avon District side of the cross-boundary development (31.07.2019)

## Heritage Consultations

1.10 Bromsgrove District Council and Redditch Borough Council Conservation

Make the following comments:

- Note that the proposed land levels will reduce any potential views from Gorcott Hall
- Question how light spill will be reduced, bearing in mind the height of the columns
- Clarification required on coloured contour lines
- Note the submission of a plan to show light spill – question whether this would be noticeably increased during the winter months when trees are not in leaf
- Plan should include replanting of trees/shrubs which fail in first five years
- Question how landscape would be managed in the long term (29.08.2019)

1.11 Historic England

Do not wish to offer comments – recommend that views are sought from specialise conservation and archaeological advisors where relevant (07.08.2019)



## 1.12 Worcestershire County Council Archive and Archaeology

Make the following comments:

- The reserved matters does not change the impact on archaeological deposits
- Note the intention to make the line of the former historic boundary which, along with the intention to provide suitable public interpretation of the boundary and the history of the area as part of the green infrastructure plan, is welcomed
- Some aspects of archaeological related conditions on the hybrid consent are yet to be discharged (15.08.2019)

## **Ecology Consultations**

### 1.13 Worcestershire County Council Ecology

Make the following comments:

- Overall the biodiversity enhancement measures are acceptable and concerns raised on previous plans have been addressed
- Pleased to see retention of tree T18
- Do not consider there to be satisfactory reasoning for the loss of veteran trees considered through the previous application
- Use of concrete to anchor the relocated veteran tree is not ideal and a more sustainable alternative should be sought if possible
- Mammal ledges should be installed to culverts (04.09.2019)

### 1.14 Worcestershire Wildlife Trust

Make the following comments:

- Reiterate in-principle objection to the loss of veteran trees
- The Veteran Tree Strategy which has been submitted sets out an appropriate approach to mitigation for the lost trees. The Strategy will need to be refined on a tree by tree basis and so further consideration and discussion with consultees may be helpful
- Concerned with the rather narrow corridor that the diverted brook will run where along the southern edge of the northern parcel
- Whilst generally against culverting, agree that the protection of tree T18 is important and so some consideration of culverting may be valid
- Sensitive management of watercourse and nearby SUDS will be critical
- Long-term management of green infrastructure should be secured through a Landscape and Ecological Management Plan and associated S106 agreement
- Understand biodiversity offsetting is secured and managed by Warwickshire County Council Ecology
- Pleased to see the fixed site lighting limited by design so as to keep light penetration into surrounding habitats below 2lux
- There will still be significant light spill into surrounding habitat in some places – further mitigation of light spill may be required (27.08.2019)

### 1.15 Natural England

No objection (23.08.2019)

1.16 BDC and RBC Tree Officer Make the following comments:

- Access road into development causes incursion into root protection area (RPA) of tree T18
- No dig construction should be used for section of road and curbing that incurs into the RPA
- Proposed pipe line to be installed through the RPA of tree T18 would cause extensive root damage
- Hydrology of the ground local to the tree would change as a result of the proposal – potential to cause longer term root decay damage to this tree
- No objection to loss of sections of G12, G20 and the total loss of G23 and G24 – they are of small stature and low prominence
- Object to the loss of tree and hedge line along Blacksoils Brook
- Level changes within RPAs of trees T11 and T13 are proposed – may cause root damage or alter the hydrology of the ground local to the tree
- Measures for relocation of trees T46 and T74 as proposed through the Veteran Tree Strategy are appropriate, but trees T73 and T92 should be retained
- Request minor amendments to landscape plans proposed
- Generally the landscape scheme contains a suitable mix of shrubs, hedging and trees
- Pleasing to see the inclusion of an orchard area and areas to be meadow managed
- Conditions recommended to include no works to trees without consent, tree protection plan, no works within RPAs, submission and approval of an orchard and meadow management (21.08.2019)

1.17 Woodland Trust

Make the following comments:

- Acknowledge that the relocation of veteran trees has been approved, but objection to the principle of this remains
- The Trust does not have any further comments to make (09.09.2019)

### **Drainage and Flood Risk Consultations**

1.18 Environment Agency

No objection (16.09.2019)

1.19 Warwickshire County Council Flood Risk Management (LLFA)

No objection subject to condition:

- Independent review of hydrological model in respect of diverted Blacksoils Brook (10.09.2019)

1.20 North Worcestershire Water Management NWWM (LLFA)

No objection but makes the following comments:

- Reservations remain regarding the inclusion of new culverts, but understand that they are necessary due to level changes, ensuring the retention of mature trees and constraints of the adjacent Gorcott Hall – these factors restrict the available options for a route of an open channel option and the proposed culverts can be permitted in their current form
- Proposed sections for the diverted Blacksoils Brook are largely acceptable
- Two of the proposed car parking areas are proposed in permeable paving which is welcomed
- Revised sustainable drainage proposals are acceptable (12.09.2019)

1.21 Severn Trent Water

No objection but recommend attachment of a note (16.09.2019)

### **Environmental Health Consultations**

1.22 SDC Environmental Health No comments (22.08.2019)

1.23 SDC Waste and Recycling No comment (26.07.2019)

1.24 Worcestershire Regulatory Services – Technical Services Lighting

No objection in terms of light nuisance:

- Submitted external lighting scheme appears satisfactory and complies with the Institute of Lighting Engineers Guidance on obtrusive lighting (16.08.2019)

#### Air quality

Make the following comments:

- Air Quality Assessment should be undertaken
- Cycle parking should be incorporated
- 10% of allocated car parking spaces should be installed with electric vehicle charging points
- Low emission boilers should be used (16.08.2019)

#### Contamination

Make the following comments:

- Full copy of the Factual Ground Investigation report should be submitted to enable recommendation of suitable conditions (19.08.2019)

Officer note: The report was submitted to Worcestershire Regulatory Services on 22.08.2019. No further response received.

### **Other Consultees**

1.25 Redditch Borough Council (adjoining authority)

Consultation considered by RBC's Planning Committee on the 14.08.19 with the minutes of this meeting provided as its consultation response:

- Clarification required on location of lorry loading bays and parking
- Question whether grey is the most appropriate colour
- Requirement to provide adequate ecological and wildlife mitigation
- Clarification required on arrangements for parking and lighting
- Clarification on tree mix (04.09.2019)

Further comments received, following consideration of proposal at subsequent RBC Planning Committee on the 18.09.2019:

**No objection** (19.09.2019)

1.26 Worcestershire County Council Landscape

Make the following comments:

- Satisfied that the landscape mitigation and enhancement measures and methods accords with conditions attached to the hybrid planning permission (05.09.2019)

1.27 Warwickshire Police

No observations (29.07.2019)

1.28 Worcestershire County Council Sustainability Makes the following comments:

- Energy performance that goes beyond what is required under Building Regulations should be considered
- Electric vehicle charging points with a minimum capacity of 7kWh should be provided
- Water management and conservation in line with BREEAM should be achieved
- Separation and removal of food waste from the site should be considered (04.09.2019)

1.29 BDC/RBC Climate Change and Energy Support Officer

Makes the following comments:

- This key 'game-changer' site should exceed the requirements of the Bromsgrove Local Plan in respect of climate change and sustainable development
- Any warehouse facility that facilitates the distribution of goods has an associated carbon footprint, and there is a need to reduce consumption and re-use goods in order to tackle climate change
- Applicant should be required to demonstrate that it is using the most sustainable construction methods and materials, with clear justification including evidence of any less sustainable choices
- The final energy efficiency and sustainability implementation plan should be submitted for approval. The applicant should be required to demonstrate that they are using the highest standards of energy efficiency or sustainability measures, with clear justification including evidence of any lesser choices
- Full coverage of the roof with solar photovoltaics – any less than this needs clear justification
- There should be a requirement for low carbon heating, unless clear justification is provided
- Hybrid battery storage/diesel generator back-up should be required unless clear justification is provided

Light spill could be reduced by reducing the height of light columns (10.09.2019)

## **Third Party Responses**

- 1.30 The planning-related comments made by third parties have been summarised by the case officer.
- 1.31 14 letters of objection from local residents received, including from the Winyates Green Residents Association and Warwickshire County Councillor (Studley) Rickhards. Planning grounds for objection:
- Local road infrastructure insufficient to support development
  - Increased traffic through nearby villages unacceptable
  - Increased traffic would impact on highway safety
  - Higher air pollution from increased traffic
  - Higher noise pollution from increased traffic
  - HGV Routing Strategy (approved through DISCN/00123/19) will encourage HGV traffic from other industrial estates to Redditch to route through Studley to avoid increased traffic routing north
  - Insufficient public transport will mean workers drive to the site – no mention or plan for additional cars to the site
  - Traffic impact should be considered cumulatively with other developments in Redditch
  - Contrary to Stratford-on-Avon's decision to be carbon neutral by 2030
  - Increased light pollution
  - Visual harm due to the scale of the building proposed
  - Building would adversely dominate the landscape
  - Difficult to mask/screen the building due to colour
  - Loss of natural habitat
  - Loss of biodiversity/wildlife
  - Loss of Green Belt
  - Larger development than originally proposed
  - Empty units should be occupied first
  - Applications should have been made to all three authorities – Stratford- on-Avon District Council, Bromsgrove District Council and Redditch Borough Council
  - No agreement to the amendments to the original outline consent proposed in March 2019
  - Good decisions regarding drainage, landscaping and business impact cannot be made until the nature and operation of the business is fully understood
  - Acoustic barriers and soft landscaping should be used to minimise impact on residential properties
  - Type of development would not give rise to high quality jobs envisaged for the site
- 1 letter of no representation from a local resident also received.

## 2.0 DEVELOPMENT PLAN AND MATERIAL CONSIDERATIONS

### **Development Plan**

- Bromsgrove District Plan 2011-2030
- BDP1 Sustainable Development Principles
- BDP5B Other Development Sites
- BDP6 Infrastructure Contributions
- BDP13 New Employment Development
- BDP14 Designated Employment
- BDP16 Sustainable Transport
- BDP19 High Quality Design
- BDP20 Managing the Historic Environment
- BDP21 Natural Environment
- BDP22 Climate Change
- BDP23 Water Management
- BDP24 Green Infrastructure
- BDP25 Health and Well Being

### **Other Material Considerations**

#### Central Government guidance

- NPPF and PPG
- Circular 06/05: Biodiversity and Geological Conservation

#### Other Planning Documents and Guidance

- Bromsgrove District Council High Quality Design SPD
- Stratford-on-Avon District Core Strategy 2011-2031
- Development Requirements SPD
- Stratford on Avon District Design Guide (information guidance)
- Historic England Good Practice Notes 2015:
  - GPA 1 – The Historic Environment in Local Plans
  - GPA 2 – Managing Significance in Decision-Taking in the Historic Environment
  - GPA 3 – The Setting of Heritage Assets

## 3.0 RELEVANT PLANNING HISTORY

<u>Reference Number</u>	<u>Proposal</u>	<u>Decision and date</u>
SDC 18/03746/VARY RBC 18/01626/S73 BDC 18/01596/S73	Variation of conditions 2 and 8 to amend the parameters of development for the northern development parcel, and Phase 1 Ground Engineering works (and changes to conditions 12, 16, 18, 21, 29, 31, 32, 36 and 37 to allow hedgerow and tree removal prior to the coming into effect of the relevant condition, and conditions 28 and 29 to relate to updated flood risk assessment) in respect of hybrid planning permissions 17/01847/OUT (Stratford reference number), 17/00700/OUT (Redditch reference number), and 17/00701/OUT (Bromsgrove reference number) dated 11 June 2018.	All Granted 10.04.2019
SDC 17/01847/OUT RBC 17/00700/OUT BDC 17/00701/BDC	Hybrid application comprising: Outline planning application (with matters of appearance, landscaping, layout, scale and details of internal circulation routes reserved) for the development on a phased basis of 32ha of employment land for business/industrial uses (Use Classes B1, B2, B8). The development shall include: landscaping, parking, associated infrastructure, utilities, drainage (including SUDS) and ground engineering works; And Full planning application for Phase 1 Ground Engineering works, and details of means of access to the site from the A4023	All Granted 11 June 2018
DISCN/00123/19	Discharge of Condition 19 HGV Routing Strategy and 20 HGV Surveys of planning permission 18/03746/VARY.	Condition 19 approved, and condition 20 part-approved  SDC 30.07.2019 BDC 14.08.2019 RDC 14.08.2019

## 4.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

4.1 This application for reserved matters is pursuant to hybrid planning application 18/01596/S73 which granted:

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

- 4.2 As the entirety of the Redditch Gateway site crosses the administrative boundaries of Stratford-on-Avon District Council, Redditch Borough Council and Bromsgrove District Council, all three LPAs granted identical planning applications (RBC application reference 18/01626/S73, SDC application reference 18/03746/VARY on the 10 April 2019. This was following each application having been given a resolution to grant from each respective Planning Committee.
- 4.3 This reserved matters application relates to the northern development parcel of the wider Redditch Gateway site. As the site falls within the jurisdictions of Stratford-on-Avon District Council and Bromsgrove District Council, identical reserved matters applications have been submitted to each LPA (SDC application reference 19/01545/REM). Redditch Borough Council was consulted on both applications as a neighbouring authority given the proximity of the application site to land within its jurisdiction. However, as the red line for the application does not fall in Redditch, it is correct that a reserved matters application has not been submitted to Redditch Borough Council.
- 4.4 The application seeks reserved matters approval for appearance, landscaping, layout, scale and internal routes/accesses.
- 4.5 The reserved matters submission proposes the following (which all fall within the parameters of the hybrid consent 18/01596/S73):
- a use class B8 (storage and distribution) building with 843sqm of ancillary use class B1 (offices) floorspace; the building would have a footprint of 34,041 sqm (Gross External Area), and maximum height of 16.2m; the building would be constructed of a flat composite panel system;
  - service yard which includes 106 HGV loading bays and 125 HGV parking bays;
  - 469 car parking spaces (including 24 accessible spaces), 60 cycle spaces and 24 motorcycle spaces;
  - installation of electric vehicle charging points to 48 car parking spaces (10%);
  - two gatehouses and associated infrastructure including cycle shelters, bus shelters and smoking shelters;
  - conservation landscape buffer zone to the eastern boundary of the site (which includes the route for the re-diverted Blacksoils Brook);
  - planting of 10 no. black poplar trees and stud markings to denote historic County boundary

## **5.0 ASSESSMENT OF THE KEY ISSUES**

### **5.1 Principle of Development**

- 5.1.1 The Council is required to make a decision in line with the Development Plan, unless material considerations indicate otherwise. (Section 38(6) PCPA 2004 and Section 70(2) TCPA 1990). The National Planning Policy Framework (NPPF) is a key material planning consideration.



- 5.1.2 I note that a number of parish council/third party representations have been received which raise objection to the scheme on the basis of matters relating to the principle of development. The principle of development has already been established through the grant of 18/01596/S73. The means of access into the site from the public highway via a signalised junction on the Coventry Highway has also been committed through this planning permission.
- 5.1.3 Representations have also been received which state that the size of the development has increased from that which was proposed and granted under the previous applications (17/00701/OUT and 18/01596/S73).
- 5.1.4 This reserved matters submission is made pursuant to the later hybrid planning permission – 18/01596/S73. In respect of the northern development parcel (the area of the site to the north of the A4023 Coventry Highway), the Parameters Plan (drawing no. 5372-205 T) granted the following:
- Yellow Employment Zone which crosses the Blacksoils Brook (requiring its diversion) – area to include parking and servicing, maximum building height not to exceed Above Ordnance Datum (AOD) **123.0m**, maximum plant height not to exceed AOD **125.0m**
  - Three grey Employment Zones Infrastructure – area to include car parking for employees and visitors, lorry parking, potential bus stops, internal roads and footpaths, green corridor
  - Grey Employment Zone Infrastructure – area to include car parking for employees and visitors, lorry parking, potential bus stops, internal roads and footpaths, and the possibility for a decked car park, maximum building height not to exceed AOD 117.5m
  - Green Landscaping Buffer Zone – area to the eastern part of the site which would provide for the rerouted Blacksoils Brook and footpath.
- 5.1.5 The proposed building is located in the Yellow Employment Zone. It would have a maximum height AOD of **119.8m** (no external plant is proposed), therefore complying with the hybrid planning permission parameters. This translates to the building having a maximum height of **16.2m** when measured from the proposed ground level to the top of the parapet roof. The only other buildings proposed through this reserved matters are two small gatehouses; one beyond the southwest elevation of the building, and one beyond the southeast elevation of the building.
- 5.1.6 The gatehouse beyond the southwest elevation is located within the Yellow Employment Zone and complies with the parameters having an AOD height of 107.5m, which translates to a height of 3.7m.
- 5.1.7 The gatehouse beyond the southeast elevation is located within the Grey Employment Zone Infrastructure. The approved Parameters Plan allowed a maximum building height not to exceed AOD of 117.5m. The proposed gatehouse would have a AOD height of 109.400 which translates to a height of 3.7m.

- 5.1.8 Condition 8 of 18/01596/S73 states: “The total development of all phases shall not exceed 90,000sqm (Gross Internal Area – GIA) of floorspace within use classes B1, B2, B8 of which no less than 10% of the floorspace, including ancillary space within B2 and B8 units, shall be offices (use class B1(a))”.
- 5.1.9 The main building proposed through this reserved matters application has a floor area of 33,526sqm Gross Internal Area (34,041 sqm Gross External Area). With the addition of the two gatehouses this increases to 33,581.92 sqm GIA. This reserved matters therefore comprises 37% of the total permitted floorspace across the entirety of the Redditch Gateway development. The proposal therefore complies with the requirements of this condition, and does not constitute development of the site over and above what was assessed and permitted under 18/01596/S73.
- 5.1.10 The application relates to the reserved matters, specifically appearance, landscaping, layout, scale and internal routes/accesses for the northern development parcel pursuant to 18/01596/S73.

## 5.2 **Appearance**

- 5.2.1 Policy BDP1 criterion ‘f’ states that regard will be had to “*The impact on visual amenity*”
- 5.2.3 Paragraph 6.2.2 of the BDC High Quality Design SPD states that “*Planning permission will only be granted for new commercial and industrial buildings which are of high quality design and are appropriate for their use and context. Development will not be permitted where it is considered to have a detrimental impact on the townscape or landscape character.*”
- 5.2.4 Paragraph 6.2.10 of the BDC High Quality Design SPD states that “*Commercial developments should be constructed to produce a visually attractive scheme. Materials, building methods and details in the design should aim to enhance the local distinctiveness of an area. Where there is no precedent set for specific types of materials to be used, a high quality area with a distinct character should be created, either from traditional or more modern materials. It is the degree to which any material is appropriate to its surroundings and its function that should determine its use*”
- 5.2.5 The built form proposed under this reserved matters application comprises the main building, two gatehouses and associated structures which include a bin store, bus stop shelters and cycle shelters.
- 5.2.6 The main building takes a form typical of a contemporary building being occupied for a B8 storage and distribution use. On three of its four sides it has continuous rows of HGV docking bays, with the remaining side featuring a lower level projection containing the office/welfare area (welfare areas to include nurses room, prayer room, showers and toilets, canteen/breakout room, mothers room, lockers and utility store). External access stairwells are located on both the northeast and southwest elevations of the building.

- 5.2.7 The building would be finished in a flat composite panel system. The colour palette has been kept simple. The Design and Access Statement advises that prior to submission of the application a darker grey palette was considered. However, prior to formal submission, the colour scheme was amended such that a lighter grey would be used to finish the majority of the building. Darker grey cladding is proposed to lower level projections to add visual interest. A blue feature strip is proposed along the top of the building. All doors, window and shutters would have a dark grey finish.
- 5.2.8 In my view, the use of light grey, with dark grey feature areas is appropriate. Ravensbank Drive Industrial Estate is located to the west of the site. The buildings closest to the application site are typically light grey, with dark grey cladding used for smaller elements on the building. In my view the colour scheme proposed would reflect the finish of neighbouring buildings in similar uses. When looking up toward the building, the light grey cladding would, in my view, help the building to blend in with the sky. Whilst higher level views, available from the A435 for example, may be available for a time, the light grey roof is considered to be sympathetic to the other industrial development in the area.
- 5.2.9 Given the proximity of the application site to the boundary with Redditch Borough Council, it considered the proposals as an adjoining consultee. The proposals were presented to Redditch Borough Council's Planning Committee and the minutes of this meeting confirm that members were concerned with the use of grey in the finish of the building. No specific reasons were minuted, but members required any colour scheme to minimise its impact and help the structure to blend in with its surroundings.
- 5.2.10 As per my assessment above, I consider that the grey colour scheme, particularly with the dark accents, would minimise its impact and assist with blending the building into the surroundings. I acknowledge that regardless of the colour scheme proposed, a building of this scale will inevitably impact on the visual amenity of the area, but I do not consider this impact to be unacceptable.
- 5.2.11 Condition 15 of 18/01596/S73 requires the submission and approval of material samples prior to commencement of each phase of development. This would ensure that the exact colour and finish of the materials proposed is acceptable. However, I am content that the principle of a lighter and darker grey would represent an appropriate palette and I would expect any material samples to reflect the colours shown on the plans submitted. The importance of a matte finish to the roof is highlighted to minimise reflection of light in any available higher levels views from the A435 and Gorcott Hall.
- 5.2.12 Condition 39 of 18/01596/S73 requires the submission and approval of lighting details for each phase. As this impacts on the appearance of the development, lighting details have also been provided under this reserved matters submission.
- 5.2.13 An External Lighting Strategy Report has been submitted, along with plans to show the locations for lighting to be installed within the northern development parcel. Both column mounted lights (on columns ranging in height from 6m to 12m) and building mounting lights are proposed.

5.2.14 The External Lighting Strategy Report confirms that external lighting has been designed to prevent upward light pollution and spill light to neighbouring areas, with due regard to the key sensitive conservation/ecology areas. In assessing the appropriateness of the lighting scheme proposed, I have had regard to its impact on neighbouring amenity (in terms of disturbance to dwellings and garden areas from external lighting), impact on the visual amenity of the area, and impact on ecology (in terms of light spill into the woodland which could adversely impact on light sensitive species).

5.2.15 I consider that the lighting scheme proposed is sympathetic to residential properties, ecology and the visual amenity of the area. I am therefore satisfied that this element of the proposal is acceptable.

5.2.16 In light of the assessment above, I am satisfied that the appearance as proposed through this reserved matters submission is acceptable, and accords with Policies BDP1CS.5 and CS.9 of the Core Strategy.

### 5.3 **Landscaping**

5.3.1 Policy BDP21 states that the Council will seek to achieve better management of Bromsgrove's natural environment by expecting developments to: g) Protect and enhance the distinctive landscape character of Bromsgrove, as identified in the Worcestershire Landscape Character Assessment, and take account of the Worcestershire Landscape Character Assessment Supplementary Guidance;

5.3.2 Policy BDP 19 criterion 'p' seeks to Ensure "*all trees that are appropriate (e.g. in terms of size, species, conditions and predicted climate) are retained and integrated within new development*"; and 'q' "*Ensuring development incorporates sufficient, appropriate soft landscaping and measures to reduce the potential impact of pollution (air, noise, vibration, light, water) to occupants, wildlife and the environment*"

5.2.3 Section 6.2 of Bromsgrove District Council's High Quality design SPD provides guidance on the achievement of good landscaping across developments.

5.2.4 The landscape impact of the development of the Redditch Gateway site as a whole was fully considered in the assessment of the hybrid application 18/01596/S73. This reserved matters submission relates to the specific hard and soft landscape details proposed, to include boundary treatments, soft planting and earthworks.

5.2.5 As described within the Design and Access Statement, the primary ecological features within the application site currently centre around Blacksoils Brook. However, the hybrid planning permission 18/01596/S73 granted the diversion of the Blacksoils Brook, together with the hedgerows and trees along it. Whilst landscape harm was identified in the assessment of this previous application, in the planning balance, this was considered to be acceptable.

- 5.2.6 The reserved matters is consistent with the S73 planning permission in that the Blacksoils Brook is diverted around the eastern and southern boundaries of the site, and the hedgerows and trees along the brook are shown for removal. However, the reserved matters application retains a large undeveloped green area to the eastern side of the site, which the Design and Access Statement states comprises an ecological enhancement area. Hedgerows and trees have been retained where possible, including two hedgerows which currently denote field boundaries, as well as mature trees T11 (oak), T13 (oak), T18 (oak), and T86 (oak). The site access road incurs into the root protection area (RPA) of T18 but subject to a condition requiring no dig construction where hardstanding/curbing is located in the RPA, I consider this to be, on balance, acceptable. Level changes are proposed within the RPAs of trees T11 and T13, but these are required to provide the parking areas required to serve the development and have been kept to a minimum to minimise any resultant impact on these trees.
- 5.2.7 The locations for the four veteran trees approved for relocation through 18/01596/S73, have been detailed on the soft landscape plans. They would be located between the new brook and car parking area.
- 5.2.8 A significant amount of new planting is proposed across the site, particularly within this eastern area which will act as a conservation landscape buffer area and ecological enhancement area.
- 5.2.9 An evergreen rich woodland mix is proposed along the northern boundary of the site where it adjoins the woodland. A total of 3,235 trees are proposed, with species including field maple, common hazel, common hawthorn, holly, scotspine, evergreen oak, rowan and conifer. It has been specifically designed as an evergreen rich mix containing a high percentage of native evergreen species to provide habitat value and increased all year round screening to prevent light spill into the woodland. In addition to this, a native hedgerow is proposed between the new woodland planting and security fence to the back edge of the service yard. An ecology fence would be located adjacent to the woodland to assist in screening whilst the planting establishes (located outside the application site but within the control of the applicant).
- 5.2.10 Smaller areas of evergreen rich woodland is also proposed along the site frontage with Coventry Highway, along with marshy grassland and a riparian seed mix around the drainage basins. An area of native shrub planting is also proposed in this location.
- 5.2.11 In addition to the evergreen rich woodland mix, native woodland planting is proposed along the western boundary, between the service yard/HGV parking and conservation landscape buffer, and around the parking areas to the east of the main building.
- 5.2.12 The conservation landscape buffer comprises meadow planting around retained hedgerows and trees, the new pond and diverted brook. A riparian seed mix is proposed to the brook corridor.

- 5.2.13 10 black poplar trees are proposed along the current alignment of the Blacksoils Brook to assist in the interpretation of this historic County boundary. This tree planting would be supported by the provision of metal stud markers to continue to mark the historic County boundary where new hardsurfacing is proposed, and a signpost marker adjacent to the public right of way.
- 5.2.14 A large area of the site toward to southeastern corner is to comprise orchard planting of approximately 90 trees. This is in addition to a smaller area of orchard planting, to provide 23 trees, to the northwestern tip of the site. Orchard planting would comprise local varieties of plums, pears and apples.
- 5.2.15 In my view the landscape scheme which has come forward through this reserved matters submission is of high quality and would provide high visual and ecological value. I consider that the scheme responds positively to the challenges presented through diverting the brook and would facilitate the creation of an attractive soft landscaped area around the building.
- 5.2.16 A range of boundary treatments are proposed across the site, being largely functional to suit the needs of the future occupier.
- 5.2.17 A 3m high acoustic fence is proposed along the southern side of the service yard. The need for this acoustic fence was identified in the Environmental Statement (Noise Chapter) in order to protect residential properties on Far Moor Lane from unacceptable noise impacts as a result of the development. The fence would be set back in excess of 30m from the Coventry Highway, beyond new planting. Whilst the fence would be visible from both Coventry Highway and the public footpath, it would be viewed through new planting which would effectively soften its impact. I therefore consider the impact of this acoustic fence on the visual amenity of the area to be acceptable.
- 5.2.18 A 2.4m high security fence is proposed to all other boundaries of the proposed service yard. This would be functional in appearance but the need for it is understood and it too would be screened. I consider the proposed boundary treatments to be acceptable.
- 5.2.19 In order to facilitate a building and its associated service area to the size proposed, alterations to the existing ground levels are required. As existing, the site slopes upwards in a north-easterly direction, away from the Coventry Highway. As proposed, the service yard would be between 0m and 3m higher than the Coventry Highway (when measured at the site entrance - 101m), whilst the building would be up to 4.6m higher than the Coventry Highway on its southern elevation. Both the service yard and building would be cut into the slope as it rises toward the woodland to the north of the site, and Gorcott Hall to the northeast of the site.
- 5.2.20 On the basis of no objections being raised by relevant consultees in respect of the levels adjacent to the woodland, I am satisfied that they would not have a significant impact on the woodland as a result of leaving its edge perched; something which was raised as a potential concern in the consultation responses received to 18/01596/S73. The levels mean that the building is on a much lower level than Gorcott Hall which will minimise any associated impact on its setting.

Furthermore, whilst on higher land than the Coventry Highway, I am satisfied that the resultant impact on the visual amenity of the area is acceptable. The building would be set back approximately 75m from the highway at its closest point behind significant areas of new planting, minimising its impact on public views.

5.2.21 In light of this, I consider the proposed levels to be acceptable.

5.2.22 In light of the assessment above, I am satisfied that the landscaping as proposed through this reserved matters submission is acceptable, and accords with Policies BDP19 and BDP21.

### 5.3 **Layout**

5.3.1 Policy BDP19 states that *“the Council will deliver high quality people focused space through among other criteria e. Ensuring development enhances the character and distinctiveness of the local area”*

5.3.2 Paragraph 6.2.8 of the BDC High Quality Design SPD states that *“the relationship between the proposed development and existing buildings and features in the area should be considered when designing the proposal”*

5.3.3 Condition 8 of 18/01596/S73 sets out the plans approved as part of the outline element of the planning permission. Approved through this condition is the Parameters Plan which identifies the location and areas for various Employment Zones, as well as areas of green infrastructure and the conservation landscape buffer zone adjacent to the Grade II\* listed Gorcott Hall. The Parameters Plan also identified a green corridor between two of the Employment Zones to facilitate connectivity for wildlife species.

5.3.4 The layout proposed under this reserved matters application is consistent with the Parameters Plan. The main building is located within the Yellow Employment Zone, with parking and service yards within the Grey Employment Zones. The conservation landscape buffer is located adjacent to Gorcott Hall, and an undeveloped area of Green Infrastructure is proposed to the eastern part of the site. A green corridor, comprising retained hedgerows and trees, as well as new planting, is proposed between the two car parking areas.

5.3.5 The service yard and lorry parking would be located to the north, south and west of the building, with the two car parking areas to the east. The car parking areas are split with an internal access road for bus drop off points whilst providing an additional link to the service yard for use if required. The car parking area is split into two and on different levels to allow for the retention of two existing hedgerows running across the site. The internal access road to the car parking area has been designed to wrap around a retained mature tree (T18).

5.3.6 Existing industrial buildings on Ravensbank Drive are located to the west of the site. The relationship between the proposed building and these existing buildings is acceptable.

5.3.7 The nearest residential development to the site is located to the south side of Coventry Highway, off Far Moor Lane. The proposed building would be located in excess of 240m from the closest dwelling located on Far Moor Lane. Section BB on the Proposed Sections plan (drawing no. 6290-104D) shows the relationship between this dwelling and the proposed building. Whilst of a significant height and bulk, the 25 degree test is met by a considerable margin when taken from the windows in this property. A computer generated image has been provided by the applicant which shows the building in wire frame form as it would be seen from the first floor windows of the closest dwelling (located at the corner of Far Moor Lane and Kingham Close). It demonstrates that the building would be generally hidden from view beyond existing vegetation located outside of the application site. If this vegetation were to fail in the future, and the building were to become visible, I do not consider that the resultant impact on the amenity of this dwelling (as opposed to the view from it) would be significantly impacted upon.

### On-site parking

5.3.8 Condition 26 of 18/01596/S73 requires the submission of details of vehicle and cycle parking to be submitted with reserved matters submissions where approval of layout is sought.

5.3.9 The proposed site plan identifies numbers and locations of car (including accessible spaces), cycle and motorcycle parking.

5.3.10 Within the two areas of car parking to the east of the building, there is a total of 469 car parking spaces, of which 24 would be accessible spaces. In addition, 60 cycle spaces, and 24 motorcycle spaces are proposed. There are 106 HGV loading bays, and 125 HGV parking bays proposed.

5.3.11 A building of 34,041 sqm (measured externally) is proposed. The SPD seeks the provision of 434 car parking spaces. A total of 469 car parking spaces are proposed, which includes 24 accessible spaces. The Transport Technical Note submitted with the application states that the level of spaces would allow for sufficient parking for staff throughout the year, including in the busy two month period in the run up to Christmas when temporary staff would be employed. I consider this level of on-site car parking to be acceptable.

5.3.12 Paragraph 6.2.23 of the BDC High Quality Design SPD states that *“Adequate parking should be provided, with areas for service vehicles to park and turn if necessary. Parking areas should include some landscaping features and screening in order to reduce the visual impact. Cycle parking must also be provided along with cycle paths and footpaths in and out of the site. Adequate cycle storage of an appropriate size should be included as part of the development. These standards are set out by Worcestershire County Council Highways Department.”*

5.3.13 WCC Highways have raised no objection to the proposal in respect of parking provision.



## Electric vehicle charging

- 5.3.14 Policy BDP16 (16.3) states that *“The Council will support the use of low emission vehicles including electric cars through encouraging the provision of charging points in new developments.”*
- 5.3.15 Condition 27 of 18/03846/VARY requires the submission of details of the amount, location and specification of proposed electric vehicle charging points (EVCP) and/or details of the associated cabling proposed to facilitate subsequent installation of those EVCPs for each phase of development.
- 5.3.16 The Transport Technical Note submitted with the application states that 48 spaces (equivalent of 10% of the total car parking provision) would be installed with electric vehicle charging points and that they would be operational prior to occupation. It is proposed that 2 no. 22kW charging spaces would be provided for visitors in the vicinity of the entrance, with the remaining 46 spaces being 7kW charging points. The latter would enable full charge in 5-7 hours to allow staff to charge vehicles during a typical shift.
- 5.3.17 When having regard to the contents of the SPD, the EVCP scheme proposed is compliant save for the provision of a rapid charging point per 50 spaces. This represents a shortfall of 10 rapid charging EVCPs to parking spaces on site. The justification provided by the applicant for this is that the majority of people parking on site would be workers who would be in situ for a number of hours – therefore the 22kW (as opposed to the SPD requirement for 43kW/50kW) would be adequate to enable sufficient charging over this period. On balance, I consider the scheme of EVCPs to be acceptable.
- 5.3.18 Worcestershire County Council Highways has requested the attachment of a condition requiring that the EVCPs are installed prior to first use. However, this is suitably covered by condition 27 on 18/01596/S73. I therefore do not consider that this condition meets the condition tests.
- 5.3.19 In light of the above, I consider the layout to be acceptable and compliant with Policies BDP 16 and BDP19.
- 5.4 **Scale**
- 5.4.1 Policy BDP19 seeks to achieve high quality design which reflects the character and distinctiveness of the locality.
- 5.4.2 Paragraph 6.2.3 of the BDC High Quality Design SPD requires that *“The proposed development should be in scale with surrounding developments and not be visually intrusive due to its scale and massing. Where possible large buildings should minimise their impact through having low building heights and use of a curved roof.”*

- 5.4.3 The Parameters Plan approved under condition 8 of 18/01596/S73 includes maximum building heights for the various Employment Zones. As described in the Principle of Development section above, this reserved matters complies with the maximum heights detailed on the approved Parameters Plan.
- 5.4.4 A building of a very large footprint is proposed. The main bulk of the building (not including the office/welfare projections) extends to 225m in width, and 137m in length. However, the resultant impact is not unacceptable. It is the only building that would occupy the northern development parcel, with a meaningful area of green infrastructure formed toward the eastern boundary of the site, and extensive landscaping to all other sides. I do not consider that the large footprint of the building gives rise to concerns regarding overdevelopment of the site.
- 5.4.5 Large buildings are commensurate with buildings to be used for B8 (storage and distribution) purposes. Indeed there are a number of large industrial buildings located on Ravensbank Drive to the northwest of the site. Whilst the footprint of the proposed building is noticeably larger, I do not consider its scale to be inappropriate when considering the context within which it would sit.
- 5.4.6 Having considered the scale of the development proposed, I am satisfied that the height, width and length of the buildings proposed is appropriate, complying with Policy BDP19 and BDP High Quality Design SPD.

## **6.0 Other matters**

### **6.1 Highways trip generation**

- 6.1.1 A Transport Assessment was submitted with the original application 17/00701/OUT which sought hybrid planning permission for the development of the Redditch Gateway site in its entirety.
- 6.1.2 The subsequent S73 application 18/01596/S73 which sought to vary the parameters for development through an amended Parameters Plan was accompanied by a Traffic and Transport Statement of Conformity. This confirmed that the previous Transport Assessment remained valid in assessing the S73 changes. This was confirmed by both Worcestershire County Council and Warwickshire County Council Highways teams who raised no objection to the S73 application subject to the attachment of the highways conditions which were attached to the original hybrid consent.
- 6.1.3 A Transport Technical Note (ref. RGNP-BWB-GEN-XX-RP-TR-0001\_TN1 Rev P9) has been submitted with this reserved matters application. This note compares the trip generation from the floorspace assumed to be located in the northern development parcel in the Transport Assessment submitted under 17/00701/OUT, with the trip generation for a 34,041 sqm (GEA) B8 building based on accepted trip rates from the same document. The below table shows the trip generation comparison:

Trip Generation based on agreed from 2017 BWB TA										
Scenario	Vehicle Class	AM Peak			PM Peak			Daily		
		Arrive	Depart	Two-way	Arrive	Depart	Two-way	Arrive	Depart	Two-way
Northern Plot Outline	Total	217	44	261	44	189	233	831	860	1691
	HGV	11	18	29	2	3	5	130	157	287
Northern Plot Reserved Matters	Total	32	24	56	9	36	45	355	398	752
	HGV	4	11	16	3	4	7	134	181	316
Variation	Total	-185	-20	-205	-35	-153	-188	-476	-462	-939
	HGV	-7	-7	-13	1	1	2	4	25	29

- 6.1.4 This table demonstrates that the 34,041 sqm B8 building would generate less traffic than the floorspace assessed in the Transport Assessment during peak periods and throughout the day. It would also generate fewer HGVs during the morning peak hour but would result in marginal increases during the evening peak hour and throughout a day. The Transport Technical Note states that the marginal increases would remain well within the HGV trip generation envelope of the full Redditch Gateway development and any capacity implications would be more than off-set by the reduction in total traffic, it is considered that the traffic generation of the proposed B8 building also falls within the parameters assessed within the Transport Assessment.
- 6.1.5 Highways England has been consulted on the application and has raised no objection.
- 6.1.5 Both Worcestershire County Council Highways team, and Warwickshire County Council Highways team have been consulted on the application.
- 6.1.6 Initially objection was raised by Worcestershire CC for the following reasons:
- Justification for proposed level of parking (required by Worcestershire County Council’s “Streetscape Design Guide”) had not been provided; and
  - The internal layout fails to accord with the Streetscape Design Guide for an “Industrial Access Road”
- 6.1.7 Following the submission of amended information to address these objections, Worcestershire County Council Highways has raised no objection.
- 6.1.7 This was subject to a number of conditions. I have addressed the request for an EVCP condition under the ‘Layout – electric vehicle charging’ section above. A condition has been requested to require the submission and approval of sheltered and secure cycle parking details. I consider sufficient information has been submitted with this reserved matters submission. A condition has also been requested to require the submission and approval of details for showers and lockers to be installed in the building. I do not consider that BDC has a policy which would make the attachment of this condition necessary. However, matters such as this may be picked up when the Employment Travel Plan is submitted to discharge condition 25 of 18/01596/S73.
- 6.1.8 Warwickshire County Council Highways has also raised no objection to the application. No conditions are recommended. I am therefore satisfied that no additional transport related impact would arise as a result of the reserved matters as proposed.

## 6.2 Heritage Matters

- 6.2.1 Policies BDP1 and BDP20 seek the protection and enhancement of the District's historic environment.
- 6.2.2 The impact of the development on heritage assets was fully considered at outline stage, and it is not considered that the reserved matters application would further impact on the setting of nearby heritage assets or potential archaeological features within the site.
- 6.2.3 No objections have been raised by Historic England the SDC Conservation Officer or BDC/RBC Conservation Officer. I am satisfied that no additional impact would arise to heritage assets as a result of the reserved matters as proposed.

## 6.3 Climate change

- 6.3.1 Policy BDP19 seeks to ensure that states that all non-residential developments meets BREEAM 'very good' standard or other successor guidance, and that developers should seek to exceed these standards where it is viable to do so.
- 6.3.2 The applicant has confirmed that the development would comply with BREEAM 'Good' standard. In addition, Section 4.9 of the Design and Access Statement deals with sustainability matters and states *'The design of the building will allow for full coverage of photovoltaics on the roof. The final area utilised will be determined after detailed design of the mechanical and electrical system'*.
- 6.3.3 Additional information has been received from the applicant in respect of this issue. The development will target EPC rating A and this could be achieved through a variety of methods, including through the installation of solar photovoltaics (PVs). The applicant has confirmed that the roof is to be design PV ready so that it can take the loading of PV panels if the intention is to install them.
- 6.3.4 Whilst this does not meet the 'very good' standard required by Policy BDP19 it does provide a satisfactory standard balanced against the other benefits of the scheme.

## 6.4 Anonymous occupier

- 6.4.1 Parish Council and third party representations have been received which raise concern that the future occupier of the building is not known. The Design and Access Statement states 'For commerciality reasons, and to maintain their competitive edge within the market, the end user is unable to confirm their branding until they have the certainty of a reserved matters approval'.
- 6.4.2 A planning permission is not granted for a specific occupier/business/individual (except where the personal circumstances of an individual justify the granting of a planning permission), but sits with the land/buildings upon it. The identity of the future occupier is not a relevant material planning consideration, nor is it required in order to make a comprehensive assessment of this reserved matters application.

## 7.0 **Conclusions**

- 7.1 The principle of the development of the application site was granted planning permission in June 2018 under 17/00701/OUT, and subsequently varied in April 2019.
- 7.2 I consider that the current application should be determined in accordance with the adopted Development Plan which comprises the Core Strategy. I can identify no material considerations that warrant an alternative approach.
- 7.3 Policy BDP1 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- 7.4 On the basis of the above considerations I have concluded that the proposal is sustainable development. I therefore consider that the presumption in favour does apply in this case and that this reserved matters application should be granted.
- 7.5 Whilst officers have made a recommendation on the basis of the Development Plan and other material considerations it is for the Committee to weigh and balance these in coming to a decision, based on their judgement of the available evidence.

## 8.0 **RECOMMENDATION:**

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

### **Conditions:**

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

1. Approved plans
2. Access, parking and turning areas to be provided prior to first use
3. Final design for diverted public right of way to be submitted to show 2m between the edge of the public right of way/associated planting and the diverted brook
4. Implementation of soft landscaping
5. Replacement of soft landscaping
6. No dig construction where hardstanding incurs into RPA of T18

**Case Officer:** Simon Jones Tel: 01527 548211  
Email: simon.jones@bromsgroveandredditch.gov.uk

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr R Haider	Conversion and change of use of existing 27 Bedroom Hotel (C1 use) into 22.no One Bedroom Apartments (C3 use) with external alterations and extensions  Inkford Hotel, Alcester Road, Wythall, Worcestershire, B47 6DJ	01.11.2019	19/00820/FUL

## RECOMMENDATION:

- (a) Minded to **APPROVE FULL PLANNING PERMISSION**
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a S106 planning obligation ensuring that:
  - (i) The Council receive a contribution of £2,524.30 for refuse and re-cycling bins
  - (ii) A financial contribution of £5,037 towards the NHS Clinical commissioning group (CCG) is secured
  - (iii) S106 monitoring fee (as of 1 September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met. The fee/charge is subject to confirmation following authorisation to proceed with this provision at the meeting of Full Council on 25 September 2019).

## Consultations

### Wythall Parish Council

No objection

### Highways - Bromsgrove

Comments summarised as follows:

Recommends that this application is refused.

This application is considered to be contrary to the NPPF paragraphs 108 and 110 and the Streetscape Design Guide which forms part of the Local Transport Plan.

The site is located within a rural and unsustainable location at the junction of the A435 Alcester Road / Hill Lane. The A435 is a classified road which is a dual carriageway. Footpaths and street lighting are provided in the vicinity of the proposed development. Hill Lane is a narrow lane and does not benefit from footpaths and street lighting and no parking restrictions are in force along this lane.

It is noted some amenities are located in the area; however to reach these amenities it would involve walking along a 60mph very busy and fast flowing carriageway which does not benefit from footpaths or safe crossing points for pedestrians. A petrol station is located adjacent to the proposed development, Wythall Vets approx. 280m, Becketts Farm approx. 500m and a PH Rose and Crown approx. 1.8km from the proposed development.

A bus stop is located to the north off the dual carriageway approx. 80m distance from the proposed site for journeys into Wythall and Birmingham (no footpath), and another bus stop is located 700m south of the proposed development for journeys towards Redditch (no footpath). A grassed central reservation is provided in the vicinity along the A435 with no crossing points and metal railings are fitted within the central reservation away from the site.

Wythall Train Station is located approx. 2km from the site and Earlswood train station is located approx. 2.2km from the site, it is noted Earlswood Train Station walking / cycling route lacks adequate facilities (no street lighting and footpaths).

Due to the type of road (A435) fronting the proposed development the issues which would be created to the highway user would include pedestrians having to cross a fast flowing carriageway and the lack of cycling facilities available in the vicinity i.e. cycle lanes etc. Therefore the lack of adequate facilities in the vicinity will deter journeys on foot due to the existing conditions. Similarly these factors are unlikely to encourage cycling to services and facilities.

The existing vehicular access arrangement located off Hill Lane to be used for the proposed development are acceptable; the existing vehicular visibility splays will need to be maintained and any vegetation that impedes and is located within the splays is recommended to be cut back to a height below 0.6m if approval is granted.

The proposed development would generate more vehicular trips during the AM and PM peak periods than the Hotel. The number of trips generated by the proposed development will be negligible and therefore will not have an impact on the A435.

The applicant has provided 23 car parking spaces for the apartments and 4 disabled / visitor car parking spaces – acceptable.

In accordance with WCC latest guidance the applicant has failed to include a Residential Welcome Pack, cycling parking facilities or electric vehicle rapid charging points on site in accordance with current policies.

The application fails to accord with the adopted policy and the consequences of this will result in an unacceptable impact on the highway network which is contrary to paragraph 108 and 110 of the NPPF.

### **North Worcestershire Water Management**

The site falls within flood zone 1 (low risk of fluvial flooding) and is not shown to be susceptible to surface water flooding.

In order to ensure there is appropriate drainage for the site, a site drainage strategy condition should be attached to any consent



## **WRS - Contaminated Land**

This application has been reviewed in relation to contaminated land. No significant concerns have been identified and therefore WRS have no adverse comments to make in this respect.

WRS advise that consideration is given to the presence of asbestos containing materials (ACMs) in the hotel building and any ACMs removed during alterations should be disposed of appropriately such that the development site may not be considered contaminated land under Part 2A at a later date. Appropriate asbestos surveys prior to demolition/alterations and handling of ACMs during works should be undertaken by competent and qualified professionals with experience of surveying and handling ACMs.

## **WRS - Noise**

BS 8223:2014 sets out guidance on sound insulation and noise reduction for buildings. No objections are raised providing the recommendations set out in the Hoare Lea Noise Assessment (revised June 2019) are implemented in full.

## **Police Crime Risk Manager**

It is not considered that the proposed development would have any effect on crime and disorder in the area providing that the requirements of Approved Document Q (ADQ) of the Building Regulations are complied with and all doors (both communal and to each individual flat) and windows meet the standards in ADQ.

## **Worcestershire Wildlife Trust**

No objection subject to the imposition of biodiversity enhancement and appropriate Sustainable Urban Drainage (SuDS) conditions.

## **Waste Management**

No objections in principle. This residential development will require 5 x grey 1100 refuse bins and 5 x green 1100 recycling bins at a cost of £252.43 each (£2,524.30 in Total). The bins will require a footprint of 15m on which to be housed, details of which will need to be agreed.

## **Worcestershire CC Educational Services**

The proposals as submitted sit in the catchment area of Meadow Green Primary School and Woodrush Community High School. Analysis of pupil numbers show that the proposed development is likely to yield less than one pupil on average per year group.

Due to the low impact from the proposed development we will not be seeking a planning obligation to mitigate the proposed development.

## **NHS/Medical Infrastructure Consultations**

Redditch and Bromsgrove CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 32 residents and subsequently increase demand upon existing constrained services. Affected premises: Hollyoaks Medical Practice.

A developer contribution will be required to mitigate the impacts of this proposal. Redditch and Bromsgrove CCG calculates the level of contribution required in this instance to be £5,037. Payment should be made before the development commences.

Redditch and Bromsgrove CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

### **NHS Acute Hospitals Worcestershire**

The Trust has requested a contribution of £7,409, which will be used directly to provide additional services to meet patient demand. The Trust is currently operating at full capacity in the provision of acute and planned healthcare. This development imposes an additional demand on existing over-burdened healthcare facilities and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. The contribution is necessary to maintain sustainable development.

### **Publicity**

A total of 25 neighbour notification letters were sent on 21.06.2019 expired 15.07.2019

Site notices (x2) displayed on 24.06.2019 expired on 18.07.2019

The development was advertised in the Bromsgrove Standard on 28.06.2019 and expired 15.07.2019

### **Representations**

7 representations have been received

3 objections have been received and are summarised as below:

- Lack of local amenities for future occupiers
- Public transport links poor
- Potential for crime in the area may increase
- General highway safety concerns

4 comments have been received which neither object or support the application and are summarised as below:

- support the idea of transforming it from its current dilapidated state into long-term residential dwellings; welcoming the visual change and prospect of new neighbours to the area. However, the application which proposes to change from its current C1 use to C3 use raises highway safety concerns
- The postcode of B47 6DJ used in the planning application for this hotel does not appear correct.
- The number of dwellings looking to be built seems high.
- The A435 should have speed restrictions

Other non-material planning considerations have also been raised; these do not form part of the assessment of the proposal.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
BDP2 Settlement Hierarchy  
BDP3 Future Housing and Employment Development  
BDP4 Green Belt  
BDP6 Infrastructure Contributions  
BDP7 Housing Mix and Density  
BDP8 Affordable Housing  
BDP12 Sustainable Communities  
BDP16 Sustainable Transport  
BDP19 High Quality Design  
BDP21 Natural Environment  
BDP23 Water Management  
BDP25 Health and Well Being

### **Others**

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

## **Relevant Planning History**

10/0347	Change of use of existing hotel (Use Class C1) to 9 residential units (Use Class C3)	Granted subj to S106	02.07.2010
B/1999/0512	Single and two storey extensions to hotel	Granted	16.08.2000
B/1996/0653	Single storey extensions	Granted	13.01.1997
B/1992/0680	Extension to existing hotel with car parking and access	Granted	12.10.1992

## **Assessment of Proposal**

### **Site**

The application site is located adjacent to the junction between the A435 and Hill Lane. The former hotel is predominantly two storeys in height and has an irregular footprint arranged around an enclosed courtyard. The hotel contains 27 bedrooms, seminar rooms

and a restaurant. It is understood that the hotel last ceased trading in October 2014 and has been vacant since. To the west of the building is a 29 space car park and to the south is a formal garden area. The site is adjoined to the south and east by open countryside and is within an area designated as Green Belt.

## **Proposal**

This application seeks full planning permission to convert the existing hotel into 22 no. 1 bedroomed flats. Minor extensions to the existing building are proposed which would represent a 24 square metre increase in gross floor area. The existing car park to serve the proposed development is to be reduced in size (from) 29 spaces to 27 spaces by the introduction of 4 no. disabled parking spaces adjacent to the building.

## **Assessment**

The site is situated within the West Midlands Green Belt as defined in the Bromsgrove District Local Plan.

The main issues are considered to be:

- The Principle of the development
- Housing Land Supply
- Green Belt
- Sustainability of the location
- Highway safety considerations
- Density of development
- Residential amenity considerations
- Noise
- Flooding and drainage
- Ecology
- Planning Obligations

### Principle of the development

Planning application 10/0347 granted consent for the existing hotel to be changed to residential use subject to compliance with the terms of a S106 Planning Obligation in July 2010. At that time, the Planning Committee agreed with the recommendation of officers in concluding that the continued viability of the hotel was becoming increasingly difficult and that a residential use would be appropriate in principle. It was acknowledged that occupiers of the new units would be relatively reliant on private transport and that there were (and remain to be) few amenities within a reasonable walking distance of the site. It was however concluded that vehicle movements generated by the proposed 9 unit scheme would not be any greater than that which could be associated with a 29 bedroomed hotel.

The applicant has commented that the (lapsed) consent 10/0347 (9 unit scheme) represented in their view, an inefficient use of space which would not provide sufficient financial return to justify applying to renew that application. The applicant has also identified that due to previous alterations and extensions to the building there was likely

to be little scope to increase the floor area of the building substantially due to its green belt location. A structural report has concluded that the existing building is sound in terms of its structural integrity and that the building lends itself to relatively straightforward subdivision into smaller units, taking into consideration the buildings existing internal layout.

Having regard to the current development plan, the Bromsgrove District Plan adopted 2017 and the National Planning Policy Framework as amended 2019 there remain no objections to the principle of a residential scheme subject to other material considerations as set out below.

## Housing Land Supply

Paragraph 73 of the NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition there must be an additional buffer of between 5% and 20%, depending on the particular circumstances of the LPA.

The Council has identified that (inclusive of the 5% buffer required by the NPPF) it can currently demonstrate a housing land supply of 3.45 years (at 1<sup>st</sup> April 2019). Therefore despite progress which has been made in identifying sites and granting planning permissions the Council still considers that it cannot demonstrate a five year housing land supply.

Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the NPPF is engaged. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- “i. the application of policies in this Framework (listed in footnote 6) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; **or**
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Footnote 7 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, as set out in paragraph 73. Footnote 6 states these policies include 'irreplaceable habitats' which para 175 states includes Green Belts.

The key matters on which this decision turns are therefore considered to be: -

- Does NPPF Greenbelt policy indicate that this development should be restricted;
- Ultimately, whether or not the proposal would represent a sustainable form of development, having regard to local planning policies and the NPPF.

The relevant test is whether or not the proposal would represent a sustainable form of development, having regard to local planning policies and the NPPF, and particularly whether specific NPPF policies within para 11 and Footnote 7 indicate this development should be restricted. Para 8 of the NPPF explains that there are three overarching objectives to sustainable development:

- an economic objective – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social objective – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental objective – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

It can be seen that sustainability is thus a multi-faceted and broad-based concept. It is often necessary to weigh certain attributes against each other in order to arrive at a balanced position.

## Green Belt

The application site resides within an area designated as Green Belt. The key policy within the Bromsgrove District Plan is BDP4 and Chapter 13 of the NPPF, specifically paragraphs 145 and 146. Within this designation, the policy focus is on preventing “inappropriate” development in the Green Belt with the fundamental aim being to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. It should be noted that development defined as ‘inappropriate’ is by definition harmful to the Green Belt, and attracts substantial weight in decision making. Such development should only be approved in very special circumstances where the harm by reason of inappropriateness (and any other harm) is clearly outweighed by other considerations.

Paragraph 146 comments that (under part d) that the re-use of buildings provided that the buildings are of permanent and substantial construction need not be classed as inappropriate providing the development preserves openness and does not conflict with the purposes of including land within it. The building is considered to be of permanent and substantial construction and the buildings return to active use together with the removal of the various signs would be of benefit to the Green Belt. I am therefore satisfied that the proposals would meet the requirements of Paragraph 146.

The building has been much altered and extended in the past, and I have noted from the Committee report pertaining to earlier application 92/0680 which granted permission for

extensions to the building, that at that time, the extensions proposed represented significant additions increasing the gross floor area of the hotel from 300 to 500 square metres. Subsequent extensions have further increased the hotels floor space.

Paragraph 145 of the NPPF comments that an exception to inappropriate development is (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The application proposes two small extensions to the existing building, firstly, a modest extension to the proposed apartment 19 which would bring an external wall further into the enclosed courtyard. Secondly, a modest extension to apartment 5 which would bring an external wall out in the direction of Hill Lane to the north. Both extensions would run parallel to the line of the existing walls. The extensions proposed would represent an increase of 24 square metres (GFA).

Whilst modest, the extensions proposed, would, as per previous extensions to the hotel represent inappropriate development under the terms set out under Paragraph 145, part c since the extensions would be disproportionate having regards to the 'original' building ('original' being defined in the NPPF as a building as it existed on 1<sup>st</sup> July 1948 or, if constructed after that date, as it was built originally).

Paragraph 143 of the framework comments that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness has both a spatial and visual aspect. I have concluded that only the extension to the proposed apartment 5 would result in spatial and visual harm. Further, the wider benefits which would result from granting permission in visual terms from bringing the building back into active re-use would in this case outweigh any harm caused. This, together with the obvious economic and social benefits as set out under Paragraph 8 of the Framework, represent the very special circumstances which need to be demonstrated under Paragraph 143.

### Sustainability of location

Paragraph 79 of the NPPF seeks to avoid the creation of isolated homes in the countryside. For the purposes of this application, the site is outside any village boundary / envelope.

The perceived unsustainable location of the site has been referred to in many of the public representations received and also by County Highways who comment that the A435 is a classified road which is dual carriageway. Highways have noted that footpaths and street lighting are provided in the vicinity of the proposed development but not along Hill Lane.

The applicant has commented that to the eastern side of the dual carriageway is a petrol filling station and convenience store. They continue by commenting that the site is located within 500m of the Becketts Farm complex which provides a farm shop offering a bakers, butchers, greengrocers, delicatessen, florist, takeaway and restaurant. They comment that other commercial businesses are located nearby. Within a 1000m radius lie other amenities including two churches, village hall a second PFS with convenience store

and further still (radius of 2000m) are many other amenities including school, medical centre and railway station.

Within 800 metres there are 3 bus stops for local services including the 150, 884 and A4 services.

WCC Highways have noted that to reach nearly all of the amenities referred to, a car is likely to be needed and although some amenities are located relatively close-by, reaching them would involve walking along a 60mph very busy and fast flowing carriageway which does not benefit from footpaths or safe crossing points for pedestrians.

Due to the close proximity of the A435), I agree that pedestrians having to cross a fast flowing carriageway together with the lack of cycling facilities available in the vicinity would deter journeys on foot and by bicycle.

I have concluded, notwithstanding the applicants own assertions, that the site is in a relatively unsustainable location and would conflict with Paragraphs 108 and 110 of the NPPF which comment that:

**108.** In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users

**110.** Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles

### Highway safety

Traffic generated by a development is required to be accommodated and parking facilities should be provided without detriment to highway safety. WCC Highways comment that the existing vehicular access arrangement located off Hill Lane to be used for the proposed development is acceptable.

The proposed development would be considered to generate more vehicular trips during the AM and PM peak periods than the Hotel but the number of trips generated by the proposed development would be negligible overall and would therefore not have a detrimental impact on the A435.

Parking to serve the development: 27 spaces overall is considered to be acceptable.

In terms of highway safety implications, the proposed development is considered to be acceptable.



## Density of development

The scheme does represent a high density development for the financial and practical reasons set out earlier in this report. I have however noted that Policy BDP7 of the District Plan comments that developments should make the most efficient use of land and that high densities are encouraged provided that development maintains the character and local distinctiveness of the area. Further, both Policies BDP7 and 8 refer to the several studies, including the Worcestershire Strategic Housing Market Assessment 2012 that have identified that there is a significant unmet demand for smaller and more affordable properties where Bromsgrove has a high proportion of large 4 and 5 bedroomed homes. This application would therefore help to redress the balance between large homes currently available helping to provide realistic alternatives for the increasing elderly population.

## Residential amenity considerations

Policy BDP1 of the BDP comments that in considering all proposals for development, regard will be had to the compatibility with adjoining uses and the impact on residential amenity. The proposed change of use is not considered to give rise to any greater impact on the amenities of nearby residential occupied than that of a 27 bedroomed hotel and is therefore considered to be acceptable in this respect.

## Noise

Policy BDP19 seeks to ensure that development incorporates sufficient measures to reduce the potential impact of noise pollution to future occupiers of development. The site is clearly very close to the main source of noise (the A435) which carries high volumes of traffic throughout the day, with significant traffic movement continuing through the night. The applicant has submitted a noise report to accompany the application. Where it is considered that permission should be given, for example where there are no alternative quieter sites available, conditions should be imposed to ensure that a commensurate level of protection against noise. The report identifies that the British standard in this case BS 8233 can be met with the use of suitable glazing. WRS are of the view that these measures are sufficient to protect future occupiers from road noise. A condition set out later in this report would ensure that the recommendations set out in the noise survey are implemented.

Noise levels within in the formal garden area to the immediate south of the building to be converted are likely to be beyond the upper limit recommended for external amenity space. I therefore acknowledge that this space will not provide an altogether acceptable amenity area. Noise levels within the Courtyard area will however be lower. Given that the proposed units are proposed as apartments where generally a lower level of amenity space is acceptable, I am satisfied that the proposals are acceptable in residential amenity terms.

## Flooding and drainage

Policy BDP23 seeks to ensure, amongst other things, that development addresses flood risk from all sources and does not increase the risk of flooding elsewhere.

The site falls within Flood Zone 1 according to the Environment Agency flood mapping (low risk of fluvial flooding; i.e. from a river) and is not shown to be susceptible to surface water flooding. NWWM have raised no objection subject to a drainage strategy condition.

## Ecology

The application includes an Ecological Appraisal of the site. There would not be significant harm to ecological interests arising from the scheme, owing to the limited ecological potential within the site. No protected species have been found. Biodiversity enhancement is recommended for the site by means of a proposed planning condition.

## Planning Obligations

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

A S106 agreement has been drafted. The obligation in this case would cover:

- A financial contribution of £2,524.30 for refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy
- A financial contribution of £5,037 towards the NHS Clinical Commissioning Group (CCG). Clarification regarding the purpose of the contribution is currently being sought. Members will be updated in this respect at the Committee
- A Section 106 monitoring fee (as of 1 September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met. The fee/charge is subject to confirmation following authorisation to proceed with this provision at the meeting of Full Council on 25 September 2019).

At the time of writing, the planning obligation is being finalised in draft form.

Members will note that the Worcestershire Acute Hospitals Trust (NHS Trust) has requested a contribution of £7,409, which would be used directly to provide additional services to meet patient demand. Officers accept that the request is material. However, following legal advice received, the contributions requested by the NHS Trust requiring a developer to make annual shortfalls in National Health Service revenue are considered to be unlawful. Legal advice received concludes that the requests do not meet the Community Infrastructure Levy Regulations (CIL) 2010 Regulation 122 tests; the requests are contrary to policy and they do not serve a planning purpose; and/or do not fairly and reasonably relate to the proposed development. This is on the basis of consideration of all information received from the Acute Hospitals Trust.

It should be noted that Policy BDP8 of the BDP comments that applications for 'major' development will be expected to provide a proportion of affordable dwellings on site. As a 'brownfield' site, Policy BDP8 requires that up to 30% of the total number of units be provided as affordable units. In this case, this would equate to 6 units in total.

Paragraph 63 of the NPPF states that:

*“To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.”(equivalent to the existing gross floorspace of the existing buildings)*

Further guidance to that contained within Paragraph 63 of the NPPF which allows for a ‘Vacant Building Credit’ to be applied to any such proposals can be found at Paragraph 21 (reference ID:23b-021-20160519) of the National Planning Policy Guidance which states:

*“National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought”*

Accordingly, the Guidance requires a ‘credit’ to be applied which is the equivalent of the gross floorspace of any vacant building being re-used as part of the scheme and deducted from the overall affordable housing calculation.

A very small increase in floorspace is being proposed as part of this application (24m<sup>2</sup>). However, this figure is considered to be insignificant when compared to the floorspace of the buildings total floorspace which is 835m<sup>2</sup>. As such, no affordable housing provision is sought in this case.

## Conclusion

The proposals are considered to represent inappropriate development in the green belt by reason of the additional extensions to the building. However, the harm caused would be limited in terms of spatial and visual aspects. The wider benefits which would result from granting permission in visual terms from bringing the building back into active re-use would in this case outweigh any harm caused. This, together with the economic and social benefits as set out under Paragraph 8 of the Framework, represent the very special circumstances which need to be demonstrated under Paragraph 143.

Whilst the principle of residential development is considered to be acceptable, the location of the site can be seen to be unsustainable in terms of its reliance of the private motor vehicle for trips to and from the site.

Paragraph 11 (d) of the NPPF has however been engaged due to the fact that the Local Planning Authority cannot demonstrate a five year housing supply. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- i. the application of policies in this Framework (listed in footnote 6) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

It is considered that the proposal does satisfy the three overarching objectives of sustainable development. I have concluded that no clear reasons for refusing the development exist, nor are there any adverse impacts that would arise that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole.

The scheme would make efficient use of the land whilst maintaining the character of the area in accordance with Policy BDP7 helping to meet a significant unmet demand for smaller properties, increasing Bromsgrove Districts Housing supply by 22 where the Council can only demonstrate a housing land supply of 3.45 years where 5 years supply is necessary.

Overall, it is considered that the benefits of the proposed development would indeed significantly and demonstrably outweigh the impacts identified in this report.

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

## **RECOMMENDATION:**

- (a) Minded to **APPROVE FULL PLANNING PERMISSION** subject to the imposition of the Conditions listed below
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a S106 planning obligation ensuring that:
  - (i) The Council receive a contribution of £2,524.30 for refuse and re-cycling bins
  - (ii) A financial contribution of £5,037 towards the NHS Clinical commissioning group (CCG) is secured
  - (iii) A Section106 monitoring fee (as of 1 September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met. The fee/charge is subject to confirmation following authorisation to proceed with this provision at the meeting of Full Council on 25 September 2019).

## **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:

*appropriate references to be inserted here*

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

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

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

- 4) No development shall take place until full details of both hard and soft landscape works to include plans showing all utility services to be installed and their routing 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.

Reason:- In the interests of the visual amenity of the area

- 5) All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason:- In the interests of the visual amenity of the area

- 6) 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 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 satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

- 7) Prior to the first occupation of the development hereby approved, a scheme for the provision of bat roost opportunities and bird nest boxes within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented by suitably qualified personnel to the satisfaction of the Local Planning Authority prior to the first use of the development approved.

Reason: In the interests of biodiversity and in accordance with the provisions of National Planning Policy Framework

- 8) The Development hereby permitted shall not be first occupied until details of a scheme of electric vehicle charging points has been submitted and approved in writing by the Local Planning Authority. Thereafter the charging points shall be kept available for the charging of electric vehicles.

Reason: To encourage sustainable travel and healthy communities.

- 9) 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

- 10) Prior to occupation of the development, full details of refuse storage facilities 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.

Reason: In the interests of providing adequate refuse storage capacity in a visually acceptable manner. To ensure refuse storage is reasonably accessible to facilitate the collection of refuse from the development.

- 11) Prior to occupation of the development, the recommendations regarding window alterations set out on page 14 (Section 8) of the Hoare Lea Noise Assessment (revised June 2019) shall be implemented in full.

Reason: In the interests of protecting residential amenities and to comply with the requirements of BS 8233

**Case Officer:** Steven Edden Tel: 01527 64252 Ext. 3206  
Email: [steve.edden@bromsgroveandredditch.gov.uk](mailto:steve.edden@bromsgroveandredditch.gov.uk)

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr M Richardson	Demolition of existing buildings and erection of twelve dwellings (of which four are affordable) and ancillary landscaping, garages and bin storage  Burcot Garden Centre, 354 Alcester Road, Burcot, Bromsgrove, Worcestershire B60 1PW		19/01037/FUL

## **RECOMMENDATION:**

- (a) Minded to **APPROVE FULL PLANNING PERMISSION**
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a S106 planning obligation ensuring that:
- (i) The provision of 4 affordable dwellings on the site to be restricted to shared ownership in perpetuity
  - (ii) Highway Infrastructure Delivery Plan contributions of £35,220.48
  - (iii) Contribution of £36,000 towards off-site open space enhancement at Lickey End Recreation ground
  - (iv) £627.36 contribution for refuse and re-cycling bins
  - (v) A financial contribution of £4,416 towards Redditch and Bromsgrove CCG
  - (vi) A section 106 monitoring fee

## **Consultations**

### **Conservation Officer**

Burcot comprises a linear development which has developed organically with buildings dating back over 400 years. Soft Worcestershire red brick and red/brown clay tile roofs predominate.

Within the vicinity are three listed buildings; Burcot Farmhouse, 353 Alcester Road; 352 Alcester Road and Burcot House, 350 Alcester Road and the adjacent barns which are curtilage listed. 353 is constructed in red brick, 352 a mix of stone, timber framing and red brick, some modern, both in a vernacular style in architectural terms. Burcot House does stand out being painted white, and more formal in architectural terms, with high, painted brick garden walls. The curtilage listed barns are like the rest of the settlement red brick. The significance of all three buildings is largely derived from their historical and architectural interest. Their location in the small settlement of Burcot and the way they blend in with surrounding buildings and contribution to the street scene also adds to their significance. 353 Alcester Road overlooks the site, while 352 is located to the north west of the site.

Historic Environment policies within the District plan support development proposals which sustain and enhance the significance of Heritage Assets including their setting.

This is supported by policies in the NPPF, including Paragraph 189, 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'; paragraph 192 'the desirability of new development making a positive contribution to local character and distinctiveness'; Paragraph 193, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'; Paragraph 194, 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

I would have no objection to the principle of replacing the garden centre, as none of the structures are of any architectural merit, and the extensive carpark does not make a positive contribution to the street scene or local character. Equally I would have no objection to a residential scheme. I do have concerns that setting all the houses behind a service road off the main roads will be at odds with the character of Burcot, setting the scheme apart from the rest of the settlement. In addition I have concerns regarding the choice of the roofing materials. Any new housing scheme needs to respect the existing character of the area, and in this case red clay tiles are the predominant roofing material

### **North Worcestershire Water Management**

While I have no objections to the proposals and I can see there may be benefits in terms of flood risk and drainage, it requires a site drainage strategy condition and finished floor levels condition.

### **WRS - Contaminated Land**

The application has been reviewed in relation to contaminated land. No significant concerns have been identified and therefore WRS have no adverse comments to make in this respect.

### **WRS - Noise**

Noise: No objection to the application in terms of road traffic noise adversely impacting future residents.

Nuisance: In order to minimise any nuisance, from noise, vibration and dust during the demolition and construction phases, the applicant should refer to the WRS Demolition & Construction Guidance (attached) and ensure its recommendations are complied with.

### **Highways - Bromsgrove**

No objection to the amended scheme, subject to a subject to the applicant entering into a legal agreement for a Highway Infrastructure Delivery Plan contribution and planning conditions:

1. Pedestrian visibility splays
2. Residential Parking Provision
3. Electric vehicle charging points



4. Cycle Parking
5. Conformity with Submitted Details
6. Vehicular visibility splays approved plan
7. Existing access closure
8. Residential Welcome Pack

## **WCC Lighting Team**

WCC Lighting Team has indicated the existing lighting is not suitable for a conflict area of this type and will need to be upgraded as part of the works.

As a minimum the developer shall expect to replace lighting points and bring the lighting in this conflict area up to standard;

Because of the nature of the conflict area,

- Lighting columns; 41, 42, 43, 44, 45, 46, 47 & 48 shall be replaced at the developer's expense as part of the works.
- The developer shall contact WCC Lighting Team as part of the process to retrieve a design brief to inform a lighting design for the area.
- The extents of the work shall be covered within the design brief, these may extend significantly past any S38 or S278 boundaries to ensure continuity of light and power supply.
- The developer will be responsible for any works above what WCC street lighting considers normal maintenance activities.

## **Arboricultural Officer**

No objection subject to conditions

1. All the trees and hedge line to be retained within the site or within influencing distance of any ground or development work in any adjoining land are provided protection in accordance with BS5837:2012 recommendations throughout any ground or development work on the site.
2. A full landscape plan and specification should be provided for the Council's consideration and agreement.
3. Plans showing the intended routing of all utility services should be provided for the Council's consideration and agreement.

## **Worcestershire Wildlife Trust**

We note the contents of the various associated documents and in particular the findings set out in the Ecological Walkover Survey report by Betts Ecology. There do not appear to be any overriding ecological constraints to development here and we do not wish to object to the application. We would however recommend that you append a condition covering the recommendations made in the Betts report and appropriate levels of biodiversity enhancement to any permission you may be otherwise minded to grant.

## **Housing Strategy**

Awaiting final comments from Housing Strategy.

## **Waste Management**

A financial contribution towards the provision of bins is required.

## Leisure Services Manager

With regard to Leisure and recreation/play requirements from this development, to mitigate for any potential under provision of open space for residents on site we would request calculated off site contribution to be provided at Lickey End Park, Alcester Road which is within easy access to the proposed development.

## Worcestershire Archive and Archaeological Service

The above application site lies within the medieval settlement of Burcot, documented in the Domesday book of 1086 as Bericote. Burcot Lane, Alcester Road, Greenhill and Pike's Pool Lane are all potentially medieval or earlier routeways, and the settlement of Burcot lies at their junction. The earliest of the surviving buildings in the village are of 18th century date, but there is likely to be evidence of earlier settlement within the village. Should properties have existed along the Alcester Road within the development site, there is a moderate chance of below-ground survival given the shallow nature of the later development.

Consequently, the application site is judged to potentially impact heritage assets of archaeological interest that would be lost or damaged by the development. On this basis, should you be minded to grant planning permission for this scheme it is recommended that a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of planning permission. This should comprise an archaeological evaluation in the first instance. This could be followed by mitigation depending on the results of the evaluation.

## NHS/Medical Infrastructure Consultations

The proposed development is likely to have an impact on the services of 1 GP practice at Davenal House. The GP practice does not have capacity for the additional growth resulting from this development.

The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 28 residents and subsequently increase demand upon existing constrained services.

The primary healthcare service directly impacted by the proposed development and the current capacity position is shown below.

Premises	Weighted List Size	NIA (m <sup>2</sup> )	Capacity	Spare Capacity (NIA m <sup>2</sup> )
Davenal House	9,247	368	634	-266

A developer contribution will be required to mitigate the impacts of this proposal. Redditch and Bromsgrove CCG calculates the level of contribution required in this instance to be £4,416. Payment should be made before the development commences.

## **NHS Acute Hospitals Worcestershire**

The Trust has requested a contribution of £20376.72, which will be used directly to provide additional services to meet patient demand. The Trust is currently operating at full capacity in the provision of acute and planned healthcare. This development imposes an additional demand on existing over-burdened healthcare facilities and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. The contribution is necessary to maintain sustainable development. Furthermore the contribution is carefully calculated based upon specific evidence and fairly and reasonably related to the scale and kind of the development.

## **Education Department at Worcestershire**

The proposals as submitted sit in the catchment area of Blackwell First School, Alvechurch CE Middle School and the shared catchment area of North Bromsgrove High School and South Bromsgrove High School. Analysis of pupil numbers show that the proposed development is likely to yield less than one pupil on average per year group. Due to the low impact from the proposed development Children Families and Communities will not be seeking a planning obligation to mitigate the proposed development.

## **Publicity**

A total of 69 neighbour notification letters were sent on 02.08.19 and expired on 26.08.19  
A site notice was displayed on 06.08.19 and expired on 30.08.19  
The development was advertised in the Bromsgrove Standard on 09.08.19 and expired on 26.08.19

## **Representations**

10 objections have been received and summarised as below:

- Previous objector comments should be considered due to the scheme being very similar
- Inappropriate development in Green Belt
- Substantial impact on the openness of the Green Belt
- Very special circumstances put forward by the applicants do not justify outweighing the significant harm caused to the openness and purposes of including land within the Green belt and all other harm
- No need for new housing
- Outside the village boundary
- Insufficient consideration of drainage
- Loss of community facility, increase distance to other facilities
- Loss of jobs
- Increase of noise at night
- Increase of light at night
- Loss of amenity and overlooking
- Increase in traffic
- Change the character of the village
- Poor design

- Visual impact on the openness of the green belt
- Overdevelopment of the site
- Lack of parking
- Disturbance during construction phase
- Requires site boundary planting
- Rural character will be lost, 14% increase in the number of dwellings

## **Burcot Village Hall Committee (BVHC)**

BVHC have raised the following objection:

- The number of houses is excessive both in relation to the site itself and in relation to other houses nearby
- New housing is not in keeping
- Accessing local facilities without a car is very difficult
- Loss of community resource if garden centre and café are closed

5 letters of support have been received and summarised as below:

- Need for new housing, housing shortfall in Bromsgrove
- Application now proposes an extra affordable unit
- Develops a brownfield site
- Improves the appearance of the existing site, which is run down
- Reduce traffic as the result of the garden centre closing down

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
BDP2 Settlement Hierarchy  
BDP3 Future Housing and Employment Development  
BDP4 Green Belt  
BDP7 Housing Mix and Density  
BDP8 Affordable Housing  
BDP12 Sustainable Communities  
BDP16 Sustainable Transport  
BDP18 Local Centres  
BDP19 High Quality Design  
BDP20 Managing the Historic Environment  
BDP21 Natural Environment  
BDP25 Health and Well Being

### **Others**

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

## **Relevant Planning History**

19/00220/FUL	Demolition of buildings and erection of 11 dwellings, with associated landscaping, bin storage	Refused	02.07.2019
13/0196	Covered walkway to link two buildings. Extension of time 10/0186	Approved	20.06.2013
10/0186	Converted walkway to link two buildings (Renewal of B/2005/0129)	Approved	23.04.2010
B/2005/0129	Covered walkway to link two buildings.	Approved	08.04.2005
B/2002/1205	Re-roofing of the greenhouse using modern materials, being insulated roof panels and polycarbonate vents.	Approved	10.12.2002
B/19533/1990	Residential development (Outline). APPEAL DISMISSED 26.4.91	Refused	13.08.1990
B/19063/1990	Outline application for redevelopment of existing nurseries for residential use.	Refused	09.04.1990
B/19088/1990	Retention of garden buildings and conservatory display area bases and walls	Refused	09.04.1990
B/12136/1984	Residential development (6-8 dwellings) (Outline)	Refused	13.08.1984
B/12365/1984	Redevelopment of existing garden centre erection of glass house and sundry buildings (As amended by plans received 17.10.84)	Approved	22.10.1984

## **Assessment of Proposal**

### **Background**

A previous application on this site was considered by planning committee on 1<sup>st</sup> July 2019. The application proposed the demolition of the garden centre and the erection of 11 dwellings (of which 3 were affordable). The application was refused by Members due to concerns regarding affordable housing provision. In particular, Members were concerned that there was insufficient provision for affordable housing in relation to the

number of affordable units proposed and that the proposed location of those units which would be visually distinguishable as they would not be fully integrated.

The application was refused on 2<sup>nd</sup> July 2019 with the following reason for refusal.

*The proposal makes insufficient provision for affordable housing in relation to the number of affordable units proposed. The affordable housing has not been distributed throughout the application site and it is considered to be visually distinguishable from the market housing and therefore it has not been successfully integrated into the proposal. The application proposes only 2 bedroom affordable units, a greater affordable housing mix should be provided. As such the application is contrary to Policy BDP8 of the Bromsgrove District Plan 2011-2030 and the National Planning Policy Framework (2019).*

## Site

The application site comprises Fresh @ Burcot Garden Centre situated on Alcester Road and extends to around 0.65ha in size. The site is bound to the north by Alcester Road, Pikes Pool Lane to the east, fields to the south and residential properties to the west. The site is currently in active use, by an independent operator. The primary activity of the garden centre is retail sales of plants and garden related products, as well as giftware, clothing and fireplaces with ancillary café. The garden centre comprises retail buildings, canopy areas, plant display, storage areas and hardstanding customer car parking.

## Proposal

The application seeks full planning permission to demolish all existing buildings and structures and redevelop the site for a residential scheme of 12 dwellings. The application proposes 8 market dwellings and 4 affordable dwellings.

The layout proposes all 12 dwellings on the frontage with Alcester Road. This includes a 2 no. 1 bedroom maisonette units and 1 no. 2 bedroom (affordable dwellings) to the north west and the further 7 dwellings (4 no. 3 bedroom semi-detached, 2 no. 3 bedroom detached (including one affordable) and 3 no. 4 bedroom detached dwellings). Landscaping and planting would be introduced along the Alcester Road frontage and it is proposed to retain the landscape buffer with Pikes Pool Lane.

## Summary Information

	Existing	Proposed	Change (+/-)	% Change
<b>Site Area</b>	0.65ha		No Change	
<b>Land use</b>	Garden centre and parking	12 No. C3 residential units	+ 12 No. C3 residential units	-
<b>Volume (m3)</b>	6117.5	6013.9	-103.6	-1.69%
<b>Internal Footprint (m2)</b>	1575.4	987.4	-588	-41.5%
<b>Gross Internal Floorspace (m2)</b>	1575.4	1602.4	+26.6	+1.68%
<b>External</b>	1612	989.2	-622.8	-38.6%

<b>Footprint (m2)</b>				
<b>Gross External Floorspace (m2)</b>	1612	1823.7	+211.7	+13.1%
<b>Hardstanding (m2)</b>	5032	1476	-3556	-70.6%
<b>Max height (m)</b>	5	9.07	+4.07	+81.4%
<b>Max eaves (m)</b>	3	5.38	+2.38	+79.3%
<b>Garden/Green space, landscaping</b>	Landscape buffer to Pikes Pool Lane and existing on Alcester Road	3897	+3897	+3897%

## Assessment

The site is situated within the West Midlands Green Belt, outside Burcot Village boundary, as defined in the Bromsgrove District Local Plan.

The main issues are therefore considered to be:

- Housing Land Supply
- Green Belt
- Sustainability of the location
- Provision of affordable housing
- Loss of Garden centre
- Design and Appearance
- Heritage
- Residential Amenity
- Flooding and Drainage
- Ecology
- Tree and landscaping
- Highways
- Planning Obligations

## Housing Land Supply

Paragraph 73 of the NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition there must be an additional buffer of between 5% and 20%, depending on the particular circumstances of the LPA.

As of 1st April 2019 the Council cannot currently demonstrate a five year housing land supply, being able to demonstrate a 3.45 year supply of deliverable land for housing. The Council falls short of a 5 Year Supply of Land for Housing, this shortfall has increased since April 2018, where the Council was able to demonstrate a 4.02 year supply.

Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the NPPF is engaged. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- “i. the application of policies in this Framework (listed in footnote 6) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Footnote 7 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, as set out in paragraph 73. Footnote 6 states these policies include ‘irreplaceable habitats’ which paragraph 175 states includes Green Belts.

As the spatial strategy for the delivery of housing in District Plan (such as BDP2) and associated policies regarding the village envelope are relevant for the supply of housing, they are considered to be out-of-date. The key matters on which this decision turns are therefore considered to be: -

- Does NPPF Greenbelt policy indicate this development should be restricted;
- Ultimately, whether or not the proposal would represent a sustainable form of development, having regard to local planning policies and the NPPF, and particularly whether specific NPPF policies indicate this development should be restricted.

Therefore the relevant test is whether or not the proposal would represent a sustainable form of development, having regard to local planning policies and the NPPF, and particularly whether specific NPPF policies within paragraph 11 and Footnote 7 indicate this development should be restricted. Paragraph 8 of the NPPF explains that there are three dimensions to sustainable development:

“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”



It can be seen that sustainability is thus a multi-faceted and broad-based concept. It is often necessary to weigh certain attributes against each other in order to arrive at a balanced position.

The site has been identified within the Strategic Housing Land Availability Assessment (SHLAA) September 2015 as a Category 4 - Green Belt Potential. These sites are located on the edges of settlements of the district and were previously discounted solely on the grounds of being within the Green Belt. SHLAA's are expected to form a key component of the evidence base to support the delivery of sufficient land for housing to meet district housing requirements. The main aim of SHLAA's is to identify as many sites with housing potential in and around as many settlements as possible.

It is important to note that whilst the SHLAA is an important evidence source to help inform the plan-making process, it will not in itself determine whether a site should be allocated for housing development or whether planning permission would be granted for residential development.

## **Green Belt**

The application site resides within an area designated as Green Belt. The key policies are BDP2 and BDP4 and Chapter 13 of the NPPF, specifically paragraph 145. Within this designation, the policy focus is on preventing "inappropriate" development in the Green Belt with the fundamental aim being to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. It should be noted that development defined as 'inappropriate' is by definition harmful to the Green Belt, and attracts substantial weight in decision making. Such development should only be approved in very special circumstances where the harm by reason of inappropriateness (and any other harm) is clearly outweighed by other considerations.

One form of development not considered 'inappropriate' in the Green Belt (as set out in paragraph. 145) is as follows:

"(g) – limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."

Point (g) of paragraph. 145 is considered to be the most relevant policy test to this application.

The site is considered to be a non-agricultural or forestry use and is occupied by permanent structures and fixed surface infrastructure. As such, the site is considered 'previously developed land' in accordance with the definition set out in Annex 2 of the NPPF.

In assessing the impact on openness, the following is considered relevant:

- The footprint of residential development on the site would be reduced in comparison to the existing garden centre (1575.4sqm. to 987.4.sqm).
- The overall volume of the buildings on the site will be reduced by around 2%.
- Replacement of the existing buildings (which range up to 5m in height) with two storey residential which is up to a maximum height of 9.07m.
- The new housing would be constructed across the whole site including where part of the site's existing built form is concentrated. However, it would also extend over parts of the site which are currently free from any built development other than car parking.
- The replacement of lightweight glass structures (such as greenhouses and open canopies) with more substantial buildings suitable for residential use.
- There would be an increase in green space and landscaping, reducing the amount of hardscape on the site.

Taking all the above points into consideration, it is considered that the development would have a greater spatial impact on the openness of the Green Belt than the existing development. Whilst there would be reductions in footprint, this is outweighed by the greater height of the replacement buildings. These buildings would visually appear more prominent by virtue of their massing and residential form. Moreover, the development not being entirely concentrated where the existing buildings area location, will result in new buildings in an area on the site which is particularly more open.

Point 2 of (g) is therefore engaged, which states that development which would not "cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority" is not inappropriate.

Therefore it is important to assess whether the proposed development would result in substantial harm to the openness of the Green Belt having had regard to the contribution that the existing site makes to the visual aspect of openness, as well as the purposes of including land within the Green Belt.

The application site is situated on adjacent to the village boundary and by reason of existing previously developed land there is already some encroachment and loss of openness. In addition, its general poor appearance and extensive car parking area do not give the site a particularly rural feel. Both visually and spatially the site is more connected with the settlement of Burcot than the open countryside that is nearby. The new housing is almost entirely surrounded by existing residential development, the proposed development would be of a similar scale to these dwellings and would not be uncharacteristic in this location.

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 2019 NPPF clearly signals the great weight that the government places on the need to provide affordable homes and the re-use of PDL. It states that a development that re-uses PDL in the Green Belt and makes a contribution to affordable housing should not be considered to be inappropriate development unless the harm to the openness of the Green Belt would be substantial.

Having regard to existing encroachment on the site, including the number and scale of the permanent buildings that are dispersed within it. The proposed development would rationalise the amount and the location of built form on the site and the overall landscape quality of the site would be enhanced. Taking into account the ability of the new housing to be absorbed into existing neighbouring developments and contained within an established landscape without causing significant harm to the open character and visual qualities of the surrounding countryside and Green Belt as a whole.

As noted above, whilst the proposal would have a greater impact on the Green Belt's openness, the harm attached to this would not be considered 'substantial'.

In terms of housing need, The Worcestershire Strategic Housing Market Assessment (SHMA, 2012) emphasises that there is a need for affordable housing across the District in both urban and rural areas. As outlined in the Local Plan with the current provision of affordable housing very limited in rural areas some residents have little option but to look for more affordable housing outside their Parish and in some cases outside Bromsgrove District. The SHMA identifies that a total of 219 new affordable dwellings are required per year. Paragraph 8.73 of the District Plan indicates that there is a greatest need for smaller properties reflecting the reduction on the size of the average household.

The 4 units proposed will help to create a more balanced housing market in rural areas, which is an issue highlighted both in the SHMA, Local Plan and nationally in the NPPF as facilitated under the affordable housing exceptions set out in paragraph 145. The 4 units would meet an identified affordable housing need within the area of the Bromsgrove District Authority.

In summary, the proposal is not considered an inappropriate form of development in the Green Belt, due to compliance with paragraph 145. It is noted that BDP4.4 is not consistent with the NPPF in this regard, and thus is afforded reduced weight in the determination of this application.

Further to the inappropriateness test, there is no other significant harm to the Green Belt. The proposal would not conflict with the purposes for including land within the Green Belt. There is a greater impact on openness, although this is discussed above. Paragraph 145 in determining inappropriate (and by virtue appropriate) forms of development in the Green Belt registers an inherent impact on openness.

The proposal complies with the relevant Green Belt aspects of the NPPF and is considered to have an acceptable impact on the Green Belt.

## **Sustainability**

Paragraph 79 of the NPPF seeks to avoid the creation of isolated homes in the countryside. For the purposes of this application, the site is outside the village boundary of Burcot, which is defined as a small settlement within the District Plan.

Whilst BDP2 is a restraint on new housing development in itself it is not “up-to-date” with the NPPF (for the reasons set out above), the sub-text to Policy BDP2 in the District Plan (paragraph 8.6) sets out the policy on the future role of the District’s settlements and villages to enable allocation of appropriate levels and types of development to different settlements. The site is adjacent to the village boundary of Burcot and is thus very close to the boundary of such an area.

There is a sheltered bus stop located on Alcester Road, on the southern side of the carriageway, approximately 100m from the site entrance. The site is located approximately 1.6km to the east of Bromsgrove, where there are a number of shops and amenities. Blackwell is located 1km to the north-east and has a variety of local amenities, including Blackwell First School and Blackwell convenience store.

In conclusion, bearing in mind the issues as set out above, the location and accessibility of the site is considered to be reasonably sustainable in relation to its proximity to services and the nature of the route to them. It is considered that future occupiers of the development would not be unduly reliant on private transport.

## **Provision of Affordable Housing**

As outlined above the previous application was refused due to concerns with affordable housing provision. The following section addresses how the applicant has addressed the reason for refusal in relation to the revised scheme.

- **Number of Units Proposed**

Policy BDP8 relates to affordable housing and requires 30% affordable housing provision on brownfield sites over a threshold of 11 dwellings. The revised NPPF was published in February 2019, in which it states at paragraph 63 that:

“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”

It is considered that the affordable housing threshold given in Policy BDP8 is no longer consistent with national planning policy towards affordable housing both in terms of the Local Plan policy threshold being 11 or more homes (as opposed to the NPPF threshold of 10 or more), and in its inclusion of a 1,000 sqm housing floorspace threshold (as opposed to a site area threshold of 0.5 hectares in the NPPF).

As outlined in the Green Belt section of this report, the application site is clearly a previously developed/brownfield site and therefore a 30% affordable housing provision would be required to comply with the policy. The requirement for affordable housing calculated as 30% of 12 dwellings would equate to 3.6 dwellings. The application

proposes 4 of the 12 dwellings to be affordable. Therefore the number of units proposed is considered to meet this policy requirement of BDP8 and the requirement of Point (g) of paragraph. 145 outlined above.

All 4 of the units will be shared ownership which is the most accessible forms of affordable housing supported by Housing Strategy. Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance. In April 2016, 10.5% of the dwellings in the District were affordable housing stock. This is lower than both the affordable housing provision in Worcestershire (15%) and England (17.3%).

- **The affordable housing has not been distributed throughout the application site and is visually distinguishable from the market housing**

Due to site constraints, it is considered appropriate to locate the smaller units proposed (1 and 2 bed units) in the narrowest part of the site as this ensures that the proposal makes the best and most efficient use of the site, in line with BDP7. The 3 bed affordable unit proposed is located away from the other affordable dwellings to ensure a better distribution within the site and is considered not be distinguishable from the market housing proposed. The affordable dwellings have all been designed to have the same style and materials as the market housing.

- **The application proposes only 2 bedroom affordable units, a greater affordable housing mix should be provided**

In response to this reason for refusal, the scheme has been revised to include 2 one bed units, 1 two bed and 1 three bed (detached) unit.

This Worcestershire Strategic Housing Market Assessment (2012) identifies that there is a need for homes of all sizes with the greatest need for one and two bedroom properties. BDP8.4 of the Bromsgrove District Plan states that “The affordable housing element of developments should focus primarily on the delivery of smaller units.” It is considered that the scheme meets this policy requirement, but now also provides a larger family property in the form of the 3 bed dwelling.

The applicant has provided a letter from Bromsgrove District Housing Trust (BDHT), which indicates that they are interested in purchasing the affordable housing element of the scheme. BDHT confirm that there is significant demand for all sizes of shared ownership properties, including one bedroom flats. There is demand from single purchasers who are prevented from two bedroom properties due to affordability.

Overall, it is considered that the revised proposal has been amended to reflect the concerns of members in relation to the affordable housing proposed. It complies with BDP8 and the NPPF.

## **Loss of existing garden centre use**

The site is not considered to be an employment use in planning terms (B1, B2 or B8 Use Class) but the proposals would result in the loss of the garden centre which employs 5.2 full time equivalent staff. During the consideration of the previous application, a number of

existing staff had already left the business and according to information provided by the owner had already found alternative employment, their positions have not been replaced, hence the low full time equivalent staff that are now employed in the business. A statement from the owners has been provided that outlines the reasoning behind the decision to develop the site. They purchased the former Hurrans Garden Centre in January 2008 and are currently faced with a multitude of issues, including the buying habits of the consumer, increased competition from discount retailers such as those recently opened in Birmingham Road (Aldi, Lidl and Home Bargains) that cherry pick specific garden lines and make it difficult for smaller independent operators to remain in business. The rising costs of operating a business including utility costs trading from outdated, thermally inefficient buildings compared to modern retail developments. The garden centre market is increasingly being dominated by larger destination outlets with greater buying power and marketing budgets such as at Wychbold and Lickey End. Attempts to develop the business by diversification have been thwarted by planning restrictions.

The business has expanded its offer, catering is ancillary to the main business while the business has expanded its retail offer into a limited range of foodstuffs, these are purely gift lines so not to compete with other local business who rely on selling staples. The owner has explored a number of successions for the business, but these have not progressed. This has been further damped by the financial troubles of Wyevale Garden Centre, which has swamped the market with small outdated garden centres.

The continued viability of a garden centre on this site is therefore questionable, particularly given the stated challenges faced by an operator who has been on the site for over 10 years (with the local reputation and goodwill which might be associated with that).

Given the existing use and the above factors, whilst is a factor that weighs against the proposals, it is considered the loss of the garden centre, in employment terms alone, would not warrant sufficient grounds to refuse planning permission in this instance.

In terms of the value of the garden centre as a community facility, it is important to deliver sufficient community facilities and services to meet local needs as outlined in BDP12. Further to this, Section 8 of the NPPF promotes healthy communities and refers to the important role that the planning system can play in facilitating social interaction and creating inclusive communities.

Due to the nature of the items sold within a garden centre, it is not considered to be a 'local shop' and it would not fall strictly within the definition of a 'community facility'. However, comments have been received stating that the Garden Centre, in particularly the café, does provide a place for local people to meet and the impact of losing this facility is a material consideration. However, there are a number of alternative facilities available, in particular Little Heath Garden Centre, Willowbrook Garden Centre, Singletons Nurseries and also smaller dedicated plant nurseries. Given the above alternatives, there is considered to be adequate provision within a reasonable travel distance which would continue to serve the needs of residents in absence of this facility. With the lack of protection of this specific use (sui generis garden centre), it is difficult to conclude that the proposal would result in the loss of a valued facility or that the ability of residents to meet their day-to-day needs would be significantly undermined. As such,

whilst the proposals would result in the loss of the garden centre, it is not considered there would be conflict with Policy BDP12 and the NPPF.

## **Design and Appearance**

The proposal would see the demolition of the existing buildings on the site. The layout provides for a total of 12 new dwellings, all fronting onto Alcester Road. This layout and the overall quantum of development is considered to be appropriate for the site, resulting in plot sizes and spacing which reflects and sits comfortably within the quite varied pattern and grain of development in the village and surrounding area. The development will result in a density of approximately 20 dwellings per hectare.

Taken together, it is considered that the scheme in terms of its layout, plots sizes and spacing is such that the development would not appear cramped and would have spaciousness appropriate to the village location.

In terms of scale and height, the proposed dwellings would be two storeys of varying heights. The scale, massing and form of the proposed dwellings are considered to respond appropriately to that of the existing properties, creating a coherent street scene. They would provide a mixture of terraced, semi-detached pairs and detached a dwelling which is considered to be acceptable and reflective of the character of the area.

The design of the individual house-types is considered to be of a high-quality and subject to securing suitable materials, it is considered the proposals would have sufficient regard to the character of the area and result in a high quality development.

It is recommended that permitted development rights are removed in order that the Council is able to exercise control over future additions in the interests of the openness of the Green Belt.

Overall, it is concluded that the proposals, both in terms of layout, scale and appearance, would – subject to the recommended conditions - achieve a high quality development appropriate to the character of the area and the transitional edge of settlement location of the site. The proposal is therefore considered to comply with policies BDP19 and the provisions of “good design” in the NPPF.

## **Heritage**

Within the vicinity are three listed buildings; Burcot Farmhouse, 353 Alcester Road; 352 Alcester Road and Burcot House, 350 Alcester Road and the adjacent barns which are curtilage listed. 353 is constructed in red brick, 352 a mix of stone, timber framing and red brick, some modern, both in a vernacular style in architectural terms.

The Conservation officer has no objection to the development.

## **Residential Amenity**

The proposed dwellings are positioned in a low density arrangement that would create ample space for external landscaping and private amenity space. Units 2 does contain smaller garden area than required in guidance although the space (approximately 68 sq

m) is considered to be sufficient for their purposes as a private garden for the two bedroom house proposed. The properties are situated such that they would not be overbearing upon one another, nor cause significant losses of daylight or sunlight.

Objections have been received from neighbours based on loss of privacy. It is considered important at this juncture to distinguish between overlooking (and a consequential loss of privacy) and merely being able to see towards another property.

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

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

The proposed location of the development on the site is considered to ensure that effects on residential amenity are minimised, taking into consideration separation distance between existing properties and the proposed housing.

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

No issues are raised with noise given the rural context of the site by WRS Noise. It is noted that a number of objectors are concerned with any construction phase of development, it is considered that this can be adequately controlled by a construction management condition.

## **Flooding and Drainage**

The site falls within Flood Zone 1 according to the Environment Agency flood mapping (low risk of fluvial flooding; i.e. from a river or the sea). According to NWWM the area is susceptible to surface water flooding during storm events as it appears that water currently builds up against buildings.

NWWM have raised no objection subject to a drainage and levels condition.

## **Ecology**

The application includes a Phase 1 Habitat Survey. There would not be significant harm to ecological interests arising from the scheme, owing to the limited ecological potential within the site. No protected species have been found. Biodiversity enhancement is recommended for the site, it is considered that this can be conditioned.

## **Trees and landscaping**

The site is presently dominated by built form and hardstanding with relatively little arboricultural interest or landscaping within the site. The tree officer considers the revised layout removed any conflict with existing hedges and tree lines around the perimeter of the site.

Full details of the landscaping and planting proposals will be secured through condition. Accordingly subject to conditions, the proposal would not have an undue impact on



existing trees and would secure enhancements to the landscape character and visual amenity of the site.

## Highways

There are no traffic impact issues arising from the 12 units proposed and it also has to borne in mind that this site is currently a garden centre that generates trips to the site.

The position of the access is acceptable and does provide an acceptable level of visibility in both directions.

Sufficient space would exist within the site to accommodate parking in accordance with Worcestershire Streetscape Design Guide (2018) standards. These are as follows:

- 1 bedroom – 1 space per dwelling
- 2/3 bedroom – 2 spaces per dwelling
- 4 bedroom – 3 spaces per dwelling

No highway objections are raised, subject to the applicant entering into a legal agreement for Infrastructure Delivery Plan contribution and suitable conditions.

WCC Lighting Team have indicated the existing lighting is not suitable for a conflict area of this type and will need to be upgraded as part of the works.

As a minimum the developer shall expect to replace lighting points and bring the lighting in this conflict area up to standard.

## Planning obligations

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

A S106 agreement has been drafted. The obligation in this case would cover:

- The provision of 4 affordable dwellings on the site to be restricted to shared ownership in perpetuity
- Highway Infrastructure Delivery Plan contributions of £35,220.48
- Contribution of £36,000 towards off-site open space enhancement at Lickey End Recreation ground
- £627.36 contribution for refuse and re-cycling bins
- A financial contribution of £4,416 towards Redditch and Bromsgrove CCG
- A Section106 monitoring fee (as of 1 September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met. The fee/charge is subject to confirmation following authorisation to proceed with this provision at the meeting of Full Council on 25 September 2019).

Members will note that the Worcestershire Acute Hospitals Trust (NHS Trust) has requested a contribution of £20376.72, which would be used directly to provide additional services to meet patient demand. Officers accept that the request is material. However,

following legal advice received, the contributions requested by the NHS Trust requiring a developer to make annual shortfalls in National Health Service revenue are considered to be unlawful. Legal advice received concludes that the requests do not meet the Community Infrastructure Levy Regulations (CIL) 2010 Regulation 122 tests; the requests are contrary to policy and they do not serve a planning purpose; and/or do not fairly and reasonably relate to the proposed development. This is on the basis of consideration of all information received from the Acute Hospitals Trust.

At the time of writing, the planning obligation is being finalised in draft form.

## **Conclusion**

The proposals are considered to cause a greater impact on the openness of the Green Belt, but this impact would be less-than substantial in terms of harm. Four affordable units would be included within the housing mix which would provide a small contribution to the District commitment to providing affordable housing. The less than substantial harm to the openness of the Green Belt coupled with the affordable housing provided (which has been increased since the previous application) on this previously developed site enables compliance with paragraph 145 of the NPPF.

The site has been identified as being suitable for residential development. The detailed design, form and layout of the development is considered to be appropriate in its context. It is considered that, in the absence of the Council being able to demonstrate a five year housing supply, the policies within the Development Plan with regards to housing have to be seen as out of date. In such circumstances the NPPF sets out that the issue to consider is whether the proposal represents sustainable development and if it does there is a presumption in favour of the scheme.

For the reasons as set out in the report, it is considered that the proposal does satisfy the three dimensions of sustainable development. Given the view taken that the development is sustainable the question to be considered is whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole. The impacts of the development have been assessed and no adverse impacts would outweigh the benefits of the scheme. Overall, it is considered that the benefits of the proposed development significantly and demonstrably outweigh the impacts identified in this report.

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

## **RECOMMENDATION:**

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

(b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a S106 planning obligation ensuring that:

- (i) The provision of 4 affordable dwellings on the site to be restricted to shared ownership in perpetuity
- (ii) Highway Infrastructure Delivery Plan contributions of £35,220.48
- (iii) Contribution of £36,000 towards off-site open space enhancement at Lickey End Recreation ground
- (iv) £627.36 contribution for refuse and re-cycling bins
- (v) A financial contribution of £4,416 towards Redditch and Bromsgrove CCG
- (vi) A section 106 monitoring fee

## **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 following approved plans:

Existing Block Plan – 119027-500  
Proposed Block Plan – 119027-501  
Proposed Plots 1-3 – 119027-502  
Proposed Plots 4 – 119027-503  
Proposed Plots 5-6 – 119027-504  
Proposed Plots 7 – 119027-505  
Proposed Plots 8 – 119027-506  
Proposed Plots 9-10 – 119027-507  
Proposed Plots 11-12 – 119027-508

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

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

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

- 4) 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. If infiltration techniques are used then the plan shall include the details of field percolation tests. 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 satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

- 5) Finished floor levels within the development shall be set no lower than 150 mm above the surrounding finished ground levels.

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

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

Reason: In accordance with the requirements of paragraph 199 of the NPPF.

- 7) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 6 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 199 of the NPPF.

- 8) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, all trees and hedgeline to be retained within the site both on or adjacent to the application site shall be protected with fencing around the root protection areas. This fencing 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.

- 9) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, a plan showing the intended routing of all utility services on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The excavation work required to install such services has the potential to cause extensive damage to the roots of trees.

- 10) Prior to occupation of the proposed dwellings, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:

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

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

c) details of ecological enhancements such as bird, bat and invertebrate boxes and additional planting.

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

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

Reason: To protect and enhance the character and ecology of the site and the area, and to ensure its appearance is satisfactory.

- 11) No part of the development hereby approved shall begin until a Construction Management Plan to include details of:

a. Parking for site operatives and visitors

b. Area for site operatives' facilities

c. Parking and turning for delivery vehicles

d. Areas for the storage of plant and materials

e. Wheel washing equipment

f. Boundary hoarding (set clear of any visibility splays)

g. Hours of operation for the construction phase of the development

have been submitted to, and approved in writing by, the Local Planning Authority. Only the approved plan shall be implemented throughout the construction period.

Reason: To ensure the provision of adequate on-site facilities, in the interests of highway safety, to prevent indiscriminate parking in accordance with the NPPF and protect neighbour amenity.

- 12) The development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwellings for the parking of (see below) at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicle only.

Two and three bed - 2 car parking spaces

Four bed - 3 car parking spaces

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

- 13) The Development hereby permitted shall not be first occupied until each of the proposed dwellings have 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 points shall be retained for the lifetime of the development unless they need 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.

- 14) 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.

- 15) The development hereby approved shall not be occupied until the visibility splays shown on drawing Access Visibility drawing located within the Transport Statement 01 Rev P have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

Reason: In the interests of highway safety.

- 16) The development hereby approved shall not be occupied until the existing vehicular / pedestrian access shall be permanently closed in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 17) The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access.

- 18) All proposed works shall be carried out in accordance with the recommendations as set out in the Ecological Walk Over Survey by Betts Ecology dated January 2019.

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

- 19) 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 E shall be carried out without the prior approval of the local planning authority to an application in that behalf.

Reason: To protect the visual amenity of the area.

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

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