



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 2ND MARCH 2020
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, C.A. Hotham, J. E. King 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 9th December 2019 and 13th February 2020 (Pages 1 - 10)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. Tree Preservation Order (No 7) 2019 - Trees on land at Rushleigh Road, Majors Green B90 1DH (Pages 11 - 22)
6. Tree Preservation Order (No 9) 2019 - Tree on Land at Milton Drive, Hagley, DY9 9LS (Pages 23 - 60)
7. 14/0408 - Residential development comprising the erection of 26 dwellings - Outline Application (including details of Access, Layout, Scale and Appearance) - Land Rear of Algoa House, Western Road, Hagley, Worcestershire - Mr. D. Billingham (Pages 61 - 122)
8. 19/01023/FUL - Erection of stable building and menage, including improvement of access, construction of driveway and laying of hardstanding - Land SW of Saltbay Farm, Yarnold Lane, Dodford, Bromsgrove, Worcestershire - Mr. N. Nunn (Pages 123 - 128)
9. 19/01610/FUL - Proposed demolition of former Bromsgrove District Council House, BBC Hereford & Worcester building and hostel, and proposed development of 61 no. dwellings comprising of 18 no. houses, 4 no. maisonettes and 39 no. apartments - The Council House, Burcot Lane, Bromsgrove, B60 1AA - Mr. M. Bough (Pages 129 - 162)
10. 19/01625/FUL - Application to vary condition 2 of planning permission 17/01429/FUL, made under s.73 of the Town and Country Planning Act 1990, to allow revisions to fenestration layout, revisions to roof design (retaining permitted maximum height), along with gas cooling unit to allow a reduction in the chimney height and amendments in the site layout resulting in a reduction in hardstanding across the site - Land Adjacent New Inns Lane, Rubery, Birmingham - Westerleigh (Pages 163 - 174)
11. 19/01636/FUL - New dwelling - 2 Dodford Road, Bourneheath, Bromsgrove B61 9JR - Mr. & Mrs. D. Barnes (Pages 175 - 182)
12. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

24th February 2020

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Information for Members of the Public

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

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

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

The Agenda is divided into the following sections:-

- Procedural Items

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

- Reports of the Head of Planning and Regeneration

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

consultees and third parties, an appraisal of the main planning issues and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the District Council's website www.bromsgrove.gov.uk. Recent consultee and third party responses will be reported at the meeting within the Update Report.

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

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

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

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

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

- Reports of the Head of Legal and Democratic Services

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

- Urgent Business

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

- **Confidential / Exempt Business**

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

Public Speaking

The four classes of speaker (with each class defined as a party) who may exercise the opportunity to speak publically at Planning Committee are:

- 1) Objector (or agent / spokesperson on behalf of objectors)
- 2) Applicant (or representative) or supporter
- 3) Parish Council (if applicable)
- 4) Ward Councillor

Where persons have registered to speak, 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)
- Ward Councillor;
- Consideration of application by Councillors, including questions to officers.

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

NOTES

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

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

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

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

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

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

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

BDP	-	Bromsgrove District Plan 2011-2030
SPG	-	Supplementary Policy Guidance

- NPPF - National Planning Policy Framework
- NPPG - National Planning Practice Guidance

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

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

Further information

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

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 9TH DECEMBER 2019, AT 6.00 P.M.

PRESENT: Councillors P. J. Whittaker (Vice-Chairman), A. J. B. Beaumont, S. P. Douglas, A. B. L. English, M. Glass, C.A. Hotham, J. E. King, P.L. Thomas and M. Thompson (substituting)

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

60/19 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

An apology for absence was received from Councillors S. J. Baxter and S. G. Hession, with Councillor M. Thompson present as substitute for Councillor S. J. Baxter.

61/19 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

62/19 **MINUTES**

The Minutes of the Planning Committee meetings held on 14th October and 31st October 2019 were received.

RESOLVED that the minutes of the Planning Committee meetings held on 14th October and 31st October 2019, be approved as a correct record.

63/19 **UPDATES TO THE PLANNING APPLICATION REPORTED AT THE MEETING (CIRCULATED PRIOR TO THE START OF THE MEETING)**

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

64/19 **19/01213/FUL - DEMOLITION OF THE EXISTING BUILDINGS AND THE CONSTRUCTION OF A 72 BEDROOM CARE HOME (USE CLASS C2) AND ASSOCIATED ACCESS WORKS, PARKING, TREE PLANTING, LANDSCAPING AND PROVISION OF SITE INFRASTRUCTURE - 466 LICKEY ROAD, COFTON HACKETT, BIRMINGHAM, WORCESTERSHIRE, B45 8UU - C/O AGENT**

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

Officers gave a detailed presentation of the application and in doing so informed the Committee that the proposed site was located within the local centre of Cofton Hackett and had been previously occupied by a former prestige car and motorcycle dealership and showroom.

The proposed development was for the redevelopment of the site to provide a 72 bedroom care home and associated works. The proposed development would consist of a 3-4 storey building with a parking area providing 30 car parking spaces. The existing building on site was a 2-3 storey vacant building.

The proposed building would be a dominant feature in the street scene and therefore thought had been incorporated into the design to address the slope in land level. Although this would be a large building and was greater in height than the existing building, the use of broken frontage, dormer windows and stepped height would soften its overall appearance.

At this stage in the meeting, the Chairman took the opportunity to remind Members that Planning Committee meetings were quasi-judicial meetings and he would ask Committee Members to avoid leaving the meeting room whilst Officers were presenting their report. Members were required to be fully conversant with the matter being presented in order to make an informed decision.

At the invitation of the Chairman, Mr S. Smart and Mrs. J. Fay addressed the Committee in objection to the Application. Mr. A. Smith and Mr. M. Johnson, the Applicant's architects also addressed the Committee.

The Committee then considered the application, which had been recommended for approval by Officers. Members commented that whilst they were not against the principle of the proposed development, they did however have some concerns with regard to the height of the proposed building compared to the height of the existing building. Members commented that the proposed building would be bulky and overpowering and questioned if the proposed development represented high quality design in accordance with the Development Plan. Some Members were of the view that the proposed development was not in keeping with the existing street scene. Members further referred to the comments made by the Council's Urban Designer, that the building was unimaginative. Members also questioned if 30 car parking spaces were sufficient.

In response, Officers clarified both the height of the existing building and the proposed development and that the Council's Urban Designer had

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not objected to the size of the building. The Council's Urban Designer had suggested a number of elements that could improve the scheme which had included the use of breaks in the front elevation and some interest at pedestrian level; which the Applicant had responded to. It was considered that the proposed building was of relatively good design for its dominance within the street scene.

Officers responded to further questions from Members with regard to the ongoing management and maintenance of the woodland area and the energy performance rating of the proposed development.

Officers from Worcestershire County Council, Highways Authority highlighted that a care home was typically a low trip generating use and that those trips were normally off peak, therefore the proposed development would generate fewer trips than when the site was used as a prestige car and motorcycle dealership and showroom.

In response to questions with regard to the ingress to the proposed development and highway safety, Officers from Worcestershire County Council, Highways Authority explained that zig zag yellow box markings were not appropriate. However, he was happy to relate Members concerns to Officers and scope providing keep clear road markings.

Councillor M. Thompson proposed an alternative recommendation that Planning Permission be refused on the basis of poor design and that the proposed height of the building would be out of keeping with the existing street scene.

On being put to the vote, the vote was lost and the Chairman went back to the original Officer recommendation.

Having considered the Officer's report, the information provided by all public speakers and clarification from Officers with regards to the concerns raised by Members; Members were minded to approve the application.

RESOLVED that

1. authority be delegated 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) £11,362 capital contribution for NHS Primary Care Commission to mitigate the primary care impacts arising from the development which would be used for medical infrastructure. The funds to be used to resolve the existing shortfall of space at New Road and Cornhill Surgeries in Rubery;

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- ii) £11,000 contributions to Worcestershire County Council for community travel to serve the Rubery area to maximise the opportunities for residents to travel to and from outside the immediate community; and
- b) subject to the Conditions and Informatives as detailed on pages 28 to 34 of the main agenda report.

The meeting closed at 6.48 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

THURSDAY, 13TH FEBRUARY 2020, AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), S. J. Baxter, S. P. Douglas, A. B. L. English, M. Glass, J. E. King, M. A. Sherrey, C. J. Spencer and P.L. Thomas

Invitees: Mr. O. Hague and Mr. T. Sheach, Mott MacDonald

Officers: Mrs. R. Bamford, Mr. D. M. Birch, Mr. A. Hussain, Mr. M. Dunphy, Mr. S. Hawley, Ms. K. Hanchett and Ms. E. Barker, Worcestershire County Council, Highways, Mr. R. Williams and Mr. S. Williams, Worcestershire Regulatory Services and Mrs. P. Ross

65/19 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors A. J. B. Beaumont, S. G. Hession and C. A. Hotham.

With Councillor C. J. Spencer present as substitute for Councillor A. J. B. Beaumont and Councillor M. A. Sherrey present as substitute for Councillor S. G. Hession.

66/19 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

67/19 **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 two updates which had been published and circulated prior to the commencement of the meeting.

68/19 **16/1132 - OUTLINE PLANNING APPLICATION FOR: SITE A (LAND OFF WHITFORD ROAD) - PROVISION OF UP TO 490 DWELLINGS, CLASS A1 RETAIL SHOP (UP TO 400 SQUARE METRES), TWO NEW PRIORITY ACCESSES ONTO WHITFORD ROAD, PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE URBAN DRAINAGE; AND SITE B (LAND OFF ALBERT ROAD) - DEMOLITION OF GREYHOUND INN PUBLIC HOUSE, PROVISION OF UP TO 15 DWELLINGS, NEW PRIORITY ACCESS ONTO ALBERT ROAD, PROVISION FOR A NEW**

**ROUNDAABOUT, LANDSCAPING AND SUSTAINABLE DRAINAGE -
LAND AT WHITFORD ROAD/ALBERT ROAD, BROMSGROVE -
CATESBY ESTATES LIMITED AND MILLER HOMES LIMITED**

The Development Management Manager explained the format of the meeting, as agreed with the Chairman prior to the commencement of the meeting, as follows:-

- As Case Officer, he would present his report and presentation slides.
- Public Speaking, which the Chairman had extended to 15 minutes per category as follows:-
 - Objectors
 - Applicant
 - Ward Member
- As agreed with the Chairman, a ten minute comfort break would follow.

Members would then have the opportunity to seek any points of clarification from Officers of the Council, Worcestershire County Council, Highways Authority, Worcestershire Regulatory Services and representatives from Mott MacDonald; should clarification be needed.

The Development Management Manager provided a brief procedural update and reminded all those present that, at the Planning Committee meeting held on 31st October 2019; Members of the Planning Committee had deferred the application in order for further discussions to take place between the main parties; Bromsgrove District Council, Worcestershire County Council, Highways Officers, Mott Macdonald, the applicant and other third parties as necessary (with specific reference to Whitford Vale Voice (WVV) and the Ward Member, Councillor L. Mallett); in order to seek further detailed information to address the concerns raised by Planning Committee Members during the course of the meeting.

The Development Management Manager drew Members' attention to:-

Appendix 1 – Tabulated response to Deferral Reasons Arising from 31st October 2019 Planning Committee meeting:

- (1) Whitford Vale Voice
- (2) Worcestershire County Council (acting as Highway Authority)

Appendix 2 – Tabulated Response to Deferral Reasons Arising from 31st October 2019 Planning Committee meeting:-

- (1) Catesby Esatates Limited and Miller Homes Limited
- (2) Mott Mcdonald (acting as Transport Planning Advisors to Bromsgrove District Council)

Members were further informed that the District Council had received notification from the Applicants on 2nd December 2019 of an intention to appeal against the failure of the Local Planning Authority to make a decision on the application within the statutory time period and in the absence of a written agreement of the parties to extend the decision-making period (this being 7th November 2019). The District Council subsequently received notification on 17th January 2020 that the Applicants had exercised their right to appeal against the non-determination of the application. The District Council formally received notification from the Planning Inspectorate on 30th January 2020 that the appeal was valid and the appeal process had now commenced.

The Development Management Manager further reported on:-

Committee Update 1 – 14 additional representations had been received objecting to the scheme. There were no new matters or issues raised above those already contained in the published report. A further letter dated 9th February 2020 from Whitford Vale Voce, which replaced their previous letter submitted on 12th October 2019, as detailed in the published Committee Update 1 Report, copies of which were provided to Committee Members and the public prior to the commencement of the meeting.

Committee Update 2 - 13 additional representations had been received objecting to the scheme. There were no new matters or issues raised above those already contained in the published report. An email received on 13th February 2020 from Councillor L. Mallett, as detailed in the published Committee Update 2 Report, copies of which were provided to Committee Members and the public prior to the commencement of the meeting.

The Application consisted of two sites:

Site A (Land off Whitford Road), was currently used as agricultural land and consisted of 23.54 hectares. The site lies on the western side of Bromsgrove. Its eastern boundary was formed by Whitford Road. Between Whitford Road and the town centre are mainly urban land uses, including the Deansway and Millfield housing areas, and Sanders Park, a large area of public open space.

To the south, the site adjoins housing around Sunningdale Road. To the north is Timberhonger Lane, a minor country lane, where there are also two existing dwellings and a pumping station. To the west, there is open countryside and the M5 motorway.

Site B (Greyhound Inn Public House: Albert Road/Fox Lane/Rock Hill); amounts to 0.277 hectares. This contains a now closed and vacant Public House, garden area and associated car park.

The site has a frontage and an access onto Fox Lane, a mix of residential properties including terraced and semi-detached houses and

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bungalows to the north and east. The public house is located at the junction of Fox Lane and Rock Hill. There is a separate frontage onto Albert Road which also includes a now disused point of access.

In the adopted Bromsgrove District Plan, Site B was located in a designated residential area.

The development relates to an outline planning application for:

Site A (Land at Whitford Road), the provision of up to 490 dwellings, Class 1A retail shop (up to 400 square metres), two new priority accesses onto Whitford Road, public open space, landscaping and sustainable urban drainage; and

Site B (Land of Albert Road), demolition of the Greyhound Inn Public House, provision of up to 15 dwellings, a new priority access onto Albert Road, provision for a new roundabout, landscaping and sustainable drainage.

The Development Management Manager further drew Members' attention to the only elements of the proposed development that were for consideration at this stage and fixed by the outline application (as detailed on page 42 of the main agenda pack):-

Site A: maximum number of dwellings (490)
the inclusion of a retail unit of a maximum of 400 square metres
the location and form of the two accesses onto Whitford Road

Site B: the demolition of the Greyhound Inn Public House
maximum number of dwellings (15)
the location and form of the access onto Albert Road
part-provision for accommodation of a new roundabout

The Development Management Manager further highlighted that the Applicants had submitted an Indicative Masterplans indicating the form of the development with an accompanying Design and Access Statement that detailed the underlying development principles and addressed the constraints of the site and the surrounding locality. The Masterplans should be treated as purely illustrative but if necessary, other elements could be secured by suitable conditions.

Paragraph 2.8 on page 43 of the main agenda pack detailed the programme of highway mitigation measures external to Site A and Site B.

At the invitation of the Chairman, Mr. A. Bailes (on behalf of Whitford Vale Voice) addressed the Committee in objection to the Application. Mr. G. Mitchell, Director, Framptons, on behalf of the Applicants and

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Councillor L. Mallett, District Councillor and County Councillor, in whose Ward the Site was located also addressed the Committee.

The meeting stood adjourned at 18:58 hours to 19:10 hours, in order for Committee Members to take a comfort break.

Having reconvened and at the invitation of the Chairman, Officers from Worcestershire County Council, Highways Authority and Mott MacDonald provided clarification on the following matters:-

- Roundabout Improvements at the Junction of Charford Road / Rock Hill / Worcester Road. The new roundabout at the junction of Fox Lane / Rock Hill had been through a Stage 1 and 2 safety audit. The developer had submitted detailed designs through the Worcestershire County Council, Highways Authority, Early Technical Approval Process. The Stage 1 and 2 safety audit had addressed any concerns. All junctions would be safety audited through the technical approval process associated with a S278 agreement should the development be granted approval.
- Footpaths – Highways Authority would look at the route that pedestrians were most likely to use in order for additional footpaths to be created.

The Committee further debated the impact on highways and were mindful that they still had concerns with regard to the severe impact the development would have on the local community, highway safety and road congestion. Members also noted the loss of parking spaces on the Rock Hill layby and the concerns raised with regard to deliveries at the convenience store sited there.

Members also discussed the potential for a Western link Bypass.

Having considered all of the additional information, as requested at the Planning Committee meeting held on 31st October 2019, whereby Planning Committee Members agreed to defer consideration of the Application, and having received further clarification from Officers; the Committee reiterated that they still had a number of concerns with regard to the severe impact on highway safety and traffic congestion as highlighted and discussed during the meeting.

Therefore the substantive view of the Committee was as follows:

RESOLVED the scheme would have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would be severe as set out in paragraph 109 of the National Planning Policy Framework and would be contrary to Policy BDP1.4(a), Policy BDP5A.7(e) and Policy BDP16.1 of the Bromsgrove District Plan.

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The meeting closed at 7.44 p.m.

Chairman

PLANNING COMMITTEE

2nd March 2020

TREE PRESERVATION ORDER (NO.7) 2019, Trees on Land at Rushleigh Road, Majors Green B90 1DH.

Relevant Portfolio Holder	Cllr Sherrey
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Environmental Services
Ward(s) Affected	Stoke Prior
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. **SUMMARY OF PROPOSALS**

- 1.1 The Committee is asked to consider the confirmation without modification of Tree Preservation Order (No.7) 2019 relating to trees on Rushleigh Road, Majors Green B90 1DH.

2. **RECOMMENDATIONS**

- 2.1 It is recommended that provisional Tree Preservation Order (No.7) 2019 relating to trees at Rushleigh Road, Majors Green B90 1DH Is confirmed without modification from the provisional order as raised and shown on the plan and scheduled in appendix (1).

3. **KEY ISSUES**

Financial Implications

- 3.1 There are no financial implications relating to the confirmation of the TPO.

Legal Implications

- 3.3 Town and Country Planning (Trees) Regulations 2012 covers this procedure.

Service / Operational Implications

Back Ground;

- 3.4 The order was raised in its provisional form on the 5th November 2019 due to an enquiry made by a tree surgeon requesting to know the status of tree T2 of the order an Oak tree in terms of any formal protection in view of potentially being able to remove this tree(see email appendix 2). On site investigation revealed that there are two other very good quality similar age and size Oak trees in close proximity to the enquiry tree therefore it was felt prudent while protecting the enquiry tree to include the other two prominent Oak trees within the same order.

PLANNING COMMITTEE

2nd March 2020

3.5 The Following two objection has been received in respect of the provisional TPO having been raised.

1. Email received from the owner of 34 Rushleigh Road which contains T2 Oak of the order as shown in appendix (3)

My comments in relation to this objection are as follows:

- I feel that any reduction in the size of the crown on T2 Oak is not justifiable as the tree is of an acceptable size for its location. Also crown reduction work would only be likely to reduce the level of screening value the tree provides between properties in Rushleigh and Fords Roads.
- There is space available to the rear of the tree to allow a suitable degree of access and space to allow the installation of a new fence line.
- The level of canopy overhang to 34 Rushleigh Road and all adjoining properties influenced by the tree is in my opinion acceptable.
- The Ivy growth upon the tree can be easily managed or removed without any pruning or detrimental effect to the tree.
- The overall size of the tree and canopy spread is acceptable for its growing position and distance from all the local properties. Its size and position does not have a major detrimental influence on the natural light levels to any of the local properties.
- The canopy of the tree does not directly overhang the gutter line of 34 Rushleigh Road. Leaf fall nuisance can be reduced to a degree by carrying out crown management on a tree. But leaf fall would be very difficult to reduce to any beneficial level by pruning T2 Oak due to the volume of other tree stock in the area. Leaves will travel a considerable distance on the wind and therefore leaf fall in the local gardens and on properties would be impossible to avoid. There are also measures that can be taken to prevent leaf fall gathering in guttering such as installing guttering brushes.
- On visual inspection I found the tree to have a well-balanced and shaped crown containing no overextended or over weight boughs or branches. I did not note any structural defects although the crown did contain an expected amount of growth habit deadwood which could easily be cleaned from throughout the crown. I could see no visual evidence of raised root structure within the garden.

3.5 Policy Implications- None
HR Implications- None
Council Objective 4- Environment, Priority C04 Planning

3.6 Climate Change / Carbon/ Biodiversity- The Proposal in relation to confirming the TPO can only be seen as a positive impact on the environment.

PLANNING COMMITTEE

2nd March 2020

Customer / Equalities and Diversity Implications

3.7 The customers have been provided with the relevant notification and the responses received are attached in the appendices. The customers will receive notification by post of the decision of the committee.

3.8 Equalities and Diversity implications- None

4. RISK MANAGEMENT

4.1 There are no significant risks associated with the details included in this report.

5. APPENDICES

List Appendices.

Appendix (1) Plan & Schedule of Provisional Order

Appendix (2) Email enquiry from Tree Surgery Contractor regarding the status of tree.

Appendix (3) Letter of objection from the owner of 34 Rushleigh Road.

Appendix (4) Photographs showing the trees.

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order

7.1 Conclusion and recommendations:

The trees covered by this order are all highly prominent and of very good quality. They offer a high degree of visual amenity value to the area being visible to properties and visitors in both Rushleigh and Fords Roads and add greatly to the landscape character of the area.

Therefore I would recommend to the committee that the order is confirmed and made permanent without modification as shown in appendix (1) of this report.

PLANNING COMMITTEE

2nd March 2020

AUTHOR OF REPORT

Name: Gavin Boyes

Email: gavin.boyes@bromsgroveandredditch.gov.uk

Tel: (01527 64252 Extension 3094)

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Tree Preservation) (England) Regulations 2012

Tree Preservation Order (7) 2019

Tree/s on land at RUSHLEIGH ROAD, MAJORS GREEN, B90 1DH

Bromsgrove District Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as **Tree Preservation Order (7) 2019**

Interpretation

- 2.— (1) In this Order “the authority” means Bromsgrove District Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

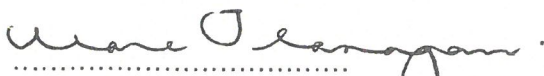
- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 5th November 2019

Signed on behalf of Bromsgrove District Council



Authorised by the Council to sign in that behalf

First Schedule

Trees specified individually

(encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Oak	410164 - 277495	Rear hedge line boundary between 36 Rushleigh Road and 40 Fords Road
T2	Oak	410160 - 277508	Rear garden of 34 Rushleigh Road
T3	Oak	410157 - 277515	Rear hedge line boundary between 32 Rushleigh Road and 48 Fords Road

Trees specified by reference to an area

(within a dotted black line on the map)

NONE

Groups of Trees

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
-------------------	--------------------	------------	------------------

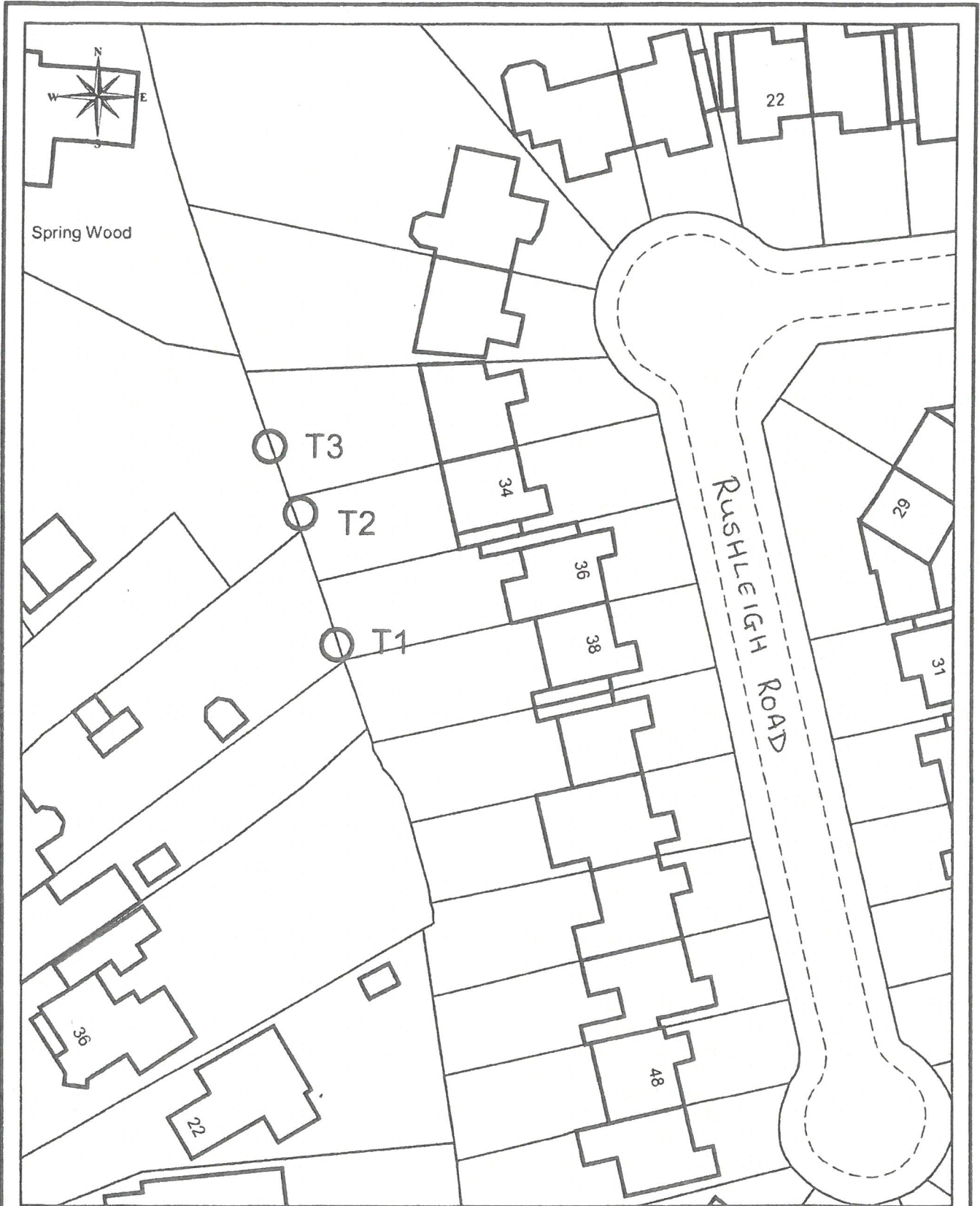
NONE



Woodlands

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
-------------------	--------------------	------------	------------------

NONE



 REDDITCH BOROUGH COUNCIL <i>making a difference</i> www.redditchbc.gov.uk	 Bromsgrove District Council www.bromsgrove.gov.uk	Project: Bromsgrove District Tree Preservation Order (7) 2019	Drawn: G.B.	Engineering and Design Services Town Hall Walter Stranz Square Redditch Worcs B98 8AH
		Drawing: Rushleigh Road, Majors Green B90 1DU	Scale: 1/500 @ A4	
		Drawing No: P0000/0	Date: 23/10/ 2019	
				<small>© Crown Copyright and database rights 2019 Ordnance Survey 100024252</small>

Gavin Boyes

From: Tree Enquiries
Sent: 18 April 2019 10:18
To: Gavin Boyes; Tarek Ball
Subject: FW: 34 Rushleigh Road Solihull B90 1H - URGENT

Hi – this is logged under 66189

Thanks

Support Service Officer, Bromsgrove District and Redditch Borough Councils

Tel: 01527 881188

Email: bsu@bromsgroveandredditch.gov.uk

Bromsgrove District Council
Parkside,
Market Street,
Bromsgrove,
Worcestershire B61 8DA
www.bromsgrove.gov.uk

Redditch Borough Council
Town Hall,
Walter Stranz Square,
Redditch,
Worcestershire B98 8AH
www.redditchbc.gov.uk



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Redditch Borough Council

[Bromsgrove residents press here](#) [Redditch residents press here](#)

From: [Redacted]
Sent: 18 April 2019 09:14
To: Tree Enquiries
Subject: 34 Rushleigh Road Solihull B90 1H - URGENT

This email originated from outside of the Organisation
STOP: Were you expecting this Email? Does it look genuine?
THINK: Before you CLICK on links or OPEN any attachments.

Agenda Item 5

Good Morning,

I have previously rang in about this enquiry I spoke to Angela on the main helpline on 12th April, she advised me she would ask the tree officer to look into my query and he would be in touch.

Nobody has contacted me – hence my email today.

Could you please advise if there is any tree protection orders at 34 Rushleigh Road. The householder has requested for an oak tree to be removed.

I look forward to your reply as soon as possible.

Thanks

Gavin Boyes

From: [REDACTED]
Sent: 14 November 2019 21:14
To: Gavin Boyes
Cc: Ryep
Subject: GB/TPO(07)2019

This email originated from outside of the Organisation
STOP: Were you expecting this Email? Does it look genuine?
THINK: Before you CLICK on links or OPEN any attachments.

Ref – GB/TPO(7)2019

Good evening Gavin,

I am writing to you in reference to the letter we have received from yourself. I have provided the reference above for your ease.

Firstly, I would like to mention I have previously spoken with you and received Tree surgeons approved by the council. So, upon receipt of this TPO we have become confused why we were provided with approved Tree surgeons to have the tree reduced in size. We have taken our time to meet tree surgeons and understand the work required on our site. we have also appointed a tree surgeon to have our work started and this was scheduled according to both the tree surgeons availability and our availability.

The work we were to carry out was going to consider the neighbours privacy and grounds. With a new fence being erected and the tree being reduced in size I believe that not only myself but the neighbours will benefit from a new safe boundary and once the tree surgeon removed the ivy and reduced the tree we would benefit from more light. Being a considerate resident, I mentioned to my neighbour which would have been affected by the work that my tree surgeon will be protecting their grounds and garden whilst the work is to be carried out. Once the work was completed the employed tree surgeon was to clear any fallings from the tree felling.

We have decided to reduce the Tree you have proposed a TPO on hence our initial contact with yourself. I have listed below the reasons why we have accessed our garden and why we decided to have a tree surgeon.

- As we are replacing the fencing. The area in which the tree stands we are unable to gain access and replace the currently poorly standing boundary fence.
- The tree overhangs not only my garden but over the neighbours too.
- The Tree is laced with Ivy and this has been confirmed by a tree surgeon.
- Natural light for us and surrounding area is currently reduced due to the size of the tree
- We have had a rear extension put onto our home and now lack natural day light in our main living space.

Agenda Item 5

- During seasonal fall due to extent of how far the tree overhangs the gutters to our rear property. Due to position of the tree we are required to cover costs of our gutters being cleared to reduce the probability of drains/gutters becoming blocked.
- We wish to reduce the weight of the tree limbs as it is now spreading over neighbouring gardens and our garden. Our vision was to reduce the size so we can make our garden an enjoyable family garden where we can safely use the space and maximise the use of the space we have. Right now, we are unable to do so as the tree overhangs, is laced with ivy, during good weather we have very little sunshine and the roots are raised.

If you wish I can provide you with images of the tree and we are more than happy to meet with you to discuss what it is we was proposing to do. I have provided my personal mobile number and can contacted on this number if you wish to visit the site or discuss this TPO. Thank you for taking your time to read our objection to the TPO we have been served.

Kind regards

PLANNING COMMITTEE

2nd March 2020

TREE PRESERVATION ORDER (NO. 9) 2019 – Tree on land at Milton Drive, Hagley DY9 9LS.

Relevant Portfolio Holder	Cllr M. A. Sherrey
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Environmental Services
Ward(s) Affected	Hagley
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider the confirmation without modification of Tree Preservation Order (No.6) 2019 relating to a tree on land at Milton Drive, Hagley DY9 9LS.

2. RECOMMENDATIONS

- 2.1 It is recommended that provisional Tree Preservation Order (No.6) 2019 relating to an Oak tree on land at Milton Drive, Hagley DY9 9LS is confirmed without modification as in the provisional order as raised and shown in appendix (1).

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications relating to the confirmation of the TPO.

Legal Implications

- 3.3 Town and Country Planning (Trees) Regulations 2012 covers this procedure.

Service / Operational Implications

Back Ground;

- 3.4 The provisional order was raised on 4th October 2019 after a phone call was received from a resident of Milton Drive enquiring about the status of an (Holm) Oak tree to the front of their property in view of the possibility of getting the tree removed. The tree in question is very prominent to the residents of Milton Drive, would be highly visible from gardens of surrounding properties. The tree also provides a high level of historic value due to its age and

PLANNING COMMITTEE

2nd March 2020

impressive size. Therefore it was deemed prudent to raise an order on the site due to the risk of its potential loss.

3.5 The Following two objections have been received in respect of the provisional TPO having been raised;

1. Email received from Mrs Perrins dated 16th October 2019 (Appendix 2) the owners of the tree included within the order which is support by an Arboricultural report undertaken by Morfe Valley Arboriculture shown in (Appendix 3)
2. Letter dated 30th October 2019 from Mr Martin Southall (Appendix 4) also support by an Arboricultural report undertaken by Morfe Valley Arboriculture shown in (Appendix 3)

My comments in relation to the points raise within these objections are as follows:

- a. I agree with comments made with regards to the visibility of the tree from the main public highway as they are limited however, the tree within the order is visible to road users and pedestrians on the Stourbridge Road and Birmingham Road as shown in the photographs appendix 7. Therefore clearly would be visible from the properties in Milton Drive as well as a number of surrounding properties on the Stourbridge Road (A491), the Birmingham Road (A456) and properties within Rockinghamhall Gardens.
- b. The National Planning Policy Framework states in relation to amenity value:

“Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”

- c. In regard to issue the raised of tree root invasion into drain lines as indicated to by the Email from Mrs Perrins dated 20/ 12/ 2019 and letter from Severn Trent dated 20/12/2019 (Appendix 5). Tree roots will follow easily accessible water and nutrients sources within the soil and can indeed cause blockages to drains however, can only do so by

PLANNING COMMITTEE

2nd March 2020

capitalizing on cracks or gaps in pipes already present and are not known to cause direct physical damage to pipe work.

- d. The concern mentioned over roots undermining foundations and links to subsidence are not unfounded in some situations. The NHBC classify Holm Oak as a high water demand species however, the soil in the area is recorded by the British Geological Survey as Sandstone substrate and topsoil as light (sandy) to medium (sandy), (although it is accepted that pockets of heavier soils are possible within this survey). This type of soil is generally considered as free draining and not prone to clay shrinkage subsidence exacerbated by tree roots. Additionally, the assertion that clay shrinkage subsidence can be predicted in a reliable manner is false. Trees and buildings in such situations can exist in very close proximity to each other and never have any issues with subsidence. There has been no evidence provided of any subsidence damage having been experienced on any of objecting properties.
 - e. The properties of Milton Drive were constructed circa 1971 and the development was clearly designed around the tree with it ultimately becoming a defining feature of the site. The driveway is now no more constrictive than had the tree not been in situ at the time of construction and the drive and dwellings laid out differently. It is clear upon visiting the site that the roots of the tree are the cause of the longstanding disturbance and lifting damage to the driveway. Although this is not any more than would be expected given the size and age of the tree. I believe engineering solutions can be explored to address these issues.
3. My comments in relation to the Arboricultural report undertaken by Morfe Valley Arboriculture as instructed by Mrs Perrins are as follows:
- a. I agree with comments made around previous crown management made within the report; it does appear that the tree was topped rather than pollard pruned and the suggested time frame of around the properties construction would be correct. The tree has clearly made an exceptional recovery from what would have been drastic works on the crown. The level of regrowth the tree has produced since this pruning shows it is in a strong level of vigour. These works have led to the tree producing a large spreading crown not far off the width it would have been had the works not been undertaken. Additionally it appears that the tree has developed a suitable degree of reaction wood around the original wounds with no obvious visual signs of structural defect at these points. If failure of the major scaffold was envisaged as a developing risk bracing could be employed to virtually mitigate this entirely.

PLANNING COMMITTEE

2nd March 2020

- b. The presence of a *Ganoderma* spp. fungal bracket on the northern side of the main stem is noted; *Ganoderma* spp. is known to be a slow acting pathogen and can take many years to cause decay and have any major detrimental effect on a tree. Upon sounding the tree using a sound mallet it is clear that there has been a good amount of vigour in reactive wood within the main stem; producing in columns either side of the areas of decay.
 - c. *Kretzschmaria* ssp is parasitic fungal pathogen of trees, colonising within the roots and lower stem and rarely seen above 1m which usually ends in a risk of brittle fracture and windthrow. The example evidenced within the report is situated within the main crown break at a height around 4m and does not exhibit the typical visual characteristics expected, I therefore consider this has being misidentified in this case.
 - d. TEMPO is used as guidelines for quantifying amenity value in order to advise on the suitability of including a tree within an order. I disagree with the scoring as presented but I believe this to be a result of the misidentification of the above and the perceived level of threat brought against the tree. If re-scored conservatively the tree scores 5, 4, 2, 2 and 5 respectively totalling 19 which clearly warrants' protection.
- 3.6 The Following correspondence of support have been received in respect of the provisional TPO having been received;
- 1. Email dated 05/ 11/2019 from Mr Peter Harrington, 3 Milton Drive (Appendix 6)
- 3.7 Policy Implications- None
HR Implications- None
Council Objective 4- Environment, Priority C04 Planning
- 3.6 Climate Change / Carbon/ Biodiversity- The Proposal in relation to confirming the TPO can only be seen as a positive impact on the environment.

Customer / Equalities and Diversity Implications

- 3.7 The customers have been provided with the relevant notification and the responses received are attached in the appendices. The customers will receive notification by post of the decision of the committee.
- 3.8 Equalities and Diversity implications- None

4. RISK MANAGEMENT

PLANNING COMMITTEE

2nd March 2020

- 4.1 There are no significant risks associated with the details included in this report.

5. APPENDICES

List Appendices.

- Appendix (1) Plan & Schedule of Provisional Order
- Appendix (2) Email of objection from Mr Perrins 2 Milton Drive
- Appendix (3) Arboricultural Report from Morfe Valley Arboriculture
- Appendix (4) Letter of Objection from Mr Martin Southall, 1 Milton Drive
- Appendix (5) Email from Mrs Perrins and Supporting Letter from Severn Trent Water.
- Appendix (6) Email dated 05/ 11/2019 from Mr Peter Harrington, 3 Milton Drive
- Appendix (7) Photographs of subject tree.

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order

7.1 Conclusion and recommendations:

The tree in question is very prominent to the residents of Milton Drive, would be highly visible from gardens of surrounding properties gardens. The tree also provides a high level of historic value due to its impressive size.

Therefore I would recommend to the committee that the order is confirmed and made permanent without modification as shown in appendix (1) of this report.

AUTHOR OF REPORT

Name: Tarek Ball
Email: tarek.ball@bromsgroveandredditch.gov.uk
Tel: (01527 64252 Extension 1340)

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TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Tree Preservation) (England) Regulations 2012

Tree Preservation Order (6) 2019

Trees on land at Milton Drive, Hagley DY9 9LS

Bromsgrove District Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as **Tree Preservation Order (6) 2019**

Interpretation

- 2.— (1) In this Order “the authority” means Bromsgrove District Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect


- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 4th October 2019

Signed on behalf of Bromsgrove District Council


.....
Authorised by the Council to sign in that behalf

28/09/2024

Agenda Item 6

Schedule

Trees specified individually

(encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Holm Oak	391541 – 281097	To the front of No.2 Milton Drive, Hagley DY9 9LS

Trees specified by reference to an area

(within a dotted black line on the map)

NONE

Groups of Trees

(within a broken black line on the map)

NONE

Woodlands

(within a continuous black line on the map)

NONE

Agenda Item 6

*Jean Glemington
14 October 2019.*



Bromsgrove District Council
www.bromsgrove.gov.uk

Project:	Bromsgrove District Council TPO (6) 2019	Drawn:	T.B.	Engineering and Design Services Town Hall Walter Stranz Square Redditch Worcs B98 8AH
Drawing:	Milton Drive, Hagley	Scale:	1/500 @ A4	
Drawing No:	P2184.26	Date:	Oct 2019	@ Crown Copyright and database rights 2019 Ordnance Survey 100024252
Page 31				

Tarek Ball

From: Env Svs Support Unit
Sent: 17 October 2019 09:33
To: Tarek Ball
Subject: FW: Your ref TB/TPO (6) 2019 Holm Oak to the front of 2, Milton Drive, Hagley
Attachments: MVA_13_2019_10.pdf

Hi Tarek

Please see reference 86398. And email below

I have added the email to this ticket

Thanks
Ange

Angela Akers
Support Service Officer, Bromsgrove District and Redditch Borough Councils

Tel: 01527 881188

Email: bsu@bromsgroveandredditch.gov.uk

Bromsgrove District Council
Parkside,
Market Street,
Bromsgrove,
Worcestershire B61 8DA
www.bromsgrove.gov.uk

Redditch Borough Council
Town Hall,
Walter Stranz Square,
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From: Louise Perrins [mailto:lperrins@bromsgrove.gov.uk]
Sent: 16 October 2019 22:01
To: Env Svs Support Unit
Subject: Your ref TB/TPO (6) 2019 Holm Oak to the front of 2, Milton Drive, Hagley

This email originated from outside of the Organisation
STOP: Were you expecting this Email? Does it look genuine?
THINK: Before you CLICK on links or OPEN any attachments.

Dear Sirs,

Agenda Item 6

I am writing in reference to the above temporary TPO, of which I received notification on the 5th October. In response, a report has been completed, by Morfe Valley Arboriculture, at my request which is attached below.

The order states the the council's reason for making the order is the amenity value of the tree. The tree is in an unadopted cul de sac and cannot be seen from the public highway. It is far too large for the area in which it is situated, and is causing damage to sewage and storm drains. Both Severn Trent and Homeserve have had to attend three times this year alone, to deal with blockages along our drive. One one occasion we woke to find raw sewage floating past our front door at a height of about three inches. This is clearly a health hazard.

The tree blocks access to our home. On one side we have to drive on to our neighbours property to pass by. If any of the houses has a visitor, it causes a problem when leaving in a car that was parked on our drive. If more than one house has a visitor, we have to knock if we wish to leave our property and ask them to move. One of our neighbours can have up three visiting cars at any one time.

The driveway has been re-surfaced around the tree but already the tree roots have uplifted it again, which is not only unsightly but also shows the proximity of the large roots to our houses. As the houses were built in 1971, the houses do not have the deeper foundations of more recent buildings and we understand that the combination of the clay-like soil and these large roots destroying the drains, could cause subsidence.

At a time before we became the owners of the tree, it has been poorly managed, as detailed in the report by Morfe Valley Arboriculture. The report also explains that there are two types of disease present on the tree making any TPO a temporary measure at best. The tree is dying and it is my understanding that this makes it unsuitable for a TPO.

Would you please confirm receipt of this email and let me know wether a physical letter is necessary? I called your office and I was told an email was fine, but I would like that in writing please. If an email is not sufficient, would you please respond in time for me to print and send a letter?

Yours faithfully,

Louise Perrins

Sent from my iPad



Morfe Valley Arboriculture

Arboricultural Report

2 Milton Drive,

Hagley

DY9 9LS

Prepared by: Craig Watkins – Tree Consultant

Date: 13/10/2019

Ref: MVA/13/2019/10

Morfe Valley Arboriculture

Tel: 01902 701057/07870 602501

Email: trees@morfevalley.com

www.morfevalley.com



Tree Safety Management



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Agenda Item 6

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1.0 Introduction

1.1 Instruction

1.1.1 I have been instructed by Mrs Louise Perrins to carry out an inspection of a Holm Oak tree outside 2 Milton Drive, Hagley DY9 9LS and comment on its condition, amenity, risk and make appropriate recommendations. The instruction was received by telephone and instruction by email on 7 October 2019.

1.2 Brief

1.2.1 The purpose of the report is to assess and comment on the trees physiological and structural condition to aid in an appeal for the making of a Tree Preservation Order.

1.2.2 The report is preliminary in nature as agreed with the client. If further details, analysis or investigation is required these will be highlighted in the recommendations.

2.0 Methodology:

2.1.1 Visual Tree Assessment (VTA; Lonsdale, 1999).

2.1.2 Tree Evaluation Method for Tree Preservation Orders (TEMPO Forbes-Laird).

2.1.3 Report Includes:

- a. **An assessment of the amenity value the tree provides.**
- b. **An assessment of physiological and structural condition.**
- c. **An assessment of Tree Risk.**
- d. **Appropriate work recommendations.**

2.1.4 I confirm that I am professionally qualified (to QCF level 4) and insured (to £1m PI) to undertake the survey and produce this report. I am a Technician Member of the Arboricultural Association a CAS Approved Tree Expert, a CAS accredited mortgage and insurance expert, and a Lantra accredited professional tree inspector.

3.0 Limitations and Copyright

3.1.1 Trees are influenced by a variety of environmental variables, which can affect the health of trees causing biomechanical and physiological changes. All comments made on tree health reflects their physical condition at the time of the survey. Due to the changeable nature of trees and other site/environmental conditions which may influence trees. Therefore, the report is valid for a period of 12 months from the date of inspection which is 8/10/2019.

- 3.1.2 The report does not make reference to protected species (e.g. Bats Bats and their roosts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) as well as the Conservation of Habitats and Species Regulations 2012 (as amended) and are also listed under Section 41 of the Natural Environment and Rural Communities Act 2006. All UK nesting birds are protected under the Wildlife and Countryside Act (WCA) 1981, as amended. Bird species that are listed on WCA Schedule 1 are given further protection, including increased penalties as well as protection against disturbance of their active nest(s).
- 3.1.3 No samples of any description were taken from site for lab analysis or for any other purpose.
- 3.1.4 The survey did not include soil sampling. This report is preliminary in nature if samples are required for analysis then this will be highlighted in the recommendations.
- 3.1.5 I have not contacted the Local Planning Authority to determine whether the tree is protected by a Tree Preservation Order or located within a Conservation Area. I have however been advised by the client that the tree has been protected by a newly made Tree Preservation order.
- 3.1.6 I did not undertake any formal assessment of topography, drainage, service conduits, soil conditions as this report is preliminary in nature.
- 3.1.7 The report is preliminary in nature and therefore all observations were made from ground level only and are visual in nature unless otherwise stated. Full aerial inspections using a rope and harness for access, ultra-sonic decay detection, root collar excavation, or any other form of intensive investigation were not carried out as part of the survey. **Should trees within the survey are clad with ivy and excessive epicormical growth which restricts the inspection. I am unable to take responsibility for defects which are hidden from view in this way but would be happy to re-inspect the trees if the ivy or epicormical growth is removed. The same caveat applies for trees which are hidden from view by dense vegetation, e.g. shrubberies or fences.** Where appropriate further detailed investigation recommendations have been made in tree schedules in recommendations.
- 4.0 Site Description**
- 4.1.1 I visited the site on 8 October 2019 and inspected the tree as shown to me by Mrs Perrins
- 4.1.2 The tree is located along a private access drive outside number 2.

5.0 Findings.

5.1.1 I visited the property on 8 October 2019 to inspect Holm Oak tree.

5.1.2 The tree has been historically topped, this is not a pollarding. I have not been provided with previous dates for this work, but it is likely to be around the time the properties were built.

5.1.3 This sort of work today is considered as not good practice and does not conform to BS3998:2010 Tree Works -Recommendations and is likely to lead to premature loss of the tree due to structural problems developing from fungal activity, which is what is occurring with this tree.

5.1.4 BS3998:2010 defines pollarding as:

Pollarding:

Cutting a tree so as to encourage formation of numerous branches arising from the same height on a mainstem or principal branches.

NOTE 1: This process is initially carried out on trees that has not yet reached maturity. The form of tree can be maintained by cycles of cutting. This is not the same as topping.

NOTE 2: The pollard heads collectively, and the frame of a pollarded tree, are both known as bolting.

5.1.5 The subject tree has been topped and not pollarded before prior reaching maturity, it has received works described in BS3998:2010 as:

Topping:

Removal or most of all the crown of a mature tree by indiscriminately cutting through main stem(s).

NOTE: This is not pollarding.

5.1.6 It is clear that historical works completed did not accord to BS3998:2010 and could not be described as pollarding as per section 7.10 of BS3998:2010.

5.1.7 The management has caused the tree to develop decay within the stem and at topping points. Further decay and risk of scaffold branch failure is likely due to the presence of Kretzschmaria duesta, this fungus acts pathogenically causing a soft rot, later developing into a white rot. The rot is contributed to ceramic-like failure developing.

5.1.8 Along with Kretzschmaria duesta, the tree also has Ganoderma adspersum on the main stem, the extent of any related decay is unknown at this stage, but on sounding the

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stem with a “thor” mallet it was noted that decay was developing, with reaction growth notable on the stem. Decay from this fungus is selective white rot.

Pic 1 Shows: Ganoderma fruiting body.



Pic 2 Kretzschmaria fruiting bodies.



- 5.1.9 The tree pre-exists the properties and has been retained in the centre of an unadopted driveway. This leaves the residents having to negotiate the tree when manoeuvring and parking vehicles, making access to properties difficult especially for deliveries or visitors.
- 5.1.10 The tree is also causing damage to driveways through root growth activity causing surfacing to distort and crack, this is severe in parts and is likely to require ongoing repairs.
- 5.1.11 I also assessed the tree using TEMPO (Tree Evaluation Method for Tree Preservation Orders) see assessment in Appendix 4.
- 5.1.12 The assessment carried out by me identifies that the tree would not meet the necessary requirements under the system to warrant making a TPO on the tree. TEMPO is used widely by many Local Planning Authorities to assess the suitability for making or reviewing TPO's.
- 5.1.13 In the assessment I have scored the tree as 10 which does not merit a TPO. The score has been assessed by accumulating parts 1,2 and 3.
- 5.1.14 Based on TEMPO, the tree does not provide public visual amenity, the tree cannot be seen from a public place. I assessed the tree from outside of the private drive an it can't been seen without difficulty, and only the crown in part can be identified.

5.1.15 The tree has a limited life expectancy due to past management techniques. The presence of fungus indicates the onset of decay in the stem and scaffold branches due to topping management, and branch failures are inevitable.

6.0 Recommendations

6.1.1 The tree should be crown reduced as a minimum to prevent scaffold branch failure. The reduction should be from distal branch points back by up to 2.5m This is a short-term recommendation.

6.1.2 In the long term the tree should be removed. This is within less than 10 years as parthenogenic Ganoderma and Kretzschmaria fungal activity is likely to develop progressively causing extensive decay particularly at scaffold unions and main stem.

6.1.3 A replacement tree is considered unsuitable for the location. The current tree under TEMPO is considered as a tree “which are existing or are near future nuisance, including those clearly outgrowing their context, or are significantly negating the potential of other trees of better quality”. Any replacement tree once at maturity would cause nuisance, would provide very little visual amenity and would be under pressure for removal.

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7.0 Conclusions

- 7.1.1 From the findings it is clear that the tree has been managed poorly not in accordance with current industry practices namely BS3998:2010, it is outgrowing its environment in accordance TEMPO Part 1 (b), it provides no public visual amenity, and is not suitable for a TPO in accordance with the assessment.
- 7.1.2 There is a likelihood of increased decay at the topping points and scaffold branch failure will occur. Decay in the main stem will be progressive due to the presence of fungal activity again leading to stem failure.
- 7.1.3 Replacement planting at the location is unsuitable and will lead to a future nuisance issues.

Signed:



Date: 13 Oct. 19.

Appendices

APPENDIX 1 -

GLOSSARY OF COMMON TERMS.

- Abscission. The shedding of a leaf or other short lived part of a woody plant.
- Abiotic. Pertaining to non living agents e.g environmental factors.
- Absorptive Roots. Non-woody short lived roots, generally having a diameter less than one millimetre, the primary function of which is the uptake of water and nutrients.
- Access facilitation pruning. One off pruning operation to provide access for development operation. Pruning that will not be detrimental to trees health or amenity.
- Arboricultural Method Statement. A methodology for the implementation of development where encroachment within the RPA has the potential to cause damage or loss of retained trees.
- Arboriculturist. Someone who through relevant training and experience has gained knowledge in the expertise of trees.
- Adaptive Growth. The process by where wood formation rates increasing in the cambial zone, as well as wood quality, responds to gravity and other forces acting on the cambium.
- Adaptive roots. The adaptation of existing roots; or a production of new roots in response to damage or decay.
- Adventitious buds, roots, shoots. Which grow in other than primary apical control.
- Anchorage. The process in which a tree uses its roots system to support itself within the soil structure.
- Arisings. Parts of the tree that has been removed for disposal, branches, leaves, roots etc.
- Bacteria. Microscopic single-celled organisms, many species of which
- break down dead organic matter, and some of which cause diseases in other organisms.
- Bark. A term usually applied to all the tissues of a woody plant lying outside the vascular cambium, thus including the phloem, cortex and periderm; occasionally applied only to the periderm or the phellem.
- Basidiomycotina (Basidiomycetes). One of the major taxonomic groups
- of fungi; their spores are borne on microscopic peg-like structures
- (basidia), which in many types are in turn borne on or within conspicuous

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Morfe Valley Arboriculture

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WWW.morfevalley.com

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- fruit bodies, such as brackets or toadstools. Most of the principal decay
- fungi in standing trees are basidiomycetes.
- **Bolling.** A term sometimes used to describe pollard heads.
- **Bottle-butt.** A broadening of the stem base and buttresses of a tree, in excess of normal and sometimes denoting a growth response to
- **weakening** in that region, especially due to decay involving selective delignification.
- **Bracing.** The use of rods or cables to restrain the movement between parts of a tree.
- **Branch:**
 - **Primary.** A first order branch arising from a stem
 - **Lateral.** A second order branch, subordinate to a primary
 - **branch or stem and bearing sub-lateral branches.**
 - **Sub-lateral.** A third order branch, subordinate to a lateral or primary branch, or stem and usually bearing only twigs.
 - **Branch bark ridge.** The raised arc of bark tissues that forms within the acute angle between a branch and its parent stem.
 - **Branch collar.** A visible swelling formed at the base of a branch whose diameter growth has been disproportionately slow compared to that of the parent stem; a term sometimes applied also to the pattern of growth of the cells of the parent stem around the branch base.
 - **Brown-rot.** A type of wood decay in which cellulose is degraded, while lignin is only modified.
 - **Buckling.** An irreversible deformation of a structure subjected to a bending load.
 - **Buttress zone.** The region at the base of a tree where the major lateral roots join the stem, with buttress-like formations on the upper side of the junctions.
 - **Canker.** Area of dead cambium killed by overlying pathogenic tissues.
 - **Cavity.** A hole in the woody structure of the tree; often caused through decay.
 - **Cleaning out.** The removal of dead, diseased crossing branches, damaged branches and alien structures.

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- Competent person. Person with training and experience in accordance with the proposed matter being addressed, having a understanding of a particular matter being approached.
- Condition. An indication of the physiological vitality of a tree, but not the stability of a tree.
- Construction. A site based operation that has the potential to affect retained trees.
- Construction Exclusion Zone. An area based on the RPA from which construction activity is prohibited.
- Coppicing. Removal of all aerial parts of the tree leaving a stump for regeneration of new shoot.
- Crown/canopy. The parts of the tree that supports the leaves.
- Crown lifting. The removal of limbs and small branches to a specified height above ground level.
- Crown thinning. The removal of a proportion of secondary branch growth throughout the crown to produce an even density well balanced crown structure.
- Crown reduction/reshaping. Removal in the height to a specified description to maintain a flowing crown structure.
- Deadwood. Non – functional branches which no longer support natural growing conditions of the tree, but may be beneficial for the support of habitats.
- Defect. Any area of the tree that longer has a optimal mechanical uniformity of stress, making the tree unsuitable for its location.
- Dieback. Death of woody parts of the tree starting at distal ends of the tree.
- Disease. Damage occurring to living organisms as a result of pathogenic micro-organisms.
- Distal. Furthest distance away from the main body of the tree.
- Dysfunction. In woody tissues, the loss of physiological function, especially water conduction, in sapwood.
- Epicormical growth. Growth from dormant or adventitious buds, not developing from the first shoot.
- Girdling roots. A circling root which constricts the stem or roots, with the potential to cause death and the restriction of flow within the phloem.
- Heartwood. Dysfunctional xylem which no longer has conductive properties, but which has become an integral structural part of the tree.

- Heave. The swelling of shrinkable clay soils, often when vegetation has been removed allowing soil rehydration to develop, with the potential for listing structures i.e walls.
- Included bark/acute forks. Face to face contact of bark usually at fork unions, or branch unions.
- Lopping/Topping. A term used to describe the removal of large sized branches.
- Mulch. Material lay down over the rooting area of trees to suppress weed competition, increase moisture retention and increase some cases organic material and nutrients.
- Pathogen. A micro-organism that causes disease within another organism.
- Phytotoxic. Toxic to plants.
- Pollarding. The removal of the tree canopy to produce knuckles where new growth develops and is removed cyclically usually performed on young trees.
- Pruning. Selective removal of parts of the tree to achieve a desired outcome.
- Root protection area. An area around a tree identified by multiplying the stem diameter at 1.5 by 12 to produce a radial area or rooting volume around a tree to be protected. BS 5837 2012.
- Service. Any above and below ground structure or apparatus for utility provision.
- Size of part. Relating to risk assessments, identifying the size of the hazard, or parts of a tree which may cause harm if failure occurs.
- Stem(s). The main structure from the ground up supporting the crown.
- Stress. In plants, the physiological depletion as a result of environmental influences.
- Structure. A manufactured object, such as building, roads, path, wall or excavated structures.
- Structural roots. The primary larger diameter roots which hold and support the aerial parts of the tree.
- Subsidence. The shrinkage of soil through the absorption of water via vegetation and the sinking effects on surrounding architectural structures.
- Targets. In risk assessment, persons or property at risk of harm as a result of a hazard (falling tree, branch etc).
- Tree Protection Plan. A scaled drawing informed by descriptive text where necessary, based upon finalised site proposals, showing trees for retention and illustrating the tree and landscape protection measures.

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- Veteran tree. Tree that, by recognized criteria, shows features of biological, cultural or aesthetic characteristics of, but not exclusive to, individuals surviving beyond the typical age range for the species concerned.
- Windthrow. The blowing over a tree at its roots.

2. SITE PLAN (NOT TO SCALE TREE LOCATION INDICATIVE)



3. AUTHORS QUALIFICATIONS AND EXPERIENCE

Qualifications:

Lantra Accredited Mortgage (Home Buyer) Tree Report	2015
Technicians Certificate in Arboriculture (Merit)	2009
RFS Certificate in Arboriculture (Merit)	2007
Lantra Accredited – Professional Tree Inspector	2006
BTEC 1 st Diploma Horticulture	1993

Experience:

MVA Arboricultural Consultant	2016 - Present
Tree Services Manager (National Company)	2015 – 2016
Senior Arboricultural Consultant Wardell Armstrong	2014 – 2015
Local Authority Tree Officer. (Risk Management / TPO, CA)	2006 – 2014
Chargehand Arborist	2004 – 2006
Arborist (Tree Surgeon)	1998 – 2004
Horticulturalist	1994 – 1998
Trainee Horticulturalist	1993 – 1994

Continuing Professional Development:

Getting to Grips with Subsidence	2015
Valuing and Managing Veteran Trees	2015
Engaging Arboricultural Contractors	2010
Quantified Tree Risk Assessment System	2009/2015
Bats and Arboriculture – A Guide for Practitioners	2004

Memberships:

In order to stay up to date with current issues, Craig is a member of the following organisations:

1. The Arboricultural Association – Technician Member.
2. The Consulting Arborists Society – Member and Accredited PTI and M&I Expert.

Morfe Valley Arboriculture

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Appendix 4 – TEMPO Assessment

Tree Evaluation Method for Preservation Orders
(TEMPO)

Surveyor:- C Watkins Date:- 08/10/2019 Species:- Holm Oak
 Location:- 2 Milton Drive, Hagley DY9 6LS
 TPO Ref:- Tree/Group No.:- T1 Owner:- Unknown

Part 1:- Amenity Assessment

a) Condition and Suitability for TPO.

<input type="checkbox"/> 5) Good - Highly Suitable 3) Fair - Suitable <input type="checkbox"/> 1) Poor - Unlikely to be Suitable 0) Dead, Dying or Dangerous - Unsuitable *	
--	--

* Relates to existing context and is intended to apply to severe remediable defects only

b) Retention Span (in years) and Suitability for TPO.

<input type="checkbox"/> 5) 100+ Highly Suitable 4) 40 - 100 Very Suitable 2) 20 - 40 Suitable 1) 10 - 20 Just Suitable <input type="checkbox"/> 0) <10 - Unsuitable	
--	--

* Includes trees which are existing or are near future nuisance, including those clearly outgrowing their context, or are significantly negating the potential of other trees of better quality

c) Relative Public Visibility and Suitability for TPO. Consider realistic potential for future visibility with changed land

<input type="checkbox"/> 5) Very large trees with some visibility, or prominent trees 4) Large trees, or medium trees clearly visible to the public 3) Medium trees, or large trees with limited view only 2) Young, small or medium/large trees visible only with difficulty <input type="checkbox"/> 1) Trees not visible to the public regardless of size	
--	--

d) Other Factors. Must have accrued 7 points or more (with no zeros) to qualify

<input type="checkbox"/> 5) Principle components of arboricultural features, or veteran trees 4) Tree groups, or members of groups important for their cohesion 3) Trees with identifiable historic, commemorative or habitat importance 2) Tree of particularly good form, especially if rare or unusual 1) Trees with none of the above redeeming features (inc those with indifferent form)	
--	--

Part 2:- Expediency Assessment (Must have accrued 8 points or more to qualify)

<input type="checkbox"/> 5) Immediate threat to tree 3) Foreseeable threat to tree 2) Perceived threat to tree <input type="checkbox"/> 1) Precautionary only	
--	--

Part 3:- Decision Guide

Any 0 scores - do not apply TPO 1 - 6 = TPO indefensible 7 - 11 = Does not merit TPO

12 - 15 = TPO defensible 16+ = Definitely merits TPO

Morfe **TOTAL SCORE:-** 10 **DECISION:-** No TPO
 Tel: 01 **10**
 Email: **10**
 WWW.innovevalley.co.uk

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Appendix 5 – QTRA Assessment

Inspection Schedule and Findings

Location: 2 Milton Drive, Hagley D19 9LS

Date: 08/10/2019
Inspected by: Craig Watkins

Tree no.	Species	Age Range	Height (m) est.	Diameter @ 1.5m (mm) Est	Spread (m) Est.	Vitality	Comments	Management	Target potential	Site of part	Probability of failure	Risk of harm
T1	Holm Oak (Quercus ilex)	M	16	1300	12	G	<p>The tree has been topped/pollarded previously resulting in large scaffold branch development. Fungal fruiting body of Ganoderma adspersum was observed on the main stem at approximately 1.5m of ground level. On sounding the stem with a "thor" mallet the stem appeared to be hollowing, this will be progressive over time resulting in compromising the structural stability of the tree. Also between scaffold unions at the point of pollarding on either side of the crown is the anomorph stages of a pathogenicic <i>Kretzschmaria ducea</i> fruiting bodies developing. It is likely that fungal activity will cause fracture and failure of scaffold branches.</p>	<p>The tree should be managed through a crown reduction in the short term to prevent scaffold branch failures. However, due to fungal activity and passed crown management, the tree is unsuitable for retention for more than 5 years and should be removed and where necessary replanted.</p>	3		2	1/2x

6. References

BSS5837:2012. Trees In Relation To Design, Demolition, and Construction – Recommendations. British Standards Institute. London, UK.

BS 3998:2010. Tree work. Recommendations. British Standards Institute. London, UK

Environmental Services
Bromsgrove District Council

Crossgate House
Crossgate Road
Redditch
Worcestershire
B98 7SN

FAO Mr Ball

1 Milton Drive
Hagley
Stourbridge
West Midlands
DY9 9LS

30 October, 2019

Your Reference: TB/TPO (6) 2019

Dear Sir,

Tree Protection Order – Milton Drive, Hagley

I wish to write in strong objection to the recent tree protection order which you have placed on the old diseased tree which sits perilously close to my home.

I attach a report which my neighbour at no.2 and I have commissioned on the condition and the aspect of the tree. You will see in that report that the tree is severely diseased, it is too close to the 3 houses that surround it and it represents a danger to those three properties.

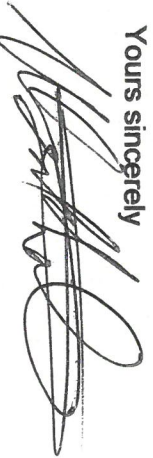
The TPO was placed on the tree according to the letter you have sent me on the grounds of providing "visual amenity". This is quite ridiculous, because the tree can only be seen in full from the three properties that surround it. Residents outside of Milton Drive can only see the top of the tree with difficulty.

We have endured problems with this tree for over 13-years, from when we moved in. Our downstairs toilet is unusable because the roots of the tree have got into the drains. The roots of the tree are causing damage to our relatively new block paved drive. It has caused considerable damage to the shared drive around the tree and this has already been resurfaced in the last 15 years. Additionally the roots will almost certainly be undermining our house's foundations. The tree is a hazard when any deliveries arrive, it restricts parking and makes manoeuvring our cars a very hazardous activity. I also have to live with clearing mess from our cars daily due to the debris and excrement that is dropped from the trees onto our vehicles.

I plead with you to lift this TPO. It provides no visual amenity to anyone but the three properties within Milton Drive. My neighbours at number 2 Milton Drive also wish the TPO to be lifted. The tree is old and diseased and near the end of its life. It is a danger to our three properties due to its proximity and condition. It provides no benefit to the wider community at all, as it can only be seen partially and with great difficulty by anyone outside of Milton Drive and it cannot be seen from the nearest public highways or footways.

I really hope that you see reason with my request and lift the order.

Yours sincerely



Martin Southall

TPO - Milton.doc

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Tarek Ball

From: Louise Perrins
Sent: 20 December 2019 12:34
To: Env Svs Support Unit
Subject: Your ref TB/TPO (6) 2019 Holm Oak to the front of 2, Milton Drive, Hagley
Attachments: 2 Milton Drive, Hagley, DY9 9LS.DOC; ATT00001.txt
Categories: Angela

This email originated from outside of the Organisation
STOP: Were you expecting this Email? Does it look genuine?
THINK: Before you **CLICK** on links or **OPEN** any attachments.

Please find below a letter from Severn Trent confirming that tree roots have had to be removed from sewage pipes outside our property following blockages that caused raw sewage to flow past our front door on two occasions this year.

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Severn Trent Water Limited
Cheltenham Road East
Gloucester
GL2 9QY

2 Milton Drive
Hagley
DY9 9LS

20/12/2019

Dear Mrs Perrins

As per our phone conversation please see below the relevant information you requested,

On the 31st October 2019 we received feedback on a blockage job indicating a manhole chamber was surcharged upon inspection, in which a blockage was then cleared with the cause being root ingress, these roots were then removed to prevent, as best as possible, the repeat issue of blockages occurring.

To clarify, the root cause of the blockages has been due to the roots, and these roots appear to be coming from the large tree not far from the manhole cover as this is above where the roots were identified causing an issue to the sewer.

Yours sincerely

Brandon Smith
Senior Network Technician

Tarek Ball

From: Peter Harrington
Sent: 05 November 2019 11:00
To: Tarek Ball; Suzanne Wilson
Subject: TPO at Milton Drive, Hagley DY9 9LS Ref 89369

This email originated from outside of the Organisation
STOP: Were you expecting this Email? Does it look genuine?
THINK: Before you CLICK on links or OPEN any attachments.

5th November, 2019

Dear Mr Ball,

Thank you for sight of the TPO on the holm oak on land at Milton Drive, Hagley, DY9 9LS which I received yesterday. This tree is the shared responsibility, along with the rest of the drive, of the 3 houses as identified in each house's lease.

While fully supporting the intention behind the TPO, as it is a beautiful tree, adding much to the immediate environment, from discussion with my neighbours I would point out that the tree requires work conducting on it because:

- 1 the canopy has increased in size since it was last lopped over 10 years ago and is significantly impacting on light, particularly for house No. 1
- 2 some roots are expanding and causing damage to the drive
- 3 it is suspected that root growth is encroaching on the drains of at least one house
- 4 there is evidence of disease on the trunk which may be causing it to develop a hollow centre, thereby risking the long term health of the tree

I would like the above points to be taken into consideration when determining whether the TPO is to be made permanent,

Yours sincerely,

Peter Harrington
3 Milton Drive

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr D. Billingham	Residential development comprising the erection of 26 dwellings - Outline Application (including details of Access, Layout, Scale and Appearance) Land Rear Of Algoa House, Western Road, Hagley, Worcestershire		14/0408

RECOMMENDATION:

- (1) Minded to **APPROVE OUTLINE PLANNING PERMISISON**
- (2) That **DELGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:

Highways

- Active Travel and Public Transport Infrastructure within Hagley contribution: £25,534.90

Education Infrastructure

- A contribution towards Hagley Primary School based on the cost per open market dwellings as per the following tariff:
£3,230 open market 2 or 3 bedroom dwelling
£4,845 open market 4 or more bedroom dwelling
- A contribution towards Haybridge High School and sixth form based on the cost per open market dwellings as per the following tariff:
£4,213 open market 2 or 3 bedroom dwelling
£6,252 open market 4 or more bedroom dwelling

Medical Infrastructure

- A financial contribution towards Worcestershire Acute Hospitals NHS Trust to help support the provisions of acute primary healthcare:
£TBC
- A financial contribution of towards Redditch and Bromsgove CCG- Hagley Surgery
£9,936

The improvement of Hagley Community Centre and Clent Parish Hall:

£21,044.66 (split on a 50%/50% basis: £10,522.33/£10,522.33)

Car-Parking Enhancement in Hagley:

£2104.35

Waste Management Contribution:

Waste and recycling bins calculated as follows:

- £25.49 per 240 litre standard capacity grey receptacle (waste)
- £26.75 per 240 litre standard capacity green receptacle (recycling)

Planning Obligation Monitoring Fee: £TBC

And:

The securing of 10 on-site affordable dwelling units

The provision and future maintenance in perpetuity of the on-site play space and open space provision

(3) And that **DELEGATED POWERS** be granted to the Head of Planning Regeneration to agree the final scope, detailed wording and numbering of conditions as set out in the list below.

Background

This outline application was submitted in June 2014, with only external access for consideration. All other matters were reserved for future determination. The application was subsequently considered at planning committee on 24th November 2014 and members granted delegated authority to the Head of Planning and Regeneration to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions.

A copy of the 24th November 2014 committee report is attached at Appendix 1. All the consultee and neighbour comments received at that time are within this committee report and have not been summarised in this report.

Following detailed survey appraisal of highway gradients it became evident that the highway alignment on the submitted plan would not enable the Highway Authority's' gradient standards to be met. In order to do this the access within the site would have to be altered.

The circumstances arrived at above only came to light following a long period of finalising the draft section 106 agreement. To minimise further delay the applicants requested that the application be changed to an outline application with only landscaping remaining as the sole reserved matter. The consultation responses summarised below and accompanying assessment reflect the revised application.

Consultations

Severn Trent Water Ltd

No objection subject to drainage conditions

NHS Clinical Commissioning Group

No objections if a developer contribution of £9,936 is secured for the following reasons;

- The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 26 x 2.43 residents and subsequently increase demand upon existing constrained services.
- 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 £9,936. Payment should be made before the development commences.

NHS Acute Hospitals Worcestershire

No objections if a developer contribution of £10,170 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 – 70 extra interventions, generated from a 26 dwelling scheme.
- 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

North Worcestershire Water Management

Sought clarification regarding the proposed surface water drainage scheme to ensure that a SuDS scheme is deliverable for this site. Detailed design can then be conditioned, as can details regarding the future maintenance responsibilities for the surface water drainage.

WRS - Contaminated Land

No objection subject to a Tiered Investigation Condition

WRS - Noise

No objection

WRS are satisfied with the findings of the report and we have no adverse comments subject to conditions

1. Domestic electric vehicle charging points
2. Secure cycle parking
3. Low emissions boilers

WRS - Air Quality

No objection subject to conditions relating to cycle storage, provision of electric vehicle charging points and low emission boilers.

Highways - Bromsgrove

No objection to the amended scheme, subject to a subject to the applicant entering into a legal agreement for an Active Travel and Public Transport Infrastructure contribution and planning conditions:

1. Conformity with Submitted Details
2. Vehicular visibility splays approved plan
3. Construction Environmental Management Plan
4. Cycle parking
5. Residential Welcome Pack

14/0408

Worcestershire County Council Countryside Service - Public Rights of Way

No objection

Ramblers Association

No Comments Received To Date

Arboricultural Officer

No objection subject to the following documentation submitted as part of the reserved matters

1. An arboricultural method statement and protection plan.
2. A landscape plan and specification
3. Plans showing the routing of all utility services

As well as the following conditions are applied:

1. All trees to be retained within the site or within influencing distance of any ground or development work on any adjoining land are to be afforded protection in accordance with BS5837:2012 recommendations throughout the works.
2. All pruning of trees should be in accordance with BS3998:2010 recommendations.
3. No ground level alteration work should be carried out with 2 metres of the general hedge line on the Eastern and Western boundaries of the site.
4. Any section of the access road that falls within the RPA of G1 is to be installed by use of suitable grade of No Dig construction and be porous in nature as to minimise the effect on the water and gaseous exchange levels currently available to these trees.

Worcestershire Wildlife Trust

No objection, subject to the following conditions:

1. Construction Ecological Management Plan (CEMP)
2. Landscape Ecological Management Plan (LEMP)
3. Lighting
4. SUDs

Waste Management

No objection, a financial contribution towards the provision of bins is required.

Housing Strategy

No objection, seek clarification on whether more of the affordable units could be shared ownership.

Leisure Services Manager

No objection

Worcestershire Archive and Archaeological Service

No objection, the evaluation report is satisfactory and there is no requirement for archaeological condition.

Worcestershire County Council Education Service

The proposals as submitted sit in the catchment area of Hagley Primary School and Haybridge High School and Sixth Form. Current analysis of pupil numbers show that the proposed development is likely to yield 5 children across the primary phase of education and 4 children across the secondary phase of education. The schools are extremely popular and are consistently oversubscribed.

The contribution sought for Hagley Primary School would be £3,230 per 2 or 3 bed open market dwelling and £4,845 per 4 or more bed open market dwelling - Total £71,060

The contribution sought for Haybridge High School would be £4,213 per 2 or 3 bed open market dwelling and £6,320 per 4 or more bed open market dwelling - Total £92,692

Hagley Parish Council

Do not object to the principle of this site being developed for housing. Have concerns regarding the detail of the present application.

- The application fails to reflect an appropriate mix of dwellings
- Open space should be integrated with the space provided by Cala homes development
- Hagley Parish Council is calling on Worcestershire County Council to undergo an updated transport impact assessment related to the impact from this site as well as an up to date assessment of the highways issues experienced since the on-going development sites at Wychbury Fields (Kidderminster Rd) and Pearmain Gardens (Western Rd) were begun. These developments have caused an increase in traffic flows, congestion and waiting times at a strategic junction.
 - Hagley Parish Council, District Councillors Colella (Hagley West) and District Councillor Jenkins (Hagley East) and County Councillor May (Clent Hills) have received many complaints from residents and road users (in this instance) of Newfield Rd, Western Rd and South Rd.
 - Increased traffic flows using Newfield Rd, Western Rd and South Rd and rat running.
 - Speeding along Newfields Rd and potential highway safety implications.
- Section 278) should be sought from this application.
Mitigation contributions should be made under a s.278 agreement for:
Speed control initiatives (to be discussed with Newfield residents directly)
Additional signage to stop HGVs and discourage 'rat running'.
Financial contributions to revert the junction of the A456/B4187 to pre-development (Wychbury Fields development).
- Financial contributions should be made under a s.106 agreement for:
Improvements to car parking in Hagley (not limited to repair and maintenance or creation of additional spaces).
Support for community bus
Support for Hagley Library amenity development, repair and maintenance
Enhancement of Hagley Community Centre

Clent Parish Council

No Comments Received To Date

Publicity

Two site notices were placed on site on 27th June 2019 and expired 21st July 2019. An advert was placed in the Bromsgrove Standard on 5th July 2019 and expired on 22nd July 2019.

Representations

38 representations have been received to the consultation on the revised proposal. The comments received have been summarised as follows;

Design

- Overdevelopment of the site, high density development
- Poor estate design
- Grounds levels and retaining walls
- Proposed dwellings does not include sufficient renewable energy and sustainable technologies

Highways

- Roads surrounding this area (in particular Western Road) are not adequate for the amount of traffic it will create
- Highway and pedestrian safety concerns, increase in road accidents
- Lack of footpaths

Air Quality

- Increased pollution and reduction in air quality

Amenity

- Noise
- Overlooking
- Light deprivation
- Overbearing
- Construction Traffic

Other issues

- Too many homes being built in Hagley
- Overdevelopment of the site, high density development
- Strain on existing village infrastructure as a result of the development, including on doctors, dentists, schools and public transport
- Loss of green space
- Loss of trees
- Impact on wildlife
- Anti social behaviour

Cllr Colella

I message in response to the above application and recognise the changes in the scheme with further matters now being considered.

The full consultation has raised a number of concerns by Hagley Parish Council and residents of Hagley including residents of adjoining developments.

- detrimental impacts on adjoining properties (in particular Waldron Mews) overlooked and overbearing
- Loss of mature trees that border the site. Tree lines should be maintained and any loss of trees should be replaced at a ratio of 3:1.
- The density of this application is too great. The applicant is asked to reduce the number of overall dwellings and give favour to a number of bungalows to reflect local need.
- The development of bungalows on the edge of the development will also remove the impact of the development on adjoining properties and soften the impact of the height of the development.
- The design of the site should be favourable to open space and generous garden space and car parking facilities removing the impact of on street parking.
- There are indications that temporary vehicular access is to be made via Waldron Mews for works construction vehicles and materials. This is a concern for residents not least because of the disturbance that this will cause to the quality of life of the residents and the damage to the road and pathways.
- The topography of the site means that Waldron Mews and other aspects of the site will be overlooked. Therefore the applicant should design out such impacts giving generous open and back garden spaces between the boundaries of the two sites. Further design matters should ensure that loss of privacy and 'blank walls' or unpleasant aspects aren't seen by Waldron Mews.
- The site access causes a significant safety concern. It adds an additional access point opposite the access to Field House and the associated dwellings as well as adding a further junction along Western Rd. Western Rd has become a rat run for commuter travel. Transient traffic including HGVs use the cut through and travel at speed causing a significant risk to safety.
- The layout of the site should have a generous number of deciduous trees that reflect the local area. 'Grassed' pathways are a pleasant feature of Wychbury Lawns estate and should be repeated on this application.
- I receive regular complaints about the increase in rat running, speed and safety issues. Since the development of over 200 houses on the ADR the character of Western Rd, South Road and Newfield Rd have been affected by the increase in traffic flows, congestion and speed.
- Each development increases the adverse impact on the local infrastructure and amenity as well as quality of life of directly affected residents and the wider Hagley community.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP3 Future Housing and Employment Growth
BDP5 Bromsgrove Strategic Site Allocations
BDP5(B) Other Development Sites
BDP6 Infrastructure Contributions
BDP7 Housing Mix and Density

BDP8 Affordable Housing
BDP12 Sustainable Communities
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP21 Natural Environment
BDP22 Climate Change
BDP23 Water Management
BDP24 Green Infrastructure
BDP25 Health and Well Being

Others

High Quality Design SPD
SPG11 Outdoor Play Space
WWCS Worcestershire Waste Core Strategy
NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance
National Planning Policy for Waste (NPPW)
National Design Guide (September 2019)

Relevant Planning History

All nearby applications have been summarised in the Relevant Planning History section of the committee report attached in Appendix 1 apart from the following application which was granted planning permission after that report was completed.

15/0054 Demolition of existing house and provision of 7 family dwellings including parking, landscaping, materials and associated infrastructure.
Strathearn, Western Road, Hagley, Worcestershire DY9 0HZ
Approved 11th August 2015.

Assessment of Proposal

The site and its surroundings

The application site is located to the south-east of a proposed residential area on the south-east side of the settlement of West Hagley. The site is bordered on the north-west and south-west by areas granted planning permission for residential development, which has subsequently been built. To the north-east is open countryside located in designated Green Belt. To the south-east is mainly existing residential development fronting Western Road. To the immediate south, the site is bounded by two dwellings known as Algoa House and Eightlands. The gardens of these dwellings are separated from the site by 1.8 metre high close-boarded fencing. Beyond Western Road is open countryside located in designated Green Belt.

The site is currently unused. The southern part of the site was originally a yard belonging to one of the residential dwellings and contains an area of hardstanding and collapsed brick walls. Piles of wood panel fencing, asbestos sheeting, bricks and general garden paraphernalia are scattered on the site.

The site slopes materially from south-east to north-west with the slope becoming more pronounced as the site approaches the Gallows Brook which forms the north-western boundary.

Hedgerows demarcate the northern, eastern and western site boundaries with Western Road along the southern boundary. Stock proof fencing also lines the boundaries with some post and rail fencing along the south-east boundary.

The site is allocated as a Development Site in the Bromsgrove District Plan.

Proposal

The application seeks outline planning permission for 26 dwellings. Only landscaping is reserved for subsequent consideration.

Dwelling Type	Market housing	Social Rented	Shared Ownership	Total
4 Bedroom	12			12
3 Bedroom	4	2	2	8
2 Bedroom		6		6

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Members will be aware that the Development Plan for the area comprises the Bromsgrove District Plan (BDP) 2017.

When the application was initially submitted in 2014 the site was a proposed allocation in the emerging Bromsgrove District Plan. Members will be aware that the application site is part of BDP5B Other Development Sites for a mixed use site including residential, which has the potential capacity for 301 dwellings.

Using the most up to date monitoring information, at April 2019 Bromsgrove District Council cannot demonstrate a 5 year supply of deliverable housing land sites. This means that paragraph 11(d) of the National Planning Policy Framework is engaged for the reasons set out below.

Paragraph 11 as a whole sets out a presumption in favour of sustainable development and the second part for decision-taking states:

“For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework 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 of the NPPF states that “This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer as set out in paragraph 73)”. Therefore the presumption in favour of sustainable development is engaged by reason of the inability of Bromsgrove District Council being able to demonstrate a five year supply of housing land.

The trigger in paragraph 11(d) was perhaps drafted with speculative, non-allocated, windfall sites in mind and it is considered that sites such as the Hagley site identified under Policy BDP5B which benefit from inclusion in a Development Plan were not the intended focus of the test. These sites would be expected to be in accordance with the Development Plan and thus be approved “without delay” (paragraph 11(c)). Nonetheless, the Council does not have a five year supply of housing sites, the site does not fall within an area protected by policies in the Framework as listed at footnote 6 (SSSI, Green Belt, Local Green Space, AONB, National Park etc) and therefore, by default, paragraph 11(d) is engaged.

However, determination of the application does not rest wholly on paragraph 11(d) of the NPPF. Being mindful of the 5 year housing supply position for Bromsgrove, the considerations under paragraph 11(d) take on added weight.

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’.

It is therefore considered that other material factors must be considered and whether the approval of the application would undermine the Bromsgrove District Plan and whether the proposal would ensure a sustainable and well-designed development.

Affordable Housing

The principle social benefit of the proposed development would be the provision of affordable housing, including 10 of the 26 of the dwellings being affordable. Therefore the number of units proposed is considered to meet this policy requirement of BDP8. The application proposes both 2 and 3 bedroom units that are located throughout the application site and of a similar appearance and design to the market led housing. 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%).

Design and Layout

The overall layout provides for a total of 26 new dwellings, arranged around a newly formed access 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 surrounding area, including the modern development on land adjacent to the site at Waldron Mews and Todd Gardens.

The internal layout within the site is also considered to be well-designed and respond appropriately to the site's transitional location adjacent to countryside. The layout avoids an unduly regimented or uniform feel along the access road, both in terms of building line and the variety of front garden/parking layouts.

In addition, ample space is afforded within the site for both new planting and soft landscaping along the newly created access road (including at its entrance point) as well as on the frontages of the individual dwellings and as a buffer on the outer boundaries of the site. This assists to soften the development and assimilate it into its wider semi-rural countryside setting. As noted above, landscaping is a reserved matter, which will be subject to a further planning application.

The development provides a density of 16.5 dwellings per hectare (net site area) reducing to 14 dwellings per hectare when calculated against the gross site area. 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 transition to countryside.

In terms of scale and height, the proposed dwellings would be predominantly two storeys, albeit a limited number of the proposed units would have roof accommodation. The scale, massing and form of the proposed dwellings are considered to appropriate their overall scale, depth and massing would be similar to that of the modern dwellings that have already been built nearby and – given the slope of the site efforts have been by the applicant to ensure that they would not appear unduly dominant or out of keeping with the character of the area.

Appearance-wise, the proposed units are considered to be well-designed. The style of the houses is traditional. Many of the attributes of the proposed houses are present in the local area, all of which are welcome and reinforce an identifiable character. In addition, the range of materials presented on the drawings are compatible with the local area (conditions samples to be agreed via condition).

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.

Open Space and Play Space

The proposed layout plan shows the provision of 2,642 square metres of formal public open space located to the north of the site adjacent to the Gallow's Brook. This accords with the requirement for on-site open space provision as set out in SPG11. The open spaces aspect utilises the natural topography of the site. The applicant intends to manage and maintain the on-site open space through a management company. This will be secured through the Section 106 Agreement. The site also permits links to the other residential schemes that have been constructed, which affords welcome permeability for walking and cycling between the sites and the use of alternative open space opportunities.

Access and 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".

The Highway Authority considered this application in 2014 and raised no objection at that time. Since then the application description has altered to include all transport matters, the applicant has submitted updated drawings to provide the details.

The Highway Authority has seen updated Local and National guidance since 2014 and these comments are made based on the standards and policies in place at this time. The layout complies with the Streetscape Design Guide, Winter 2018 Sufficient space would exist within the site to accommodate parking in accordance with Worcestershire Streetscape Design Guide (2018) standards. These are as follows:

- 2/3 bedroom – 2 spaces per dwelling
- 4 bedroom – 3 spaces per dwelling.

Cycle parking details are not addressed through this layout, but a suitably worded condition can be used to address this matter.

Contributions should be provided to address any local impacts and improve sustainable access. Since the 2014 representation the contributions methodology has been updated and consequently this application should provide financial contributions in accordance with the current method. The revised contribution should be directed to sustainable transport infrastructure in the community. County Highways have requested £25,534.90 highways contribution for Active Travel and Public Transport Infrastructure within Hagley.

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

Air Quality

Members will note the concerns raised in relation to the issue of air quality. Worcestershire Regulatory Services were consulted on the application. The site is located in the vicinity of the former Kidderminster Road, Hagley Air Quality Management

Area (AQMA). Although the AQMA has been revoked the situation in the area continues to be monitored.

WRS has raised no objections to the development on air quality grounds, subject to Conditions relating to electric vehicle charging points and secure cycle parking. The request for low emission boilers does not meet the condition test. It is considered that these measures could be secured by condition and would comply with Policies BDP1.4(b), BDP19 (s)(i) (ii).

In relation to construction matters, a Construction Environmental Management Plan will enable mitigation of any potential dust nuisance during construction phase. This can be secured through condition.

Residential Amenity

The proposed dwellings are positioned in a relatively low density arrangement that would create ample space for external landscaping and private amenity space. All the units proposed have sufficient size gardens. 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. The scheme is considered to comply with the High Quality SPD in relation to residential amenity.

No issues are raised with noise given the 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.

Trees

The site is not covered by any statutory or non-statutory designations for landscape character or quality.

The site contains a number of mature and semi-mature tree specimens located within the site, contained within established hedgerows. These are located to the site boundaries, with a dense area of tree cover to the northern boundary adjacent the Gallow's Brook. The Tree Officer is of the view that there is sufficient space to construct dwellings and associated works while retaining and protecting the existing trees and hedgerows on the site boundaries. The use of the northern aspect of the site for public open space will

particularly enable successful incorporation of the most wooded section of the site into the fabric of the scheme.

Ecology

The site comprises species-poor improved grassland with areas of hardstanding. The southern area close to the site entrance contains a mixture of native and non-native shrubs and plants. The eastern hedgerow is dominated by mature standards in the south then widens into a dense hedgerow dominated by shrubs towards the north. The northern hedgerow largely shades out the brook. The western hedgerow contains shrubs and trees.

Worcestershire Wildlife Trust have reviewed the various associated documents and in particular Preliminary Ecological Appraisal update by Worcestershire Wildlife Consultancy. They have no objection subject to various conditions, regarding protection of trees, biodiversity enhancement, lighting and SUDS.

Flooding and Drainage

The application has been accompanied by a Flood Risk Assessment (FRA). The proposed development is located in Flood Zone 1 (little to no risk of fluvial or tidal flood risk) and it is sequentially appropriate. The proposed development is consistent with the appropriate uses for Flood Zone 1, as outlined in Table 1 of the NPPF Technical Guidance Document. The Gallow's Brook is the closest watercourse and is located just outside of the application site to the northern boundary. There is no development proposed within Flood Zones 2 and 3 and as a result no flood compensatory works will be necessary.

Members will be aware the Gallow's Brook is located to the northern boundary but outside the application site. The FRA demonstrates that the development site is not at risk from flooding and will not act to increase flood risk to properties elsewhere post development.

North Worcestershire Water Management, sought clarification regarding the proposed surface water drainage scheme to ensure that a SuDS scheme is deliverable for this site. I will update Members at your meeting on this issue.

Ground Conditions

A ground conditions assessment has been undertaken (in accordance with relevant planning and technical guidance) in relation to potential impacts on human health from soil contamination, risks from ground gas, and the potential effects on Controlled Waters receptors.

Based upon the information available at this stage, there are no potential issues or concerns at the site that cannot be successfully managed and/or mitigated via condition that would preclude the possibility of the proposed development.

Education Provision

Members will note the views of third parties relating to the impact of the development on existing services and functions. In terms of education demand, Worcestershire County Council has considered the impact of this proposed development on local schools, taking account that both Hagley Primary School and Haybridge High School and Sixth Form are extremely popular and are consistently oversubscribed. Worcestershire County Council will be seeking a planning obligation towards education infrastructure. Discussions will need to take place with the schools regarding the funding of an appropriate project.

Subject to the applicant entering into a Section 106 Agreement for education facilities, I raise no objection to the application on such grounds.

Medical Infrastructure

I note the views in relation to the issue of medical facilities to serve the development. Concerns have been raised over the ability of local facilities to accommodate additional medical related demand arising from the development. Members will note I have consulted the Redditch and Bromsgrove Clinical Commissioning Group (CCG) on this issue. The consultation response from the Worcestershire Acute Hospitals NHS Trust is also relevant here.

The CCG accept that the development would have an impact on primary healthcare provision in the area (Hagley Surgery), they have confirmed that the existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. Redditch and Bromsgrove CCG have therefore raised no objection to the scheme subject to the developer agreeing a contribution of £9,936.

In March 2019, the District Council received the first of a series of representations seeking a planning obligation to secure a financial contribution to meet annual shortfalls in Worcestershire NHS service revenue. The request by the Worcestershire Acute Hospitals NHS Trust relates to financial contributions to help support the provisions of acute primary healthcare. The position being taken by the Trust at the present time is that new residential developments place further pressure on the provisions of acute primary health services in the County.

I have paid regard to all information received from the Acute Hospitals Trust and any relevant additional consultee and the Planning department have sought two sets of Counsel advice on this issue.

I accept that there is Bromsgrove District Plan support in principle to support the request being made for the contributions and the request can be considered a material consideration. Each planning application made must be considered on a case by case basis and as a consequence any financial request made by the Trust must be considered in the same manner.

Policy BDP6 of the Bromsgrove District Plan and the provisions of the NPPF (Section 8). Following further review, I consider the Trust has demonstrated that a level of contribution is necessary to address the impact of new development because of the current funding

mechanism. I am also of the opinion that the request made is directly related to the planning application.

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. In this context and taking all of the above points into consideration, I am of the view that the Trust has failed to provide sufficient evidence to demonstrate that the quantum of the contribution request has been fairly and reasonably related in kind to the development. In an attempt to fully understand the quantum position and to try and reach a conclusion in relation to the position being taken by the Trust on quantum, I have asked further specific questions which should assist to bring this matter to conclusion providing additional information for review and assessment. These discussions are still in progress. I will update Members at your meeting on this issue.

Community Assets

Members are reminded that the proposal site sits within the Parish of Clent but that the nearest facilities and amenities are within Hagley which puts the amenities at Hagley in a sustainable location. It is reasonable to assume that the residents of the 26 dwellings will put additional demand on either or both halls (Clent Parish Hall/Hagley Community Centre). I am of the view that both facilities could be used by new residents and they are both available for community use.

In line with the approach taken by the Council in relation to other applications (12/0875) and the considered of this application originally by planning committee, it is considered that with improvements to Clent Parish Hall, further capacity could be created. Likewise it is accepted that new developments within the locality could contribute proportionately towards a new facility at Hagley or improvements to the existing facility to again create capacity. As it is not possible to predict which hall the new residents will use and considering the fact that residents can choose to use either hall, the final amount should be equally divided between the two halls. This was the approach accepted by Members previously and I consider the same appropriate pro-rata approach to be valid in relation to this application. This is reflected in the recommendation to Members. The Applicant has agreed to this approach.

Car parking at Hagley

The matter of existing high demand for car parking spaces at the centre of Hagley has been raised as an issue. In line with the previous consideration of the proposal, the contribution has been retained as part of the proposed obligation.

Planning Conditions – Time Limits

Time limits for planning applications are dealt with the section entitled Use of Planning Conditions in the new planning practice guidance launched on 6 March 2014. This states the relevant time limit for beginning the development is not later than the expiration of:

- 3 years beginning with the date on which the permission is granted, or;
- Such other period (whether longer or shorter) as the local planning authority may impose.

The local planning authority may wish to consider whether a variation in the time period could assist in the delivery of development. For example, a shorter time period may be appropriate where it would encourage the commencement of development and non-commencement has previously had negative impacts. The national planning policy framework encourages local planning authorities to consider imposing a shorter time period to ensure that proposals for housing development are implemented in a timely manner (paragraph 76). A longer time period may be justified for very complex projects where there is evidence that 3 years is not long enough to allow all the necessary preparations to be completed before development can start.

In order to address the shortfall in the 5-year housing land supply and to achieve the prompt submission of a Reserved Matters application, Members are recommended to impose a suitable Condition requesting the submission of a Reserved Matters application within 18 months of the approval of the outline scheme and once the Reserved Matters have been determined a similar condition placed on commencing the scheme. This will ensure that the development is delivered swiftly in order to accelerate the delivery of housing supply within the District.

Planning Obligations

Members will be aware that Section 106 obligations are legal agreements negotiated between Local Planning Authorities and developers in the context of a grant of planning permission. Such agreements are intended to make development proposals acceptable, which might otherwise be unacceptable, and provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of infrastructure and facilities.

Policy BDP6 relates to infrastructure contributions. Paragraph 6.1 states that financial contributions towards development and infrastructure provision will be co-ordinated to ensure that growth in the District is supported by the provision of infrastructure, (including Green Infrastructure) services and facilities needed to maintain and improve quality of life and respond to the needs of the local economy.

Members will note the following Heads of Terms contributions for inclusion in the Section 106 Agreement. These have arisen following consultation with the relevant consultee or body responsible.

It is considered that the terms of the Agreement set out at the beginning of this report are relevant to planning, considered necessary to make the proposed development acceptable in planning terms, directly related to the proposed development and are fairly and reasonably related in scale to the proposed development. The figures identified for Hagley Community Centre/Clent Parish Hall and car parking enhancement in Hagley are taken from the 2014 report and have been index linked. As such I am of the view that these provisions meet the relevant tests under Regulation 122 of the CIL Regulations. The applicant has not raised any issue of viability due to the requested obligations. I therefore consider the scheme accords with Policy BDP6 of the BDLP.

Conclusion

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 supply 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. The application site identified as part of a suitable site for housing development in the adopted Bromsgrove District Plan. It is thus one of the preferred locations for future development and an important component of the Council's housing strategy. The development of the site would not conflict with the sustainability aims of the NPPF and would contribute 26 dwellings in a sustainable location, which would make an important contribution to meeting local housing needs and making good the current shortfall in the five-year land supply. The NPPF places great weight on the need to maintain the 5-year land supply and on the need to boost housing supply on suitable sites. These are compelling considerations in favour of granting permission. In addition the development will also provide 10 affordable dwellings as part of the proposal.

It is considered that the development would cause no substantial harm to the character and appearance of the area, the local highway network or the amenities of neighbouring properties. The ecological and environmental characteristics of the site have been carefully considered in the submitted information and mitigation measures are proposed for any significant effects on the wider environment as a result of the development. For these reasons, it is recommended that outline planning permission is approved.

RECOMMENDATION:

- (1) Minded to **APPROVE OUTLINE PLANNING PERMISISON**
- (2) That **DELGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:

Highways

- Active Travel and Public Transport Infrastructure within Hagley contribution: £25,534.90

Education Infrastructure

- A contribution towards Hagley Primary School based on the cost per open market dwellings as per the following tariff:
£3,230 open market 2 or 3 bedroom dwelling
£4,845 open market 4 or more bedroom dwelling
- A contribution towards Haybridge High School and sixth form based on the cost per open market dwellings as per the following tariff:
£4,213 open market 2 or 3 bedroom dwelling
£6,252 open market 4 or more bedroom dwelling

Medical Infrastructure

- A financial contribution towards Worcestershire Acute Hospitals NHS Trust to help support the provisions of acute primary healthcare:

14/0408

£TBC

- A financial contribution of towards Redditch and Bromsgrove CCG- Hagley Surgery £9,936

The improvement of Hagley Community Centre and Clent Parish Hall:

£21,044.66 (split on a 50%/50% basis: £10,522.33/£10,522.33)

Car-Parking Enhancement in Hagley:

£2104.35

Waste Management Contribution:

Waste and recycling bins calculated as follows:

- £25.49 per 240 litre standard capacity grey receptacle (waste)
- £26.75 per 240 litre standard capacity green receptacle (recycling)

Planning Obligation Monitoring Fee:

£TBC

And:

The securing of 10 on-site affordable dwelling units

The provision and future maintenance in perpetuity of the on-site play space and open space provision

- (3) And that **DELEGATED POWERS** be granted to the Head of Planning Regeneration to agree the final scope, detailed wording and numbering of conditions as set out in the list below.

Conditions

- 1) Approval of the details of the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority.

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

- 2) Application for approval of the reserved matter shall be made to the Local Planning Authority not later than 18 months from the date of this permission.

Reason: In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.

- 3) The development hereby permitted shall begin no later than 18 months from the date of the approval of the last of the reserved matters to be approved.

Reason: In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990

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

5563-01B	Location Plan
19-241-01a	Retaining wall sections
5563-9F	Proposed cross sections through site
5563-10B	Proposed cross sections through site
5563-18L	Proposed site layout
5563-21A	3 bedroom linked detached house type N – Plots 7 & 8
5563-22	4 bedroom house type J4 handed – Plots 3, 12 & 25
5563-23	4 bedroom detached house type W1 – Plot 2
5563-24	3 bedroom detached house type N – Plot 4
5563-25	3 bedroom semidetached social rented house type AF3 – Plots 5 & 6
5563-26	2 bedroom terraced social rented house type AF2 – Plots 9, 10 & 11
5563-27B	4 bedroom detached house type SL2 – Plot 13
5563-28B	4 bedroom detached house type SL1 – Plot 14
5563-29B	4 bedroom detached house type SL1 – Plot 15
5563-30A	4 bedroom detached house type SL2 – Plot 16
5563-31	2 bedroom terraced social rented house type AF2 – Plots 17,18 & 19
5563-32	3 bedroom detached house type N – Plot 20
5563-33	4 bedroom house type J5 handed – Plot 21
5563-34	4 bedroom house type M – Plot 22
5563-35	3 bedroom semidetached intermediate house type AF3 – Plots 23 & 24
5563-36	4 bedroom house type J4 modified – Plot 26

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

- 5) Prior to their installation, samples of the materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the external appearance of the building is satisfactory.

- 6) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan and Paragraph 170 of the NPPF.

- 7) All trees to be retained within the site or within influencing distance of any ground or development work on any adjoining land are to be afforded protection in accordance with BS5837:2012 recommendations throughout the works.

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

- 8) All pruning of trees should be in accordance with BS3998:2010 recommendations.

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

- 9) No ground level alteration work should be carried out with 2 metres of the general hedge line on the Eastern and Western boundaries of the site.

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

- 10) Any section of the access road that falls within the RPA of G1 is to be installed by use of suitable grade of No Dig construction and be porous in nature as to minimise the effect on the water and gaseous exchange levels currently available to these trees.

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

- 11) Notwithstanding the submitted details, prior to above ground works a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority

The content of the LEMP shall include, but not limited to the following :

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management including those in relation to dormice and bats.
- d) Appropriate management options for achieving aims and objectives including appropriate enhancement measures.
- e) Prescriptions for management actions.

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer.
- i) Ongoing monitoring and remedial measures.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan and Paragraph 170 of the NPPF.

- 12) No dwelling hereby approved shall be occupied until the access, parking and turning facilities that that individual property to the nearest public highway has been provided as shown on drawing BK20502A.

Reason: To ensure conformity with submitted details.

- 13) The development hereby approved shall not be occupied until the visibility splays shown on drawing BK20502A 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.

- 14) 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.
- Method Statement detailing the measures that will be taken to ensure that the works will not adversely affect (pollution and silt) the watercourse, including during the construction phase through

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

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

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

Reason: To encourage sustainable travel and healthy communities.

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

Reason: In the interests of sustainability.

- 17) Notwithstanding the submitted details, prior to above ground works details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details.

Reason: To ensure that the development does not cause harm to nocturnal wildlife, including bats that may be foraging in the hedgerows or along the stream corridor.

- 18) Full details of the layout of the public open space areas, including details of surfacing, enclosures, play equipment, seating, and the future management and maintenance of the sites to allow public access, shall be submitted to and approved in writing by the Local Planning Authority. The public open space shall be implemented in accordance with the agreed details before the first beneficial occupation of any one of the residential properties hereby permitted.

Reason: In the interests of visual and neighbouring amenity and the adequate provision of public open space.

- 19) No new buildings, structures (including gates, walls and fences) or raising of ground levels within 8 metres of the top of any bank of the Gallows Brook or on land at or below 106.4m AOD inside or along the boundary of the site.

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

- 20) No part of the development hereby approved shall be occupied until all soft landscaping has been planted in accordance with the specification given on the detailed planting plan as to be approved by way of the reserved matters

application. If within a period of 5 years from the date of planting any part of that scheme, or any replacement planting, is removed, uprooted, destroyed/critically damaged, dies or becomes, in the opinion of the local planning authority, seriously defective, replacement planting of the same size and species as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: In order to add character to the development and to integrate the development into the area.

21) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 have been complied with:

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

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

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

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

5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

6. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

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

Case Officer:

Paul Lester

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Email: paul.lester@bromsgroveandredditch.gov.uk

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Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
BILLINGHAM AND KITE LIMITED "B"	Outline application for the erection of 26 dwellings Land Rear Algoa House, Western Road, Hagley	ADR	14/0408 15.10.14

RECOMMENDATION:

(a) MINDED to APPROVE OUTLINE PLANNING PERMISSION

(b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:

(i) **To mitigate for the additional demands on the wider transport network generated by the development: £76,311.04.**

This contribution will specifically contribute towards all or any of the following:

- Cycle parking provision at Hagley Railway Station
- Cycle parking provision in Hagley Centre
- Installation of information kiosks displaying cycle route maps, suggested pedestrian routes etc at key locations in Hagley
- Provision of a Gold Standard bus shelters

(ii) **To improve footway linkage with Hagley centre: £3342.00**

(iii) **To provide uncontrolled pedestrian crossing points on route to Hagley centre: £557.00**

(iv) **To provide cycle signage to Hagley centre and other amenities: £557.00**

(v) **Financial contributions towards education facility enhancements in any or all of the following schools in the catchment area of the site:
Hagley Primary School and Haybridge High School**

(vi) **The improvement of Hagley Community Centre and Clent Parish Hall:
£18,571.42 (split on a 50%/50% basis: £9285.71/£9285.17)**

(vii) **Medical infrastructure for Hagley Surgery and The Glebeland Surgery, Belbroughton:
£17,963.40 (split on a 68%/32% basis: £12,215.11/£5,748.28)**

(viii) **Car-Parking Enhancement in Hagley:
£1857.14**

And:

(ix) **The securing of 10 on-site affordable dwelling units**

(x) **The provision and future maintenance in perpetuity of the on-site play space and open space provision**

(xi) **The provision and future maintenance in perpetuity of the on-site SUDs provision**

Consultations

Strategic Planning Policy

Consulted – views received 14 August 2014:

- No objection
- The principle of development on the ADR site is not disputed
- The 40% affordable housing provision is supported
- A higher proportion of 2 and 3 bedroom properties would be preferable.

Worcestershire Highways

Consulted – final views received 14 November 2014:

- No objectionThe applicant should submit amended to ensure the design of the proposed access reflects the 85th percentile speeds on Western Road and to agree Heads of Terms for the offsite mitigation.

Highways Agency

Consulted - views received 28 July 2014:

- No objection
- Suggest Conditions relating to:
 - Visibility splays
 - Details of the surfacing and drainage of the access, turning and parking facilities

Environment Agency

Consulted – views received 13 August 2014:

- No objection
- The FRA demonstrates that the development site is not at risk from flooding and will not act to increase flood risk to properties elsewhere post development
- Suggest Conditions relating to:
 - Finished floor levels set at a minimum of 107m AOD
 - No new buildings, structures (including gates, walls and fences) or raising of ground levels within 8 metres of the top of any bank of the Gallows Brook or on land at or below 106.4m AOD inside or along the boundary of the site

North Worcestershire Water Management Drainage Engineer

Consulted – views received 12 August 2014:

- No objection
- Sufficient information has been submitted to demonstrate that the site can be developed without increasing the risk of flooding from the Gallows Brook on the site itself or elsewhere, providing the Environment Agency is happy with the model constructed
- Suggested Conditions:
 - A scheme of surface water drainage
 - Finished floor levels set at a minimum of 107m AOD
 - Maintenance plan for the SuDS scheme
 - Method statement detailing the measures that will be taken to ensure that the works will not adversely affect (pollution and silt) the watercourse, including during the construction phase

Severn Trent Water

Consulted - views received 25 July 2014:

- No objection subject to condition relating to the following:
- Drainage plans for the disposal of surface water and foul sewage

Worcestershire Regulatory Service: Contaminated Land

Consulted - views received 6 August 2014:

- No objection

Strategic Housing

Consulted – final views received 3 October 2014:

- No objection subject to compliance with the following:
- Policy compliant provision of 38.5% (10 units based on a total of 26 units)
- Proposed Mix & Tenure:
 - **Social Rented (70%)**
 - 5 x 2 bedroom dwelling
 - 2 x 3 bedroom dwelling
 - **Intermediate (30%)**
 - 2 x 2 bedroom dwelling
 - 1 x 3 bedroom dwelling

Leisure Services

Consulted - final views received 6 June 2014:

- No objection
- There appear to be some lovely trees on site (arboricultural survey and overhead mapping photography) and they contribute significantly to the context and overall 'place' of the site, I would recommend that the conclusions of the arbor survey be implemented to preserve the best of these and to ensure their long term viability. I note that the survey did not include any of the trees along or within the area of the Gallows Brook, if this land were to be proposed for adoption, further survey work would be required before this could be considered. The existing hedgerows appear to be left untouched as part of the proposals and their retention is considered to be highly desirable to enable continuity of bio-diversity and landscape appearance.
- Due to the proximity of the site to other proposed developments, and the requirements for appropriate contributions for play, open space and allotments, I refer to my previous comments regarding application 14/0177. It is in our opinion entirely desirable to ensure that we do not encourage the development of small numerous piece-meal play areas throughout these closely associated developments especially in close proximity to water courses.
- To ensure that the existing Gallow Brook water course and its ability to enable bio-diversity to move and flourish unhindered, it is desirable to ensure that this corridor of habitat remains as undisturbed as possible, ensuring its preservation in the context of a wider park or green corridor environment in association with the adjacent Cala Homes et al developments is both beneficial to biodiversity and flood protection/remediation.
- Effective remediation of potential urban run-off into the brook course needs to be properly considered to ensure the protection of this UK BAP priority habitat.
- The use of appropriate native species trees such as *Acer campestre* across the site to further encourage wildlife would be beneficial and will further blend any development into the local landscape vernacular.

Worcestershire Wildlife Trust

Consulted 17 July 2014: views awaited

Landscape and Tree Officer

Consulted – views received 5 November 2014:

- No objection
- There appears sufficient space to construct dwellings and associated works while retaining and protecting the existing trees on the site boundaries.
- All works will need to be outside the BS5837:2012 Root Protection Area of these trees and for the trees on the western boundary particularly, the location and extent of these RPA's will need to take account of any offset caused by works on the development side on the other side of the boundary.
- Suggest Conditions relating to:
 - Protection of existing tree cover
 - Tree protection measures during construction phase

Worcestershire County Council Landscape Officer

Consulted 17 July 2014: views awaited

Worcestershire County Council Archaeological Service

Consulted - views received 5 August 014:

- Desk based assessments undertaken for this area have determined that the site has an unknown potential for unrecorded archaeological remains. Given the scale of the development and the unknown potential for archaeological remains, the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of archaeological works.
- No objection subject to suggested condition:
 - The submission of a programme of archaeological work, including a written scheme of investigation

Worcestershire County Council Countryside Service

Consulted 17 July 2014: views awaited

Ramblers Association

Consulted – views received 23 August 2014

- The site has been visited and the only footpath affected is HE-518 which lies in the field to the west and outside the current development boundary of the Bromsgrove District Plan.
- As the site lies within the development boundary the principle of this development causes us no concern. Having looked at the development proposals on other land allocated for residential development in the vicinity we are pleased to see that this site will be integrated with them via a footpath and cycleway. We also note that links in the site to the north will provide convenient, pleasant and safe access to the village centre for walkers cyclists.
- Our only note of concern is that vehicular access to the application site is to be directly to Western Road and very close to the start of Footpath HE-518. The outline permission on land behind Strathearn shows that provision was made to access the application site from the Strathearn site. In our view one shared access to Western

Road would be the safest solution for all road users and walkers using the footpath in particular. We appreciate why the developers may not wish to take this course but trust that in the long term this will be the solution achieved.

Worcestershire County Council Education Service

Consulted - views received 22 July 2014:

- We are seeking a contribution from this site for additional education infrastructure based on a rate of £4,905 for each 2 or 3 bed open market dwelling and £7,358 for each 4 bed or larger open market dwelling. I don't believe there are any open market flats or apartments proposed but these would be charged at £1,962 per 2 bed or larger dwelling. Affordable housing is exempt.
- The schools affected are Hagley Primary School and Haybridge High School
- The Community Infrastructure Levy Regulations state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
 - (i) Necessary to make the development acceptable in planning terms
This development will have an impact on surrounding education infrastructure. Analysis of pupil yields gives an average figure of 0.029 pupils per year group per dwelling. This development will contribute to the demands on the local schools.
 - (ii) Directly related to the development
The contribution sought is related to, and will be spent on, the schools that serve the area in which the development is sited. The Local Authority has a duty to ensure that there is sufficient local provision for the numbers of children likely to seek a place.
 - (iii) Fairly and reasonably related in scale and kind to the development
The contribution is scaled to match the development by charging an amount per dwelling, charging a reduced amount for flats and apartments and waiving any charge on 1-bed units and affordable housing. Developments of specialist housing for older people or people with disabilities are also exempt.

NHS England

Consulted – views received 3 October 2014:

- The Area Team does not normally request Section 106 funding from developments of less than 100 houses unless there are other developments planned in the vicinity that would bring the total number of dwellings above this threshold.
- As this is the case in this instance, I can confirm our agreement to your proposal to allocate Section 106 funding for primary healthcare infrastructure using the formula that was adopted in respect of recent planning applications in the Hagley area.

Council for the Protection of Rural England (CPRE)

Consulted 17 July 2014: views awaited

Clent Parish Council

Consulted – views received 19 August 2014:

- Concern has previously been expressed about the impact on the location in terms of traffic congestion air quality and the impact of the developments on the local community. This site will feed additional traffic movements on to either the congested A491 or into Western Road/Newfield Road neither of which roads have the infrastructure or capacity for any additional traffic movements.

- Clent Parish Council therefore strongly objects to this housing development on the grounds that it is not required there being more than sufficient housing development already underway to meet the housing needs for local people.
- In addition the local community facilities are already under considerable strain because of the housing development and will be unable to accommodate a further increase in the population.
- Despite our objections if the Planning Officers recommend approval, we ask that they: ensure:
 - Adequate security of Foul Water Pump zone in terms of smell, noise, reliability of pumps, and defence against flooding.
 - Compliance with recommendations re; tree/hedge, wildlife, flood precautions.
 - Proper care taken concerning visibility splays at access entrance.
 - Constraints on times of access to, and nature/activity of vehicles on site during construction.
 - We are consulted on the allocation of any s106 fund allocation
- We also request that the Planners advise us immediately of the nature and content of 'Reserved Matters' and give adequate time then for us to consider/object to design, layout, appearance and location of houses, particularly in relation to a range of environmental considerations and proximity to existing residencies.

Hagley Parish Council

Consulted – views received 3 September 2014

The Principle of Development

- This site is the last remaining part of the Hagley Area of Development Restraint. According to the adopted (not now very old) Local Plan, this is supposed to be “as protected as Green Belt”, until the Council conducts a review to release the land. No such review has ever taken place: the implication is that the land is “as protected as Green Belt”. In the terms of NPPF, this is safeguarded land. What has happened is that the Council has prepared BDP, but that is still only an emerging plan; its Examination has been started, but currently stands adjourned *sine die* pending further work by the Council.
- Paragraph 85 of NPPF says that: ‘Planning Permission for the Permanent Development of Safeguarded Land should only be granted following a Local Plan Review, which proposes development’.
- It has in the past been suggested that this only applies to land safeguarded after NPPF, but the principle of safeguarding is not a new one. It there seems illogical that it should only apply to land subsequently safeguarded. We appreciate that there is much precedent for granting planning permission in respect of safeguarded land, but that was while the District did not have a 5-year housing land supply.
- According to the Committee Report for 28 July, the land supply has now reached 5.89 years. The Council’s 19-year target in BDP is 7000, or 368 per year. At this rate, the current supply is 2170. The Interim Report from the Examination requires further work to be done on the basis that or its Objectively Assessed Housing Need (OAHN) is greater than the Council’s OAHN figure of 6390. Nevertheless, both 7000 and 5.89 years provide some margin beyond an OAHN target of 6390: 2170 sites would still be a 5-year supply if OAHN were assessed not to be more than 8246.
- The Inspector’s Interim Findings rejected the Economic-based scenario, which pointed to an OAHN figure of about 9200. It therefore seems save to assume that the final OAHN figure will come out somewhere between 6390 and 9200, and quite

probably below 8246. These figures do not take into account the 5% margin required by NPPF. On the other hand, the figure probably does not count 490 houses on the Whitford site, where the Planning Committee appears minded to grant consent, if its concerns on highways issues can be allayed. In conclusion, it is safe to assume that the Council does now have a 5-year housing land supply.

- Over the past few years, the Council has granted Planning Permission for many other ADR sites in the district. However this was all done at a time when the District had much less than a 5-year housing land supply. The Council had to find land and there was nowhere available, apart from the ADRs. With a 5-year land supply, the position is now different.
- The object of the ADRs was to keep land available to meet its future development needs. We assume that there should be a balance of some kind between the town and the six large villages. However, the planning consents for former ADRs so far granted are overwhelmingly in the villages. There is liable to be a gap in land supply in villages such as Hagley in perhaps 5 years, when the currently consented sites have been built out, but the next tranche of development land in the villages (which will result from a future Green Belt Review) has not yet come on stream.
- At the district level, BDP provides for 7000 houses to be built over 19 years, at an average of 368 per year. Of these 2400 are to be on land not yet identified. This means that the identified land (for 4600) will last approximately 12.5 years, until about 2025. It is appreciated that the Inspector has asked for further work on the basis that the objectively assessed housing need may be greater than 6390, due to the impact of commuting, but it is hoped that the results of additional research will not alter the figure greatly. With a 5.89 years' supply (and more probably coming), there is now no immediate need for more land with planning consent. The district's housing supply has gone through cycles of boom and bust – a boom up to the time the moratorium was imposed in 2003; followed by a bust when the effects of the moratorium kicked in the late 2000s, followed by the Credit Crunch. The consents granted in the last few years look like becoming another boom.
- At the local level, the position is even more extreme. The Hagley ADR has a capacity (as implemented) of about 275 dwellings. The whole ADR now has planning consent, except 24 houses off Brook Crescent (application postponed at Committee on 28 July) and this site for 26 houses. It is likely that all the approved sites will be built out within the next few years. This means there will be another bust locally, at the end of this decade or the beginning of the next. After these sites are completed, there will be no housing land in Hagley, except from windfalls, until land released from the Green Belt comes on stream, probably after 2023. It is expedient to hold this site back to provide a land supply to meet local needs towards the end of this decade.
- BDP3.3 ends by stating: 'When a five year supply has been achieved the Council will consider whether the granting of Planning Permission would undermine the objectives of this strategy'.
- For the reasons stated, we believe that the grant of Planning Permission would do so. Accordingly Planning Consent should be refused, on the grounds that the application is premature by about five years.
- This application should be recommended for refusal.

Other grounds of objection:

Highways

- The whole area is affected by the cumulative effects of the total highways impact and regularly has heavy congestion and increasing waiting times at several junction related to the ADR land and transient traffic.
- Addition traffic from this development will add traffic to the most sensitive part of the Hagley highways infrastructure i.e. Western Rd and Newfield Rd and their junctions with the Worcester Rd A456.
- Continued pressure on the highway system is equal to death by a thousand cuts and at some point the WCC Highways Authority must act to alleviate such junctions of its traffic burden.

Air Quality

- HPC has felt it necessary to set up a AQMA task group to work with WCC (WRS) to try and tackle the issue of failed Air Quality in the area.
- WRS has begun to implement its statutory obligation of introducing an AQ Action Plan for Hagley.
- Continued development of this nature will only add further pollution and as such add pressure on the action plan being implemented. As you will be aware the UK Government (and through it BDC) has come under an EU threat of penalty if the UK's air quality is not improved. Further development will only result in this penalty being imposed.

Conditions

- If the Council is minded to grant the application, we would ask for financial contributions towards community facilities in Hagley only:

Enlargement of Doctor's surgery

- This and previous applications have imposed a strain on primary care in Hagley beyond the capacity of Hagley Medical Centre. That strain can be relieved by an extension to the Medical Centre. Plans have been prepared for this, and we think that Planning Consent has been obtained. Information provided to us by the medical practice suggests that all the residents of the immediately adjoining part of Hagley (except a handful) are patients of the Hagley Practice, so that it is likely that residents of the new development would be.
- The Medical Centre is just about within walking distance of the application site. It is too far from the next nearest practice, the Glebe Surgery at Belbroughton – about two miles away, to be readily accessible to residents other than by car; the bus service is too infrequent and unreliable for them to be likely to use it.
- A contribution should be made to the extension of Hagley Medical Centre on a similar basis to that made by Cala Homes in respect of their site in Kidderminster Road. No contribution should be available for the Glebe Surgery (despite the precedent of the adjacent Strathearn site, because that Surgery is too far away; and there is no prospect of it being extended).

Improvement or replacement of Hagley Community Centre

- Hagley Parish Council (HPC) is working with Hagley Community Association (HCA) and other stakeholders to develop a scheme for the replacement of Hagley Community Centre. This is a partly wooden building; poorly insulated; and not in the best of repair. It is currently operating at its capacity. HPC is (in conjunction with HCA) undertaking a consultation as to how the Community Centre should be improved or replaced. Preliminary ideas involve incorporating the library and a

Parish Council office in a new Community Hub, but the outcome of the consultation is awaited.

- The adjacent Strathearn development appears to provide a precedent for money under this head to be split with Clent Parish Hall. This was a foolish decision and should not be followed.
- The Parish Hall is a Church Hall for the ecclesiastical parish of Clent. However the ecclesiastical parish is much smaller than the civil parish. The part of the civil parish that is part of Hagley (including the application site) was transferred in the 1930s to the ecclesiastical parish of roome. Accordingly, the site is outside the area of benefit of Clent Parish Hall.
- Clent Parish Hall is a well-built brick building. It may be in need of some repairs, but repairs are not something that can be funded from s.106 money.
- The site is functionally part of the village of Hagley, which is a distinct village from Clent.

Car Parking in Hagley

- HPC is working on alleviating car parking problems in the village centre of West Hagley. The latest proposal involves charging those who park in excess of four hours. There will be some capital costs for implementing this. A financial contribution was made from the Cala Development in Kidderminster Road, and other recent large developments. This one should contribute too.

Publicity

6 letters sent 17 July 2014 (expire 7 August 2014)

2 identical site notices posted 22 July 2014 (expire 12 August 2014)

1 press notice published (expires 14 February 2014)

9 representations received objecting to the scheme on the following principal issues:

Principle

- Any further developments will make the village too large and lose its character
- The development is unsustainable, unsafe and inappropriate
- The cumulative number of new residents is unacceptable
- It is back building
- There are still brownfield sites in Bromsgrove, which Government reiterated should be used for housing before green sites

Form of Development

- The scheme should include advanced architecture with built-in photovoltaic panels to reduce the carbon footprint and pollution
- The scheme should aim for carbon-zero homes
- Reduce the build to 22 homes to allow an area for wildlife for the benefit of all
- No housing identified for residents (older) wishing to downsize
- With the physical constraints of the land, it would appear inappropriate to have any on-site public open space. In any case, there is an established footway/cycleway to the Strathearn site which already would contain a LEAP and LAP which could be used by occupants of the proposed site. An entirely off-site contribution to public open space/recreation/sports should be made. This should include contributions to mitigate for the proven shortfall in the Hagley Ward of childrens/youth provision and outdoor sports facilities including sports pitches.

Air Quality

- Concerns regarding the increase in air pollution
- The increased traffic will cause and increase in air pollution, parts of Hagley are already under Air Quality Management

Highways and Access

- Aggravate traffic congestion
- If this application were to be granted, taking into account the two applications already granted, a further 268 car would be using Western Road to access A456 and A491
- Western Road is a country lane off the A491, leading to established residences, a home for older persons and a children's nursery. It is signed as unsuitable for heavy goods vehicles, can only be exited onto A456 via South Road as it is one way at A456 junction. Has four blind bends, two at the junction with Newfield Road, both are as the road starts going downhill. It is signed as 30mph
- The proposed exit from this new application is close to the Cala Homes Strathearn site and almost opposite a blind bend by Field House Drive
- Road is used as a rat run at peak times, bank holidays and if problems on M5 motorway
- The impact on the environment will be devastating as even more traffic will be brought into an already congested area.
- Western Road and Newfield Road is now effectively the "Hagley By-Pass"
- Pedestrians have to walk along the road from where the pavement ends to the A491. For their safety this pavement needs extending alongside this narrow strip of road.
- The scheme should contribute to the Bromsgrove Transport Infrastructure Development Plan to mitigate for the additional vehicle trips generated by the site.
- Safety hazard concerns – there will be an increased risk of accidents due to the volume of traffic, especially in adverse weather conditions

Public Transport

- There is insufficient car parking at the railway station and in Hagley
- There are no direct trains to Worcester or Birmingham
- The 317 bus has been axed by Worcestershire County Council – this used to visit outlying villages

Noise and Disruption

- Concerns regarding the increased noise from traffic and development

Drainage and Flood Risk

- Needs pumping station for foul water

Biodiversity and Trees

- Destruction of wildlife habitat

Infrastructure

- There is a general lack of infrastructure to support the development
- Concerns about the additional number of children seeking places at local schools
- Concerns about the increase in waiting times at dentists and doctors

- Lack of public services
- The scheme should contribute to the Community Centre in Hagley and not Clent Parish Hall
- The scheme should contribute for extra strain on car-parking in Hagley
- The scheme should contribute to Hagley Medical Centre for extra strain on medical facilities
- No recreation for youth

Representation from Hagley Ward Member Councillor Steven Colella

Received 20 September 2014:

- My opinion as regards the above planning application remains one of objection. The main reasons are as follows.
- Firstly I would like to share my concerns over the potential miscalculations of s106 monies related to health care provision should the same be applied to this application. I have forwarded to you my recent challenge to the calculation mechanism related to allocation and distribution of health funding for neighbouring development.
- As with the other applications on the whole ADR the impact will be most acute in Hagley. Therefore any s106 monies must be Relevant, Related and Realistic but most of all to mitigate its affect upon Hagley.
- My objections are:
- The cumulative damaging impact of over development.
- The impact of further traffic on the junctions directly adjacent to the development but also the wider impacts on Western Rd and Newfield Rd and the creation of transient traffic rat runs I am concerned that the cumulative effect on the traffic modelling has not been fully considered. Whilst in isolation the developer will argue little impact but with the previous applications this causes significant traffic disruptions.
- The Bromsgrove 5 year housing supply has now been reached and therefore this application is premature and should be refused.
- I am aware of a reapplication by Cala Home to create a bridge to create an on/off access to the Strathern and Kidderminster Rd site via Western Rd. Should this too be approved this will make traffic along Western Rd and Newfield Rd intolerable and one which the Highways authority must recommend refusal.
- If the application is approved against popular opinion and objection, in the absence of Cil policy I would ask that a significant amount of s106 money is also allocated to the proposed expansion of the Hagley Scouts premises, Hall Lane Hagley.
- The expected increase in population will bring an increase in children and young adults needing to have positive distractions. Scouts and Guides are well represented in Hagley but are turning away many children because of constraints on the physical size of the scout hut.
- Health care in Hagley, parking and community transport.

Additional comments received from Hagley Ward Member Councillor Steven Colella

Received 14 October 2014:

- Given the information extracted from the FOI request which highlighted the population in Hagley that splits between the Hagley surgery and the Glebe surgery

Belbroughton, the 80/20 split previously used to calculate S106 health care has been proved to be flawed.

- The outcome of the FOI clearly shows that known registered users of the two surgeries is 5362 in Hagley of a population of 6200. This does not account for the student population who have registered nearer to their University or lack of or poor scrutiny of the address line. This now shows that there is a maximum of 93/7 split, making the origin of the NHSE calculation totally baseless and challengeable.
- As previously highlighted the location of the development with regard to Hagley surgery, is a matter of metres as opposed to miles to Belbroughton. How it fits with the 'Related, Relative and Reasonable' test (Ruth's own description of the s106 tests) is difficult to see.
- I would therefore assume the 80/20 split 'suggested' by NHSE in the forthcoming Algae House application (14/0408) will be ignored and the full s106 will be allocated to Hagley.
- I request that I am allowed to speak on this application when it comes to Planning. I also assume that if the health care agreement is not 'corrected' this evidence suggests it should be the method explaining how the agreement has been calculated that will be clearly explained to the planning committee. This will 'expose' the method of calculating s106 monies and therefore will be adopted as a policy on all planning applications across the district.
- I have cc'd this message into Head of Legal, Equalities and Democratic Services as I believe that the 'drift' away from the 3 R test above is a serious enough flaw in the legal section 106 agreement methodology to cause previous agreements to be affected. The FOI evidence is clear enough and demonstrates that it was mismanagement that the methodology was not checked in support of the Hagley surgery and the many objections ignored.
- Equally, when these objections were raised both verbally and in writing to the planning committee in the previous 13/819 Brook Crescent and 13/039 Strathern applications that they were not adequately discussed or questioned in detail.

Members are encouraged to review all submitted documentation, including the third party letters summarised above. All submitted information is available to view in full either online via the Council's Public Access system or within the planning application file.

The site and its surroundings

The application site is located to the south-east of a proposed residential area on the south-east side of the settlement of West Hagley. The site is bordered on the north-west and south-west by areas granted planning permission for residential development. To the north-east is open countryside located in designated Green Belt. To the south-east is mainly existing residential development fronting Western Road. To the immediate south, the site is bounded by two dwellings known as Algoa House and Eightlands. The gardens of these dwellings are separated from the site by 1.8 metre high close-boarded fencing. Beyond Western Road is open countryside located in designated Green Belt.

The site is currently unused. The southern part of the site was originally a yard belonging to one of the residential dwellings and contains an area of hardstanding and collapsed brick walls. Piles of wood panel fencing, asbestos sheeting, bricks and general garden paraphernalia are scattered on the site.

The site slopes materially from south-east to north-west with the slope becoming more pronounced as the site approaches the Gallows Brook which forms the north-western boundary.

Hedgerows demarcate the northern, eastern and western site boundaries with Western Road along the southern boundary. Stock proof fencing also lines the boundaries with some post and rail fencing along the south-east boundary.

The site is designated as an ADR (Area of Development Restraint) under the Bromsgrove District Local Plan and defined as a Development Site in the emerging Bromsgrove District Plan.

Proposals

This development relates to an outline application for the erection of 26 dwellings, with associated access, amenity space and associated works.

To clarify for Members, the application has been submitted in outline, with external access for the site to be determined at this stage. All other matters are thus reserved for future determination.

For the reference of Members, outline applications have to clearly demonstrate that the proposals have been properly considered in the light of relevant policies and the site specific constraints and opportunities. Outline permission can be granted subject to a condition requiring the subsequent approval of one or more reserved matters. The Town and Country Planning (Development Management Procedure) (England) (Amendment no. 3) Order 2012 removed the previous national requirement for information on layout and scale to be provided with an outline planning application where these are reserved matters to be determined at a later date.

Notwithstanding this, the applicant has submitted an Indicative Masterplan indicating the form of the development in general terms, with an accompanying Design and Access Statement and Planning Statement that details the underlying development principles and addresses the constraints of the site and the surrounding locality.

As detailed above, access is to be determined at this stage. Access to the site is proposed through the formation of a vehicular access leading off Western Road. A pedestrian/cycle link to the Cala Homes site to the north and the west are also proposed, although this particular matter relates to an internal access issue that will be formally addressed via the approval of the layout.

The proposed housing mix will incorporate 2, 3, and 4 bedroom units. 26 dwellings equates to approximately 16.5 dwellings per hectare when calculated against the net residential area (14 dwelling per dwellings if the residential and open space areas are combined).

A provision of 38.5% affordable housing is proposed (equating to 10 units).

The scheme has been accompanied by the following documents:

Plan reference

- Planning Statement
- Design and Access Statement
- Arboricultural Survey
- Flood Risk Assessment
- Transport Assessment
- Phase 1 Habitat Survey and Protected Species Survey Assessment

These documents are available in the planning file and online via Public Access should Members wish to view them.

Relevant Policies

Bromsgrove District Local Plan

DS3 Main locations for growth

DS8 Areas of Development Restraint

DS11 Planning Obligations

DS13 Sustainable Development

C4 Criteria for Assessing Development Proposals

C5 Submission of Landscape Schemes

C12 Wildlife Corridors

C16 Effect of Infrastructure Development on the Landscape

C17 Retention of Existing Trees

C18 Retention of Woodlands

C36 Preservation of Archaeological Resources

C37 Excavations Around Archaeological Remains

C38 Development Criteria for Archaeological Sites

C39 Site Access for Archaeologists

HAG2A Area of Development Restraint: Land at Algoa House, Western Road, Hagley

TR1 The Road Hierarchy

TR8 Off-Street Parking Requirements

TR11 Access and Off-Street Parking

TR13 Alternative Modes of Transport

RAT5 Provision of Open Space

RAT6 Open Space Provision in New Residential Development

ES1 Protection of Natural Watercourse Systems

ES2 Restrictions in Development Where Risk of Flooding

ES3 Sewerage Systems

ES4 Groundwater Protection

ES5 Sewerage Treatment Facility Provision

ES6 Use of Soakaways

ES7 Sites Suspected of Contamination

ES11 Energy Efficiency in Buildings

ES14 Development Near Pollution Sources

ES14A Noise Sensitive Development

Bromsgrove District Local Plan (Proposed Submission Version)

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP3 Future Housing and Employment Development

BDP5B Other Development Sites

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
BDP 24 Green Infrastructure
BDP25 Health and Well Being

National Planning Policy Framework (NPPF)

Presumption in favour of sustainable development
Building a strong, competitive economy
Promoting sustainable transport
Delivering a wide choice of high quality homes
Requiring good design
Promoting healthy communities
Conserving and enhancing the natural environment
Facilitating the sustainable use of materials

Others

National Planning Policy Guidance (NPPG)
SPG1: Residential Design Guide (January 2004)
SPG11: Outdoor Play Space (July 2004)
Worcestershire Strategic Housing Market Assessment (SHMA) (February 2012)
Strategic Housing Land Availability Assessment (SHLAA) (July 2013)
Annual Monitoring Report (AMR) (December 2012)
Rt Hon Greg Clark Ministerial Statement: Planning for Growth (March 2011)
Laying the Foundations: A Housing Strategy for England (November 2011)
Rt. Hon Eric Pickles MP Written Ministerial Statement: Housing and Growth (September 2012)

Relevant Planning History

13/0819	Residential development comprising the erection of 24 dwellings Approved subject to Section 106 Agreement (Pending final decision)
14/0177	Submission of Reserved Matters (internal access, appearance, layout, scale and landscaping) pursuant to outline planning consent 12/0875 for the erection of 70 units Approved 1 August 2014
13/0398	Submission of Reserved Matters (internal access, appearance, layout, scale and landscaping) pursuant to the outline planning permission 12/0593 for 175 dwellings Approved 17 October 2013
12/0875	Residential development for up to 70 dwellings with access and

associated infrastructure, including foul water pump station:
Approved 25 November 2013

12/0593 Outline application for up to 175 residential units and 700 square metres Class B1 floorspace (access submitted for determination), access, amenity space and associated works (Cala Homes):
Approved 26 April 2013

11/0981 230 residential units, 2,530 square metres (Class B1) floorspace and medical centre building, access, amenity space and associated works (outline):
Withdrawn 23 December 2011

10/0378 Residential development for 38 dwellings (outline)
Refused : 7 September 2010
Appeal APP/P1805/A/10/2136206: Allowed 21 February 2011

Notes

As the site constitutes a designated Area of Development Restraint (ADR) the main issue in determining the application is whether the site should be released for development, in the context of relevant Development Plan policies, and other material considerations including the National Planning Policy Framework, the emerging Bromsgrove District Plan and housing supply.

Planning Context

In the introduction to the NPPF, it is stated that ‘development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan and **every decision**’ (Author emphasis). There is a clear commitment (paragraphs 18–19) to supporting and securing, rather than impeding, sustainable economic growth. Applications for sustainable development should be approved wherever possible (paragraph 187), consistent with an overarching approach that demands a “presumption in favour” of sustainable development (paragraph 14). It advocates a proactive, creative and solution seeking approach to planning (paragraphs 17 and 187).

At paragraphs 11-16 the presumption in favour of sustainable development is confirmed, Paragraph 14 stating that it is ‘..... a golden thread running through both plan-making and decision-taking’.

Paragraph 17 advises that the planning system should not simply be about scrutiny, but about finding ways to enhance and improve the places in which people live their lives. Paragraph 19 advises that ‘significant weight’ should be placed on the need to support economic growth through the planning system, and that planning should operate to encourage not act as an impediment to sustainable economic growth.

Where there are conformity problems with extant policies and the policies of the NPPF, paragraph 14 of the NPPF (the presumption in favour of sustainable development) states that

For **decision-taking** this means:

- approving development proposals that accord with the Development Plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - 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;
 - or specific policies in this Framework indicate development should be restricted.

The application of the presumption in favour of sustainable development is an important element when considering this proposal particularly as extant Development Plan policies are out of date on this issue. Whether or not the application meets the requirements of one of these tests is important, specifically in relation to the issue of is safeguarded land /ADRs protected by the footnote to the second bullet point above contained in the NPPF, which is reproduced in full below.

For example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

(Footnote bullet point 2 paragraph 14 of the NPPF)

This issue has recently been considered by the Planning Inspectorate and the Secretary of State when considering an appeal on a site in Harlow (APP/N1540/A/11/2167480; APP/N1540/A/11/2174502). In this case, the Inspector decided:

“The Framework gives examples of the type of policies which need to be assessed in this balance (Footnote to paragraph 14). Safeguarded land is not included in these examples, and it lacks the permanence of the designations listed. In addition, paragraph 85 of the Framework advises that safeguarded land is intended to meet longer term development needs, and this distinguishes it further from the examples given in the Footnote – albeit that the list is clearly not intended to be exhaustive. “

The Secretary of State agreed with this interpretation stating:

“The Secretary of State also agrees with the Inspector that, as it is intended to meet longer term needs, safeguarded land is not a type of land which the Framework seeks to protect”

This appears to be a straight forward interpretation in relation to ADRs, they are not protected by the footnote to Paragraph 14 of the NPPF, and therefore unless it can be shown granting permission for this proposal would have adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the

policies in the NPPF taken as a whole; then the presumption in favour of sustainable development can be applied to this application.

The saved policies of the Bromsgrove District Local Plan (adopted in 2004) comprise the current Development Plan for the District. However, such policies should be read in context. Where policies were originally adopted some time ago, it is likely that material considerations, in particular the emergence of new evidence, may be afforded weight in decisions depending on the degree of conformity with the NPPF and NPPG.

ADR Status and Land Release

Members will note the site is designated as 'An Area of Development Restraint' (ADR) on the Proposals Map of the Adopted Bromsgrove Local Plan (i.e. the site has been removed from the Green Belt which otherwise surrounds Bromsgrove).

Whilst stating that ADR's should receive full Green Belt protection for the duration of the plan period, the Policy also acknowledges that they constitute areas where development might be considered in the future. Policy DS8 states that planning permission for the development of ADRs will only be granted following a local plan review which proposes the development of a particular ADR. On the case of the application site, it is identified as a site with housing potential and deemed deliverable and developable in the Council's SHLAA Assessment and is therefore considered suitable for development.

The development will therefore not lead to the loss of a Green Belt site and therefore very special circumstances are not required. The land was removed from the Green Belt in part through the Bromsgrove District Local Plan (2004). When removed from the Green Belt the land was designated as an Area of Development Restraint. The purpose of the ADR designation was to provide a reserve of land for future development beyond the life of the Local Plan. The Local Plan was time expired in 2001 and the intention was that sufficient ADR land was identified to provide a large enough reserve of land so that Green Belt boundaries would not have to be reconsidered for approximately 20 years after the end of the plan period for the current adopted Local Plan (approximately 2021). Whilst it would have been preferable for ADR's to be allocated for development in an adopted plan prior to the submission of planning applications, this has not occurred.

The Bromsgrove District Local Plan defines such designations as "Development Sites". While stating that ADR's should receive full Green Belt protection for the duration of the plan period, the policy also acknowledges that they constitute areas where development might be considered in the future and thus Policy DS8 refers to selected sites where land will be held in reserve for future development and the accompanying text to this policy confirms the site represents a suitable location for development. Policy HAG2 is a site specific policy that confirms that the site is designated as an 'Area of Development Restraint' (ADR) in accordance with Policy DS8. The site was promoted for development through the last Local Plan Review.

To provide Members with context, this application proposes to develop 1.48 hectares of the allocated Hagley ADR (HAG2A) site that consists of almost 22 hectares in totality. Planning approval has been granted through the appeal process for 38 dwellings to the land adjacent Brook Crescent (HAG2) (amounting to 1.5 hectares) (planning reference 10/0378) (and again with a more recent full planning application for 24 units: planning

reference 13/0819). In the appeal decision, the Inspector placed weight on the absence of a five year supply of housing and the ability of the proposal to meet some of the urgent housing need of the District. A further outline application for 175 dwellings to the northern aspect of the ADR (HAG2/HAG2B) was approved in April 2013 (14.5 hectares) and an outline application for 70 dwellings to the southern aspect of the ADR (HAG2A) (amounting to 4.2 hectares) was approved in November 2013. This application relates to the last remaining undeveloped aspect of the ADR within HAG2A.

An Inquiry was held to consider objections to the Bromsgrove District Local Plan in August 2001, and the Inspector's Report (March 2002) considers the application site in this document. In paragraph 1.6.5 the Inspector recognises the sustainability of Hagley and refers to two previous areas of Development Restraint carried forward from the Hagley/Clent Local Plan extending to approximately 15 hectares. At the time of the Inquiry into the Local Plan, it was considered that this quantum of land was broadly proportionate to the size of Hagley. In terms of the acceptability of directing Areas of Development Restraint to Hagley, the Inspector noted at Paragraph 1.6.6 that *"...Hagley does possess, in my opinion, certain advantages relative to the other secondary settlements. Firstly, it is one of the larger urban areas in the District. The two original nuclei of Hagley and West Hagley have effectively combined with more recent housing linking the core areas of each settlement. It now has 10.3% of the population of the five settlements located on transport corridors"*. The Inspector continues, at Paragraph 1.6.7, *Next, Hagley is situated very close to the conurbation within the Birmingham – Colwall rail corridor where there is a minimum of one train each hour throughout the day.... this rail corridor is notable by virtue of its spare capacity... as regards bus transport, Hagley is situated at the junction of the A456 and A491 trunk roads... during peak periods there is a half hourly service to Bromsgrove and Stourbridge and an hourly service to Birmingham and Kidderminster*. Members will be aware that Policies DS8, HAG2 and HAG2B have been saved until such time as they are replaced by the Core Strategy or other policies.

Members will be aware that Policies DS8 and HAG2A have been saved until such time as they are replaced by the District Plan or other policies.

Following the recommendations of the Local Plan Inspector, the ADRs listed in Appendix 3A of the Local Plan, including the land at Kidderminster Road/Western Road are intended to provide sufficient safeguarded land until approximately 2021. The Council believe ADRs are *"...considered to provide the necessary degree of flexibility and prudence to allow adjustments as planning policies change, without running the risk of serious over provision"* (Bromsgrove Local Plan, Appendix 3B).

The Inspector recommended that sufficient provision should be made to provide land reserves to about 2021. This equates to approximately 140 hectares. The quantity of ADR land is derived from the housing and employment targets in the Worcestershire County Structure Plan to 2011 and a projection of those targets in the following period to 2021. The Housing and Employment Land Availability Studies that were available at the time were used as well as an estimated contribution from potential large scale brownfield sites.

As detailed above, Policy DS8 of the Local Plan indicates that the site should be subject to the full Green Belt restrictions for the duration of the Local Plan period and therefore

Policy DS2 applies. This Policy confirms that permission for development in the Green Belt will not be given, except in very special circumstances.

Members should note that the BDLP policy was written long before the introduction of the current planning regime and also precedes the 2004 Planning and Compulsory Purchase Act. The review of the Local Plan is taking place in the form of the Bromsgrove District Plan (BDP). The Proposed Submission Version of the BDP was approved by Cabinet and Full Council for consultation in September 2013. The representation period ran for 6 weeks. The Bromsgrove District Plan 2011-2030 was submitted to the Secretary of State on 12 March 2014. The purpose of the Local Plan was to provide a sufficient reserve of land to allow development post 2001 but to ensure the permanence of Green Belt boundaries to 2021. This approach is consistent with emerging policy contained in the Bromsgrove District Plan.

In my view, the Policy would not explicitly prohibit the release of ADR land for development, provided there are material considerations to justify such a decision. Members will recall that development has previously been approved on other ADR land within the District:

Application	Site Address	Development	Approval Date
09/0518	Land at Perryfields Road Bromsgrove	150 units	25.09.09
10/0378*	Land at Brook Crescent Hagley	38 units	21.02.11 (appeal decision)
10/0953	Land at St Godwalds Road Bromsgrove	Up to 220 units	03.02.12 (appeal decision)
11/0343	Land at Church Road Catshill	Up to 80 units	13.01.12
11/0431	Land at Selsdon Close Wythall	Up to 76 units	15.07.11
11/0672	Land at Birmingham Road Alvechurch	27 units	11.09.12
12/0593	Land at Kidderminster Road Hagley	Up to 175 units	26.04.13
12/0709	Land at Norton Farm Birmingham Road Bromsgrove	Up to 316 units	20.12.13
12/0875	Land at Western Road Hagley	Up to 70 units	25.11.13
12/0982	Land at Bleakhouse Farm Station Road Wythall	Up to 178 units	05.02.14
13/0121	Land at Fiery Hill Road, Barnt Green	Up to 88 units	24.06.13
13/0819*	Land at Brook Crescent Hagley	24 units	Approved Pending decision
14/0160	Land at Perryfields Road Bromsgrove	30 units	16.09.14

* 10/0378 and 13/0819 relate to the same application site

In simple terms, the ADRs were designated to be kept in reserve as sustainable locations for potential long term future development, in order to reduce the need to review Green Belt boundaries in the period up to 2021. Therefore, development should only be allowed in the designated BROM ADR where a requirement for it can be demonstrated.

The approach of releasing ADR sites was supported in the appeal decision at St. Godwalds Road (APP/P1805/A/11/2152467). The Inspector highlighted that “given that the site has already been assessed and identified as a potential housing site through the development plan process and, significantly, because there is a very severe shortage of land for housing in this District, I find no objection in principle to the use of the site for housing.” This emphasises that the Council should release ADR sites through the planning application process as a means of helping to achieve a 5 year supply of housing.

Paragraph 47 of the NPPF emphasises that Local Authorities should significantly increase the supply of housing and identify and update a 5 year supply of housing with an additional buffer of either 5% or 20% depending on local circumstances.

The Worcestershire Strategic Housing Market Assessment (SHMA) has been completed and recently updated to show the full housing needs of the District. The demographic scenario which provides the basis of the 7,000 figure in the BDP is considered to be a reasonable estimate as to the full objectively assessed need within the District.

Contrary to the view of Hagley Parish Council, based on a housing target of 7,000 for the period 2011-2030, the Council currently has a housing land supply of 5.03 years (including the 5% buffer). The proposal has been assessed within the SHLAA (BDC51) (July 2013 SHLAA update) and is considered to be suitable, available and capable of delivering 26 homes in the next 5 years. It is therefore essential that the site comes forward in a timely manner to ensure the maintenance of the five year land supply.

The views of the Strategic Planning Manager (SPM) are noted. The SPM concludes that the principle of development on the ADR site is supported and the revised overall housing mix and level of affordable housing is in accordance with the emerging BDP. The delivery of the site is necessary to maintain in excess of 5 years supply of housing land in the future. The proposal therefore accords with both adopted and emerging policies. This therefore weighs in favour of the development.

It is therefore considered that other material factors must be considered, including the above matters and whether the approval of the application would undermine the emerging Bromsgrove District Plan and whether the proposal would ensure a sustainable and well designed development.

In addition to the release of the site for development and housing supply matters as detailed above, the main focus for Members in relation to this application relate to the following matters:

- Sustainability issues
- Form and density

- Whether the type, tenure and form of accommodation proposed is suitable
- Traffic and highway implications
- Air quality
- Landscaping and tree issues
- Open space and play space
- Ecology
- Water management and flood risk
- Residential amenity
- Education provision
- Medical infrastructure
- Community assets
- Planning obligations
- Noise
- Archaeology

Sustainability Issues

The Hagley ADR is designated pursuant to policies HAG2, HAG2A and HAG2B within the BDLP. The associated commentary to Policy HAG2B in the BDLP (covering one half of the northern section of the ADR on which Cala Homes have gained permission and is currently under implementation) states “...*The Inspector considered this site would round off Hagley village being conveniently situated within easy walking distance of the settlement’s main services. It is adjacent to HAG2 and would provide the opportunity for this land to be planned in a comprehensive manner and increase the potential for mixed use development.*” Policy HAG2A relates to the application site and Members will note that the application proposes to create walking and cycling links with the core of the village via the development of HAG2/HAG2B.

The Draft Core Strategy 2 refers to Hagley as being one of only six large settlements, with only Bromsgrove being the main town above Hagley in the settlement hierarchy. This in part is on the basis of the range of shops, schools, sports clubs, library, churches, pubs and restaurants, village hall, medical facilities and open space provision within the settlement.

Furthermore, at paragraph 1.6.8 and 1.6.9 of the Inspector’s Report 2002 report, the Inspector noted *Thirdly, Hagley has a well-defined tight knit centre along Worcester Road offering a variety of services and facilities... they include a supermarket, a range of convenience and specialist retail outlets, a post office, banks, health facilities, day centre, library, hairdressers, restaurants, hot food take-ways, recreation grounds and schools ranging from nursery to secondary.... I conclude therefore that, given the need, there are, in principle exceptional circumstances which could justify ADR provision at Hagley.*

For development to be sustainable, it must be more than easily accessible and well located for services, facilities and employment. Contrary to the views raised by third parties and the Parish Councils, I am of the view that the site is in a sustainable location. I thus raise no concern on this issue and consider the scheme would comply with the sustainability aims of the NPPF and NPPG.

Form and Density

Members will be aware that the application is submitted in outline, with internal access, layout, scale, appearance and landscaping reserved for subsequent approval. In this respect, the finished design of the development is not set at this outline stage. The application has been accompanied by an Illustrative Master Plan and information on design principles and how the development would integrate within the character of the surrounding locality. This issue is important in two respects. Firstly the site adjoins the recently approved residential development on the ADR site to the north and west and the wider Green Belt to the east and south.

I note the concerns of third parties regarding the underwhelming layout and the lack of vision with respect to green credentials of the new dwellings, including the use of built-in photovoltaic panels.

I am of the view that the general thrust of the Illustrative Masterplan and the Design and Access Statement are sound. Members will, of course, will be aware that such matters are all reserved matters, with details for illustrative purposes only. Members at this stage are thus being requested to determine issues of principle, whilst paying regard to the parameters set out in the Illustrative Masterplan, the Design and Access Statement and the Planning Statement. Given I am satisfied that the underlying development principles established in the Design and Access document have been are fulfilled, this does not preclude alternative layouts coming forward at the detailed design stage. The Reserved Matters submission should thus seek to address the detailed concerns raised by third parties at this stage, including the use of sustainable measures.

Although the site is located adjacent open Green Belt to the east, the site is well contained with strong boundaries and physical features that enclose the site. The existing public right of way located to the south-east corner of the site will be retained. As such the site would fit into the context of this aspect of the wider landscape created by the approved residential schemes to the north and west.

The site at present has very limited arboreal features contained within the body of the site but has strong mature linear tree planting to the east, west and north boundaries. The development would result in the loss of open land, but having regard to its design and visibility, I am of the view that the impact of the development on the landscape and visual character would not be demonstrably harmful. There would no material loss of an identified attractive landscape. Enhancement to the site boundaries created by additional planting will also benefit both existing and future residents.

The development provides a density of 16.5 dwellings per hectare (net site area), reducing to 14 dwellings per hectare when calculated against the gross site area. The development of the site is influenced strongly by the linear character of the site, the retention of the tree screening to the east and western boundaries and the topography of the site to the northern boundary as it falls away to the Gallow's Brook. I am of the view that the density is acceptable in this location.

Type of Accommodation

The site contains an anticipated mix of dwelling types, with this mix predominantly focused on smaller units (two and three bedroom). This is a revised mix that responds to the comments from the Strategic Planning Manager requesting an enhanced mix of two and three bedroom dwellings in conformity with Policy BDP7 of the emerging Bromsgrove District Plan.

The scheme includes a 38.5% provision of affordable housing made within the site (equating to 10 units). The tenure mix for the affordable housing units based on a 70% social rent and 30% intermediate split. The Head of Strategic Housing has raised no objection to this approach. This can be secured with a Legal Agreement.

As such I consider the scheme accords with Policy S14 and S15 of the Local Plan in relation to type and tenure mix, together with emerging policy in the Bromsgrove District Plan.

Traffic and Highway Implications

Members will note the internal road layout is not for consideration at this stage.

Members will note third party representations have raised concern regarding highway safety and traffic congestion (with particular regard to Newfield Road and Western Road) and the potential for rat running on residential roads in the locality of the application site. Highway concerns have also been raised by the Parish Councils and the Ward Member.

It is recognised that the site is located in an area where there are existing constraints on the network and queuing vehicles can be observed. In considering the acceptability of the proposed development, it should be demonstrated that the proposal would not cause any additional significant harmful effects on the existing highway network and the proposed access points are to an acceptable design. The application is therefore not required to address existing highway-related problems but should account for the cumulative impact that the development will create. It is important that the application should consider the additional transport trip generation for all modes with priority being given to pedestrians, cycles, bus users and then car users. The National Planning Policy Framework (NPPF) is clear that applications should only be refused where the residual cumulative impacts of development are severe (paragraph 32).

A full Transport Assessment (TA) has accompanied the application. The TA has been given to the Highway Authority to ensure compliance with the Local Transport Plan policies and national policies and guidance. This included full scrutiny of the cumulative highway impacts arising from the development of the entire ADR.

Worcestershire Highways has raised no objection to the scheme, subject to the applicant entering into a Legal Agreement to mitigate for the additional demands on the wider transport network that the development will generate. The impact of this development is considered to have a residual impact on the highway network and thus the use of the suggested planning conditions and planning obligation measures will ensure that this development does not result in a severe impact on the highway network post mitigation.

Members will note the suggested contributions specifically relate to improved connectivity within the village, including walk and cycle infrastructure and information

and local passenger transport infrastructure. This is reflected in the recommendation to Members.

Given the consideration of all highway related matters, Worcestershire Highways has thus advised that the scheme is acceptable, and that whilst the proposed development will inevitably have impacts on the highway network, these should not result in detrimental effects on traffic flows or highway safety. WH has assessed the impacts on the highway network on this application alone and in cumulative terms.

As such Members are thus reminded that there is no technical objection to the scheme on the grounds of adverse impacts on the highway network. On highway matters, the application is thus deemed acceptable subject to suitable Conditions and the stated planning obligations.

Air Quality

Members will note the concerns raised by local residents, the Parish Councils and the Ward Member in relation to the issue of air quality. This is with particular regard to the potential impact on the designated Hagley Air Quality Management Area (AQMA). To clarify, the application site itself is not located in an AQMA.

The applicant took advice from Worcestershire Regulator Services in relation to air quality matters at the pre-application stage. WRS has confirmed that the scale of the development would not impact on air quality and the scheme would not trigger the requirement for the submission of an Air Quality Assessment. As such the impact on air quality will be negligible. I thus raise no objection to the scheme on these grounds.

In relation to construction matters, a Construction Environmental Management Plan will enable mitigation of any potential dust nuisance during construction phase. This can be secured through Condition.

Landscaping and Trees

The site is not covered by any statutory or non-statutory designations for landscape character or quality.

The site contains a number of mature and semi-mature tree specimens located within the site, contained within established hedgerows. These are located to the site boundaries, with a dense area of tree cover to the northern boundary adjacent the Gallow's Brook. The Tree Officer is of the view that there is sufficient space to construct dwellings and associated works while retaining and protecting the existing trees and hedgerows on the site boundaries. The use of the northern aspect of the site for public open space will particularly enable successful incorporation of the most wooded section of the site into the fabric of the scheme.

I thus raise no objection on tree and landscaping matters.

Open Space and Play Space

The Illustrative Masterplan shows the provision of 2642 square metres of formal public open space located to the north of the site adjacent to the Gallow's Brook. This accords with the requirement for on-site open space provision as set out in SPG11. The open spaces aspect utilises the natural topography of the site. The applicant intends to manage and maintain the on-site open space through a management company. This will be secured through the Section 106 Agreement. The site also permits links to the other residential schemes currently under construction, which affords welcome permeability for walking and cycling between the sites and the use of alternative open space opportunities. These connections will also enable a robust green infrastructure approach.

The views of the Head of Leisure Services on this issue are noted. Some of the measures requested for enhancement works to the site (with particular regard to planting specifications and the treatment of the Gallow's Brook) can be secured via Condition and incorporated into the final layout of the site at the Reserved Matters stage.

Ecology

The site comprises species-poor improved grassland with areas of hardstanding. The southern area close to the site entrance contains a mixture of native and non-native shrubs and plants. The eastern hedgerow is dominated by mature standards in the south then widens into a dense hedgerow dominated by shrubs towards the north. The northern hedgerow largely shades out the brook. The western hedgerow contains shrubs and trees.

An extended Phase 1 Habitat Assessment has been undertaken. Habitat survey included assessments of trees within the site for suitability for supporting roosting bats, bat activity and reptile refugia. An assessment of the site for badgers has also been conducted. There are no statutory sites of ecological importance which are wholly or partially within 1 kilometre of the site and therefore the presence of local wildlife sites has not been identified as a statutory ecological constraint to the proposed development.

The views of Worcestershire Wildlife Trust are currently awaited. However, I am satisfied there will not be any direct impact on any identified protected species.

The Habitat Assessment recommends a number of ecological mitigation and enhancement measures set out in Section 4 of the report. This includes minimising the impact on the Brook given this watercourse improves biodiversity within the site and the erection of bat and bird boxes within the development.

Subject to suitable conditions securing these measures, I raise no issues on ecological grounds.

Water Management and Flood Risk

The application has been accompanied by a Flood Risk Assessment (FRA). The proposed development is located in Flood Zone 1 (little to no risk of fluvial or tidal flood risk) and it is sequentially appropriate. The proposed development is consistent with the appropriate uses for Flood Zone 1, as outlined in Table 1 of the NPPF Technical Guidance Document. The Gallow's Brook is the closest watercourse and is located just

outside of the application site to the northern boundary. There is no development proposed within Flood Zones 2 and 3 and as a result no flood compensatory works will be necessary.

Members will be aware the Gallow's Brook is located to the northern boundary but outside the application site. The FRA demonstrates that the development site is not at risk from flooding and will not act to increase flood risk to properties elsewhere post development. I note the third party comment concerning the need for a foul water pump facility. The applicant is proposing a pumping station. The siting, design and specification of this can be conditioned to be submitted at the detailed stage.

The Environment Agency and the North Worcestershire Water Management Drainage Engineer have raised no objection to the scheme

I therefore raise no objection to the scheme on drainage and flood risk, subject to the imposition of suitable Conditions, including the finished floor levels of the dwellings.

Residential Amenity

The application site is adjoined on the southern boundary by residential development and partially to the eastern boundary.

Members will be aware that detailed matters of layout and scale are reserved for future consideration. Without full details of the proposed buildings, it is difficult to fully assess the impact of the development on the amenities of adjoining residences. However the illustrative layout suggests no significant problems in this respect. I am therefore satisfied that any resultant development can be accommodated without detrimentally affecting existing residential amenities and be able to secure and accommodate an acceptable level of privacy and separation as detailed in the guidance within SPG1. Any overlooking issues can be controlled through a subsequent Reserved Matters application and the imposition of suitable Conditions.

Education Provision

Members will note the views of third parties relating to the impact of the development on existing services and functions. In terms of education demand, Members will be aware that it is particularly difficult to accurately assess what school place pressures would in fact arise from a development upon occupation and in subsequent years, particularly due to issues such as alterations to national policy, demographic change, parental choice and/or with flexible or overlapping school catchments.

Worcestershire Local Authority has a duty to provide a school place for any Worcestershire resident child who wants one and will seek to meet parental preference wherever possible within the constraints of the Admissions Code and available resources. A balance must be struck between practical school organisation, parental preference and the statutory duties placed on Local Authorities. The catchment area schools for this development are Hagley Primary School and Haybridge High School.

WCC is seeking a contribution from the development in order to invest in improving facilities at one or both of these establishments. This will create the necessary capacity.

Subject to the applicant entering into a Section 106 Agreement for education facilities, I raise no objection to the application on such grounds.

Medical Infrastructure

I note the views of third parties, the Parish Councils and the Hagley Ward Member in relation to the impact on medical facilities to serve the development.

Residents have raised concern over the ability of local facilities to accommodate additional medical related demand arising from the development. In response to this concerns, I have received a response from NHS England on this issue confirming that appropriate mitigation should be forthcoming for both Hagley Surgery and The Glebeland Surgery in Belbroughton, in line with the pro-rata level and split of contributions between the two establishments secured under outline planning application 12/0875. This is reflected in the recommendation to Members. The Applicant has agreed to this approach.

Community Assets

Members are reminded that the proposal site sits within the Parish of Clent but that the nearest facilities and amenities are within Hagley which puts the amenities at Hagley in a sustainable location. It is reasonable to assume that the residents of the 26 dwellings will put additional demand on either or both halls (Clent Parish Hall/Hagley Community Centre). I am of the view that both facilities could be used by new residents and they are both available for community use.

In line with the approach taken by the Council in relation to 12/0875, it is considered that with improvements to Clent Parish Hall, further capacity could be created. Likewise it is accepted that new developments within the locality could contribute proportionately towards a new facility at Hagley or improvements to the existing facility to again create capacity. As it is not possible to predict which hall the new residents will use and considering the fact that residents can choose to use either hall, the final amount should be equally divided between the two halls. This was the approach accepted by Members in relation to 12/0875 and I consider the same appropriate pro-rata approach to be valid in relation to this application. This is reflected in the recommendation to Members. The Applicant has agreed to this approach.

Car parking at Hagley

The matter of existing high demand for car parking spaces at the centre of Hagley has been raised as an issue. Whilst it is recognised that the new housing proposal cannot address existing pressures, it is logical to assume that new residents, from time to time, may have cause to drive to the village centre. Minimal improvements to increase car parking capacity are anticipated to be proportionate to the proposal for 26 new dwellings.

The Parish Council representation makes suggestions about increasing capacity with respect to the existing public car-park on Worcester Road. There is a proposal suggested which aims to reduce the number of long stays at the car park, thereby increasing capacity/turnover. These measures would include the installation of parking

ticket machines, signage and white lines. In line with the pro-rata level of contribution secured under outline planning application 12/0875, this is reflected in the recommendation to Members. The Applicant has agreed to this approach.

Planning Obligations

Members will be aware that Section 106 obligations are legal agreements negotiated between Local Planning Authorities and developers in the context of a grant of planning permission. Such agreements are intended to make development proposals acceptable, which might otherwise be unacceptable, and provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of infrastructure and facilities.

Paragraph 173 of the NPPF relates to “careful attention to viability”, and states “the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” It goes on: “To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

Policy DS11 of the Bromsgrove District Local Plan states that the District Council will, where appropriate, seek agreement with developers to meet their reasonable costs to the community through planning obligations or unilateral undertakings to provide for:

- (a) on or off-site facilities directly arising from the development such as additional educational, community, recreational or other infrastructure which may reasonably be required as a result of the scheme; or
- (b) compensatory works to mitigate for the loss of any environmental or community resources resulting from the development
- (c) the implementation of a local plan policy (or policies) for a particular area or type of development (e.g. the inclusion of an element of affordable housing within a larger residential development where evidence of need has been demonstrated)

Paragraph 8.21 of the BDLP states that in seeking to establish policies supporting a more sustainable environment the District Council will expect developers to assist in minimising the impact of development on the local environment and community. The District Council will negotiate planning obligations under Section 106 of the 1990 Act to help offset schemes otherwise likely to have an environmental or community cost, where specific facilities are required to allow the development to proceed either on or off-site or where it is appropriate for a contribution to assist the District Council in the furtherance of facilities which are of benefit to the community.

Members will note the following Heads of Terms contributions for inclusion in the Section 106 Agreement. These have arisen following consultation with the relevant consultee or body responsible.

- (i) To mitigate for the additional demands on the wider transport network generated by the development: £76,311.04.

This contribution will specifically contribute towards all or any of the following:

- Cycle parking provision at Hagley Railway Station
 - Cycle parking provision in Hagley Centre
 - Installation of information kiosks displaying cycle route maps, suggested pedestrian routes etc at key locations in Hagley
 - Provision of a Gold Standard bus shelters
- (ii) To improve footway linkage with Hagley centre: £3342.00
- (iii) To provide uncontrolled pedestrian crossing points on route to Hagley centre: £557.00
- (iv) To provide cycle signage to Hagley centre and other amenities: £557.00
- (v) Financial contributions towards education facility enhancements in any or all of the following schools in the catchment area of the site: Hagley Primary School and Haybridge High School
- (vi) The improvement of Hagley Community Centre and Clent Parish Hall: £18,571.42 (split on a 50%/50% basis: £9285.71/£9285.17)
- (vii) Medical infrastructure for Hagley Surgery and The Glebeland Surgery, Belbroughton: £17,963.40 (split on a 68%/32% basis: £12,215.11/£5,748.28)
- (viii) Car-Parking Enhancement in Hagley: £1857.14
- (ix) The securing of 10 on-site affordable dwelling units
- (x) The provision and future maintenance in perpetuity of the on-site play space and open space provision
- (xi) The provision and future maintenance in perpetuity of the on-site SUDs

It is considered that the terms of the Agreement are relevant to planning, considered necessary to make the proposed development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale to the proposed development. I also consider the scheme accords with Policy DS11 of the BDLP.

The applicant has agreed to this approach and the Section 106 Agreement is currently being drafted. I will update Members at your Committee on the progress of this document.

Other Matters

- (a) Noise
- (b) Archaeological issues

Members will note the views of the relevant statutory consultees on these issues. Whilst I note the issue of noise has been raised as matter of concern by third parties, at the pre-application stage no technical objection to the scheme from Worcestershire Regulatory Service was raised in relation to this issue. I consequently raise no objection to the scheme on noise grounds. The development raises no archaeological concerns given the views of the Worcestershire County Council Archaeological Service, again subject to suitable conditions.

Conclusions

Members will be aware that Local Plan Policies still form the Development Plan for the area, and any decision needs to be made in accordance with these policies unless material considerations indicate otherwise.

It is clear that the Government is seeking to accelerate the delivery of new housing. This is evident both from the March 2011 statement by the Minister of State for Decentralisation, which re-emphasises the presumption in favour of sustainable development, and from the content of the National Planning Policy Framework and the National Planning Policy Guidance.

In the introduction to the NPPF, it is stated that ‘development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan and **every decision**’ (my emphasis). There is a clear commitment (paragraphs 18–19) to supporting and securing, rather than impeding, sustainable economic growth. At paragraphs 11-16 the presumption in favour of sustainable development is confirmed, Paragraph 14 stating that it is ‘...a golden thread running through both plan-making and decision-taking’. Paragraph 17 advises that the planning system should not simply be about scrutiny, but about finding ways to enhance and improve the places in which people live their lives. Paragraph 19 advises that ‘significant weight’ should be placed on the need to support economic growth through the planning system, and that planning should operate to encourage not act as an impediment to sustainable economic growth.

The presumption in favour of sustainable development set out within the NPPF emphasises that where the development is absent, silent or relevant policies are out of date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Applications for sustainable development should thus be approved wherever possible (paragraph 187), consistent with an overarching approach that demands a “presumption in favour” of sustainable development (paragraph 14). It advocates a proactive, creative and solution seeking approach to planning (paragraphs 17 and 187).

This means:

- approving development proposals that accord with the Development Plan without delay; and
- where the Development Plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - 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; or
 - specific policies in this Framework indicate development should be restricted

The site has been identified as a suitable site for housing development in the adopted Local Plan and the emerging Bromsgrove District Plan. The development of this site would therefore not conflict with the sustainability aims of the NPPF and thus would contribute to housing in a sustainable location, in addition to addressing the shortage of affordable housing in the District by supporting a 38.5% element of such dwellings.

Advice within the NPPF and Policies within the BDLP and emerging District Plan make it clear that the impact upon the character of the locality, as well as the relationship of

proposed developments to the surrounding area to be legitimate material factors to take into account in the determination of planning proposals. Indeed, the NPPF advocates the rejection of poorly designed developments, including those that are clearly incompatible with their surroundings. The proposed on-site public open space, new landscaping, protection and enhancement of the watercourse, pedestrian/cycling links to the adjoining developments and a SuDs approach to drainage would be of local benefit which are factors that weigh in favour of the proposals.

With respect to the process for dealing with this outline application, Circular 08/05 states: “Where a Local Planning Authority is considering an application for outline planning permission under section 92 of the 1990 Act, it must grant outline planning permission subject to conditions imposing two types of time-limit. The first sets the time-limit within which applications must be made for the approval of reserved matters. This will normally be three years from the grant of outline permission, **but an Authority could chose to direct a longer or shorter period as appropriate.** The second sets the time-limit within which the development itself must be started. This will usually be two years from the final approval of the last of the reserved matters, **but may be longer or shorter as directed by the Local Planning Authority.**” (Author emphasis).

In order to address the shortfall and to achieve the prompt submission of a Reserved Matters application, Members are recommended to impose a suitable Condition requesting the submission of a Reserved Matters application within 18 months of the approval of the outline scheme and once the Reserved Matters have been determined a similar condition placed on commencing the scheme. This will ensure that the development is delivered swiftly in order to maintain the housing supply within the District.

I am content that the site is able to support the erection of 26 dwellings in a well-designed manner, which will integrate well with surrounding development and the use of existing natural features. The scheme provides a density that is considered to be appropriate in order to balance the need to make more efficient use of land with the acknowledged constraints of the site. Furthermore, the scheme offers an opportunity for the provision of on-site affordable housing units, together with elements of landscaping and ecological enhancement works that will reinforce such elements both within the site and to the boundaries of the development site. The site is sustainable and this factor weighs in favour of the application. Whilst I am fully aware of the views of third parties in respect of air quality, Members will note I am not in receipt of any technical objection to the scheme on these matters from the relevant professional consultees. Any harm arising from infrastructure related concerns has been suitably mitigated through measures outlined in the Section 106 Agreement. The Agreement will also build in capacity for future growth, with particular regard to education and community asset matters.

Having considered all material, I am thus minded to approve outline planning permission.

The applicant is in the process of finalising a legal agreement to deal with the Heads of Terms set out above. I am thus seeking Delegated Powers from Members to deal with this matter upon completion.

(a) MINDED to APPROVE OUTLINE PLANNING PERMISSION

(b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:

(xii) **To mitigate for the additional demands on the wider transport network generated by the development: £76,311.04.**

This contribution will specifically contribute towards all or any of the following:

- Cycle parking provision at Hagley Railway Station
- Cycle parking provision in Hagley Centre
- Installation of information kiosks displaying cycle route maps, suggested pedestrian routes etc at key locations in Hagley
- Provision of a Gold Standard bus shelters

(xiii) **To improve footway linkage with Hagley centre: £3342.00**

(xiv) **To provide uncontrolled pedestrian crossing points on route to Hagley centre: £557.00**

(xv) **To provide cycle signage to Hagley centre and other amenities: £557.00**

(xvi) **Financial contributions towards education facility enhancements in any or all of the following schools in the catchment area of the site:**

Hagley Primary School and Haybridge High School

(xvii) **The improvement of Hagley Community Centre and Clent Parish Hall: £18,571.42 (split on a 50%/50% basis: £9285.71/£9285.17)**

(xviii) **Medical infrastructure for Hagley Surgery and The Glebeland Surgery, Belbroughton:**

£17,963.40 (split on a 68%/32% basis: £12,215.11/£5,748.28)

(xix) **Car-Parking Enhancement in Hagley: £1857.14**

And:

(xx) **The securing of 10 on-site affordable dwelling units**

(xxi) **The provision and future maintenance in perpetuity of the on-site play space and open space provision**

(xxii) **The provision and future maintenance in perpetuity of the on-site SUDs provision**

For the reference of Members I intend to impose suitable Conditions relating to:

Time

- Submission of the outstanding Reserved Matters for approval (appearance, landscaping, layout, and scale) within 18 months of the approval of the outline scheme
- Commencement of development timescale (18 months)

General

- Development in complete accordance with the details shown on the submitted plans:
Location Plan 1:1250
Land Survey 1:500 BK20502

- Broad compliance with the parameters of the Indicative Masterplan and the principles and parameters broadly described in the Design and Access Statement
- Material and external appearance finish
- External lighting strategy
- Boundary treatments
- Refuse storage details
- Finished ground floor levels for the approved buildings and the finished ground levels for all other areas of the site (finished floor levels to be set at a minimum of 107m AOD)

Affordable Dwellings

- Location of the affordable housing units to be provided

Highways

- Visibility splays
- Details of the surfacing and drainage of the access, turning and parking facilities

Trees and Landscaping

- Submission of soft and hard landscaping scheme with 5 year protection measure for soft landscaping for each phase
- Submission of Landscape Management Plan to cover the future life of the development
- Protective tree fencing during construction phase
- Full specification for the open space indicated on the Illustrative Masterplan
- Full specification for residual areas of open space (to include full planting schedules)

Ecology and Biodiversity

- Site wide Ecological Management Plan (to include measures to protect the Gallow's Brook) for the long term protection and management of the trees, hedgerows, habitats and species present (including construction phase)
- Full and detailed mitigation strategy based on Section 4 11 of the Phase 1 Habitat and Protected Species Survey Assessment
- Details of bat and bird boxes

Drainage

- Comprehensive surface water drainage scheme
- Foul water disposal method
- Full details of the pumping station
- Maintenance plan for the SuDS scheme
- No new buildings, structures (including gates, walls and fences) or raising of ground levels within 8 metres of the top of any bank of the Gallows Brook or on land at or below 106.4m AOD inside or along the boundary of the site

Construction

- Submission of Construction Environmental Management Plan (CEMP)

Archaeology

- Programme of archaeological work to include a Written Scheme of Investigation
-

Suggested Informatives

Private Apparatus within the Highway

This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to the Worcestershire County Council's Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.

Section 278 Agreement

No work on the site should be commenced until engineering details of the improvements to the Public Highway have been submitted to and approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

Protection of Visibility Splays

The applicant's attention is drawn to the need to ensure that the provision of the visibility splays required by this consent is safeguarded in any sale of the application site or parts thereof.

Water Resources

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Battlefield Brook. Therefore, any new outfall structure on the Battlefield Brook would require formal consent from the Environment Agency under Section 109 of the Water Resources Act 1991.

Archaeology

It will be the applicant's responsibility to contract an appropriate archaeological organisation to undertake the programme of works as detailed in the brief (available upon request).

Air Quality

The applicant is encouraged to consider the following measures:

- Electric charging points
 - Secure cycle parking
 - Low emissions boilers
-

Legal Agreement

Your attention is drawn to the provisions of the Section 106 Agreement which accompanies this permission.

Plan reference

Case Officer: Dale Birch
Email: d.birch@bromsgroveandredditch.gov.uk
Telephone: 01527 881341

Agenda Item 8

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Nathan Nunn	Erection of stable building and ménage, including improvement of access, construction of driveway and laying of hardstanding. Land SW Of , Saltbay Farm, Yarnold Lane, Dodford, Bromsgrove Worcestershire	18.09.2019	19/01023/FUL

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

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

Consultations

Dodford With Grafton Parish Council Consulted 04.10.2019

The Parish Council object to the overdevelopment of this site and the design of the building and feel it is not acceptable as a stable for this area.

Highways - Bromsgrove Consulted 04.10.2019

No objection subject to condition.

Arboricultural Officer Consulted 04.10.2019

No objection subject to condition.

North Worcestershire Water Management Consulted 04.11.2019

No objection.

Worcestershire County Council Countryside Service Consulted 07.10.2019

No Objection

Publicity

One site notice was placed onsite on 29th August 2019 and expired 22nd September 2019.

An advert was placed in the Bromsgrove Standard on 6th September 2019 and expired 23rd September 2019.

One neighbour letter was sent on 28th August and expired on 21st September 2019.

It should be noted that following the initial consultation on this application an amended plan altering the position of the building was received 4th October and a second consultation was sent to the relevant consultees 4th October 2019 and expired 22nd October 2019.

A further amendment reducing the extent of the hardstanding was received on 13th January. Given this does not materially alter the previous layout no further consultation has been sent however the Local Member has been forward this amendment in addition to the plan being made available online.

Representations

12 representations have been received as a result of this public consultation. 11 have been raised in objection and one clarifying the relationship of the parcel of land with the adjacent farm.

The comments received have been summarised as follows;

- Impact on views of countryside (from Public Right of Way and neighbouring dwelling)
- Impacts openness/Green Belt
- Design inconsistent with SPD (height/size)
- Building disproportionate to acreage
- Construction of building
- Highways – creation of access and narrowness of road
- Limited parking (concerns on caravans parking onsite)
- Increased traffic/noise
- Existing access does not benefit from Planning Permission
- Loss of hedge/ character of area

Cllr Beaumont

Councillor Beaumont wishes to call the application into planning committee due to the level of Public Interest

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP15 Rural Renaissance

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2019)

Bromsgrove High Quality Design SPD

Relevant Planning History

No relevant history.

Assessment of Proposal

The application comprises of the erection of a stable building, a ménage and the laying of stone and grasscrete to create a turning area. The proposed stable consists of two loose boxes and a tack room and is 11.65m by 4.15m at a height of 4.5m. The stable would be constructed of timber, with a single brick course at the base and a metal sheet roof. The ménage will be enclosed by a post and rail fence with wire mesh.

The application site is located within the Green Belt and comprises of a narrow field with an existing building which has been left to overgrow and fall into disrepair. The proposed developments comprise of the erection of a stable building and ménage in addition to the laying of stone hardstanding to facilitate an equestrian use on site.

Policy BDP15 of the District Plan states that the Council will support proposals that satisfy the social and economic needs of rural communities by encouraging certain forms of development including new buildings for equine development where they are kept to the minimum necessary and consist only of essential facilities. These buildings must preserve the openness of the Green Belt and should be sited in close proximity to existing rural buildings. The High Quality Design SPD provides further guidance on equestrian development including size specifications for the stables. The proposed stable complies with this guidance in respect of the width of the proposed doors and the dimensions of each stable which reflects the British Horse Society recommendations. The proposed stable is also to be constructed of timber on a single course of brickwork. The guidance also requires the buildings be placed on a position on site to reduce the amount of track required. In this case, there is an existing building on site however the proposed building has been sited closer to the road to ensure a reduction in hardstanding. The existing building is also intended to be removed from the site.

The comments from the Parish Council and local residents on the specifications of the building are noted however the building complies with all the criteria as outlined in the Councils SPD other than the height. The SPD suggests that the height should be up to 3.3m and the building is proposed to be 4.5m which is accepted to be greater than the guidance suggests. However, when taking into account the building only consists of two loose boxes and a tack room the overall scale of the building is not considered to be excessive. The Parish have also queried the use of a metal roof suggesting that this could cause issues with condensation. Metal roofs are not an uncommon material for agricultural or equestrian buildings and there is no evidence before me that this material would be unsuitable. Metal roofing can have benefits as it is much more fire-resistant and can offer a degree of insulation to control the temperature inside the building in the summer and winter months. Having regards to all the above, the scale and position of the proposed building is considered acceptable. Although a short stretch of new track is proposed to link the stable to the existing access this would only consist of a small section of stone around the base of the building. Furthermore the applicant has opted for the use of grasscrete for the turning area to further reduce the visibility of the hardstanding. This can be conditioned.

The site is located within the Green Belt and Policy BDP4 of the District Plan and Paragraphs 145 and 146 of the NPPF lists the forms of development which are considered to be not inappropriate in the Green Belt. This includes appropriate facilities for outdoor sport and recreation and engineering operations which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposed stables are not considered to be inappropriate and as they are in a suitable position on site and will replace an existing structure of a similar scale. Comments have been received from a local resident suggesting that the building will be visible from the Public Right of Way (PROW). It is accepted that there will be public views of the stable from this PROW however given this path runs the entire length of the site consideration has been made to ensure the visible impact of the building is kept to a minimum. The building will sit with the backdrop of the buildings to the north and is sited close to the road to ensure much of the site to the west is left undeveloped. It should also be noted that the Public Rights of Way Officer has not objected. It is therefore considered that the building will not harm the openness of the Green Belt. The proposed ménage would result in a change of surfacing which would be considered acceptable and not cause any detrimental visual impacts on the landscape. The ménage would be enclosed

by low boundary treatment and as such would not have a detrimental impact on the openness of the Green Belt. The track is an engineering operation which is not inappropriate under paragraph 146 of the NPPF. The track would be a required turning area and cover a short distance, mostly finished in grasscrete and therefore would not unduly harm the openness of the Green Belt.

The existing site vehicular access does not require planning permission given it is on an unclassified road. The proposal is to use the existing access rather than remove further hedgerow to create a new access point. The Highways engineer has made an assessment on the proposed highway implications of the development and has raised no objections. The officer is satisfied that sufficient visibility splays can be maintained and the road, although narrow, is suitable for such a use.

North Worcestershire Water Management has confirmed the site falls within flood zone 1 (low risk of flooding from rivers) and is not shown to be susceptible to surface water flooding. In addition they hold no reports of flooding in the vicinity. The applicant has confirmed that the storm water is to be drained via soakaway, and the driveway will be comprised of permeable stone and grasscrete. There is therefore no concerns raised in respect of surface water drainage.

Objections have been received from the Parish Council and some local residents. Concerns in respect of the design, scale and siting of the stable, views from the Public Right of Way and highways have been addressed within this report. The Parish Council have stated that they concur with the objections from Worcestershire County Council Highways, however the WCC Highways have not objected to the proposal subject to conditions which will be placed on this decision. It is noted that the County Public Rights of Way Officer initially objected to the proposal. However following an amendment to the scheme no objections have been raised.

Most parties have raised concerns on the prospect of caravans being parked onsite and future uses of the building; however a caravan does not form part of the proposal and should a habitable caravan, or amendments to the building to make habitable, take place, planning permission would be required. The Parish Council have also suggested a condition for external lighting to be controlled. I agree with this approach.

Finally concerns have also been raised on the size of the plot not being sufficient for number of horses proposed. The need for a suitable environment under section 9(2) of the Animal Welfare Act 2006 outlines that as a general rule, each horse requires approximately 0.5-1 hectare of grazing land if no supplementary feeding is being provided. A smaller area may be adequate where a horse is principally housed and grazing areas are used only for occasional turnout. Therefore with the provision of the stable to house the horses and the use of a ménage to exercise the horses a smaller parcel of land is acceptable in this instance. Whether to provide food supplements or rent neighbouring fields for grazing would be a choice of the applicant provided the animals are looked after in accordance with the 2006 Act. Further comments have been received from the occupier of Saltbay Farm confirming that this site is in separate ownership to them and they have also raised concerns on the height of the hedge and height of the building its impact on their conservatory. High hedges can be controlled under Part 8 of the Anti-social Behaviour Act 2003 should any issues arise following the grant of this planning permission. The building is sited away from the boundary to the north and

although the building would likely be visible from this property, the loss of a view is not a planning consideration and given the boundary treatments and separation distances achieved it would not be reasonable to raise concerns on loss of light, overbearing impact or overlooking.

No trees are proposed to be removed. The building to be demolished does not provide a good habitat for bats and therefore no ecology appraisal has been considered necessary in this instance. The applicant is however advised to be aware of their obligations under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) to avoid disturbance of nesting wild birds and protected species such as bats when carrying out these works.

In conclusion, the scheme is considered to be acceptable.

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

Conditions:

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

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

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

Site Layout Plan Scale 1:500 submitted 13th January 2020
Stable Building - Floor Plan and Elevations
Post and Rail fencing - Drawing No. PBA 3

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

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

REASON: In the interests of highway safety.

- 4) The Development hereby approved shall not be occupied until any proposed access gates have been set back min 10 metres from the adjoining carriageway edge, and made to open inwards only.

REASON: In the interests of highway safety.

- 5) The Development hereby approved shall not be occupied until the first 7 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

REASON: In the interests of highway safety.

- 6) The Development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on revised drawing 1:500 Site Plan.

Reason: To ensure conformity with submitted details.

- 7) Retained trees and their Root Protection Areas (RPA) shall be protected during clearance and construction phase in accordance with BS5837:2012 using suitable protective fencing and/or ground protection as appropriate. No storage of plant/materials shall be located within the R.P.A of any retained tree. Any excavations within the R.P.As of these retained trees must be carried out by hand and in accordance with BS 5837:2012. Any trees to be pruned, carried out in accordance with BS 3998: 2012 Tree work recommendations.

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

- 8) No external lighting shall be installed on the approved stable building without Prior Approval from the Local Planning Authority.

Reason: To reduce any light spill into the countryside for the protection of wildlife and neighbour amenity.

- 9) No construction of the proposed stable hereby permitted shall commence until the existing stable as shown on drawing Site Layout Plan 1:500.

Reason: In order to protect the openness of the Green Belt.

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

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Matthew Bough	Proposed demolition of former Bromsgrove District Council House, BBC Hereford & Worcester building and hostel, and proposed development of 61no. dwellings comprising of 18no. houses, 4no. maisonettes and 39no. apartments. The Council House, Burcot Lane, Bromsgrove, Worcestershire, B60 1AA	18.05.2020	19/01610/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 Full planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following:

Contributions towards off-site **Sport and Recreational** facilities due to increased demand from future residents, required in compliance with SPG11

- Toddler and Junior Play - (Recreation Road play area) TBC
- Junior Sport - (Barnsley Hall Playing Pitches) TBC
- and Adult Fitness - (Recreation Road) TBC

Contributions towards **Education** provision by way of;

- First School Contribution=£68,032
- Middle School Contribution primary phase =£34,016
- add secondary phase = £23,302
- High School and Sixth Form Contribution = £69,906

Contributions for **refuse and re-cycling** bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy

- 1 x 240 litre green wheeled bin @ £26.75 x 22 = £558.50
- 1 x 240 litre grey wheeled bin @ 25.49 x 22 = £560.78

- 8 x 1100 litre domestic waste wheeled bins @£252.43 = £2,019.44
- 8 x 1100 litre recycling wheeled bins @£252.43 = £2,019.44

Contributions towards **GP Surgery** Contribution

- Capital funding to increase capacity within the GP Catchment Area = £27,761.

Contributions towards **Worcestershire Acute Hospital Trust** Contribution

- (WAHT) Agreement of a final sum not exceeding £82,654.00 to be Delegated to the Head of Planning and Regeneration Services (subject to verifying any deductions based on services already provided by the WAHT)

Planning Obligation Monitoring Fee: (Contribution amount To be Confirmed)

And;

The provision of 30% (18 units on the site to be restricted to **Affordable Housing** in perpetuity

To provide and maintain in perpetuity **SuDS** including ; pipes, gullies, channels, flow controls, cellular storage, porous paving, attenuation basin, Spadesbourne Brook and address remedial action required due to failure and vandalism.

And ;

(c) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope, wording and numbering of conditions and informatives as set out in the report.

(For Members reference the conditions/informatives currently proposed are included at the end of this report)

Consultations

Cadent Gas Ltd Consulted 14.01.2020

Due to the presence of apparatus in proximity to the specified area the contractor should contact Plant protection before works are carried out.

Environment Agency Consulted 14.01.2020

Having looked at the application and given the scale of development proposed partly within Flood Zone 3 of an ordinary watercourse (not a main river), in this instance we would recommend that you refer to the comments within our Flood Risk Standing Advice to ensure a safe development. We note that you have consulted North Worcestershire Flood and Water Management team who would be responsible for the regulation of any brook re-alignment as proposed.

Worcestershire Archive and Archaeological Service Consulted 30.12.2019

The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction as per NPPF para 189.

The area in the north of the site where archaeological potential has been identified is largely to be left undisturbed due to the presence of trees ear-marked for retention. If the Council is minded to grant consent, the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of

archaeological works. This would comprise a watching brief on groundworks within 25m of Burcot Lane. In order to comply with policy, we recommend that two conditions should be attached to any consent. 21.01.20

WRS - Air Quality Consulted 30.12.2019

No objection to the development. Advises standard recommendations for a development of this size to mitigate the cumulative impact on local air quality. Recommends Conditions including; cycle storage, EVCP and low NOx boilers.

Conservation Officer Consulted 30.12.2019

The applicant has submitted a detailed Heritage statement which has considered the impact of the proposed development on the setting of nearby listed buildings. The Heritage statement has concluded that the proposed development will have negligible impact on the setting and in turn the significance of the two listed buildings located closest to the development site. There is no disagreement with this conclusion.

The other listed buildings nearby including the War Memorial and the Old Workhouse are separated from the site by intervening buildings and it is considered that the development site therefore does not fall within the setting of either listed structure.

It is therefore considered that the proposed scheme would not cause harm to any designated heritage assets, and is therefore compliant with the 1990 Act, the Heritage policies in BDP 20 and the NPPF.

WRS - Contaminated Land Consulted 30.12.2019

Knowledge of the site suggests that contamination may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and accordance with the NPPF, conditions are recommended for inclusion on any permission granted. Advises Tiered Investigation condition.

Community Safety Project Officer Community Safety Consulted 30.12.2019

In order to deliver a safe, secure and sustainable development I recommend where possible that the applicant addresses the identified issues, prior to any planning consent being granted or via the use of appropriate planning conditions. Identified issues include; security during build, sound insulation, layout, boundary treatments, Gates, Pathways, materials, Apartment block security, Lighting and Doors and windows. Recommends that the developer considers application for Secured by Design Gold or Silver Award in respect of the development. Following receipt of Amended boundary treatment plan rev B No objections. 19.02.20

North Worcestershire Water Management Consulted 30.12.2019

Revised comments 19.02.2020 ; The site falls partially within flood zone 2 & 3 (medium to high risk of fluvial flooding associated with the adjacent Spadesbourne Brook) and is shown to be susceptible to surface water flooding.

It is vital that any redevelopment of this site allows for flow routes through the site and makes sufficient space for water, to ensure the risk of flooding both on and off site is minimised. I am pleased to see the design & access statement ensures a minimum of 5m undeveloped land alongside the Spadesbourne Brook although it is disappointing that no attempt has been made to naturalise the development side of the brook. Requests removal of the footbridge within the red-line boundary (adjacent to plot 18), as there are alternative means of crossing the brook along the length of the development.

The use of above ground SuDS is welcomed and combines with below ground cellular storage. It is vital that these features are maintained for the lifetime of the development, The applicant has provided details to verify that the proposals are adequate to contain surface water on site so that there is no flooding on site at the 1:30 event, and no runoff from the site at the 1:100 plus an allowance for climate change. Flood exceedance routing has been included on the final drainage strategy plan as have calculations and Microdrainage analysis. Requests conditions.

Education Authority Consulted 30.12.2019

Education Contribution Assessment for Planning Application; if development goes ahead there may be a need for a contribution towards local education facilities. The schools listed have been identified as related to the development. Steps will be required to mitigate this.

First / Primary School:	Meadows First
Middle School;	Parkside Middle
High/Secondary School;	North Bromsgrove High

Red Kite Network (Ecology) Consulted 30.12.2019

Ecological matters have been dealt with appropriately given the context of the area and proposed development. In conclusion I would support the application and recommended the conditions to safeguard biodiversity and protected species.

Hereford & Worcester Fire and Rescue Consulted 30.12.2019

No Comments Received To Date

Housing Strategy Consulted 30.12.2019

Housing Strategy support this scheme. There is a wide variety of different property types and together with the mix of tenures amongst the proposed units this will significantly contribute towards the housing need in Bromsgrove District.

Highways - Bromsgrove Consulted 30.12.2019

Revised comments 20.02.2020 ; Worcestershire County Council acting in its role as the Highway Authority as no objection subject to conditions.

The justification; Net trip generation has been considered by comparing the potential trips (from the existing vacant Council office) and the proposed by the residential development. A transport statement to assess the differences and consider the impact of any variations including mitigation as needed has been submitted. The transport statement concludes the development does not result in a meaningful impact on the surrounding highway network; through capacity or highway safety, and as such there is no conflict with local or national policy.

The site is in a sustainable location which is not reliant of vehicle access, a range of local amenities are accessible within a short time period with several transport options to reach them. The proposed development provides a new street layout which is acceptable; car parking and cycle parking is provide in accordance with requirements and meets the requirements of the Streetscape design guide. A residential travel plan has been prepared and agreed by the Highway Authority.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted it is concluded that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Mott MacDonald Consulted 05.02.2020

Overall Mott MacDonald concludes that the assessment presented in the TS appears to be acceptable and that the impact of the development would not be significant in transport/highway terms.

Mott MacDonald has reviewed the applicant's response to minor points and has no further points to raise and no objection to the scheme (19.02.2020).

Parks and Open Space Consulted 30.12.2019

Request for contributions for offsite provision of;

Toddler and junior Play - Recreation Ground
Junior Sport - Barnsley Hall Playing Pitches
Adult Fitness -Recreation Ground

This is based on new play area, New Fitness Area for teen provision and Drainage and improvement costs for junior local sport pitches. 17.02.2020

WRS- Light Pollution Consulted 30.12.2019

Street lighting design will be dictated by the County Highways Dept. In terms of any other external lighting, this should follow the recommendations of the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011. No objection to the application in terms of light nuisance.

WRS - Noise Consulted 30.12.2019

Revised comment 14.01.20; I have had discussions with the acoustic consultant and I am now satisfied that the submitted noise assessment is satisfactory. The assessment predicts that the BS8233:2014 recommended internal noise levels can be achieved across the site with the installation of appropriate glazing and ventilation products. In terms of external noise levels in amenity areas, these appear acceptable without any specific noise mitigation measures. Recommends conditions.

Arboricultural Officer Consulted 30.12.2019

The proposal highlights a need to remove a number of trees, whilst some are visually prominent from Burcot Lane or the feeder road into the estate, the majority are generally more obscure, smaller lower quality trees and their loss will be offset by the level of proposed new tree planting. Two semi mature Lime trees that form part of line of Lime trees are valuable highly prominent trees proposed to be removed to allow the installation of an improved road. Ask that amendments are undertaken to enable retention of one or both of Lime trees.

No objection to minor crown pruning. The use of Heavy Standard grade trees within the landscape planting scheme is welcomed. Suggests conditions.

Urban Design Consulted 30.12.2019

Significant improvements in the quality of the proposed development have taken place during the planning process. The site layout is satisfactory from an urban design point of view. With respect to the nature of the boundary to the Spadesbourne Brook; future residents would benefit greatly if it were to be re-naturalised. Pedestrian connections between the site and the town centre are unclear; retention of a footbridge is a necessary element in the proposal to enable convenient and enjoyable movement.

The architecture of both the houses and the apartment block has improved considerably from the initial scheme submitted. A minor point is the design of the apartment block which may appear unnecessarily top-heavy, with its deep brick-clad canopies. With respect to the distribution of the affordable housing; two thirds of which are within the apartment block. Due to the separation of this block from the houses, this could create a degree of social division contrary to the intentions of the social housing policy.

Waste Management Consulted 30.12.2019

No objections from a waste collection viewpoint. No impact on existing collection arrangements which will remain. Access to the proposed houses is accessible to our RCV's. Requests hatching in front of apartment bin stores to ensure accessible. 06.01.20

Following additional information; welcomes hatching on plan. Requests S106 monies, individual bins for the 24x houses would at present cost £611.76 for Grey domestic waste bins and £642.00 for Green recycling waste bins. For the apartments euro bins would cost £4038.88 for 16x euro bins. 03.02.2020

NHS Acute Hospitals Worcestershire Consulted 30.12.2019

Submits documents to demonstrate the Trust is currently operating at full capacity in the provision of acute and planned healthcare. That the development will create potentially long term impact on the Trusts ability to provide services as required. A contribution sought is to mitigate this direct impact and the Trust considers that the request made is in accordance with Regulation 122.

S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount £82,654.00 sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within documentation.07.02.2020 with minor amendment to response 14.02.2020

NHS/Medical Infrastructure Consultations Consulted 30.12.2019

The proposed development is likely to have an impact on the services of 1 GP practice. The GP practice does not have capacity for the additional growth resulting from this development. Redditch & Bromsgrove CCG would therefore expect these impacts to be fully assessed and mitigated through a capital contribution.

A Healthcare Impact Assessment (HIA) has been prepared by Redditch & Bromsgrove CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

NHS Mark Fenton Associate Director, Estates & Facilities Man Consulted 30.12.2019 No Comments Received To Date

Cllr Laight Consulted 30.12.2019
No Comments Received To Date

Cheryl Welsh Consulted 30.12.2019
No Comments Received To Date

Publicity

Site notices (x 3); Displayed 02.01.2020. Expires 26.01.2020

Press notice; Displayed 06.01.2020. Expires 27.01.2020

Total of 90 Neighbours consulted; 30.12.2019. Expires 23.01.2020

One response on behalf of BDHT in support ;

1. The development will improve the area aesthetically and with regard to neighbourhood health, well-being and sustainability.
2. The layout and density of the site fits well with the existing properties making it more attractive to both existing and future residents

3. Support the mix proposed for the Social Rent properties, with smaller accommodation meeting the current housing need for applicants on the housing register.
4. The property type and layout of the Intermediate properties will meet current market demand for this tenure of property.

Site and surroundings

The application site is an irregular parcel of land extending to 1.47ha and sited to the south east of Birmingham Road, Bromsgrove. The site is known for accommodating the former offices of the District Council.

The generally level site is accessed from the north via Burcot lane. This vehicular access passes through the site to then serve a total of 13 residential buildings located to the south of the site and in the ownership of Bromsgrove District Housing Trust. Pedestrian access is also available from the south of the site via the footpath from Slideslow Avenue which then runs along the western boundary of the site.

There are three existing buildings on the site; in the centre of the site and formed from a number of interconnected buildings and spaces, is the predominately two storey former Bromsgrove District Council House. Sited in the north eastern corner and having the appearance of a two storey domestic dwelling, is a hostel for homeless households. There is also an existing sub-station to the front of the site along the eastern boundary. The remains of the site are laid to extensive areas of hard surfaced car parking and associated areas of grassed space.

A number of mature trees are sited around the perimeter of the site with a more general area of tree growth along the far eastern boundary. This boundary is formed by the A38 just before its junction with Slideslow Avenue. The western site boundary is formed by the Spadesbourne Brook. Along this boundary adjacent buildings include, Brook Court, and the Police and Fire Station. To the north of the site adjacent buildings include All Saints Church and largely semi-detached domestic dwellings around Burcot Avenue.

The Design and Access Statement sets out that the District Council has been examining its existing assets and resources with the aim of using these efficiently and where possible to create new revenue streams, this has included the consideration of the options available for the vacant District Council Offices at Burcot lane. Homes England is assisting authorities in the delivery of housing through an Accelerated Construction Programme, announced in July 2018 and which the Council has been successful in securing funding from. This funding has supported the submission of the current application for which the District Council are both land owner and applicant

Proposal

The application proposes the demolition of the Council House and the hostel building and the construction of 61 new dwellings.

The proposals are divided into two physical areas; 18 two storey houses largely on the site of the former council house with 4 maisonettes behind and a block of 37 apartments

sited on the eastern site boundary in the area of the existing hostel. The proposed dwellings are a mix of one, two and three bedroomed dwellings and will include tenures of Affordable Rent, Shared Ownership, Private rented and outright sale.

In terms of these two areas; along the front of the site dwellings are sited further back from the footprint of the existing Council House. Houses have been given gable fronts to create variety and visual interest along the street scene. The dwellings are simple in their design with brick detailing to provide visual interest. The use of informal layouts and small groupings of dwellings in cul-de-sacs creates interest through the site with a shared surface courtyard to the south of the site, bordered by the brook. Houses facing inwards to the courtyard to the north and maisonette blocks to the south. The courtyard effect here mirrors the formation of the BDHT properties which currently have shared courtyards and shared spaces.

The apartment block is a four storey building with a contemporary appearance, constructed from brick with brick detailing to create visual interest. Balconies to the front of the apartment block to create further architectural interest with the corners of the apartment balconies are grey aluminium with grey railings. To the front of the apartment block will be a linear swale, lined with shrubs.

The layout has been developed and informed by the site constraints which include; flood risk, retention of important trees, and maintaining the existing routes through the site for access to properties to the south.

This application for Full Planning Permission has been informed by the submission of number of specialist reports and assessments which are, where relevant discussed below. These documents can be inspected in full via the Councils public access system.

Relevant Planning History

None

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP3 Future Housing and Employment Development
BDP6 Infrastructure Contributions
BDP7 Housing Mix and Density
BDP8 Affordable Housing
BDP12 Sustainable Communities
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP21 Natural Environment
BDP20 Managing the Historic Environment
BDP23 Water Management
BDP24 Green Infrastructure
BDP25 Health and Well Being

Others

NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance
NPPW National Planning Policy for Waste
National Design Guide
Bromsgrove High Quality Design SPD
SPG11 Outdoor Play Space
WWCS Worcestershire Waste Core Strategy

The Principle of the Development

Policy BDP1 sets out the presumption in favour of sustainable development. It identifies that applications that accord with policies in the plan should be approved without delay, whilst BDP1.3 goes on to consider the approach taken in the absence of relevant policies or out of date policies.

Similarly Paragraph 11 of the National Planning Policy Framework 2019 (NPPF) advises that *'decisions should apply a presumption in favour of sustainable development'*. For decision taking this means in summary ; c) approving development that accords with the plan; or d) where there are no relevant policies or they are out of date, granting permission unless i) policies in the Framework provide a clear reason for refusal or ii) adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Footnote 7 states “ *This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites..*”

In its most recent report (1st April 2019) the Council was unable to demonstrate a 5 year supply of Housing land. In these circumstances, development proposals for housing 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' and Policy BDP1 identifies principles to ensure that developments can integrate into the locality without undue harm (a-j).

BDP2 sets out a hierarchy of settlements in the District and defines suitable development appropriate by type of settlement. Bromsgrove Town is established as being at the top of this hierarchy and thus is the preferred location for growth. It is also recognised in BDP2.1 a) that development of previously developed land or buildings within existing settlement boundaries is a key facet of delivering housing to meet the need of the District.

The site is located within the residential area of the Bromsgrove District Plan (2011-2030) and is within the main settlement of the District. It is surrounded by predominately residential development and its character is reflective of this. In the context of the policies referred to above and the promotion of sustainable development, the principle of

residential development on the site is considered to be acceptable. The absence of a 5 year supply of land for housing purposes adds additional weight to this conclusion and is supported by policy BDP3.

Flood Risk and Drainage

BDP23 provides a set of principles to ensure sustainability of the water environment and safeguard developments from the risks of flooding. BDP23 c) requires development to address flood risk and follow flood management hierarchy. Sequential tests are required to justify inappropriate development in areas of flooding along with appropriate mitigation.

The NPPF para 157 states; All plans should apply a sequential, risk-based approach to the location of development - taking into account the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property.

Para 158 to 161 set out that;

- the aim of the sequential test is to steer new development to areas with the lowest risk of flooding and that the strategic flood risk assessment will provide the basis for applying this test.
- If it is not possible for development to be located in zones with a lower risk of flooding the exception test may have to be applied. This will depend on the potential vulnerability of the site and should be informed by a strategic or site specific flood risk assessment,
- For the exception test to be passed it should be demonstrated that:
 - a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The majority of the site is located within Flood Zone 1. However the Spadesbourne Brook runs along the south west boundary of the site. This watercourse is the source of pockets of Flood Zone 2 and 3 being identified in this part of the site. Flood Zone 3, is described in the NPPF as land having a 1 in 100 or greater annual probability of river flooding. Furthermore the EA surface water flood map indicates that the site is at risk from surface water flooding due to the natural surface water flow through the centre of the site from the A38.

As such a sequential test and exception test have been carried out in relation to the site along with a site specific Flood Risk Assessment (FRA)

The Sequential test (Appendix C of the FRA) considers the availability of sites in and around Bromsgrove Town as identified through the Strategic Housing Land Availability Assessment (SHLAA 2015) with reference to their flood risk and their capacity to provide housing. (Officers are also mindful of the Addendum to the SHLAA dated 2018). It is noted some sites considered are no longer available (Recreation Road) and others are Town Centre expansion sites (Policy BDP5A) subject to current planning applications. A further 10 sites being discounted on account of their greenbelt status being less

preferable than the applications sites brownfield status. In summary, given the site-specific nature of the proposal, there are no sequentially preferable sites in lower flood risk areas which are deliverable and developable.

With respect to the Exception Test, the applicant has considered the benefits arising from the proposed development against the sustainability objectives established for the District in the Sustainability Appraisal of March 2015. Listed in these objectives are; Regenerate the town centre; focus new development in sustainable places; provide a range of housing types and tenures; encourage more sustainable and healthy modes of travel; improve quality of life; safeguard and enhance the District's natural environment; ensure the District is equipped to adapt to and mitigate against the impacts of climate change and to promote high quality design of new developments. It is concluded that against these objectives that the development performs well and provides wider sustainability benefits for the community as a whole.

The safety of the development in the context of the vulnerability of its users and seeking to reduce flood risk overall is also a necessary consideration. A site specific modelling exercise has assessed fluvial flood risk from the watercourse using Flood Modeller Pro. This enables an understanding of the extent and depth of flood waters in differing types of flood event. In addition surface water flood mapping indicates that the majority of the site is at risk with a natural surface water flow route through the centre of the site. Adjustments have been made to the surface water mapping in section 3.6 of the FRA to reflect the presence of the 2m diameter culvert under the A38. A more realistic representation of surface water risk in is concluded and although the flow route still operates through the site, water depths are much reduced; typically around 0.1m and where ponding occurs depths rise to approx 0.5m. The existing council building is acknowledged to obstruct flow route, which drives some of the localised higher depths.

The submitted FRA considers in section 4 suitable mitigation for these events which includes raising of buildings to mitigate surface water risk and opening up flow routes by virtue of the proposed roads, to ease the passage of water down to Spadesbourne Brook. The proposed arrangement is shown in a site levels plan which shows the levels strategy across the site and has been considered as part of the site layout constraints. This means that all proposed houses will be at least 0.63m above the fluvial flood level and at least 0.3m above the adjacent surface water peak flood level for the 1% AEP plus climate change rain event.

With respect to risk to occupiers access from the site onto Burcot Lane is expected to remain dry under most circumstances. In instances when the main access route, west along Burcot Lane may flood a safe dry pedestrian access will be available, south-east into Slideslow Drive. With respect to risk to others, the proposal will result in a large decrease of drained impermeable area, meaning that the rate and volume of runoff leaving the site will decrease. In terms of surface water run off a Sustainable Drainage Systems (SuDS) scheme should integrate surface water risk management within the site and provide water quality improvements along with benefits to people and wildlife.

NWWM have been fully involved in the consideration of this application seeking additional information to satisfy a variety of questions and requiring a number of revisions to the submitted FRA. Some disappointment has been expressed that the naturalisation of the Spadesbourne Brook has not resulted as part of this development, a matter which has

been impeded by land ownership issues. However efforts to improve the attractiveness of this area have been achieved by the removal of one of the bridges crossing the brook (the southern part of the site) and landscaping using mature stock along this boundary. Such approaches complement the use above ground drainage areas which exist throughout the site in the form of rain gardens, swales and attenuation basins in the green spaces on the site, to counteract surface water flooding and are in addition to below ground cellular storage proposed. It is vital that these features are maintained for the lifetime of the development, therefore a maintenance plan will need to be provided for as part of any subsequent permission.

In conclusion the proposal passes the requirement of the Sequential Test and the conditions of the Exception Test whilst also ensuring the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall in accordance with Para 161, 163 and 165 of the National Planning Policy Framework.

Highway and Parking matters

Policy BDP1: 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 seeks to ensure sustainable transport opportunities are maximised together with opportunities to maximise use of green infrastructure for practical and recreational purposes. Whilst Paragraph 109 of the NPPF states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".

A Transport Statement (TS) has been submitted which includes a review of the site location, local highway network, walking and cycling infrastructure, local bus and rail services, parking restrictions, local facilities and a review of Personal Injury Collision (PIC) data; and which examines the trip generation of the proposed development and impact on the local highway network.

Section 4 of the TS identifies compliance with visibility splays at the site entrance and within the site, the provision of swept path analysis for refuse vehicles along with relevant parking and cycle provision of the needs of the development. A total of 92 car parking spaces will be provided, 39 will be for the apartments further 44 spaces will be for the 2 and 3 bedroom houses and will be allocated for each dwelling. In addition, there will be nine visitor parking spaces. Electric vehicle charging facilities will be provided to all houses. Cycle parking houses will be provided in the form of a shed in the rear of the properties. A total of 39 secure and covered cycle parking spaces will be provided for the apartment block.

Vehicle trip generation and operational assessment is considered in section 5 where it is concluded that the traffic modelling has demonstrated that the Birmingham Road/Burcot Lane/All Saints Road junction would operate with less queuing and delay overall in 2024 with the proposed residential development than with the consented District Council offices, although there would be a slight increase in queue on Burcot Lane in the AM peak hour. The Burcot Lane/proposed site access road would operate with a significant amount of spare capacity with the proposed residential development.

WCC highways have confirmed that no objections are raised to the proposals in terms of highway safety. They note the transport statement concludes that the vehicle impact of the proposal is preferable across the day as a result of the proposal, with only a small increase of outbound movements in the AM peak which does not result in a meaningful impact on the surrounding Highway network. The site is within a short walk of retail, education and food shopping stores; additionally it has easy access to public transport. Business parks and the railway station are beyond normally accepted walking thresholds, but comfortably fall within access by bicycle. The site is considered to be located in a sustainable location which is not reliant of vehicle access, a range of local amenities are accessible within a short time period with several transport options to reach them. Given the reduced vehicle impact there is no impact on capacity or highway safety, and as such there is no conflict with local or national policy.

Furthermore the proposed development provides a new street layout which is acceptable, it is intended that the streets would become a future public highway, but this is subject to further discussions on the construction specification. Car parking and cycle parking is provide in accordance with the published requirements. The proposal therefore meets the requirements of the Streetscape design guide, subject to the imposition of conditions.

Mott MacDonald has been commissioned to independently assess the merits of the application in terms of highway impact. In their technical note they consider the acceptability of the development in traffic and transport terms. They conclude;

- That the trip rates presented within the TS are representative of existing and proposed land uses and the site's location and accessibility.
- The resulting trip generation has been considered using an alternative methodology but the assessment is considered to remain as robust and no action is required.
- The Birmingham Road / Burcot Lane / All Saints Road mini-roundabout junction has been modelled in ARCADY. The results indicate a minor deterioration in the performance of the Burcot Lane arm (4 additional cars in the am peak of the 2024base +consented office following the introduction of the development. With consideration of the function of Burcot Road, and the forecast change in operational performance across the junction, the impact of the development proposals is not considered to be significant.
- Birmingham Road / Stourbridge Road / The Strand / Market Street signal controlled junction, which is located approximately 600m to the southwest of the site and is known to operate at capacity in the peak hours, is also considered. Based on the magnitude of additional traffic (on specific movements) forecast to pass through the junction, MM comment that the impact is not considered to be significant and the approach presented is considered to be appropriate to the scale of the development and impact.
- In terms of Development Masterplan; Parking; the provision of additional EVCP for the apartments is encouraged as is protection of visibility splays.
- In terms of site accessibility; it is requested that consideration be given to the pedestrian route children will take to school and their safety. And clarification as to the connectivity of the site by bus is sought.
- Minor recommendations are made with respect to the submitted Travel Plan.

Overall Mott MacDonald concludes that the assessment presented in the TS appears to be acceptable and that the impact of the development would not be significant in transport/highway terms. The recommendations they make have been raised with the applicant and a response received. Mott MacDonald has reviewed this response and have no further points to raise and no objection to the scheme (19.02.2020).

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

Heritage

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is relevant to the consideration of the application and is guidance in Paragraph 189, 190, 193, and 196 of the NPPF. Policy BDP 20.2 and BDP 20.3 supports development which sustain and enhance the significance of heritage assets including their setting, and requires new development within the setting of heritage assets, not to have a detrimental impact on the character, appearance or significance of heritage assets.

The applicant has submitted a detailed Heritage statement which considers the impact of the development on the setting of nearby listed buildings; the Crab Mill Pub (Grade II), and All Saints Church (Grade II).

The Heritage statement concludes the development will have negligible impact on the setting and in turn the significance of the two listed buildings, a conclusion the Councils' Conservation Officer agrees with. The Conservation officer is of the view that the buildings on the site are architecturally unremarkable, and the site will be redeveloped with houses of a similar height, with the exception of the apartment building which is located on the far side of the site. The significance of both listed buildings is derived largely from their architectural interest. The church yard obviously contributes to the setting of All Saints Church, but beyond that, the setting, including the development site, contributes nothing to the significance of the both listed buildings. The other listed buildings nearby including the War Memorial and the Old Workhouse are separated from the site by intervening buildings and it is considered that the development site therefore does not fall within the setting of either listed structure.

Consideration has also been given to the impact of the development upon any Archaeological remains as required by policy BDP20.2e. The submitted desk based assessment concludes that development has the potential to impact on below ground archaeological remains, although none are known to exist. There is potential for paleo environmental evidence and prehistoric deposits associated with the course of the Spadebourne Brook and also potential for remains associated with the possible site of Crabb Mill (thought to be located to the northwest). It is concluded that no designated or non-designated heritage assets are predicted to experience any harm to their significance as a result of development. The County Council's Archaeology Officer has reviewed this report and is of the view that the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of

archaeological works which would comprise a watching brief on groundworks within 25m of Burcot Lane, a condition the applicant accepts.

Overall it is therefore considered that the proposed scheme would not cause harm to any designated heritage assets, and is therefore compliant with the 1990 Act, the Heritage policies in BDP 20 and the NPPF.

Provision of affordable housing

BDP8 sets out a range of matters associated with affordable housing ; BDP8.1 consider the proportion of affordable units on brownfield sites (30%); BDP8.3 considers tenures; BDP8.4 considers the delivery of smaller units, whilst BDP8.5 seeks to create mixed and balanced communities by even distribution of affordable units throughout new developments. BDP7 requires housing need in terms of size and type of dwelling to be considered, along with best use of land.

The submitted strategy fulfils the requirement of BDP7 and 8 with; 30% (18) of the units being provided as affordable housing. There will be a tenure split of 66% social rented properties comprising 12 x 1 bedroom flats and 34% intermediate affordable housing comprising 4 x 2 bedroom house and 2 x 3 bedroom house. The provision of affordable housing meets the Councils housing needs and is distributed throughout development and will not be distinguishable from market housing. This strategy is supported by the District Housing Officers.

The Urban designer has commented that given the proportion of affordable units in the apartment (2/3 are affordable) and given the physical separation of this block from the houses, that it is not wholly integrated on the site contrary to the intentions of the social housing policy. The applicant has responded by stating that;

“The development increases the connectivity between the BDHT properties which are affordable/rented and the houses along the north of the site along Burcot Lane which are outright sale. It also increases the variety of tenures. Further to this, the affordable units in the apartments are at first, second and third floor level with the ground floor level being all private rent complying with BDP8.5 which requires that affordable housing should be distributed throughout new developments and not be visually distinguishable from market housing”.

Officers are satisfied that when the site is taken as a whole that the proposed units are suitably integrated. Furthermore given the NPPF priority to significantly boost the supply of housing, the provision of these additional dwellings carry significant weight in the consideration of the application.

Officers are mindful that the site contains a hostel for homeless households and that redevelopment of the site will result in the loss of this facility. BDP 12 (Sustainable Communities) at 12.2 seeks to resist the loss of such facilities subject to criteria i) to iv). The applicants set out that an agreement has been reached between the Council and BDHT that the latter will select 6 properties from their existing stock and use these, instead of the hostel, to house homeless households .It is envisaged that the hostel will close in July 2020 and that the alternative units will be available by this date, if not before then. In the context of the listed criteria it is considered that delivery of this or a similar

facility will be facilitated through the development of the site and partnership working with BDHT.

Design, Layout and appearance

BDP19 High Quality Design provides a set of principles to safeguard the local distinctiveness of the District and ensure a high quality, safe and distinctive design throughout the development. These principles (a - v) include the need for good design (including designing out crime), retention and integration of trees, addressing land contamination, consideration of impact on air quality, and protecting amenity from noise generating sources and ensuring good use of land are also matters covered by this policy. Where relevant to the submission these matters are considered below.

The proposed housing is provided by two storey properties of red brick construction beneath grey/brown roof tiles. Elevations are simple with dark fenestration whilst relief is provided by way of projecting brick detailing. The dwellings face on the Burcot Lane in a staggered line sitting behind block paved parking/turning areas and elements of tarmac. A similar theme is used through the site, with private gardens of a scale appropriate to dwelling size being located to the rear. Where properties are sited on prominent corners or along the side of the Spadesbourne Brook boundaries are formed by brick boundary walls. The 4 storey apartment building is well set back from Burcot Lane and is sited within a corner of the site where a number of mature trees will be retained. This arrangement is acceptable both in streetscape and residential amenity terms. The building will be of brick construction and flat roofed with visual interest being provided through the use of a stepped floor plan, substantial balconies at the corner and more light weight balconies along the main elevation. The siting of all dwellings is acceptable with respect to impact upon existing residents, largely as a result of suitable separations distances and the orientation of units. It is noted that no public objection has been received and with regard to the advice in Councils SPG the scheme is considered acceptable.

A significant number of issues raised by The Council's Community Safety Officer are covered under Building Regulations or are outside the scope of being material planning issues. These matters have been passed to the developer for information and in general have been noted/included in the tender spec. An informative is proposed to encourage the applicant to apply 'Secured by Design' status at a Silver or Gold level. The comments in relation to boundary treatments have been addressed by revisions which show additional gates, brick on edges to boundary walls, and additional fencing and fenestration. The brick detailing is considered to be very shallow 75-100mm and thus provide a very limited opportunity to access the properties by climbing, whilst its presence will considerably improve the visual appearance of the building. Overall the development is considered to be compliant with respect to BDP19.1o.

The Council's urban design consultant has been involved throughout the development process and notes the improvements to the quality of the scheme during this time; design and layout changes have resulted in a more simplified appearance and the creation of a more cohesive layout whilst acknowledging the constraints of the site. Whilst some minor observations are made, overall the proposal is considered acceptable and your officers are of the view the scheme enhances the character and distinctiveness of the area in accordance with BDP19.1 e.

The site supports a number of significant trees and the applicant has worked closely with the Council's Tree Officer to minimise tree loss throughout the development (for example the layout has been amended to allow for the retention of 3no. trees by relocating the bin stores that originally meant the loss of 5no. Trees).

A BS5837 Tree survey has been carried out on the site and has identified that the trees on site are a mixture of category B, C and U trees and highlights in Table 3.1 of the Arboricultural Impact section, the trees that will be required to be removed as a result of the development. Although some of the trees targeted for removal are visually prominent from Burcot Lane or the feeder road into the estate the majority are generally more obscure, smaller lower quality trees and their loss will be offset by the level of proposed new tree planting within the landscaping scheme of the project. The Tree Officer states the loss of two semi mature Lime trees T41 and T42, that form part of line of Lime trees which are a valuable highly prominent tree feature on the site, is regrettable. However he observes the improvements from the initial scheme and appreciates the site constraints (which include retaining access to the BDHT development to the rear of the site) in this situation the loss of these trees is reluctantly accepted, subject to the imposition of conditions. It is noted that the proposed Landscaping scheme identifies new trees as being of heavy standard grade an approach welcomed by the Tree Officer as it will assist in creating a good level of structure to the site in landscape terms.

BDP19.1r requires development to be 'fit for purpose' with respect to land contamination. The applicants have submitted a walkover and Desk Study report in relation to the site which identifies possible sources of contamination close to the site. This report recommends that a Phase 2 intrusive investigation is undertaken of any significant thickness of Made Ground present to assess ground conditions, obtain soil samples for testing for asbestos and contaminants and where possible groundwater for analysis. Additionally if Made Ground found to a significant depth also gas monitoring assessment be undertaken. WRS has reviewed available documents and records and concurs with this view whilst also recommending a gas monitoring risk assessment is undertaken as part of the Phase 2 investigation. A planning condition is proposed to address this requirement and for which details are required prior to the commencement of development. In line with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 that came into force on 1st October 2018 the applicant has agreed to this condition and all other relevant pre commencement conditions.

BDP19.1s requires applications of this size to demonstrate they will not increase NO₂ or CO₂ and should consider the impact of development on air quality. The applicant's submitted Air Quality Assessment ref: A3574/AQ/002 has been considered by WRS Land and Air Quality Team who have no objection to the development. Recommendations are made to ensure the development mitigates for its cumulative impact on local air quality and this includes conditions/informatives including; cycle storage, EVCP and low NO_x boilers.

It is necessary for new developments to be sited so as not cause harm to amenity by way of noise (BDP19.1t). It is noted that the apartment block is sited alongside the A38 traffic route a Noise Survey has therefore been submitted. WRS have considered this report and had subsequent discussion with the applicant's acoustic consultant and are satisfied that the submitted assessment is satisfactory. The assessment predicts that the

BS8233:2014 recommended internal noise levels can be achieved across the site with the installation of appropriate glazing and ventilation products. When the applicant has decided which glazing and ventilation products are to be installed a revised noise assessment should be submitted to demonstrate that the chosen products will achieve the BS8233:2014 recommended internal noise levels for approval and this is addressed via a planning condition. In terms of external noise levels in amenity areas, these appear acceptable without any specific noise mitigation measures. Wider advice is also provided and this has been conveyed through the use of an informative in terms of noise from plant and equipment and nuisance during the demolition and construction phases.

Ecology

Policy BDP 21(Natural Environment) seeks to safeguard and enhance the local distinctiveness of the District provided by the Natural Environment.

A Preliminary Ecological Appraisal has been submitted with the application which includes a desk study, an extended Phase 1 Habitat Survey, Bat surveys (undertaken in 2018), Bat Surveys (undertaken in 2019) and a site walkover. Subsequently a Dusk Emergence & Dawn Re-Entry Bat survey was undertaken in 2018 which identified two common pipistrelle Bats emerging from the inner courtyard of the Council House thus the Council House was confirmed as supporting a bat roost. Another bat survey was retaken in 2019 during which it was noted that several windows to the Council House had been boarded up due to the risk of trespassing and antisocial behaviour. This presented a material change to the status of the site as bats have been commonly known to roost in the spaces between window boards and panes of glass. Following this it was recommended that the space between the windows and boards were sealed to minimise the risk of bats taking up residence. This work was completed in October 2019 and was undertaken under supervision of a licensed ecologist.

Based on the low level of activity, the species and the low number of Bats observed it was concluded that the site supported a low conversation value day roost. It was concluded that the development of the site and the consequential loss of the roost was unlikely to have an adverse impact upon the conservation status of any bat species. However it is necessary to mitigate for this loss and the demolition of the relevant buildings cannot be undertaken until the appropriate mitigation has been designed and approved by Natural England under licence, the steps of which are set out in the report. The PEA also recommends several biodiversity enhancement measures including bat bricks, bird boxes, lighting, and new planting, which we will incorporate within the proposed design and landscaping strategy. These findings and recommendation shave been agreed through the Council's ecology advisor and appropriate conditions and informatives have been recommended.

Open Space

Policy BDP25 seeks to improve the quality of life and wellbeing of residents by improving access to leisure and other facilities.

BDP25.2 identifies that it will be impractical and inappropriate to deliver all typologies of open space on every site, as sites and relevant factors will vary. It goes on to say in such circumstances that contributors will be negotiated in accordance with policy and current

requirements. Whilst open space has been provided within the constraints of the site in terms of pleasing open areas around trees, associated swales along with open spaces at the front of the site, there is no specific area provided for play provision or other sport and recreational activities as envisaged by BDP25.

The Leisure Services Officer has therefore requested contributions by way of a Section 106 agreement to support;

- Toddler and junior Play - (Recreation Road play area)
- Junior Sport - (Barnsley Hall Playing Pitches)
- Adult Fitness - (Recreation Road)

These matters are being fully worked up and will be incorporated in to the relevant legal agreement.

Infrastructure requirements

Policy BDP6 seeks to secure developer contributions towards different types of infrastructure provision. Paragraph 54 of the NPPF states that:

"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

In broad terms the obligation would secure funding for a range of consequential requirements. Financial contributions to mitigate the impact of the development cannot be secured by condition, and consequently an obligation is required.

Education provision;

Worcestershire Children's Services have assessed the impact of this proposed development on local schools and wish to seek a planning obligation for education infrastructure. The assessment has been prepared in line with the Education Planning Obligations Policy published 1st August 2019.

The schools considered to be directly related to the proposed development are the catchment area schools of ; Meadows First School, Parkside Middle School and North Bromsgrove High School. The area is also served by Rigby Hall Special School, a broad-spectrum special needs school for children aged 3 to 19 with a range of learning difficulties and/or autism. A number of criteria by which the impact of the development and the ability of schools at each phase of education to manage it has been assessed. It is concluded that contributions are justified at First, Middle and High School/Sixth form level, but that the site is too small to warrant a contribution to Rigby Hall Special School.

Medical Infrastructure; (NHS Clinical Commissioning Group - GP Surgeries)

Members will note that the NHS Clinical Commissioning Group states the development is likely to have an impact on the services of 1 GP practice and that there is not capacity for the additional growth resulting from this development. Redditch & Bromsgrove CCG

would therefore expect this impact to be fully assessed and mitigated. A Healthcare Impact Assessment (HIA) has been prepared by Redditch & Bromsgrove CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

Medical Infrastructure: Worcestershire Acute Hospitals Trust (WAHT)

Members will be aware that WAHT have previously sought, via a planning obligation route, financial contributions to meet annual shortfalls in NHS Service revenue. The Local Planning Authority accepted that the request was material and was more than de minimis, but had been advised that the proposals did not meet the Regulation 122 requirements, or the policy requirements.

The Trust made representations in association with this Planning Application on 7th February 2020. Officers have reviewed this and are now satisfied that the request is supported by and is in compliance with the following policies in the NPPF, particularly: paragraph 8 Social Objective, paragraph 20(c) Strategic Policies, paragraph 34 Development Contribution set out in Development Plans, paragraph 54 to 57 Planning Obligations, paragraph 56 reflects the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, paragraph 91(c) and paragraph 92(b) promoting healthy communities.

Officers are also satisfied that the request made by the Trust is compliant with National guidance in the NPPG, particularly for example NPPG 23(b) (Planning Obligations) especially paragraphs 001-005 and 035. Also relevant is NPPG 53 (Health and Safer Communities) especially paragraphs 1-3.

Officers have also concluded, that any impacts on a Trust ability to meet services for the local communities is capable of being a material consideration in the determination of a planning application. Your officers are of the opinion in relation to the application before you that the Trust request is a material consideration and should be taken in to consideration as a consequence. Officers are also satisfied that support can be found in local planning policy to support the request being made by the Trust.

A further point is whether the request made by the Trust is in compliance with the three tests in Regulation 22 of Community Infrastructure Levy Regulations and paragraph 56 of the NPPF (2019). Paragraph 56 states: "Planning Obligations (the financial contribution requested by the Trust) must only be sought where they meet all of the following tests: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development".

Officers are satisfied following a complete review of all of the background information provided by the Trust and the developer's representatives that these tests are met, but further work and review is required by officers in relation to the exact financial sum of the contribution requested by the Trust.

To take this matter forward officers are seeking authority from the Committee for a Delegation to the Head of Planning and Regeneration to agree the final sum of the

financial contribution not exceeding the current request of £82,654.00 with the Trust and representatives from the developers.

The purpose of agreeing this Delegation is for officers to further review the reasonableness of the sum that is being requested by the Trust and to ensure that all appropriate reductions have been made.

Leisure facilities;

In the absence of onsite provision for children's play, for young people or outdoor sports facilities, the Councils' Leisure Services Officer has requested off site contributions. Such contributions will support; Toddler and junior Play - (Recreation Road play area) Junior Sport - (Barnsley Hall Playing Pitches) Adult Fitness - (Recreation Road). These contributions are being finalised and an update will be provided.

Waste management;

There is a requirement for Contributions for refuse and re-cycling bins to serve the needs of the new development at the individual dwellings level and to serve the apartment block (larger Euro Bins) in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy.

Responsibilities;

The provision and future maintenance in perpetuity of the SuDs facilities on site is an important part of ensuring the function of these areas. The applicant may undertake this role themselves as the developer, but in any instance this matter requires control and certainty and will be secured through the Section 106 Agreement.

Similarly it is necessary to securing the provision of on-site affordable dwelling units to a level of 30% as part of the development and to secure this by way of a Legal agreement.

Monitoring; On 1st September 2019, the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 were introduced. These regulations make a number of changes to both the Community Infrastructure Levy (CIL) itself and introduce new requirements to report and monitor on the collection of planning obligations.

Approval was received from Members to include a monitoring charge within all future planning obligation agreements and to develop and implement a charging regime in line with the regulations. The developer is aware that an obligation and associated fee will be required.

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 Legal agreement is in the process of being drafted. The obligation in this case would cover:

Contributions towards **off-site Sport and Recreational** facilities due to increased demand from future residents, required in compliance with SPG11

- Toddler and Junior Play - (Recreation Road play area) TBC
- Junior Sport - (Barnsley Hall Playing Pitches) TBC
- and Adult Fitness - (Recreation Road) TBC

Contributions towards **Education provision** by way of;

- First School Contribution=£68,032
- Middle School Contribution primary phase =£34,016
- add secondary phase = £23,302
- High School and Sixth Form Contribution = £69,906

Contributions for **refuse and re-cycling** bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy

- 1 x 240 litre green wheeled bin @ £26.75 x 22 = £558.50
- 1 x 240 litre grey wheeled bin @ 25.49 x 22 = £560.78

- 8 x 1100 litre domestic waste wheeled bins @£252.43 = £2,019.44
- 8 x 1100 litre recycling wheeled bins @£252.43 = £2,019.44

Contributions towards **GP Surgery** Contribution

- Capital funding to increase capacity within the GP Catchment Area = £27,761.

Contributions towards **Worcestershire Acute Hospital Trust Contribution**

- (WAHT)Agreement of a final sum not exceeding £82,654.00 to be Delegated to the Head of Planning and Regeneration Services (subject to verifying any deductions based on services already provided by the WAHT)

And ;

The provision of 30% (18 units on the site to be restricted to Affordable Housing in perpetuity

To provide and maintain in perpetuity SuDS including ; pipes, gullies, channels, flow controls, cellular storage, porous paving, attenuation basin, Spadesbourne Brook and address remedial action required due to failure and vandalism.

Planning Obligation Monitoring Fee: (TBC)

The Planning Balance and Conclusion

The site has been identified as being suitable for residential development. The detailed design, form and layout of the development are considered to be appropriate in its context.

It is noted that, in the absence of the Council being able to demonstrate a five year housing supply that 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 Full planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following:

Contributions towards off-site **Sport and Recreational** facilities due to increased demand from future residents, required in compliance with SPG11

- Toddler and Junior Play - (Recreation Road play area) TBC
- Junior Sport - (Barnsley Hall Playing Pitches) TBC
- and Adult Fitness - (Recreation Road) TBC

Contributions towards **Education** provision by way of;

- First School Contribution=£68,032
- Middle School Contribution primary phase =£34,016
- add secondary phase = £23,302
- High School and Sixth Form Contribution = £69,906

Contributions for **refuse and re-cycling** bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy

- 1 x 240 litre green wheeled bin @ £26.75 x 22 = £558.50
- 1 x 240 litre grey wheeled bin @ 25.49 x 22 = £560.78

Plan reference

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- 8 x 1100 litre recycling wheeled bins @£252.43 = £2,019.44

Contributions towards **GP Surgery** Contribution

- Capital funding to increase capacity within the GP Catchment Area = £27,761.

Contributions towards **Worcestershire Acute Hospital Trust** Contribution

- (WAHT) Agreement of a final sum not exceeding £82,654.00 to be Delegated to the Head of Planning and Regeneration Services (subject to verifying any deductions based on services already provided by the WAHT)

Planning Obligation Monitoring Fee: (Contribution amount To be Confirmed)

And;

The provision of 30% (18 units on the site to be restricted to **Affordable Housing** in perpetuity

To provide and maintain in perpetuity **SuDS** including ; pipes, gullies, channels, flow controls, cellular storage, porous paving, attenuation basin, Spadesbourne Brook and address remedial action required due to failure and vandalism.

And ;

(c) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope, wording and numbering of conditions and informatives as set out in the report.

For Members reference the following conditions/informatives are currently proposed;

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:

INSERT PLAN NUMBERS

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) 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 as retained on the approved plans both on or adjacent to the application site shall be protected with fencing around the root protection areas as highlighted within the Helicopter Trees Arboricultural reports numbers HTL17075-S and HTL17075-A. 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. This work is required before development commences to ensure the purpose of the condition is not undermined by early on site works.

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

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

- 6) Any section of hardstanding, fencing or walls to be constructed within the RPA of any retained tree within the site or on any adjoining land should be done in accordance with the recommendations made in the Helicopter Trees Arboricultural reports numbers HTL17075-A.

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

- 7) All hard and soft landscaping works shall be carried out in accordance with the approved details (which includes the use of Heavy Standard grade trees). 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.

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

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework. This work is required before development commences to ensure the purpose of the condition is not undermined by early on site works.

- 9) 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 8 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

- 10) That the recommendations outlined within sections 5.0 and 6.0 of Ecological Appraisal (2019) are implemented and conditioned as part of the planning application. This should include, a licence application requirement for bat roosts, general precautionary measures (RAMs) and proposals for on-site biodiversity enhancements.

Reason; To ensure the development protects, where relevant, existing Ecological value and provides for on-site biodiversity enhancements.

- 11) Reasonable Avoidance Measures (RAMs) should be implemented as follows:
- i) A Reasonable Avoidance Measures (RAMs) method statement should be prepared and implemented to facilitate pre demolition/ Construction checks for badgers and small mammals.
 - ii) A Reasonable Avoidance Measures (RAMs) method statement should be prepared and implemented in relation to breeding birds prior to demolition and construction i.e. removal of trees, buildings and hedgerows.

iii) Details of proposed native tree/shrub and wildflower planting. Including species, size of plants, planting densities etc together with a Landscape and Ecological Management Plan (LEMP). Provision should also be made for at least a 5 year establishment and aftercare of the on site biodiversity enhancement proposals

Reason; To ensure the development protects where relevant existing Ecological value and provides for on-site biodiversity enhancements.

- 12) No dwelling hereby approved shall be occupied until the access, parking and turning facilities that that individual property to the nearest public highway has been provided as shown on drawing (P) 100 Rev B.

Reason: To ensure conformity with summited details.

- 13) The Residential Travel Plan version 2 hereby approved, dated 18th February 2020 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

REASON: To reduce vehicle movements and promote sustainable access.

- 14) The development hereby permitted shall not be occupied until a scheme has been submitted to and approved in writing by the local planning authority to show the position and type of electric vehicle charging points (EVCP) and these have been installed on site. Once installed those EVCP shall be retained and maintained as such at all times.

Reason: To support sustainable communities.

- 15) 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.

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

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

- 16) No works or development shall take place until a site drainage strategy, including private drainage, 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 peak runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event plus an appropriate allowance for climate change must be as close as reasonable practicable to the Greenfield runoff rate from the development for the same rainfall event but shall never exceed the rate of discharge from the development prior to redevelopment for that event. Flows resulting from rainfall in excess of a 1 in 100 year rainfall event shall be managed in exceedance routes that minimise the risk to people and property.

The runoff volume from the development in the 1 in 100 year 6 hour rainfall must be as close as reasonable practicable to the Greenfield runoff volume from the development for the same rainfall event but shall never exceed the runoff volume from the development prior to redevelopment for that event.

The scheme shall be designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event and not in any part of any building for the 1 in 100 year rainfall event plus climate change.

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 ensure the site remains satisfactorily drained in accordance with the strategy. This work is required before development commences to ensure the purpose of the condition is not undermined by early on site works.

- 17) No works or development shall take place until a SuDS management plan which will include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason; To ensure the site remains satisfactorily drained in accordance with the strategy. This work is required before development commences to ensure the purpose of the condition is not undermined by early on site works.

- 18) The permeable paving areas shall be maintained to facilitate the optimal functionality and performance of the scheme. Permeable surfaces shall not be replaced by impermeable surfaces without prior written approval from the Local Planning Authority.

Reason; To ensure the site remains satisfactorily drained in accordance with the strategy.

- 19) No works or development shall take place until a method statement for the protection of the adjacent brook from pollution during the course of construction has been submitted to and approved in writing by the local planning authority. The statement shall assess the risks from all pollution sources and pathways (including silt, cement and concrete, oils and chemicals, herbicides, aggregates, contaminated land and waste materials) and describe how these risks will be mitigated for this development. Development shall be carried out in accordance with the approved details.

Reason ; To ensure the adjacent watercourse is suitably protected from pollution. This work is required before development commences to ensure the purpose of the condition is not undermined by early on site works.

- 20) Prior to the installation of glazing and ventilation products a revised noise assessment should be submitted to and approved in writing by the Local Planning authority to demonstrate that the chosen products will achieve the BS8233:2014 recommended internal noise level. The development shall then be implemented in accordance with those details and those details shall be retained as such in perpetuity.

Reason - In order to protect the amenity of residents.

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

1. A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".

2. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.
3. Where the site investigation identified remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
5. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, workers, neighbours and other offsite receptors.

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

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

Where remediation is necessary, this remediation may involve work/techniques that need to be completed before any development is commenced, for example the removal from site of contaminated soils/underground structures, the design

and incorporation of gas protection measures in any buildings etc. To carry out such work after construction has started/been completed, may require potentially expensive retro-fitting and in some cases the demolition of construction work already completed.

Informatives

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

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

- 2) It is recommended that the dwellings be fitted with Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh.
- 3) Nuisance during the Demolition and Construction Phases:

In order to minimise any nuisance during the demolition and construction phases, from noise, vibration and dust emissions, the applicant should refer to the Worcestershire Regulatory Services Code of Best Practice for Demolition and Construction Sites 1st Edition July 2011 and ensure its recommendations are complied with.

<https://worcsregservices.gov.uk/media/448881/WRS-contractor-guidance.pdf>

- 4) In terms of any external fixed plant / equipment, noise from such items should comply with the recommendations detailed in section 7.2 of the noise assessment.
- 5) All tree pruning work should be done in accordance with BS3998:2010 recommendations.
- 6) A fee will be charged to the applicant for the provision of a Brief (an outline scope of works) for the archaeological work required and for the checking of any responding Written Scheme of Investigation (contractors detailed method statement) and archaeological reports required to facilitate discharge of the recommended conditions. Should planning consent be given, then the applicant or their successor in title must contact the officer below to arrange provision of the brief prior to the commencement of works. It will be the applicant's (or their successor in title) responsibility to contract an appropriate archaeological organisation to undertake the programme of works as detailed in the brief. The Planning Advisory Section of the Worcestershire Archive and Archaeology Service will offer advice on all stages of the proceedings

- 7) The applicant is encouraged to apply for 'Secured by Design' at Silver or Gold standard.
- 8) The granting of this planning permission does not remove any obligations on the applicant to undertake a technical design check of the proposed highway works with the Highway Authority, nor does it confirm acceptance of the proposal by the Highway Authority until that design check process has been concluded. Upon the satisfactory completion of the technical check the design would be suitable to allow conditions imposed under this permission to be discharged, but works to the public highway cannot take place until a legal agreement under Section 278 of the Highways Act 1980 has been entered into and the applicant has complied with the requirements of the Traffic Management Act 2004.

The applicant is urged to engage with the Highway Authority as early as possible to ensure that the approval process is started in a timely manner to achieve delivery of the highway works in accordance with the above mentioned conditions.

The applicant should be aware of the term "highway works" being inclusive of, but not limited to, the proposed junction arrangement, street lighting, structures and any necessary traffic regulation orders.

- 9) If it is the applicant's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to the County Council's Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No works on the site of the development shall be commenced until these details have been approved by the County Council as Highway Authority and an Agreement under Section 38 of the Highways Act, 1980, entered into.
- 10) It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, the County Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the engineering details referred to in this conditional approval to the County Council's County Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP at an early date to enable surface water disposal arrangements to be assessed.
- 11) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

- 12) The applicant's attention is drawn to the need to ensure that the provision of the visibility splays required by this consent is safeguarded in any sale of the application site or parts thereof.
- 13) It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particular reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work.
- Minimising the impact of deliveries, parking and work on the public highway.
- Contributing to and supporting the local community and economy.
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principle contractor will engage with the local community, this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for a site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

- 14) An undeveloped buffer strip at least 5 meters wide should be maintained alongside the Spadesbourne Brook.

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

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Westerleigh	Application to vary condition 2 of planning permission 17/01429/FUL, made under s.73 of the Town and Country Planning Act 1990, to allow revisions to fenestration layout, revisions to roof design (retaining permitted maximum height), along with gas cooling unit to allow a reduction in the chimney height and amendments in the site layout resulting in a reduction in hardstanding across the site. Land Adjacent New Inns Lane Rubery Birmingham	13.03.20	19/01625/FUL

Councillor Mcdonald has requested this application be considered at Planning Committee rather than being determined under delegated powers

RECOMMENDATION: That planning permission be **GRANTED**

Consultations

Worcestershire Regulatory Services

The revised chimney height calculation appears satisfactory.

Highways - Bromsgrove

No objection.

Birmingham City Council

No response received

New Frankley In Birmingham Parish Council

No response received

Publicity

A total of 208 letters were originally sent on 15th January 2020 which expired on 8th February 2020.

A site notice was displayed on 16th January 2020 and expired on 10th February 2020. The application was advertised in the Bromsgrove Standard on 24th January 2020 and expired on 10th February 2020.

A total of 7 representations have been received as a result of the publicity of the application. Of these 6 are recorded as objections and 1 supports the proposal.

The matters raised in objecting to the application are summarised as follows:

Green Belt Policy

- Inappropriate development in the Green belt

Visual Amenity

- Unacceptable visual impact on the landscape

Traffic and Parking

- Changes to the area of hardstanding within the site may have repercussions to parking and movement of traffic within the site, and therefore impact on the surrounding roads.
- poor access
- would generate more traffic and danger to pedestrians close to school and children's football pitches

Other matters

- Evidence suggests that neighbouring crematoriums are not working to full capacity and therefore development is not needed
- Changes to plans and addition of a cooling unit is unacceptable
- Crematorium permission achieved by stealth following approval of a cemetery
- Pollution to the atmosphere

Councillor McDonald requested that the application be determined by the Planning Committee. He said that he had been approached by a number of residents who felt that the proposed changes were major of which he agreed.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP21 Natural Environment

Others

NPPF – National Planning Policy Framework

NPPG – Planning Practice Guidance

National Design Guide

High Quality Design SPD

Relevant Planning History

17/01429	Application for non-material amendments to approved development .	Refused	19.12.19
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17/01429	Change of use of maintenance/chapel building approved under planning permission 12/0448 (but not yet built) to allow for cremations to take place, reduction in scale of building and hard standing and reduced operating times.	Refused	12.03.18
		Allowed at appeal	23.08.19
		Costs appeal allowed	01.07.19
16/0581	Change of use of maintenance/chapel building approved under 12/0448 to allow for cremations to take place, reduction in scale of building and hardstanding.	Refused	7.09.16
		Dismissed at appeal	02.08.17
		Costs appeal allowed	02.08.17
14/0575	Variation of Condition Number 2 and 24 of Application Reference Number: 12-0448 to allow cremations to take place within the approved cemetery maintenance building and to allow the installation of cremation facilities within part of the approved maintenance building.	Refused	11.11.14
12/0448	Change of land use from Pasture Land to a Cemetery development including a Chapel and Maintenance building.	Approved	25.10.2012

Assessment of Proposal

Site and surroundings

The site comprises open pasture land bounded to the north by New Inns Lane, which also forms the administrative boundary between Bromsgrove District and Birmingham City Council. To the south east there are properties accessed off Romsley Close and to the east playing fields which are designated open space. To the west lies open countryside, which in part forms the Waseley Hills Country Park and one dwelling, Waseley Hill Cottage. The site lies within the Green Belt.

Proposal

The application seeks to make minor amendments to the planning permission allowed on appeal last year, under reference 17/01429/FUL. Following a detailed design review and analysis of the technical requirements for the crematorium equipment, a number of small amendments and adjustments to the design of the approved building are needed, together with minor alterations to reduce the amount of hard surfacing.

The minor amendments now proposed are for the following components:

1. Addition of a cooling unit
2. Reduction in the height of the approved chimney flue
3. Changes to the roof profile
4. Changes to the windows and doors
5. Reduction in the amount of proposed hard surfacing

Cooling Unit

The proposed external cooling unit would be located within the screened service yard to the rear of the building and will be attached to the building via pipework.

The cooling unit is 5m long and 0.6m high. It would be sat on legs which are no more than 0.8m high so that air can circulate around the unit.

The overall height of the unit is 1.4m.

The cooling unit is required in order to meet DEFRA and Environment Agency Process Guidance Notes 5-2 (12) which is the statutory guidance for crematoria (September 2012).

Chimney Flue

The new proposed design, which includes the use of the cooling unit, allows a shorter chimney flue to be installed.

The new chimney flue would be reduced in height by 0.4m from the approved height.

Roof Profile

The building design can best be described as two overlapping pitched oval discs.

In order to accommodate the internal flue ducting and facilitate the reduced chimney flue height, the maximum height of the roof will be retained but the pitch of the discs will be reduced.

The overall maximum height of the buildings remains unchanged from the 2019 permission but with the roof pitch reduced, the middle of the roof profile needs to be raised by 0.5m.

Windows and Doors

Additional windows are proposed to be inserted into the North West elevation and the shape of the chapel window and exit door is proposed to be altered. Three round windows on the South West elevation are proposed to become rectangular windows.

Hard Surfacing

Further reductions in the amount of hard surfacing have been made, involving a rearrangement of internal roadways and the reduction in the amount of turning areas

within the site along with a reduction in the number of paths and with some parking spaces moved away from existing trees.

The makeup of the parking has changed slightly with additional disabled spaces being included.

Approved parking: 116 visitor spaces and 2 disabled spaces
8 staff parking spaces with 2 disabled spaces
3 reception visitor spaces and 2 disabled spaces

Proposed parking: 123 visitor spaces and 4 disabled spaces
4 staff parking spaces and 2 disabled spaces

The total number of parking spaces remains unchanged at 133 spaces.

Determining the application

This application for a minor material amendment has been made under s.73 of the Town and Country Planning Act 1990 (which allows changes to the conditions applying to existing permissions). In this case, it is to amend the planning condition from the extant planning permission, which listed the approved plans, to enable a new list of plans to be approved which incorporate the proposed changes, as described above.

Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to the amended plans list condition. A new permission would sit alongside the original permission, which would remain intact and unamended. It is open to the applicant to decide whether to implement the new permission, should it be approved, or the one originally granted.

There is no statutory definition of a 'minor material amendment' but Government guidance states that it is likely to include an amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. With this in mind, your officers are entirely satisfied that the proposal qualifies as a 'minor material amendment' under the terms of the guidance.

Green Belt

The addition of crematorium facilities to the extant planning permission for a cemetery was allowed on appeal in August 2019 (17/01429/FUL), and the consent remains extant until 23rd August 2022. The Planning Inspector concluded that the proposal was inappropriate development in the Green Belt and that it would also be harmful to the openness and one purpose of the Green Belt. She said that it was likely that the harm to the openness and purpose, would be lessened when compared with the extant planning permission. This, together with the compelling need that had been demonstrated for a new crematorium, led her to conclude that other considerations in the case clearly outweighed the harm she had identified. She was satisfied that very special circumstances existed which justified the development and that it should be determined other than in accordance with the development plan.

The extent of the amendments have been carefully assessed and I am satisfied that there would be no material harm to Green Belt openness and purpose as compared to the extant 2012 and 2019 permissions. A compelling need for a new crematorium, as confirmed by the Planning Inspector, remains unchanged and, given the modest nature of the amendments, clearly outweighs the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, including Green Belt openness and purpose. The 'very special circumstances' identified by the Planning Inspector, therefore, exist unchanged.

Other matters

All other material planning considerations raised by local residents have already been fully considered by the Planning Inspector in reaching her decision and I am not aware of any material change in circumstances that might alter her conclusions. Nothing has been raised that may justify refusal of the application or the imposition of further planning conditions. Furthermore, Members will note I am not in receipt of any technical objections to the scheme on highway or pollution matters from the relevant professional consultees.

Conclusion

I am satisfied that very special circumstances exist which justify the development and the proposed amendments would not alter that conclusion.

RECOMMENDATION: That planning permission be **GRANTED**

Conditions:

- 1) The development to which this permission relates must be commenced not later than 23rd August 2022.

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 810c 11B, 812c 06C, 2016 Main Entrance Plan, 812c 14B, 812c 07D, 812c 15B, 812c 08D, 812c 18 C, 812c 04 E, 812c 17B, 812c 10D, 812c 16B, 812c 09D, 812c 12B, 812c 20B, 812c 203C

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of the Bromsgrove District Plan (2011-2030)

- 3) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.
 - i) Risk assessment of potentially damaging construction activities.

- ii) Identification of “biodiversity protection zones”.
- iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- iv) The location and timing of sensitive works to avoid harm to biodiversity features.
- v) The times during construction when specialist ecologists need to be present on site to oversee works.
- vi) Responsible persons and lines of communication.
- vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- viii) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: The agreement of a CEMP prior to the commencement of development is fundamental to ensure that protected species are not harmed by the development having regard to the Wildlife and Countryside Act 1981, Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and Policy BDP21 of the Bromsgrove District Plan (2011-2030)

- 4) A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. The content of the LEMP shall include the following.
- i) Description and evaluation of features to be managed.
 - ii) Ecological trends and constraints on site that might influence management.
 - iii) Aims and objectives of management.
 - iv) Appropriate management options for achieving aims and objectives.
 - v) Prescriptions for management actions.
 - vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - vii) Details of the body or organization responsible for implementation of the plan.
 - viii) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (*where the results from monitoring show that conservation aims and objectives of the LEMP are not being met*) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To provide enhanced ecological habitats and to provide for the long term management of ecology and landscape having regard to Policy BDP21 of the Bromsgrove District Plan (2011-2030).

- 5) No development shall commence until a scheme of surface water and foul water disposal, which shall follow the principles of sustainable drainage as far as practicable, has first been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details prior the first use or occupation of the building hereby permitted and shall be retained thereafter.

Reason: In order to safeguard against pollution and flooding, having regard to Policy BDP23 of the Bromsgrove District Plan(2011-2030).

- 6) Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on the building itself), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the buildings and other parts of the application site and the hours at which such lighting is to be operated.

The work shall thereafter be carried out in accordance with the approved details and shall thereafter be retained in that form and under no circumstances shall it cause light pollution.

Reason: To preserve the rural and residential amenities of the locality having regard to Policy BDP1 and BDP19 of the Bromsgrove District Plan (2011-2030).

- 7) Notwithstanding the plans hereby approved, no development shall take place until a package of highway measures have been submitted to and approved in writing by the Local Planning Authority. The package of measures shall include the formation of the vehicular and pedestrian access to the site, turning areas and parking facilities. The development shall not be first brought into use until all such highway measures have been completed in accordance with the approved details. The approved access visibility splays shall thereafter be kept free of obstacles.

Reason: Reason: To ensure safe access to the site in the interests of highway safety and public convenience, having regard to Policy BDP16 of the Bromsgrove District Plan (2011-2030).

- 8) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- i) The parking of vehicles of site operatives and visitors
 - ii) Loading and unloading of plant and materials
 - iii) Storage of plant/machinery and materials used in construction of the development

- iv) Construction hours restricted to between 0830 and 1800 Monday to Friday and 0830 and 1530 on Saturdays. No working shall take place on Sundays or Public or Bank Holidays
- v) Noise control devices (silencers, SMART reversing alarms etc)
- vi) Wheel washing facilities
- vii) Measures to control emissions of dust and dirt during construction
- viii) A scheme for the recycling/disposing of waste resulting from demolition and construction works

Reason: The agreement of details of a Construction Management Plan prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection; to minimise disturbance to local residents; the prevention of harm being caused to the amenity of the area; and in the interest of highway safety during the construction process, having regard to Policies BDP1 and BDP19 of the Bromsgrove District Plan (2011-2030).

- 9) No development shall take place until the implementation of a programme of archaeological works has been secured in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation.

Reason: Reason: The agreement of archaeological works prior to the commencement of development is fundamental to ensure that an appropriate investigation of potential archaeological deposits is secured, having regard to Policy BDP20 of the Bromsgrove District Plan (2011-2030).

- 10) Other than shown on the approved plans, no trees or hedges on the application site, or the branches or roots of trees growing onto the site from adjacent land, shall be topped, lopped, felled or uprooted.

Reason: To ensure the well-being of the trees to be retained and continuity of tree cover and maintaining and enhancing ecological, environmental and biodiversity benefits, having regard to Policy BDP19 of the Bromsgrove District Plan (2011-2030).

- 11) Measures for the protection of trees and hedgerows during the construction phase of the development shall be carried in accordance with the Harper Tree Consulting report: Arboricultural Impact Assessment Arboricultural Method Statement Tree Constraints and Tree Protection Plan (2015055.3 2/12/2017)

Reason: To ensure the well-being of the trees to be retained and continuity of tree cover and maintaining and enhancing ecological, environmental and biodiversity benefits, having regard to Policy BDP19 of the Bromsgrove District Plan (2011-2030).

- 12) Prior to the occupation or use of any part of the development hereby permitted, a landscaping scheme of tree and hedge planting and wildlife habitat creation or enhancement shall be submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall include:
- i) planting plans (to a recognized scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
 - ii) the method and specifications for operations associated with planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting;
 - iii) written specifications including cultivation and other operations associated with tree, plant and grass establishment;
 - iv) existing landscape features such as trees, hedges, shrubs and ponds which are to be retained and/or removed, accurately plotted (where appropriate);
 - v) existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate);
 - vi) the means of accommodating change in level (e.g. retaining walls, steps, railings, walls, gates or other supporting structures, ramps);
 - vii) location, type and materials to be used for hard surfacing where applicable for permeable paving, tree pit design, underground modular systems, sustainable urban drainage integration and use within tree Root Protection Areas (RPAs), including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved;
 - viii) the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks)), where appropriate;
 - ix) a timetable for the implementation of the soft and hard landscaping scheme.

There shall be no excavation or raising or lowering of levels within the prescribed root protection areas of retained trees.

The approved soft and hard landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation and shall thereafter be protected, maintained and managed in accordance with the approved details.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits, and to enhance the setting within the immediate locality, having regard to Policy BDP 19 of the Bromsgrove District Plan (2011-2030).

- 13) Except for any trees, hedges or shrubs that may be identified for removal on the approved landscaping plans and schedule, approved pursuant to condition 12, if within a period of five years from the date of the completion of the building works OR completion of the landscaping scheme pursuant to condition 12 (whichever is later), any retained tree, hedge or shrubs are felled, removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To ensure the environment of the development is improved and enhanced, having regard to Policy BDP 19 of the Bromsgrove District Plan (2011-2030).

- 14) Prior to construction of any buildings, which forms part of the development hereby permitted, a schedule of materials and finishes (including samples and trade descriptions/brochure details where appropriate) of materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be constructed in accordance with the approved details and completed before the development is first occupied or used and thereafter shall be retained and maintained in that form.

Reason: Reason: To ensure that the new materials are in keeping with the surroundings, having regard to Policy BDP19 of the Bromsgrove District Plan (2011-2030).

- 15) The cemetery and chapel / reception building shall not be open to the public outside the hours of 0900 to 1800.

Reason: To ensure there is no detrimental effect upon the amenities of the area, having regard to Policies BDP1 and BDP19 of the Bromsgrove District Plan (2011-2030)

- 16) No burials or cremation services shall take place outside the hours of 0900 to 1700 Monday to Friday and at no time on Saturdays, Sundays and Bank Holidays.

Reason: To ensure there is no detrimental effect upon the amenities of the area, having regard to Policies BDP1 and BDP19 of the Bromsgrove District Plan (2011-2030)

- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no works set out in Class A and B, Part 2 of Schedule 2 to the Order shall be carried out.

Plan reference

Reason: To enable the Council to retain control over proposed boundary walls and fences and any new means of access to the site having regard to Policies BDP4 and BDP 19 of the Bromsgrove District Plan (2011-2030).

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr & Mrs D. Barnes	New dwelling 2 Dodford Road, Bournheath, Bromsgrove, Worcestershire, B61 9JR	24.02.2020	19/01636/FUL

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

RECOMMENDATION: That planning permission be **GRANTED**

Consultations

Highways - Bromsgrove

No objection subject to condition relating to:

- Installation of electric vehicle charging point

North Worcestershire Water Management

No objection subject to condition relating to:

- Soakaway water tests

Arboricultural Officer

No objection subject to condition relating to:

- Tree protection

Bournheath Parish Council

No objection

Publicity

6 letters sent on 20.01.20 (Expire 13.02.20)

8 letters sent on 14.02.20 informing of amended plans

No site notice posted

1 letter of support and 10 letters of objection received.

1 petition received containing 24 signatures raising highway concerns

The following concerns have been raised:

- Residential amenity
- Loss of privacy
- Garden development
- Loss of a view/visual impact
- Not an 'infill proposal'
- Highway safety in relation parking and road users
- On street parking
- Proposal would set a precedent if approved
- Loss of wildlife

Other issues have been raised but these are not material planning considerations and have not been reported.

Councillor Margaret Sherry

The planning application should be called to Committee for the following reason:

- The local residents have various concerns regarding the application

Relevant Policies

Bromsgrove District Plan

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP7 Housing Mix and Density

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2019)

Bromsgrove High Quality Design SPD

Site Description

This application relates to an L-shaped plot of land measuring approximately 915 square metres which forms part of the garden area of number 2 Dodford Road. The site is bound by hedgerows on the northern, western and southern boundaries. The eastern boundary is open. The site hosts a number of trees which are predominantly fruit trees, maples and conifers. The level of the land rises from the front of the house towards the western boundary of the site. Number 12 lies to the west of the site and sits on an elevated position in relation to the application site

Description of Proposal

The proposal seeks consent for the construction of a two-storey dwelling facing Dodford Road. The vehicular access of the dwelling would be via Fairfield Road, along the side of the existing garage which would be retained by 2 Dodford Road. This garage is proposed to be divided into two, one half of which forms part of the application for consideration.

Assessment of Proposal

Green Belt

The development of new buildings is considered inappropriate in the Green Belt, except for a closed list of exceptions outlined in BDP4 of the Bromsgrove District Local Plan (BDLP) and the National Planning Policy Framework (NPPF). BDP4 allows for limited infilling in Green Belt settlements. This policy is compliant with the NPPF which allows for limited infilling in villages under Paragraph 145(e). Bournheath is a small settlement as defined in BDP2 of the BDLP. Furthermore, Bournheath is one of the settlements within the District where a village envelope has been defined and therefore represents a village in respect of the definition within the NPPF.

The term 'limited infilling' is not defined, however, it normally comprises of a modest gap in an otherwise substantially built-up frontage which is broadly linear in formation. In this instance, the site falls within the garden area of 2 Dodford Road and there is a break

within the ribbon of development on both sides of Dodford Road. The proposed dwelling will bridge the gap in the street scene. The purpose of the policy is to allow for limited infilling which is within the village. Having regard to this, the development would present 'limited infilling' and would thus not represent inappropriate development in the Green Belt and within the context of the Green Belt policies. Members will note objections have been raised on this principle.

Residential Gardens

The NPPF excludes 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 out rightly preclude development of 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 garden land. Such developments help boost housing numbers and can be an effective use of land.

5 Year Housing Land Supply

All planning applications should be determined in accordance with the policies in the development plan unless material considerations indicate otherwise. , At the heart of the NPPF is the Presumption in Favour of Sustainable Development which is set out at 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 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 therefore falls short of a 5 Year Supply of Land for Housing and therefore paragraph 11(d) as set out above is engaged. The consideration of the proposal under this element of the NPPF is drawn together in the Conclusions section below.

Character and Density

BDP7 requires the density of new housing make the most efficient use of land whilst maintaining character and local distinctiveness. Whilst I accept this policy refers to a focus on delivering 2 and 3 bedroom properties, I am content that the scheme proposing one four bedroom property provides a development that reflects the established pattern of development along Dodford Road. As such I am of the view that the scheme is substantially in accordance with BDP7 of the Bromsgrove District Local Plan. The scheme complies with Policy BDP19 and the High Quality Design SPD.

Residential Amenity

The proposed dwelling will be sited adjacent to the existing dwelling at 12 Dodford Road, which sits at an elevated position in comparison with the development site. The occupants of this property have raised objections in respect of overlooking however, given the orientation of these dwellings and the difference in land levels, no concerns are raised in respect of overlooking to the occupiers of this property.

The occupants of Number 11, 13 and 15 have raised objections regarding overlooking and loss of privacy. The window to window distances to all three of these properties would be in excess of 23 metres from the first floor windows of the proposal therefore; no concerns are raised in respect of overlooking. Furthermore the proposed dwelling has been designed not to cause an adverse relationship for the future occupiers of the development given the siting and distances achieved. Overall it is considered that the proposed dwelling would have an acceptable amenity impact on all the surrounding properties in accordance with the guidance within the Council's Design SPD and Policy BDP1 of the BDLP.

Highways

The development proposes a new access onto Fairfield Road.

Worcestershire Highways has raised no objection to the scheme, subject to conditions and informatives. Whilst the requested conditions are noted, these are not considered necessary. The informative can be imposed.

Trees/Ecology

The majority of the trees are semi-mature and are a mixture of Acers and Conifers. These are sited along the southern boundary of the site. The Tree Officer has raised no objection to the scheme on the basis that of the appropriate tree and root protection during construction. Objections have been received in relation to the 'disruption of wildlife'; however, this raises no concerns as no evidence has been produced in relation to the presence of protected species on the site.

Drainage

Based on information from North Worcestershire Water Management the site itself is not at risk of flooding. The proposed development is likely to increase the amount of impermeable area, and therefore the amount of runoff generated on this site. In order to not increase flood risk elsewhere the development will need to include measures to not increase the amount of runoff leaving this site. NWWM have therefore requested a report

demonstrating the management of the surface water run-off. No further concerns have been raised on this matter subject to conditions.

Public Comments

A 24 signature petition has been received opposing to:

- Increased demand with regard to parking and delivery vehicles
- The safety of all road users as a result of the new dwelling
- The safety of pedestrians stepping out onto Dodford Road from the proposed footpath link

Members will note Worcestershire Highways has raised no objection to the scheme on highway grounds, including highway safety.

The scheme has also been amended the pedestrian access onto Dodford Road no longer forms part of the application. Third parties have been notified of this amendment.

A number of comments have been received and many of these concerns have been addressed within this report. Concerns have also been raised in respect of the development setting a precedent locally and the fact that other 'similar' applications have been refused throughout the District. 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 by the Local Planning Authority.

Loss of mature trees and hedgerow has been raised by some objectors; however the Tree Officer is satisfied with the scheme as there is no loss of mature trees, the majority of which are located on the boundary.

Conclusion

The proposal would have an acceptable impact upon residential amenity, highway implications, trees 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 overall scale, height and design of the dwelling would be acceptable in the context of the wider locality and the character of the surrounding area.

The proposal would deliver a dwelling in an accessible location in an established residential area and is therefore viewed to be sustainable development. Albeit limited, the benefit provided by the delivery of one dwelling 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, trees, ecology and highway safety. The perceived adverse impacts do not significantly and demonstrably outweigh the benefits of

the scheme and therefore permission should be granted in accordance with paragraph 11 of the NPPF which sets out the presumption in favour of sustainable development.

RECOMMENDATION: That planning permission be **GRANTED**

Conditions:

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

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

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

Drawing Number -19-56-00 - Site Location Plan
Drawing Number - 19-56-11A - Floor Plans
Drawing Number - 19-56-12A Elevations 1
Drawing Number - 19-56-13A Elevations 2
Drawing Number - 19-56-10B Site Plan and Roof Plan
Drawing Number - 19-56-15C Street Scene - (Dodford Road)
Drawing Number - 19-56-14B Cross Section of Site
Drawing Number - 19-56-16 – Block Plan

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 soakaway tests have been carried out in accordance with BRE Digest 365 (updated 2016), or such other guidance as may be agreed in writing by the Local Planning Authority. The results of the tests shall be submitted to and agreed in writing by the Local Planning Authority and the agreed recommendations shall be implemented in full prior to the first use of the development hereby approved. Surface water from the development shall discharge to soakaway drainage designed to cope with a 1 in 100 year event plus 30% allowance for climate change. The soakaway drainage shall be implemented 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) All retained trees and their Root Protection Areas must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. No storage of plant/materials within the Root Protection Areas of any retained trees.

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

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

Reason: To support sustainable communities.

Informatives

- 1) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or Vehicular turning area does not discharge onto the Public Highway. No drainage or effluent from the proposed development shall be allowed to discharge into any Highway drain or over any part of the Public Highway.

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