



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 5TH JULY 2021
AT 6.00 P.M.

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

MEMBERS: Councillors A. J. B. Beaumont, G. N. Denaro, S. P. Douglas,
A. B. L. English, S. G. Hession, H. J. Jones, J. E. King,
P. M. McDonald, M. A. Sherrey, P.L. Thomas and P. J. Whittaker

AGENDA

1. Election of Chairman for the Ensuing Municipal Year
2. Election of Vice-Chairman for the Ensuing Municipal Year
3. To receive apologies for absence and notification of substitutes
4. 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.
5. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 16th March, 22nd March, 12th April and 27th April 2021 (Pages 1 - 34)
6. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
7. Tree Preservation Order (2) 2021 - Trees on Land at 1A College Road, Bromsgrove, B60 2NE (Pages 35 - 90)

8. 20/00643/FUL - Full Planning Permission for the use of land for the stationing of 90 static residential park homes for the over 55s, with associated parking, internal service roads, and landscaping and acoustic fence to the north, east and west boundaries - Corbett Business Park, Shaw Lane, Stoke Prior, Bromsgrove, Worcestershire, B60 4EA - Mongoose Limited (Pages 91 - 154)
9. 20/01502/FUL - Internal works to facilitate a new mezzanine level in the storage and distribution building, approved under the reserved matter, consent 19/00619/REM - Redditch Gateway, Land Adjacent To The A4023, Coventry Highway, Redditch, Worcestershire - Momentum Projects Limited (Pages 155 - 170)
10. 21/00090/FUL - Proposed extensions to dwelling - 29 Newfield Road, Hagley, Stourbridge, Worcestershire, DY9 0JR - Mr. C. Rees-Cooke (Pages 171 - 196)
11. 21/00312/FUL - Proposed detached dwelling house using, previously approved access driveway - 32 Lickey Square, Lickey, Birmingham, Worcestershire, B45 8HB - Mr. P. Norton (Pages 197 - 224)
12. 21/00204/FUL - Redevelopment of builder's yard site to provide 2 no. semi-detached dwellings and associated vehicular access and landscaping - Land To The Rear Of Redhill Place, Hunnington, B62 0JR - Mr. C. Myatt (Pages 225 - 250)
13. 20/00443/FUL - Glazed sun room (part retrospective) - remove sloped roof and replace with flat aluminium-framed glazed roof, retaining the remaining structure as existing - Four Stones Restaurant, Adams Hill, Clent, Stourbridge, Worcestershire DY9 9PS - Messrs AS, BS and BS Bhandal (Pages 251 - 264)
14. 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

25th June 2021

If you have any queries on this Agenda please contact

**Pauline Ross
Democratic Services Officer**

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BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

GUIDANCE ON FACE-TO-FACE MEETINGS

Due to the current Covid-19 pandemic Bromsgrove District Council will be holding this meeting in accordance with the relevant social distancing arrangements for holding face-to-face meetings at a local authority.

Please note that this is a public meeting and will be live streamed for general access via the Council's YouTube channel, which can be accessed using the link below:

[Live Stream of Planning Committee](#)

If you have any questions regarding the agenda or attached papers, please do not hesitate to contact the officer named above.

GUIDANCE FOR ELECTED MEMBERS ATTENDING MEETINGS IN PERSON

In advance of the Committee meeting, Members are encouraged to consider taking a lateral flow test, which can be obtained for free from the NHS website. Should the test be positive for Covid-19 then the Member should not attend the Committee meeting, should provide their apologies to the Democratic Services Officer and should self-isolate in accordance with national rules.

Members and officers are encouraged to wear face masks during the meeting, unless exempt. Face masks should only be removed temporarily if the Councillor/ officer requires a sip of water and should be reapplied as soon as possible. Refreshments will not be provided, therefore Members and officers are encouraged to bring your own supply of water.

Hand sanitiser will be provided for Members to use throughout the meeting.

The meeting venue will be fully ventilated and Members and officers may need to consider wearing appropriate clothing in order to remain comfortable during proceedings.

PUBLIC ATTENDANCE

Members of the public will still be able to access meetings of Planning Committee in person if they wish to do so. However, due to social distancing

requirements to ensure the safety of participants during the Covid-19 pandemic there will be limited capacity and members of the public will be allowed access on a first come, first served basis. Members of the public in attendance are encouraged to wear face-masks, to use the hand sanitiser that will be provided and will be required to sit in a socially distanced manner at the meetings. It should be noted that members of the public who choose to attend in person do so at their own risk.

Alternatively, members of the public may prefer to observe the meeting safely on the Council's YouTube channel.

In line with Government guidelines, any member of the public who has received a positive result in a Covid-19 test on the day of a meeting should not attend in person and should self-isolate in accordance with the national rules.

PUBLIC SPEAKING

The usual process for public speaking at meetings of the Planning Committee will continue to be followed subject to some adjustments. For further details a copy of the amended Planning Committee Procedure Rules can be found on the Council's website at [Planning Committee Procedure Rules](#).

The process approved by the Council for public speaking at meetings of the Planning Committee is (subject to the discretion and control of the Chair), as summarised below:

- 1) Introduction of application by Chair**
- 2) Officer presentation of the report**
- 3) Public Speaking - in the following order:-**
 - a. objector (or agent/ spokesperson on behalf of objectors);**
 - b. applicant, or their agent (or supporter);**
 - c. Parish Council representative (if applicable);**
 - d. Ward Councillor**

Each party will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair.

Speakers will be called in the order they have notified their interest in speaking to the Democratic Services Officer and invited to address the Committee either face to face or via Microsoft Teams.

- 4) Members' questions to the Officers and formal debate / determination.**

Notes:

- 1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Team on 01527 881406 or by email at p.ross@bromsgroveandredditch.gov.uk before 12 noon on Thursday 1st July 2021.
- 2) Advice and assistance will be provided to public speakers as to how to access the meeting and those registered to speak will also be invited to participate face to face or virtually via a Microsoft Teams invitation. Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting by Microsoft Teams, and those speakers will be given the opportunity to submit their speech in writing to be read out by an officer at the meeting. Please take care when preparing written comments to ensure that the reading time will not exceed three minutes. Any speakers wishing to submit written comments must do so by 12 noon on Thursday 1st July 2021.
- 3) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues, the case officer's presentation 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 Council's website www.bromsgrove.gov.uk
- 4) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Bromsgrove District Plan (the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the Development Plan and the "environmental factors" (in the broad sense) which affect the site.
- 5) Although this is a public meeting, there are circumstances when the Committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded and for any such items the live stream will be suspended and that part of the meeting will not be recorded.

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Planning Committee
16th March 2021

BROMSGROVE DISTRICT COUNCIL

VIRTUAL MEETING OF THE PLANNING COMMITTEE

TUESDAY, 16TH MARCH 2021, AT 6.05 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, S. G. Hession, J. E. King, P. M. McDonald, M. A. Sherrey and P.L. Thomas

In attendance: Mr. G. Nock and Mr. M. Howell, Jacobs Engineering. Mr. T. Sheach, Mott MacDonald.

Observers: Mr. R. Williams, Worcestershire Regulatory Services (WRS)

Officers: Mrs. R. Bamford, Mr. A. Hussain, Ms. C. Flanagan, Mr. D. M. Birch, Mr. S. Jones, Mr. M. Dunphy, Ms. K. Hanchett, WCC Highway Authority, Mr. T. Ainscough and Mr. N. Kirby, WRS, Ms. A. Barnes and Mr. M. Martin-White, WCC Education, Mrs. P. Ross and Mrs S. Sellers

95/20

TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

An apology for absence was received from Councillor M. Glass with Councillor M. A. Sherrey in attendance as the substitute Member.

96/20

DECLARATIONS OF INTEREST

Councillor J. E. King asked for it to be noted that she was a Committee Member of CPRE, the countryside charity, Worcestershire.

Councillor S. G. Hession asked for it to be noted that in her role as a District Councillor she knew Mr. A. Bailes, who was addressing the Committee on behalf of Whitford Vale Voice; however, she had not discussed the two applications, 16/0335/OUT Land at Perryfields Road, Bromsgrove and 20/00300/FUL – The former Greyhound Public House, 30 Rock Hill, Bromsgrove, with Mr. Bailes.

97/20

MINUTES

The minutes of the Planning Committee meeting held on 15th February 2021, were received.

RESOLVED that the minutes of the Planning Committee held on 15th February 2021, be approved as a correct record.

98/20

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING

The Chairman announced that Committee Updates had been circulated to all Planning Committee Members and he asked if all Members had received and read the Committee Update reports.

The Charman took the opportunity to inform all those present that the public speaking time had been increased to 15 minutes per category; and that officers would be presenting a joint presentation for Planning Applications 16/0335/OUT – Land at Perryfields Road, Bromsgrove and 20/00300/FUL – The former Greyhound Public House, 30 Rock Hill, Bromsgrove.

The Development Management Manager, Bromsgrove District and Redditch Borough Council's clarified that the 15 minutes public speaking time was the combined total for both applications.

99/20

16/0335/OUT - OUTLINE APPLICATION FOR THE PHASED DEVELOPMENT OF UP TO 1,300 DWELLINGS (C3); UP TO 200 UNIT EXTRA CARE FACILITY (C2/C3); UP TO 5HA EMPLOYMENT (B1); MIXED USE LOCAL CENTRE WITH RETAIL AND COMMUNITY FACILITIES (A1, A2, A3, A4, A5, D1); FIRST SCHOOL, OPEN SPACE, RECREATIONAL AREAS AND SPORTS PITCHES; ASSOCIATED SERVICES AND INFRASTRUCTURE (INCLUDING SUSTAINABLE DRAINAGE, ACOUSTIC BARRIER); WITH MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE (INCLUDING INTERNAL ROADS) BEING INDICATIVE AND RESERVED FOR FUTURE CONSIDERATION, EXCEPT FOR DETAILS OF THE MEANS OF ACCESS TO THE SITE FROM BOTH KIDDERMINSTER ROAD AND STOURBRIDGE ROAD, WITH ASSOCIATED HIGHWAY WORKS (INCLUDING ALTERED JUNCTIONS AT PERRYFIELDS ROAD / KIDDERMINSTER ROAD AND PERRYFIELDS ROAD / STOURBRIDGE ROAD) SUBMITTED FOR CONSIDERATION AT THIS STAGE - LAND AT, PERRYFIELDS ROAD, BROMSGROVE, WORCESTERSHIRE - TAYLOR WIMPEY UK LTD

Officers stated that, as highlighted by the Chairman, the Committee would receive a joint presentation for Planning Applications 16/0335/OUT and 20/00300/FUL; with input from officers from Jacobs Engineering representing Worcestershire County Council (WCC), Highway Authority and WCC Highway officers.

Members were further informed that, as briefly detailed on pages 9 and 125 of the main agenda report, both applications would be determined by the Planning Inspectorate at a public enquiry currently scheduled to convene in May 2021.

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Three Committee Updates had been issued, copies of which were provided to Members and published on the Council's website prior to the commencement of the meeting.

Committee Update 1 – detailed information from WCC Highway Authority, with regard to 2 conditions being proposed. Whitford Vale Voice a summary of their remaining concerns and Bromsgrove Society highways issues and Officer comments.

Committee Update 2 – response from WCC Highway Authority and Mott MacDonald to further representations received.

Committee Update 3 – Case Officers comments to concerns raised by the general public regards the established herd of deer on the site. Detailed information with regard to s106 contributions and amended condition in respect of the Construction Environment Management Plan. Updated presentation slide 22 – Sustainable Transport Summary.

Officers reported that in brief the outline application was for the phased development of up to 1,300 dwellings, employment use, community facilities, a first school, recreation and sports facilities and open space. The full details were shown on page 9 of the main agenda report.

The applicant had offered to incorporate 10 self-build plots as a component of the 1,300 dwellings.

The Perryfields Road site was one of three sustainable urban extensions allocated (as BROM2) under Policy BDP5 of the Bromsgrove District Plan.

Members were asked to note, that part of the development plan allocation had already been met in the form of a development of 100% affordable housing situated towards the north eastern end of the allocation. Accordingly, the residual requirement for affordable housing on the application site was 30% in this case, as opposed to 40%.

The site was located to the south of the intersection between the M5 and the M42, extending between the A448 Kidderminster Road to the south, the B4091 Stourbridge Road to the north-east, and bounded by the residential area of Sidemoor to the south east. The site sat within the Perryfields Ward.

The majority of the site lay outside the designated Green Belt and encompassed that identified as BROM2, in the Bromsgrove District Local Plan. A relatively small area of land to the northern end of the site extended into the designated Green Belt.

A new school would be constructed, as due to the quantum of the site, it necessitated a new school being built.

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In order to mitigate the impact of motorway noise an acoustic barrier which would comprise of an earth bund and fence with planting being proposed.

With regards to sports provision, there would be a linkage through to the existing open space. The s106 agreement included the ability for Bromsgrove District Council to adopt on site open space, the sports pavilion and playing pitches.

At this stage in the meeting, Mr. G. Nock, Jacobs Engineering, working with WCC Highway Authority, informed the Committee that the development site would have two vehicular access points, with enhanced pedestrian facilities and cycleway improvements, as detailed on presentation slides 18 and 19 of the main agenda report.

Kidderminster Road to the south in the form of a large roundabout with two lane access for capacity. Vehicle tracking had been undertaken and had been reviewed by County Engineers and was also supported by Road Safety Audit Stage 1.

Stourbridge Road to the north of the site – this access was to be a signalised access located north to the existing Perryfields Road junction with Stourbridge Road; with wider pedestrian enhancements that would tie in with the existing pedestrian facilities. This vehicular access was currently being advanced through detailed design as part of a S278 process with officers at the County Council and had been informed by an associated Road Safety Audit.

Presentation slide 20 detailed the Public Transport Strategy and highlighted that the key was to be integrated and to connect the new and existing residential areas to the railway station, with the Town Centre as the focal point of the network. The intention was to reprioritise walking and cycling, as detailed on presentation slide 21; with a high-quality public transport infrastructure, that was reliable and frequent. There would be contributions of up to £452,000 for Public Transport services and £30,000 towards a high-quality bus infrastructure.

Presentation slide 22 detailed the Sustainable Transport Summary with the overall package receiving a contribution of £1,863,000.

Presentation slide 23 detailed the Traffic Assessment, a multi tooled approach was taken which identified the key routes impacted, junction impacts, enhanced pedestrian facilities and where those impacts were and the mitigation points for highway improvements, as detailed on presentation slides 24 and 25. Each mitigation had been supported by a Road Safety Audit. Members were asked to note that the contribution of £5.7m was for a Transport Package and not for a Highway Package as shown on the presentation slide.

The Highway Authority had undertaken a robust assessment of the application.

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At this stage in the meeting, the Council's Strategic Planning and Conservation Manager, drew Members' attention to presentation slide 26 Highways and Transport Interventions.

Members were informed that, as recommended by Mott MacDonald, that a transport mitigation package would be secured and implemented against a background of an ongoing 'Monitor and Manage' Strategy; where the level of demand for travel by all modes was surveyed at salient intervals throughout the delivery of the scheme until fully constructed, as detailed on page 26 of the main agenda report.

Working with this new strategy, officers would carry out an assessment and once prepared, officers would work with County Highways to assess the level of impact. There would be a certain level of impact and if the levels of impact over time appeared to be larger than predicted, then there was an additional fund of £705,000 in place to address that additional impact. Officers were not expecting this to happen but if it did then there would be a reaction to it, using the £705,000 flexible travel fund.

Officers would work with WCC Highway Authority and the developer, a set of surveys would be undertaken, and those surveys would show the level of impact through a 'Monitor and Manage' approach, as recommended by Mott MacDonald. The level of impact would be assessed and if there were additional things required the £705,000 funds could be used.

Members' attention was further drawn to the list of 6 items, listed on presentation slide 26, that the developer had already proposed under the 'Monitor and Manage' approach.

The Strategic Planning and Conservation Manager commented that this was a new approach going forward. The focus was around sustainable transport, flexibility and being able to react and enhance to new schemes, should they arise, under the 'Monitor and Manage' strategy. There would be a s106 contribution for the Mobility, Monitor, Manage Steering Group, as referred to in Committee Update 3.

Officers drew Members' attention to presentation slide 27, which detailed a summary of the s106 components, which would be secured by a legal agreement.

Officers further drew Members' attention to the revised schedule of all s106 contributions, as detailed on pages 1 to 4 of Committee Update 3, which included:-

- A financial contribution of up to a maximum of £807,315.83 to meet annual shortfalls in NHS Service revenue.
- A substantial contribution towards sports and recreation (on site and off site)

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- Contribution towards the provision of the First School and towards the expansion by one form of entry provision at South Bromsgrove High School.

Members were asked to note that these costs were minimum figures. The costs and supporting evidence were subject to further assessment by WCC Education. WCC Education were currently in the process of reviewing the methodology for calculating contributions.

Officers further drew Members' attention to Committee Update 1 and the additional conditions proposed by WCC Highway Authority with regard to offsite works / site access.

Officers informed the Committee, that as detailed in Committee Update 3, that an additional criterion to Condition 10, the Construction Environment Management Plan (CEMP) had been included, as follows, "Measures to avoid the inadvertent entrapment of wildlife during construction".

At the invitation of the Chairman, Councillor P. Baker, representing Catshill & North Marlbrook Parish Council and Mr. A. Bailes, representing Whitford Vale Voice addressed the Committee in objection to the Application. Mr A. Cunningham, Taylor Wimpey and Mr. R. Shaw, Savills addressed the Committee on behalf of the Applicant. Councillor L. Mallett, Ward Member also addressed the Committee in objection to the Application.

At this stage in the meeting the Chairman announced that Members and officers would be taking a comfort break.

Accordingly, the meeting stood adjourned from 19:55pm to 20:22pm.

Having reconvened, the Chairman announced that Councillor J. E. King would no longer be taking part in the meeting.

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

Officers apologised for the incorrect information detailed at paragraph 24.18 with regard to the total population and highlighted that the figures shown in Committee Update 3 had been calculated correctly.

In response to questions from Members, Mr. Nock, Jacobs Engineering clarified that with regards to the Market Street / Birmingham Road (Parkside junction) that funding had been secured towards enhancement at this junction, as detailed on pages 20 and 21 of the main agenda report.

Highways Officers further commented that the junction would be optimised taking into account both pedestrians and cyclists.

Mr. Nock further commented that with regard to the potential for 'rat runs' on Broad Street, Willow Road and Cherry Orchard Road, he would be unable to comment as he had no evidence before him to quantify the potential for 'rat runs' in these areas.

Members were further informed that in respect of Perryfields Road, that there would be unfettered access for pedestrians and cyclists.

Mr. Nock further informed the Committee that public transport would be delivered so as to have a flexible, most reliable service going to key destinations. This would also be monitored through the new 'Mobility, Monitor and Manage' approach, with a strategy to adopt new technologies in public transport as they were introduced.

Some Members stated that the application complied with the Bromsgrove District Local Plan and was one of the key town centre expansion sites allocated under Policy BDP5A. It played a crucial role in supplying housing land and its development would boost the provision of additional and affordable housing in Bromsgrove.

Members debated the application in detail and officers responded to further questions from the Committee in respect of:-

- Affordable housing contribution.
- Perryfields spine road, mitigation measures to address any traffic problems which would occur as a result of such a large development.
- Trigger points for local centre and community facilities.
- Drainage.
- Employment usage.
- NHS Clinical Commissioning Group (CCG) no contribution being sought.

Officers clarified that there were reasonable trigger points detailed in the s106 agreement for the delivery of the local centre and community facilities, which would be delivered during the course of the development. There was still some agreement to be reached with the developer with regard to contributions for the local centre and community facilities.

The relevant agencies had been consulted with regard to drainage and had not submitted any objections.

The NHS CCG had stated that there was no requirement for a contribution towards local GP surgery provision, and officers commented that they could not pursue this further.

Officers referred to the comments received from North Worcestershire Economic Development and Regeneration (NWEDR) as detailed on page 54, in that the applicants had identified within their Design and Access Statement, that the "employment areas should provide flexibility

in terms of units size and arrangements, and will be subject to a future design brief to be prepared following grant of planning permission”. This approach was supported by NWEDR.

The Committee referred to the proposed carbon neutral and green credentials of the development and the information detailed on page 43 of the main agenda report from the Worcestershire Green Infrastructure Partnership; and page 53 of the main agenda report in respect of electric vehicle charging.

Whilst Members thanked officers for a comprehensive report and applauded the emphasis on the proposed sustainable modes of transport, some concerns were still raised with regard to Perryfields being made into a spine road and if the road infrastructure being put forward was adequate.

Mr. Nock commented that he had nothing further to add on the spine road proposals. Highway officers commented that Members had seen their consultation responses, as detailed in the officer’s report, they had looked at what was being proposed by the developer and they believed it to be acceptable and had nothing more to add. They had listened to the concerns raised, had assessed what was being put forward and had deemed it to be acceptable.

Members further commented that the application complied with the Council’s designated ADR, the National Planning Policy Framework (NPPF) and was a sustainable development. There was a desperate need for housing and affordable housing. The questions and concerns raised in respect of Highways issues had been answered in detail by WCC Highway Authority and Mott MacDonald.

WCC Education officers clarified that the funding being sought in respect of the first school phase was £2.5 million, as detailed in Committee Update 3. Officers further clarified that, as stated earlier, that WCC Education were currently in the process of reviewing the methodology for calculating contributions, as detailed in Committee Update 3.

In response to further questions from the Committee, officers confirmed the following, that -

- Worcestershire Acute Hospital Trust had reduced the contribution that they were seeking.
- There was a statutory undertaking, as part of the Highways Act, by the developer to relocate any utilities.
- WRS had requested with regard to the human health risk assessment, that a site investigation to be included as a condition of the application .
- Matters of landscaping would be considered under ‘Reserved Matters’.

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Officers further highlighted, that as detailed in Committee Update 3, recommendation (e) “that delegated powers be granted to the Head of Planning, Regeneration and Leisure to agree the contributions yet to be agreed as part of the appeal process”. Members were reassured that the agreed contributions would be index linked.

Officers further confirmed that, an additional condition in respect of all new buildings being zero energy, was not a necessary condition. Officers drew Members’ attention to page 111, part 12 which stated “Innovative solutions to a range of environmental issues, to maximise resource efficiency and climate change adaptation through external or internal features, passive means such as landscape contribution, layout/orientation, massing, and external building features. Any legislation passed by central government, in respect of new buildings, would have to be met under the building regulations in place at the time of the build.

Therefore, the substantive view of the Committee was as follows:

RESOLVED that outline planning permission would have been granted,

- a) authority be delegated to the Head of Planning and Regeneration to agree a suitable and satisfactory legal mechanism in relation to the conditions as set out in the report;
- b) the additional Conditions from Worcestershire County Council Highway Authority, as detailed on page 1 of Committee Update 1;
- c) the s106 contributions, as detailed on pages 1 to 4, of Committee Update 3,

and

- d) amended criterion to Condition 10, as detailed on page 4, of Committee Update 3.

100/20

20/00300/FUL - ALTERATIONS TO THE JUNCTION OF FOX LANE AND ROCK HILL TO FORM A ROUNDABOUT JUNCTION. DEMOLITION OF THE EXISTING BUILDING (THE FORMER PUBLIC HOUSE 'THE GREYHOUND INN') - THE FORMER GREYHOUND [PH], 30 ROCK HILL, BROMSGROVE, WORCESTERSHIRE, B61 7LR - TAYLOR WIMPEY UK LTD

As highlighted at the commencement of the meeting, the Committee received a joint presentation for Planning Applications 16/0335/OUT and 20/00300/FUL.

Members were also further informed that, as briefly detailed on pages 9 and 125 of the main agenda report, both applications would be determined by the Planning Inspectorate at a public enquiry currently scheduled to convene in May 2021.

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Three Committee Updates had been issued, with Committee Updates 1 and 3 containing information on this application. Copies of the Committee Updates were provided to Members and published on the Council's website prior to the commencement of the meeting.

Committee Update 1 – Bromsgrove Society heritage issues and officer comments to those issues; and Revised Condition 2.

Committee Update 3 – further representations received from the public and Officer comments, as detailed on page 5 of the Committee Update 3.

The application sought alterations to the junction of Fox Lane and Rock Hill to form a roundabout junction; with the demolition of the existing building (The former public house 'The Greyhound Inn').

Members were informed that the scheme submitted by Taylor Wimpey for the proposed alterations to the junction of Fox Lane and Rock Hill was identical to that which had been accepted by Worcestershire County Council for the Whitford Road scheme.

Officers clarified that the Albert Road access was solely to serve maintenance of the remnant land, no residential development was being sought in this application. The access would be retained to allow the site to be served by maintenance vehicles for landscaping work. However, Members were asked to note that the Catesby Estates Ltd development of Whitford Road scheme did include some residential development on the application site.

Members agreed to go straight to the vote, as officers had provided answers to questions, with regard to this application, raised by Committee Members during the debate on application 16/0335/OUT.

Therefore, the substantive view of the Committee was as follows:

RESOLVED that full planning permission would have been granted,

- a) authority be delegated to the Head of Planning and Regeneration to discuss the final scope and detailed wording and numbering of Conditions, as set out in the report; subject to:
- b) revised Condition 2, as detailed on page 18 of Committee Update 1.

The meeting closed at 9.28 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

VIRTUAL MEETING OF THE PLANNING COMMITTEE

MONDAY, 22ND MARCH 2021, AT 6.08 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, J. E. King, P. M. McDonald, M. A. Sherrey and P.L. Thomas

Officers: Ms. C. Flanagan, Mr. A. Hussain, Mr. D. M. Birch, Mrs. N. Chana, Mrs L. Russ, Mr. D. Kelly, Miss. E. Farmer and Mrs. P. Ross

101/20 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence was received from Councillors M. Glass and S. G. Hession, with Councillor M. A. Sherrey in attendance as the substitute Member for Councillor S. G. Hession.

102/20 **DECLARATIONS OF INTEREST**

Councillor P. J. Whittaker declared in relation to Agenda Item No. 8, 20/01063/FUL – Stoney Lane Farm, Stoney Lane, Alvechurch, Worcestershire, B60 1LZ (Minute No 108/20), in that the application site related to land on his farm. Councillor P. J. Whittaker left the virtual meeting prior to the consideration of this item.

Councillor P. J. Whitaker asked for it to be noted, that in relation to Agenda Item No. 6, 20/01129/FUL – 9 Parish Hill, Bournheath, Bromsgrove, Worcestershire, B61 9JH; that he knew the public speaker in a professional capacity, but he did not think that his knowledge of the public speaker would have an effect on his judgement on this application.

Councillors R. J. Deeming, A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, J. E. King, P. M. McDonald, M. A. Sherrey and P. L. Thomas, declared other disclosable interests in Planning Application 20/01603/FUL – Stoney Lane Farm, Stoney Lane, Alvechurch, Worcestershire, B60 1LZ; in that the land was within the ownership of a member of the Planning Committee and the Councillors were acquainted with the member.

103/20 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING**

There were no Committee Updates.

104/20

20/01064/FUL - PROPOSED SINGLE STOREY EXTENSION TO THE FRONT ELEVATION AND FIRST FLOOR REAR EXTENSION - 25 LONG COMPTON DRIVE, HAGLEY, STOURBRIDGE, WORCESTERSHIRE, DY9 0PD - MR & MRS NOCK

Officers stated that, as highlighted by the Chairman, the Committee would receive a detailed joint presentation for Planning Applications 20/01064/FUL – 25 Long Compton Drive and 20/01065/FUL – 27 Long Compton Drive.

Officers presented the joint presentation and report and explained to the Committee that the dwelling was semi-detached; and that the proposal was for a single storey front extension to the lounge and a first-floor extension at the rear of the dwelling. The site was located within the residential area of Hagley.

Officers further explained that the proposed first floor extension at the rear would project two metres beyond the rear wall. The two-metre projection would be in breach of the 45-degree guidance and would therefore have a detrimental effect of the amenity of the occupiers of No. 27 Long Compton Drive.

Officers highlighted that the residents of No. 27 Long Compton Drive had also submitted a planning application, as detailed in the pre-amble above.

To overcome the 45-degree breach, both parties had agreed to enter into a Unilateral Undertaking with the Council to construct both the extensions at the same time. This joint approach would remedy the 45-degree code conflict.

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

In response to questions from Members, officers clarified that No. 27a would not be affected by the proposed extension.

Members commented that the Unilateral Undertaking was appropriate and that it would be inappropriate to grant one planning application and not the other.

Officers further clarified that the Unilateral Undertaking was in perpetuity and that if granted planning permission would last for 3 years, therefore the scheme would have to be implemented within 3 years.

Mr. A. Hussain, Legal Advisor to the Planning Committee, further stated that the Unilateral Undertaking would run with the land and that both of the applicants would have to implement and complete their extension

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simultaneously. Any new occupier of the dwelling would have 'successor entitlement' and would have to adhere to the Unilateral Undertaking.

Members agreed that the Unilateral Undertaking was sensible and noted that both parties had agreed to enter into a Unilateral Undertaking. Therefore, the Committee were minded to approve both applications.

RESOLVED that full Planning Permission be granted, subject to:-

1. authority be delegated to the Head of Planning, Regeneration and Leisure to determine the full planning application following the satisfactory completion of a Unilateral Undertaking to agree that both planning consents (20/01064/FUL and 20/01605/FUL be implemented at the same time;

and

2. subject to the Conditions as detailed on pages 2 and 3 of the main agenda report.

105/20

20/01065/FUL - PROPOSED SINGLE STOREY EXTENSION TO FRONT ELEVATION AND FIRST FLOOR REAR EXTENSION - 27 LONG COMPTON DRIVE, HAGLEY, STOURBRIDGE, WORCESTERSHIRE, DY9 0PD - MR & MRS MUMBY

For the reasons as detailed at Minute Number 104/20, Members were minded to approve Planning Permission.

RESOLVED that full Planning Permission be granted, subject to:-

1. authority be delegated to the Head of Planning, Regeneration and Leisure to determine the full planning application following the satisfactory completion of a Unilateral Undertaking to agree that both planning consents (20/01065/FUL and 20/01064/FUL be implemented at the same time;

and

2. subject to the Conditions as detailed on pages 6 and 7 of the main agenda report.

106/20

20/01129/FUL - TWO STOREY SIDE EXTENSION. DEMOLITION OF WORKSHOP AND MODERN GARAGE. REMOVAL AND EXCAVATION OF EXISTING HARD SURFACE AND REPLACE WITH GARDEN AREA WITH TIERED RETAINING WALLS - 9 PARISH HILL, BOURNHEATH, BROMSGROVE, WORCESTERSHIRE, B61 9JH - AMIE HOLDEN

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

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Officers gave a detailed presentation and reported that the application site was located on the north-eastern side of Parish Hill, Bournheath, in the designated Green Belt, and outside of the defined village settlement boundary.

It comprised of an existing cottage set back from the highway behind a detached workshop, with a modern flat roof garage attached to the south-western elevation of the dwelling. There was a very small amenity area to the rear of the existing dwelling with the majority of the remainder of the site being a tarmac driveway.

There was a relatively steep gradient to the road with the land sloping downwards by approximately 3 metres from the south-west to north-east.

The proposal sought permission to construct a two-storey side extension, to demolish the workshop and modern garage and to remove and excavate the existing hard surface, which would be replaced with a tiered grassed green area comprising of retaining walls.

As the workshop was neither structurally viable nor retained any significant features related to its original function, in this instance its loss would be considered acceptable, subject to a condition that required an historic building record being undertaken.

Officers further highlighted that the Conservation Officer was in agreement that the nailer's cottage was of low significance and acknowledged the low potential for restoration of the building, for the reasons as detailed on page 21 of the main agenda report.

The two-storey extension would create enlarged living space on the ground floor and two more bedrooms and a study at first floor.

Officers informed the Committee that the development of new buildings in the Green Belt was considered inappropriate, except for a number of exceptions as outlined in Policy BDP4 of the District Plan and paragraph 145 of the NPPF. Criteria 4 of Policy BDP4 sets out that extensions were permitted to existing residential dwellings either up to a maximum of 40% increase of the original dwelling, or an increase of up to a maximum total floor space of 140m² (original dwelling plus extensions).

Officers drew Members' attention to page 22 of the main agenda report, which highlighted the 1994 extensions floor area of 10m² had been deducted from the floor area of the existing plans. Although the workshop was proposed to be demolished, it was still classed as an 'original' building in close proximity of the dwelling, therefore its floor area of 32.5m² had been included when determining the original base figure from which to calculate the percentage increase from.

The total floor area (ground and first floor) of the proposed extension would be 85.8m². This combined with the existing extension (of a

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minimum of 10m²) would still equate to an increase of 85.1%. The proposal would result in an increase in floor area on the site of 22.4m².

Officers stated that the Applicant had put forward Very Special Circumstances as detailed on page 24 of the main agenda report.

At the invitation of the Chairman, Mr. I. Keay, the Applicants agent addressed the Committee.

The Committee then went on to consider the application which officers had recommended be refused.

Officers responded to a number of points raised by Members during the debate and in doing so reiterated that the existing non-original attached modern garage was not part of the original cottage, it was deemed to be an extension and had not been included in the calculations due to the fact that it was proposed to be removed as part of the proposal. Page 22 of the main agenda report provided detailed information on the calculations considered by officers.

Members stated that whilst fully understanding the reasons for refusal and that the proposal went against the High Quality Design SPD; the proposed dwelling would enhance the street scene by removing the unsightly roadside workshop and modern garage. However, as highlighted in the report the proposed dwelling would equate to an increase of 85.1%, exceeding the maximum 40% increase as set out in Policy BDP4 of the District Plan.

Officers responded to further questions from the Committee and in doing so, informed Members that whilst the proposed extension would be narrower than the existing detached garage, it would still have a greater footprint and floor area given that the proposal was for a two-storey side extension.

Having considered the officer's presentation, the information provided by the speakers and clarification from officers with regard to the questions raised, Members were in agreement with officers that the Application be refused.

RESOLVED that Planning Permission be refused for the reasons as set out on pages 25 and 26 of the main agenda report.

107/20

20/01446/FUL - VARIATION TO SECTION 106 AGREEMENT ATTACHED TO APPLICATION 13/0054 FOR THE ERECTION OF AN AGRICULTURAL DWELLING - HILL FARM, HOCKLEY BROOK LANE, BELBROUGHTON, STOURBRIDGE, WORCESTERSHIRE DY9 0AA - MR. R. FAIRBAIRN

Officers clarified that the Application had been brought to the Planning Committee for consideration due to a variation of the Section 106 Agreement.

Officers explained that the site comprised of two large parcels of agricultural land within the ownership of the applicant. One of the parcels of land surrounded Hill Farm and other area was located to the south east of Hill Farm around New House Farm.

Planning permission was granted for the construction of an agricultural dwelling at Hill Farm, Belbroughton, under planning application 13/0054 on 27th March 2015, subject to an Agreement under Section 106 (S106) of the Town and Country Planning Act 1990, which effectively tied the occupation of the agricultural dwelling and the land in the ownership of the applicant within single planning unit, as detailed on page 44 of the main agenda report.

The sale of 54.16 acres (21.92ha) of the Land at New House Farm had been agreed subject to the variation of the S106 Agreement, also detailed on page 44 of the main agenda report,

The proposed variation of the S106 Agreement needed to be considered in the context of the policy purposes of the requirement in the approval of the original planning application 13/0054 for the construction of an agricultural dwelling, for the reasons as detailed on pages 44 and 45 of the main agenda report.

The proposed variation to the S106 Agreement attached to planning application 13/0054 to enable land to be sold would not conflict with the requirement for the agricultural dwelling permitted on the holding and would accord with policies BDP4 of the Bromsgrove District Plan and with the advice of Supplementary Planning Guidance Note 6 and the NPPF.

In response to questions from the Committee, officers clarified that there was a 10 year Farm Business Tenancy (FBT) on most of the land sold. The remaining farm, even without the proposed FBT, would be large enough to enable an occupant to comply with the agricultural occupancy condition attached to planning application 13/0054. Therefore, the area to be farmed would be the same area as currently farmed.

RESOLVED that the proposed Variation to the Section 106 Agreement be granted.

108/20

20/01603/FUL - INSTALLATION OF BOILER AND LONG LOG DRYING STORE WITHIN THE EXISTING BARN ONSITE - STONEY LANE FARM, STONEY LANE, ALVECHURCH, WORCESTERSHIRE, B60 1LZ - MR. M. POWELL

Officers clarified that the Application had been brought to the Planning Committee for consideration as the land was within the ownership of a Bromsgrove District Council Member.

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Officers explained that the application was for the re-use of an existing agricultural storage building for a log drying business. The proposal included the installation of a boiler and log dryer.

The proposed Biomass boiler was installed within the existing building and had not resulted in the increase of its overall footprint. However, the biomass boiler had required the installation of a flue within the existing roof slope of the building, which was the only external change.

The flue would project through the roof of the building by approximately 1.7 metres; but would not result in the overall volume or floor area of the building being increased. Due to this, it was not considered that the proposed flue would be a disproportionate addition over and above the size of the original building.

Officers drew Members' attention to rural diversification, as detailed on page 53 of the main agenda report.

RESOLVED that planning permission be granted subject to the Conditions and Informatives, as detailed on page 54 of the main agenda report.

The meeting closed at 7.10 p.m.

Chairman

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BROMSGROVE DISTRICT COUNCIL

VIRTUAL MEETING OF THE PLANNING COMMITTEE

MONDAY, 12TH APRIL 2021, AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, S. G. Hession, J. E. King, P. M. McDonald and P.L. Thomas

Officers: Ms. C. Flanagan, Mr. A. Hussain, Mr. D. M. Birch, Mr. S. Agimal, Worcestershire County Council, Highways Authority, Mrs. L. Russ, Ms. S. Williams and Mrs. P. Ross

109/20 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

An apology for absence was received from Councillor M. Glass.

110/20 **DECLARATIONS OF INTEREST**

Councillor J. E. King declared in relation to Agenda Item No. 7, 20/01402/FUL- 32 Gleneagles Drive, Blackwell, Bromsgrove, Worcestershire, B60 1BD (Minute No 115/20), in that she had objected to the application; and had requested that the application be considered at Planning Committee rather than being determined under Delegated Powers.

Councillor J. E. King left the virtual meeting prior to the consideration of this item.

Councillors R. J. Deeming, A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, S. G. Hession, J. E. King, P. M. McDonald P. L. Thomas and P. J. Whitaker declared other disclosable interests in Planning Application 21/00254/FUL – 27 Shaw Lane, Stoke Prior, Bromsgrove, Worcestershire, B60 4DS, in that the applicant was a Councillor and that they were acquainted with the Councillor.

111/20 **MINUTES**

The minutes of the Planning Committee meeting held on 1st March 2021, were received.

RESOLVED that the minutes of the Planning Committee held on 1st March 2021, be approved as a correct record.

112/20

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING

The Chairman announced that a Committee Update had been circulated to all Planning Committee Members prior to the meeting commencing.

The Chairman further announced that the running order of the agenda had been changed and that Agenda Item No. 8, Planning Application 21/00254.FUL would be considered by the Committee before Agenda Item No. 7, Planning Application 20/01402/FUL.

113/20

20/01392/FUL - CONVERSION OF FORMER NURSING HOME INTO 15 NO. APARTMENTS - THE HALL NURSING HOME, OLD STATION ROAD, BROMSGROVE, WORCESTERSHIRE, B60 2AS - MORRISON NASH DEVELOPMENTS

Officers reported that Conditions 5 and 14 had been amended and an additional Condition, Condition 18 had been included; as detailed in the published Committee Update, copies of which were provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers stated that, as highlighted by the Chairman, the Committee would receive a joint presentation for Planning Applications 20/01392/FUL and 20/01393/LBC.

Officers informed the Committee that permission was sought to convert the former nursing home into 7 No. one bedroom and 8 No. two bedroom apartments, with amenity provision and off street car parking. Existing structures would remain, apart from the low quality additions such as lean tos and conservatories.

The building had previously been used as a nursing home and had since closed down. The building had fallen into disrepair.

The site was within an area designated as residential in the Bromsgrove District Plan and given its close proximity to public transport links and within walking distance to the town centre, the principle of residential development in this sustainable location would be acceptable and would comply with Policy BDP1 of the District Plan.

Given the previous use of the building the conversion works would lend themselves towards 1 and 2 bedroom accommodation. The provision of 1 and 2 bedroom units in this location would be acceptable and would comply with Policy BDP7.

The scheme provided sufficient functional space for residential development and incorporated appropriate amenity space for the occupiers complying with Policies BDP19 of the District Plan, the provisions of the NPPF, and the Council's SPD on High Quality Design.

The building was a Grade II listed building. The Conservation Officer had no objection to the principal of this structure. The proposed use would enable this designated heritage asset to be brought back into use and would save the building from any further decline.

Concerns had been raised by residents with regards to highways and parking, whilst there was one letter supporting the proposal; the majority of objections received related to car parking issues in the area and that the proposed scheme would hinder the existing on street car parking provision. Further evidence was provided via a Highway Technical Note that deemed the parking arrangements to be acceptable in this instance.

Officers drew Members' attention to Sustainability, as detailed on page 14 of the main agenda report.

Officers further drew Member's attention to the additional condition added, Conditions 18, that the existing gate along the southern boundary of the site would be used for maintenance and emergency use only, as detailed in the Committee Update.

At the invitation of the Chairman, Mr. J. Taylor and Mr. B. Taylor's objections were read out by the Democratic Services Officer. Mr. E. Nash. Morrison Nash Developments, applicants addressed the Committee. Councillor S. Robinson, Ward Member, also addressed the Committee.

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

In response to questions from Members and with the agreement of the Chairman, the Applicant clarified that there was an existing link bridge on the first floor that connected to the apartments.

Officers clarified that the existing gate along the southern boundary of the site would be used for pedestrian access for maintenance and emergency use only, it was not for emergency vehicles. Emergency vehicles would use the main access to the site. Officers reiterated the additional condition, Condition 18, as detailed in the Committee Update. The applicant has also made it clear that they would do everything they could to ensure that the use of the gate was controlled.

Members referred to the concerns raised with regards to car parking spaces. Officers highlighted that the site was located within walking distance of amenities, bus routes and bus stops and that Bromsgrove Railway Station was also located nearby, making the site sustainable and this had to be considered.

Members further commented that there was a need for 1 and 2 bedroom properties within the district.

Officers further clarified that there would be one electric charging point per unit.

WCC Highway Officers informed the Committee that with regards to placing bollards on the corner of the site, to prevent vehicles parking; that car parking control measures did not form part of the application proposal. Residents would need to contact their Ward Councillor who could request that WCC Highways look into the potential of placing bollards to prevent vehicles parking on the corner.

Officers stated that the parking bay within the cul de sac of Warwick Hall Gardens was a public parking bay.

In response to further questions from the Committee, officers explained that, as detailed on page 16 of the main agenda pack, Paragraph 63 of the NPPF stated that "To support the re-use of brownfield land, where vacant buildings were being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount". National policy provided an incentive for brownfield development on sites containing vacant buildings and vacant buildings being brought back into any lawful use.

Officers further explained that the Section 106 monitoring fee would be for the lifetime of the application, the monitoring fee, in essence, was for the resources it would take to monitor the Section 106 agreement trigger points.

Whilst Members understood the concerns raised by the residents with regard to car parking spaces, Members were of the opinion that these had been mitigated due to the sustainable location of the proposed development. Members were also in agreement that the proposed application was a well thought out scheme, that would bring a vacant building back to life as a beautiful old Grade 11 listed building.

RESOLVED that Planning Permission be granted subject to:-

- a) authority be delegated to the Head of Planning and Regeneration to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:-
 - i) £36,181.00 as a contribution towards enhancements to open space facilities at Aston Fields Recreation Grounds for the scheme.
 - ii) £4,738.00 as a contribution towards improved facilities at New Road Surgery.
 - iii) Planning Obligation Monitoring Fee: £TBC. Revised Regulations have been issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met; and

- b) that authority to be delegated to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of Conditions as set out in the report, with Conditions 5 and 14 as amended and additional Condition 18, as detailed in the Committee Update.

114/20

20/01393/LBC - CONVERSION OF FORMER NURSING HOME INTO 15NO. APARTMENTS - THE HALL NURSING HOME, OLD STATION ROAD, BROMSGROVE, WORCESTERSHIRE, B60 2AS - MORRISON NASH DEVELOPMENTS

Following on from the officer's joint presentation on Applications 20/01392/FUL and 20/01393/LBC, the Committee then considered the Application, which officers had recommended for approval.

RESOLVED that Listed Building Consent be granted, subject to the Conditions as detailed on pages 23 and 24 of the main agenda report.

115/20

21/00254/FUL - TWO STOREY REAR EXTENSION TO THE EXISTING HOUSE - 27 SHAW LANE, STOKE PRIOR, BROMSGROVE, WORCESTERSHIRE, B60 4DS - MR. R. HUNTER

Officers clarified that the Application has been brought to the Planning Committee for consideration, as the Applicant was a Councillor.

Officers informed Members that the application site was located on the southern side of Shaw Lane in the designated residential area of Stoke Prior.

The proposal sought permission to construct a two storey rear extension in place of an existing conservatory, which would be demolished, to form two bedrooms at first floor level and enlarged living accommodation on the ground floor. The ground floor would project 5 metres beyond the original rear wall of the dwelling and the first floor would project 3.5 metres.

No new side facing windows were proposed at first floor level other than roof lights, as such no concerns had been raised in respect of overlooking to adjacent properties or their gardens. The rear facing first floor windows serving the bedrooms would be approximately 23 metres away from the opposing windows in the dwellings to the rear of the site.

The proposed extension would not breach the 45 degree line at either first floor or ground floor level when drawn from the nearest habitable room window. As such, the extension would not result in a loss of light to neighbouring occupiers.

Members were further informed that no objections to the application had been received and that Stoke Parish Council had no objections to the application.

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

Officers responded to a query on Permitted Development and the criteria for such an extension to be built under Permitted Development Rights.

Officers further clarified that it was proposed that the side store, as shown on the 'Proposed Ground Floor Plan' would be removed.

RESOLVED that Planning Permission be granted subject to the Conditions as set out on page 57 of the main agenda report.

116/20

20/01402/FUL - SINGLE STOREY FRONT EXTENSION AND SINGLE AND TWO STOREY REAR EXTENSIONS - 32 GLENEAGLES DRIVE, BLACKWELL, BROMSGROVE, WORCESTERSHIRE, B60 1BD - MR. A. BROWN

Officers reported that an additional letter of support had been received and that further comments from the applicant had been submitted, as detailed in the Committee Update; copies of which were provided to Members and published on the Council's website prior to the commencement of the meeting.

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

Officers presented the report and outlined that the application related to a detached residential property located at the end of a cul de sac and within the residential area of Blackwell.

The application sought permission for a single storey front extension and at the rear a part single storey and part two storey extension.

The front extension would provide for a store in a position forward of what was currently the garage. This area would be brick built with a pitched roof over and would extend for a depth of 1.9 metres.

To the rear an existing conservatory would be removed and replaced with the single storey extension which would project 2.9 metres from the rear of the existing dwelling. This would provide for an extended kitchen and add a new playroom. The first floor rear extension would extend the existing bedroom by 1.9 metres. There were no windows proposed at the first floor in the side of this extension. The resultant dwelling would remain a five bedroom property.

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Officers were satisfied that the proposed arrangement would not give rise to any concerns relating to overbearing, overshadowing or lack of privacy, as detailed on page 40 of the main agenda report.

Officers commented that as Members would be aware, that two storey extensions were assessed against the 45 degree guidance as contained within the Council's Supplementary Planning Document (SPD), High Quality Design where a 45 degree line was drawn to the closest edge of the nearest habitable window of the neighbouring property.

At the invitation of the Chairman, Mr. A. Brown, the applicant addressed the Committee.

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

In response to questions from Members, officers reiterated that the proposal did meet the requirements as contained in the Council's Supplementary Planning Document (SPD), High Quality Design.

RESOLVED that Planning Permission be granted subject to the Conditions and Informatives, as set out on page 41 of the main agenda report.

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The meeting closed at 7.11 p.m.

Chairman

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BROMSGROVE DISTRICT COUNCIL

VIRTUAL MEETING OF THE PLANNING COMMITTEE

27TH APRIL 2021, AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, S. G. Hession, J. E. King and P.L. Thomas

Officers: Ms. C. Flanagan, Mr. A. Hussain, Mr. D. M. Birch, Mr. G. Boyes, Mr. P. Lester and Mrs. P. Ross

117/20 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

An apology for absence was received from Councillor P. M. McDonald.

118/20 **DECLARATIONS OF INTEREST**

With the agreement of the Chairman, Councillor P. J. Whittaker made a public apology in respect of an inappropriate comment made during the Planning Committee meeting held on Tuesday 16th March 2021.

Councillor J. E. King asked for it to be noted that, as Ward Member, she had spoken with the residents of Birkdale Avenue and had listened to their concerns with regard to the potential of trees being removed. However, she had made no written comments regarding this matter.

119/20 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING**

The Chairman announced that a Committee Update had been circulated to all Planning Committee Members prior to the meeting commencing.

120/20 **TREE PRESERVATION ORDER (19) 2020 TREES ON LAND OFF BIRKDALE AVENUE, BLACKWELL, BROMSGROVE**

The Committee considered a report which detailed proposals to confirm, without modification, Tree Preservation Order (No.19) 2020, relating to trees on land at the side of 37-38, Birkdale Avenue, Blackwell, Bromsgrove.

Officers provided a detailed presentation.

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Officers drew Members' attention to the recommendation, as detailed on page 1 of the main agenda report.

Officers informed the Committee that the provisional order was raised on 19th November 2020 in view of a perceived threat brought to the Council's attention by residents in Birkdale Avenue of a risk of further tree clearance on the site due to a future alternative use for the land.

Officers drew Members' attention to the objection received and the officer's comments in relation to the points raised within the objection, as detailed at Appendix 2 to the report.

Members' attention was also drawn to the letter of support, as detailed at Appendix 4 to the report.

Officers further informed the Committee that a Tree Evaluation Method for Preservation Orders (TEMPO) assessment of the group of trees had been carried out to aid the decision-making process of evaluating the trees suitability for protection.

The group of trees scored between 15 – 17, as detailed at Appendix 3 to the report. Any trees scoring over 12 under this method was deemed potentially suitable for Tree Preservation Order protection.

The trees were highly prominent to users of the railway and visitors to the area of Birkdale Avenue, offering a high degree of visual amenity value to passers-by on the train, pedestrians and visitors to Birkdale Avenue. They added greatly to the character of the area.

Members commented that they were in agreement with the officer. There were two green spaces in the whole of this residential area which was enjoyed by both residents and people who walked through the area. When the estate was developed it was deemed to be worthy of saving a much needed green area, which had since developed and matured over the last 30 years.

Therefore, Members were in agreement with the officer's recommendation.

RESOLVED that Tree Preservation Order (No.19) 2020 relating to trees on land at the side of 37-38, Birkdale Avenue, Blackwell, Bromsgrove, be confirmed without modification, as detailed in the Provisional Order on Appendix 1 to the report.

121/20

20/01565/FUL - DEMOLITION OF NO'S. 163 & 165 BIRMINGHAM ROAD AND CONSTRUCTION OF EIGHT DETACHED DWELLINGS, 163 - 165 BIRMINGHAM ROAD, LAND TO THE REAR OF 151 AND 157 BIRMINGHAM ROAD AND 73 ALL SAINTS ROAD, BROMSGROVE, W & J AND R & S THORN AND HUGHES

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Officers clarified that the Application had been brought to the Planning Committee for consideration as the floor area of the development exceeded 1000 square metres, and therefore, under the Council's Scheme of Delegation had to be referred to the Planning Committee for determination.

A further representation was received on 27th April 2021, which was also forwarded to all Planning Committee Members. A summary of the representation and the officer's response was detailed in the published Committee Update, copies of which were provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers provided a detailed presentation and informed the Committee that the application site comprised of 163 and 165 Birmingham Road. These were two brick built detached dwellings that dated from the mid-19th century and were located adjacent, thus in the setting of, the Grade II listed Bartleet House. Plus, land to the rear of 151 and 157 Birmingham Road and 73 All Saints Road, Bromsgrove.

The application sought planning permission to demolish the two existing dwellings and erect 8 detached dwellings. This would result in a net increase of 6 dwellings.

The site was (0.34ha) and was located between several residential dwellings fronting Birmingham Road, as detailed on page 30 of the main agenda report.

The effect of the proposal on nearby designated and non-designated heritage assets, the impact on the Setting of nearby Designated Heritage Asset and the Conservation Officers comments were detailed on pages 31 to 33 of the main agenda report.

There was an extant planning permission for 5 dwellings on part of the application site (20/00483/FUL). This had been approved by the Planning Committee on 7th September 2020. This was on a site that comprised two residential dwellings fronting numbers 163 and 165 Birmingham Road and their rear garden curtilages.

The application site had been enlarged to include part of the rear curtilages of 151 and 157 Birmingham Road and 73 All Saints Road.

Officers drew Members' attention to 'The Planning Balance', as detailed on page 37 of the main agenda report.

The Democratic Services Officer explained that Mr. & Mrs. W. Roberts, who had objected to the application, had emailed their concerns to all Planning Committee Members and officers had also summarised their representation in the Committee Update report. Therefore, they had chosen not to address the Committee.

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At the invitation of the Chairman, Mrs. S. Jones addressed the Committee in objection to the Application. Mr. K. Lawrence, the Applicant's architect addressed the Committee on behalf of the Applicant.

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

Some Members commented that they were disappointed that there were no smaller dwellings on the proposed scheme and questioned the concerns raised by the residents of All Saints Road with regard to being overlooked. However, Members noted that the rear gardens of each property would comfortably exceed the Council's minimum requirements, as detailed on page 34 of the main agenda report, which referred to the High Quality Design SPD.

In response to questions from Members with regard to amending the application, the Council's Legal Advisor reminded the Committee that they had to determine the application as presented.

Other Members commented that the application made better use of the rear gardens on All Saints Road and Birmingham Road, than the previous application (20/00483/FUL).

Officers further responded to Members questions with regard to the objections received from The Bromsgrove Society, as detailed on page 28 of the main agenda report.

Officers stated that with regard to drainage, as detailed on page 36 of the main agenda report, North Worcestershire Water Management (NWWM) had no objections to the proposals.

There was not a blanket ban on the development of rear gardens and that the Council had a 5 year housing supply shortfall.

With regards to the layout and design, officers considered the scheme to be a good scheme and that it did its best in keeping with the character and appearance of the local environment, as detailed on page 34 of the main agenda report.

Highways Officers had raised no objections to the proposal subject to conditions.

The principle of the demolition of the non-designated heritage assets had been established with the grant of planning permission under planning application 20/00483/FUL. The new application did not alter the assessment and conclusions made at that time.

The additional houses were located to the south west and therefore further away from the listed building and it was not considered that on their own they would further harm the setting of Bartlett House.

In response to concerns raised by Members in respect of the existing boundary walls, officers referred to Condition 16, as detailed on page 41 of the main agenda report.

RESOLVED that Planning Permission be granted subject to the Conditions as set out on pages 38 to 41 of the main agenda report.

122/20

20/01635/FUL - VARIATION OF PLANNING CONDITIONS 2 (APPROVED PLANS), 3 (MATERIALS) AND 4 (JOINERY) ATTACHED TO PLANNING PERMISSION 18/01593/FUL TO ALLOW ADJUSTMENTS TO THE APPROVED DWELLING DESIGN INCLUDING THE ADDITION OF A CHIMNEY AND FRONT ELEVATION CHANGES AND LANDSCAPING - 11 CHERRY HILL AVENUE, BARNT GREEN, BIRMINGHAM, WORCESTERSHIRE, B45 8LA - MR. B. HASNAIN

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

Officers provided a detailed presentation and in doing so further informed the Committee that planning application 18/01593/FUL was considered at Planning Committee on 4th November 2019 for the demolition of the existing bungalow and detached garage and the erection of a two storey 4-bedroom dwelling. The application was approved.

The application proposed the following changes to the approved scheme, a chimney, an increase in the ridge height of the property with the main ridge height being limited to no higher than the forward ridge of 15 Cherry Hill Avenue, 1 window on the rear ground floor elevation changing from a patio to a standard window, 1 flat roof dormer to the rear had been removed and adjusting the front dormers so they were now the same height. These changes were proposed as well as providing information regarding materials and front door joinery details.

Officers drew Members' attention to the relevant planning history, as detailed on page 67 of the main agenda report.

Officers further drew Members' attention to the proposed and approved 'Measurements' slides, as detailed on pages 81 and 82 of the main agenda report.

The proposal was situated within the Barnt Green Conservation Area. There were no conservation objections from the Conservation Officer and no objections from Barnt Green Parish Council.

Officers stated that the proposed changes were considered to comply with Bromsgrove District Plan Policies BDP1, BDP7, BDP19, BDP20, the Bromsgrove High Quality Design SPD and the provisions of the NPPF. Therefore, in conclusion, the application was recommended for approval subject to conditions.

Agenda Item 5

Planning Committee
27th April 2021

At the invitation of the Chairman, Professor J. Storr addressed the Committee in objection to the Application. Councillor C. Hotham, Ward Member, also addressed the Committee.

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

In response to questions from the Committee with regards to work being undertaken on the site and if the application was for retrospective planning permission, officers informed Members that they had last visited the site in February 2021.

Officers further explained that the whole purpose of this application was to regulate and get authorised planning permission for the proposed changes. The applicant had well progressed with the proposed scheme and the Council had not sought to stop the development whilst the application was being considered; however, it had been explained to the applicant's agent that any work progressed would be at their own risk.

Members referred to the 'Approved Front and Rear Elevation Plans' slide, as detailed on page 85 of the main agenda report. Officers clarified that the height of the original approved application was set slightly below the forward ridge of 15 Cherry Hill Avenue, the scheme as proposed, would increase that height if approved. The proposed application sought an increase in the ridge height from 8.53 metres (as approved previously) to 8.58 metres, which was an increase in ridge height by 50mm.

Members referred to the 'Measurements' slide, as detailed on page 81 of the main agenda report and further commented that looking at the new proposed scheme with the ground removed, it appeared to be much bigger and bulkier than the approved scheme.

In response to the concerns raised by objectors and questions from Members with regard to the potential to further develop the roof space at a later stage, officers drew Members' attention to page 70 main agenda report, which detailed the removal of Permitted Development Rights. Officers also referred to Condition 10, as detailed on page 72 of the main agenda report.

The Council's Legal Advisor reminded Members that they needed to determine the application as presented and that any future Planning Committee Members would be made aware of the relevant planning history, should any further applications be received for this site.

In response to comments made by Committee Members, the Development Management Manager reiterated that Members were being asked to make a decision on the application before them, and the planning merits of the proposed scheme, as detailed in the officer's report.

Agenda Item 5

Planning Committee
27th April 2021

In response to the concerns raised by some Members with regard to the proposed scheme being overbearing, officers referred to the character and appearance, as detailed on page 68 of the main agenda report.

Officers commented that the area was characterised by individually designed dwellings and that the increase in ridge height would have little discernible effect on the wider character and appearance of the area. The siting, scale and design of the proposed dwelling was considered to be acceptable.

Officers reiterated that there were no objections from the Conservation Officer or Barnt Green Parish Council.

Following the comments and concerns raised by the Committee, the Council's Legal Advisor explained that however reprehensible Members considered the approach taken by the applicant, she would echo the comments made by the Council's Development Management Manager, that Members should consider the application before them on its planning merits only.

Having considered the officer's report and clarification from officers on a number of points, it was put to the vote.

The accuracy of the recording of the vote was queried by Councillor P. J. Whittaker.

For the purposes of clarity, the Democratic Services Officer asked Members to clearly state if they were voting for, against or abstaining from the recommendation to grant Planning Permission.

RESOLVED that Planning Permission be granted subject to the Conditions as set out on pages 70 to 72 of the main agenda report.

The meeting closed at 7.36 p.m.

Chairman

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PLANNING COMMITTEE

5th July 2021

Tree Preservation Order (2) 2021 Trees On Land at 1A College Road, Bromsgrove B60 2NE

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

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider the confirmation with modification of Tree Preservation Order (2) 2021 relating to Tree/s on Land at 1A College Road, Bromsgrove B60 2NE

2. RECOMMENDATIONS

- 1.2 It is recommended that provisional Tree Preservation Order (2) 2021 on Land at 1a College Road B60 2NE is confirmed with modification as in the provisional order as raised and shown in appendix (2).

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

Background:

- 3.4 The provisional order was raised on the 29th January 2021 as shown in appendices (1) in response to planning application 19/00894/PREAP for a "Proposed dormer bungalow fronting college road alongside No. 1B within the curtilage of No.1 and utilising the same vehicular access". The layout submitted for this application would have required the loss of trees T2

PLANNING COMMITTEE

5th July 2021

Magnolia and T3 Golden Foliage Chamaecyparis Conifer of the provisional order. Since the raising of the order this preapplication has progressed to become application 20/01574/OUT for the Development of a single dwelling at 1A College Road Bromsgrove (Outline application with matter of access for consideration). the site layout plan of the existing and proposed layout of this application can be seen in appendix (3) which still requires the loss of T2 magnolia but now allows the retention of T3 Golden Cypress.

3.5 One objection has been received in respect of the provisional TPO having been raised as follows:

1. A Marlow Consulting Ltd Arboricultural Report date 17th February 2021 as shown in appendix (3)

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

- The magnolia should not have been included within the order as it is a shrub species and not a tree. Although the magnolia T2 is a mature specimen I accept that it is strictly a shrub species and should therefore not be retained within the permeant order. The applicant of 20/01574/OUT has also agreed to plant a replacement Magnolia within the scheme as shown on the proposed layout plan.

- T3 Golden Foliage Conifer does not provide sufficient visual amenity value from a public place:

I accept that this tree does stand some distance back within the property from road edge and that the view of the tree is partially screened from the road by the canopies of other trees. However, feel that regardless of these issues it is still clearly visible from a number of positions from public pathway running along College Road. It is also proposed under application 20/01574/OUT to remove 6 trees from within the site as shown highlighted in Pink on the proposed site layout shown in appendix (3). The removal of these tree will increase the visibility of T2 Golden conifer from College Road.

- TEMPO Assessment: Under the TEMPO assessment system any tree scoring 12 or over is potentially suitable for consideration of TPO protection. I disagree with some of the TEMPO scores given in the TEMPO assessment provided with the objection. My TEMPO assessment scoring can be seen in appendix (5) of this report. The

PLANNING COMMITTEE

5th July 2021

TEMPO sheet provided with the objection show that both T1 and T2 of the order meet the threshold score to continue on to the assessment in sections (D) and Part (2) of the Tempo sheet, but these two elements of the sheet have not been completed. I would assume from the scores given in section A-C of the sheets provided (with which I disagree) that T1 would be likely to fail to meet the 12-15 score required for consideration for TPO protection. But as there is a know risk to the Golden foliage conifer this would certainly meet the required score with the scores given in section A-C should sections (D) and Part 2 have been completed.

- 3.6 Policy Implications- None
HR Implications- None
Council Objective 4- Environment, Priority C04 Planning
- 3.7 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

- 3.8 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.
- 3.9 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) Schedule and Plan of Provisional Order as raised
Appendix (2) Schedule and Plan of proposed modified order

PLANNING COMMITTEE

5th July 2021

Appendix (3) Site Layout Plan both existing and proposed for application
20/01574/OUT
Appendix (4) Objection Marlow Consulting Ltd Arboricultural Report
Appendix (5) Tempo Assessment
Appendix (6) Photographs of trees with the order

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order
TEMPO – Tree Evaluation Method for Preservation Orders

7.1 Conclusion and recommendations:

The trees within the order are visible to users of College Road and therefore offer a reasonable degree of visual amenity value when viewed from a publicly accessible area and also add greatly to the character of the area.

Therefore, I recommend to the committee that Tree Preservation Order (2) 2021 is confirmed and made permanent with modification as shown in appendix (1) of this report.

AUTHOR OF REPORT

Name: Gavin Boyes
Email: Gavin.Boyes@bromsgroveandRedditch.gov.uk
Tel: 01527 883094

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Tree Preservation) (England) Regulations 2012

Bromsgrove District Council Tree Preservation Order (2) 2021
Tree/s on land at 1A College Road, Bromsgrove, Worcestershire, B60 2NE,

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 (2) 2021**

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,

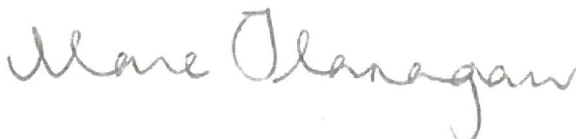
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

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 29TH January 2021

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	Silver Birch	396185, 270589	Southern boundary of the site.
T2	Magnolia	396173, 270605	Eastern boundary of the site
T3	Golden Foliage Chamaecyparis Species Conifer	396167, 270610	Eastern boundary of the site

Trees specified by reference to an area

(within a dotted black line on the map)

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

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>
-------------------	--------------------	------------	------------------

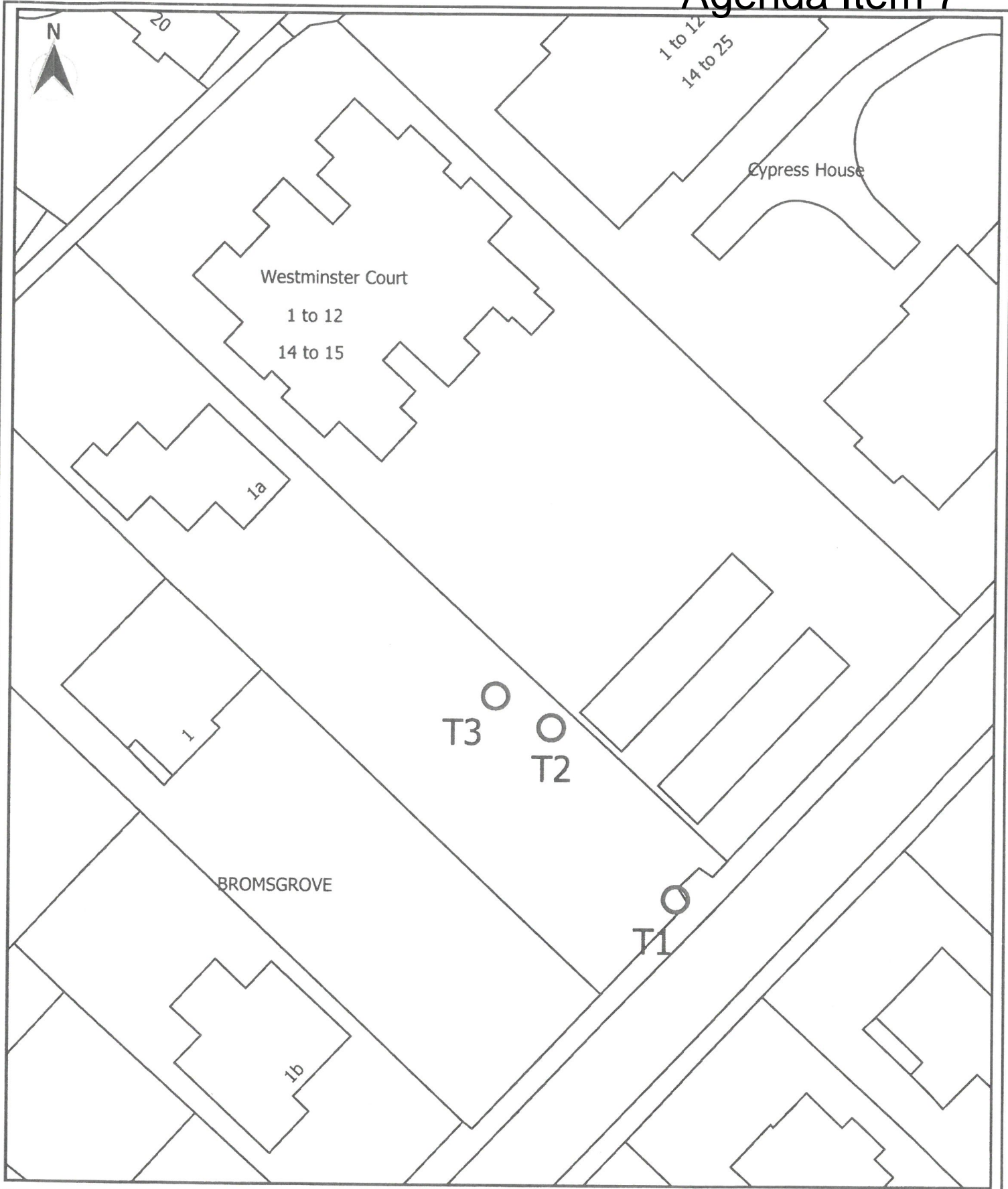
NONE

Woodlands

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
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NONE



Bromsgrove District Council TPO (2) 2021

1a College Road Bromsgrove B60 2NE

Drawing No.: 1 of 1

Savin Boyes - Drawn: Arboricultural Team

Scale: 1:500@ A4

Date 29.1.2021

Environmental Services
Town Hall
Walter Stranz Square
Redditch
Worces B98 8AH

Page 41
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Mare Olanagan
Authorised Signatory
29th January 2021

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	Silver Birch	396185, 270589	Southern boundary of the site.
T2	Golden Foliage Chamaecyparis Species Conifer	396167, 270610	Eastern boundary of the site

Trees specified by reference to an area

(within a dotted black line on the map)

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

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

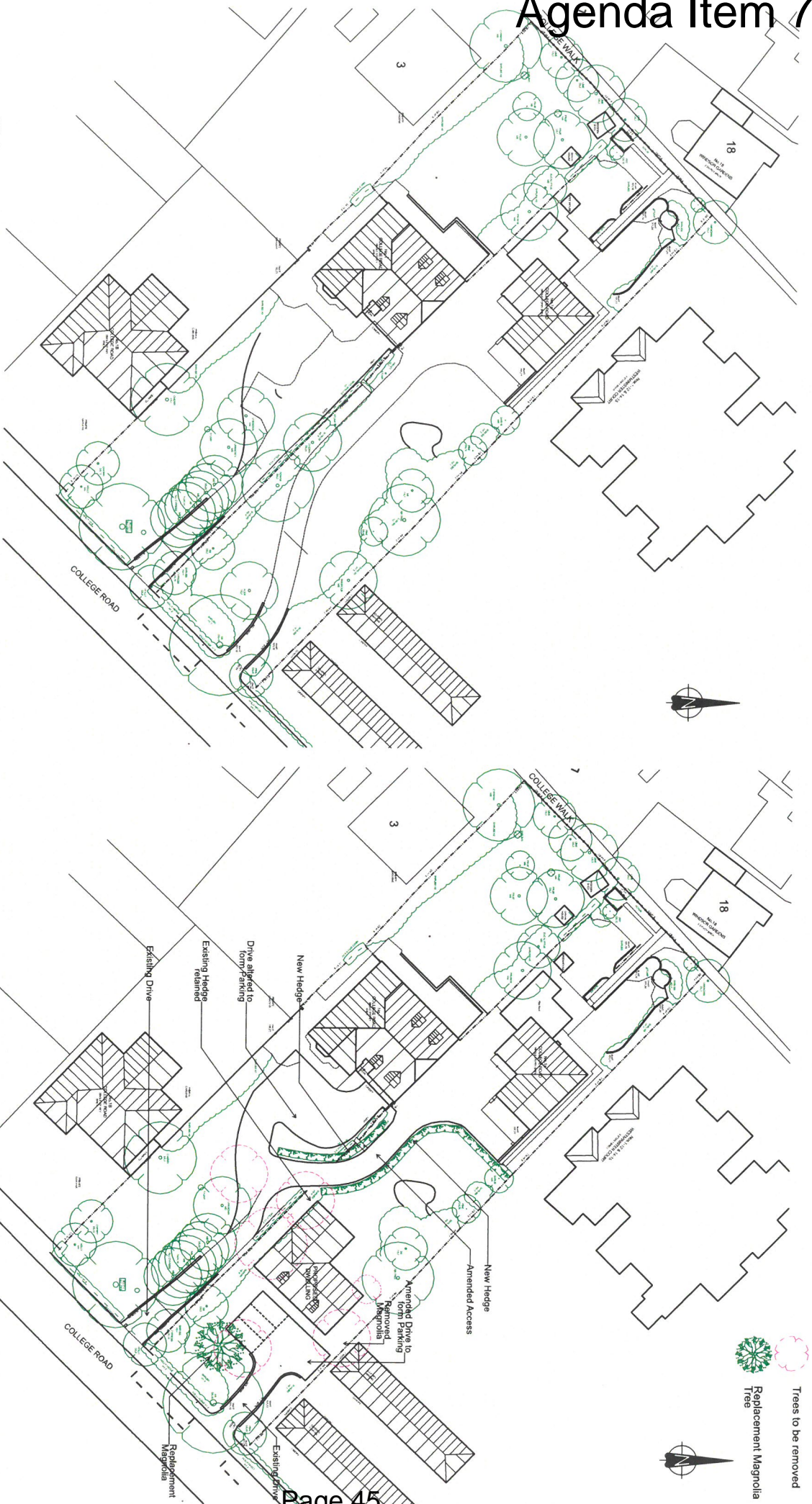
(within a continuous black line on the map)

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

NONE



 <p>Bromsgrove District Council www.bromsgrove.gov.uk</p>  <p>REDDITCH BOROUGH COUNCIL</p>  <p><i>making a difference</i> www.redditchbc.gov.uk</p>	Project: TPO (2) 2021	Drawn: Gavin Boyes - Arboricultural Team	Environmental Services Town Hall Walter Stranz Square Redditch Worcs B98 8AH
	Drawing: 1a College Road Bromsgrove B60 2NE	Scale: 1:500 @ A4	
	Drawing No.: 1 of 1	Date: 5 2021	
© Crown copyright and database rights 2020 Ordnance Survey 100023252			



EXISTING

PROPOSED

KEY:
 Trees to be removed
 Replacement Magnolia Tree

THIS DRAWING IS COPYRIGHT © FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CHECK ALL DIMENSIONS. ANY BOUNDARIES INDICATED ARE THOSE APPARENT FROM THE SITE SURVEY. THEY MAY NOT BE THE LEGAL BOUNDARIES. THESE MUST BE VERIFIED BY THE SITE OWNER. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT CONSTRUCTION WORK DESCRIBED OR IMPLIED BY THIS DRAWING IS CARRIED OUT IN FULL, ACCORDANCE WITH ALL RELEVANT HEALTH AND SAFETY LEGISLATION.

REVISIONS:
 A: 30/11/20: House Type amended
 B: 03/03/21: House Type + Layout amendments
 C: 04/03/21: House Type amended

PROJECT:
 Proposed Dwelling at
 No. 1a College Rd, Bromsgrove, B60 2NE
 CLIENT:
 Mr + Mrs R. Robinson
 TITLE:
 Block Plans
 DRAWING NO:
 1953.02C
 SCALE:
 1:500 @ A3
 DATE:
 Oct 2020
 DRAWN:

AS C
 Alan Smith Consultancy
 ARCHITECTURE : PLANNING : DESIGN
 with
 MASSEIELDS ARCHITECTS and SURVEYORS
 2 MILL LANE, PECKENHAM, REDDITCH, WORCESTERSHIRE, B96 6HY
 TEL: 01527 893967 FAX: 01527 892568
 EMAIL: alan@alansmithconsultancy.co.uk

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Bromsgrove District Council
Tree Preservation Order
(2) 2021

Tree/s on land at
1a College Road,
Bromsgrove,
Worcestershire,
B60 2NE

**OBJECTION TO TREE
PRESERVATION ORDER**

17th February 2021

Contents

1.0	INTRODUCTION.....	2
2.0	GUIDANCE IN RESPECT OF CREATING TREE PRESERVATION ORDERS.....	6
3.0	REASONS FOR OBJECTING.....	8

Appendices

1.....	Author's CV
2.....	Tree Preservation Order
3.....	TEMPO Methodology
4.....	TEMPO Assessments

Summary of objection

The TPO seeks to protect a Magnolia which is a shrub, not a tree, and two other trees which are not worthy of protection.

1.0 INTRODUCTION

1.1 Brief

1.1.1 Marlow Consulting Ltd has been instructed by Mr & Mrs Robinson to assess whether the Tree Preservation Order (TPO) served by Bromsgrove District Council on their property at 1a College Road, Bromsgrove is justified.

1.1.2 Please find as Appendix 1 a brief CV of the author.

1.2 Information provided

1.2.1 Marlow Consulting Ltd have been provided with a .pdf copy of the Tree Preservation Order (see Appendix 2).

1.3 Site visit

1.3.1 Jeff Marlow of Marlow Consulting Ltd visited site on the 15th February 2021.

1.4 Location of the property

1.4.1 Please find as figure 1 below a Google Earth image with the location of College Road indicated. It is located 0.2 miles to the east of the town centre. Number 1a College Road is located on the north west side of the road.



Figure 1 Location of College Road.

1.4.2 College Road is defined by large houses set in large gardens with a mixture of mature deciduous and coniferous trees to the frontages (see figure 2).



Figure 2 View of College Road looking north.

1.5 Description of the property

1.5.1 Number 1a College Road is a bungalow set in a large plot (see figure 3), with gardens to the front and rear. The bungalow is set back approximately 56m from the road frontage, with a front garden containing a mixture of deciduous and coniferous trees and shrubs of varying ages.

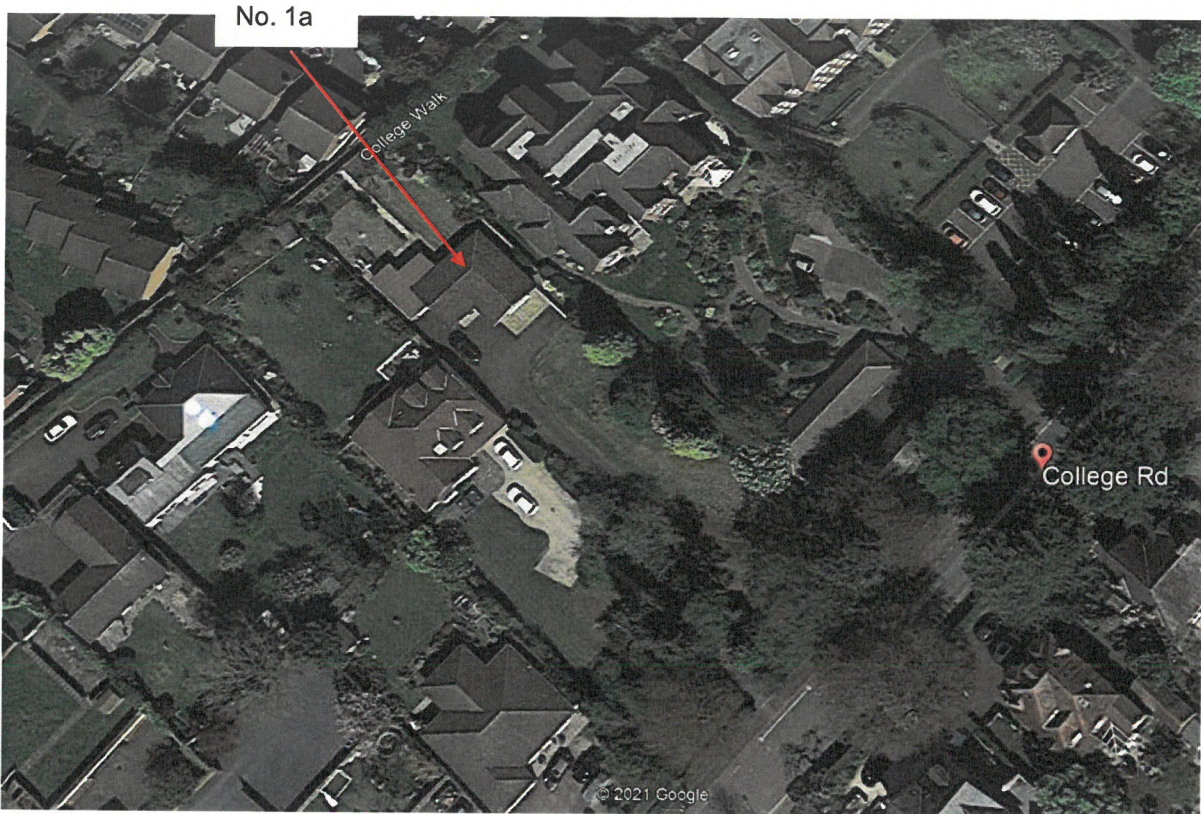


Figure 3 Location of 1a College Road.

1.6 Tree Preservation Orders in College Road

1.6.1 There are five Tree Preservation Orders that apply to trees within College Road. An order TPO (7) 2012 was placed on a Beech tree in the front garden of no. 1 College Road in 2012. The adjacent trees in 1a College Road were not protected.


2.0 GUIDANCE IN RESPECT OF CREATING TREE PRESERVATION ORDERS

- 2.1 The legislation for the creation of Tree Preservation Orders is within The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2.2 Guidance in respect of the creation of a Tree Preservation Order is contained within National Planning Policy Framework, Planning Practice Guidance – Tree Preservation Orders and Trees in Conservation Areas.
- 2.3 Please find below as figure 4 an extract from Planning Practice Guide, page 1, which defines what is a Tree Preservation Order. A TPO is made in the interests of amenity.

1. Tree Preservation Orders – general (<http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/tree-preservation-orders-general/>)

Tree Preservation Orders – general

What is a Tree Preservation Order?

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits 

(<http://www.legislation.gov.uk/uksi/2012/605/regulation/13/made>) the:

- cutting down
- topping
- lopping
- uprooting
- wilful damage
- wilful destruction

of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed. In the Secretary of State's view, cutting roots is also a prohibited activity and requires the authority's consent.

ID 36-001-20140306 Last updated 06 03 2014

Figure 4 What is a TPO.

- 2.4 Planning Practice Guidance – Tree Preservation Orders and trees in conservation, page 3, states:

“Amenity’ is not defined in law, so authorities need to exercise judgement when deciding 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”.

- 2.5 It then advises;

“When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way.....”

3.0 REASON FOR OBJECTING

3.1 Magnolia

3.1.1 The Order seeks to protect a Magnolia (T2). Please find as figure 5 a view of the Magnolia. This Magnolia is mature, multi-stemmed and of approximately 7m in height. It is a shrub, not a tree, and therefore, should not have been considered as being suitable for protection by a Tree Preservation Order.

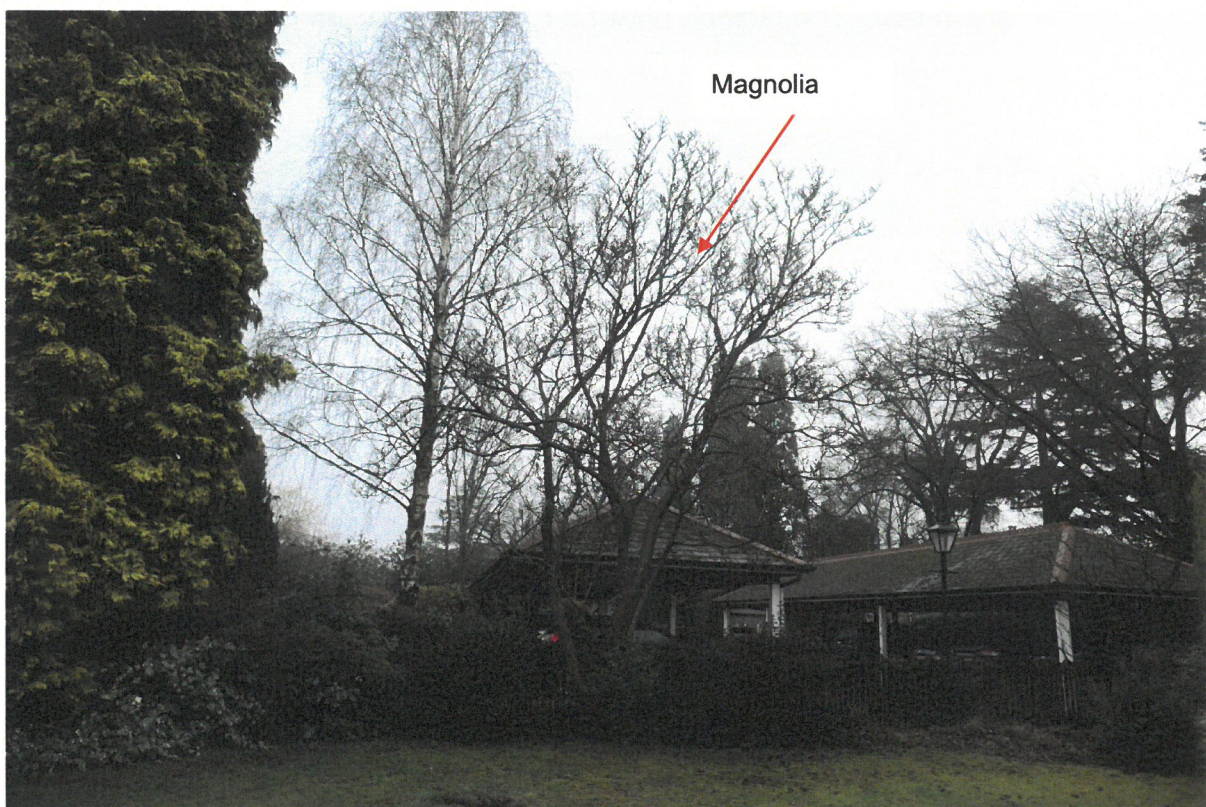


Figure 5 View of the Magnolia.

3.2 Evaluation of suitability for protection

3.2.1 TEMPO (Tree Evaluation Method for Preservation Orders) is a methodology for assessing the suitability for retention of trees. Please find as Appendix 3 the TEMPO methodology. Please find as Appendix 4 our assessment of trees T1 (Silver Birch) and T3 (Golden Lawson Cypress). Both trees do not merit protection.

3.2.2 The Magnolia has not been assessed because in our opinion, it is a shrub and not a tree.

3.3 Visibility from a public place

3.3.1 The Golden Lawson Cypress (T3) is set back 28m from the road frontage and is screened by a mixture of large deciduous and coniferous trees to the front of 1a College Road. Please find below as figure 6 a Google Earth screen shot looking up the driveway of no. 1a College Road when the deciduous trees are in leaf. The Golden Lawson Cypress (T3) can barely be seen.



Figure 6 Google Earth image looking up the driveway of 1a College Road.

3.3.2 Please find as figure 7 a view of the tree from College Road taken during my site visit. Even when the deciduous trees to the frontage of 1a College Road are not in leaf, the view of the tree is distant, indistinct and limited.



Figure 7 View of the Golden Lawson Cypress from College Road.

3.3.3 The only other view point of the tree is from the neighbouring property to the north, Westminster Court. This is a retirement complex with no public access.

3.3.4 In my opinion, it cannot reasonably be concluded that the loss of this tree would have a significant negative impact on the local environment and its enjoyment by the public.

Jeff Marlow

MSc., Dip. Arb. (R.F.S.), F. Arbor. A., RCarborA.

Arboricultural Association Registered Consultant

17th February 2021

Appendix 1

Jeff Marlow
MSc, Dip. Arb. (R.F.S.), F. Arbor. A., RCarborA.
Arboricultural Association Registered Consultant

Qualifications and Professional Memberships

Masters Degree in Environmental Science

Royal Forestry Society Professional Diploma in Arboriculture

National Diploma in Arboriculture

Fellow of the Arboricultural Association

Arboricultural Association Registered Consultant

Experience

Arboricultural Association Registered Consultant	2003 - present
Arboricultural Consultant	1999 - present
Director of Arboriculture Glendale Countryside	May – August 1999
Parks and Countryside Manager Wyre Forest District Council	June 1997 – May 1999
Trees and Countryside Officer Wyre Forest District Council	June 1994 – June 1997
Trees and Woodlands Officer Wyre Forest District Council	Oct 1990 – June 1994
Assistant Arboricultural Officer London Borough of Redbridge	Feb 1988 – Oct 1990
Climbing Arborist	August 1986 - April 1987
Climbing Arborist	September 1984 – September 1985
Woodsman	June 1980 – June 1981



Bromsgrove
District Council

www.bromsgrove.gov.uk

Agenda Item 7

REDDITCH BOROUGH COUNCIL



www.redditchbc.gov.uk

Please Reply to;
The Tree Team,
Crossgate House,
Crossgate Road,
Redditch,
B98 7SN

The Owner/Occupier
1 College Road
Bromsgrove
Worcestershire
B60 2NE

Delivered By Hand

9th February 2021

Contact Details:

Officer: Gavin Boyes

Tel: 01527 64252 Ext 3094

Email:

gavin.boyes@bromsgroveandredditch.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Tree Preservation) (England) Regulations 2012

Bromsgrove District Council

Tree Preservation Order (2) 2021

Tree/s on land at: 1A College Road, Bromsgrove, Worcestershire, B60 2NE,

The Council has made an Order under Section 198 of the Town and Country Planning Act 1990 in respect of a tree / trees on the above-mentioned land, and a copy of the Order is enclosed, together with a Notice to this effect under the provisions of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Due to an error in not having shown a deadline date for the receipt of objections in the previous letter sent this is a re-consultation providing this date.

Please note all correspondence relating to objections received will be made available for public inspection via the Council's website.

Subject to Regulation 4 the Tree Preservation Order shall take effect provisionally today.

Yours faithfully,

Gavin Boyes
Tree Officer

NOTICE OF MAKING

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Tree Preservation) (England) Regulations 2012

Bromsgrove District Council Tree Preservation Order (2) 2021

Tree/s on Land at : 1A College Road, Bromsgrove, Worcestershire, B60 2NE,

THIS IS A FORMAL NOTICE to let you know that on the 29th January 2021 the Bromsgrove District Council (hereinafter referred to as "the Council") made an Order under Section 198 of the Town and Country Planning Act 1990, entitled Tree Preservation Order (2) 2021.

A copy of the Order is attached. In simple terms, it prohibits you from cutting down, topping, lopping, uprooting, wilfully damaging or wilfully destroying any of the trees/the tree specified in the First Schedule and shown on the map without the consent of the Council.

Some explanatory guidance on Tree Preservation Orders is provided in the enclosed leaflet, "*Protected Trees: A Guide to Tree Preservation Procedures*", produced by the Department for Communities and Local Government.

The Council's reasons for making the Order are as follows:

The trees provide special amenity value and the Tree Preservation Order is made in the interests of amenity.

The Order came into force, on a temporary basis, on 29th January 2021 and will remain in force for six months. During this time the Council will decide whether the Order should be given permanent status.

People affected by the Order have a right to object or make comments on the tree/on any of the trees or woodlands included in the Order before the Council decide whether the Order should be made permanent.

If you would like to make any objections or comments, please make sure the Council receives them in writing by **9th March 2021**

Your objections or comments must meet Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (a copy is attached).

Please send your comments to Gavin Boyes Environmental Services, Bromsgrove District Council, Crossgate House, Crossgate Road, Redditch, Worcestershire, B98 7SN. The Council will carefully consider all objections and comments before deciding whether to make the Order permanent.

The Council will write to you again when it has made its decision. In the meantime, if you would like any more information or have any questions about this Notice, please contact Gavin Boyes Environmental Services, Bromsgrove District Council, Crossgate House, Crossgate Road, Redditch, Worcestershire, B98 7SN (Tel: 01527 64252 Ext 3094).

Extract from (Town and Country Planning (Tree Preservation) (England) Regulations 2012

REGULATION 6

Objections and representations

(1) Subject to paragraph (2), objections and representations—

(a) shall be made in writing and—

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

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

Bromsgrove District Council Tree Preservation Order (2) 2021
Tree/s on land at 1A College Road, Bromsgrove, Worcestershire, B60 2NE,

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 (2) 2021**

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.

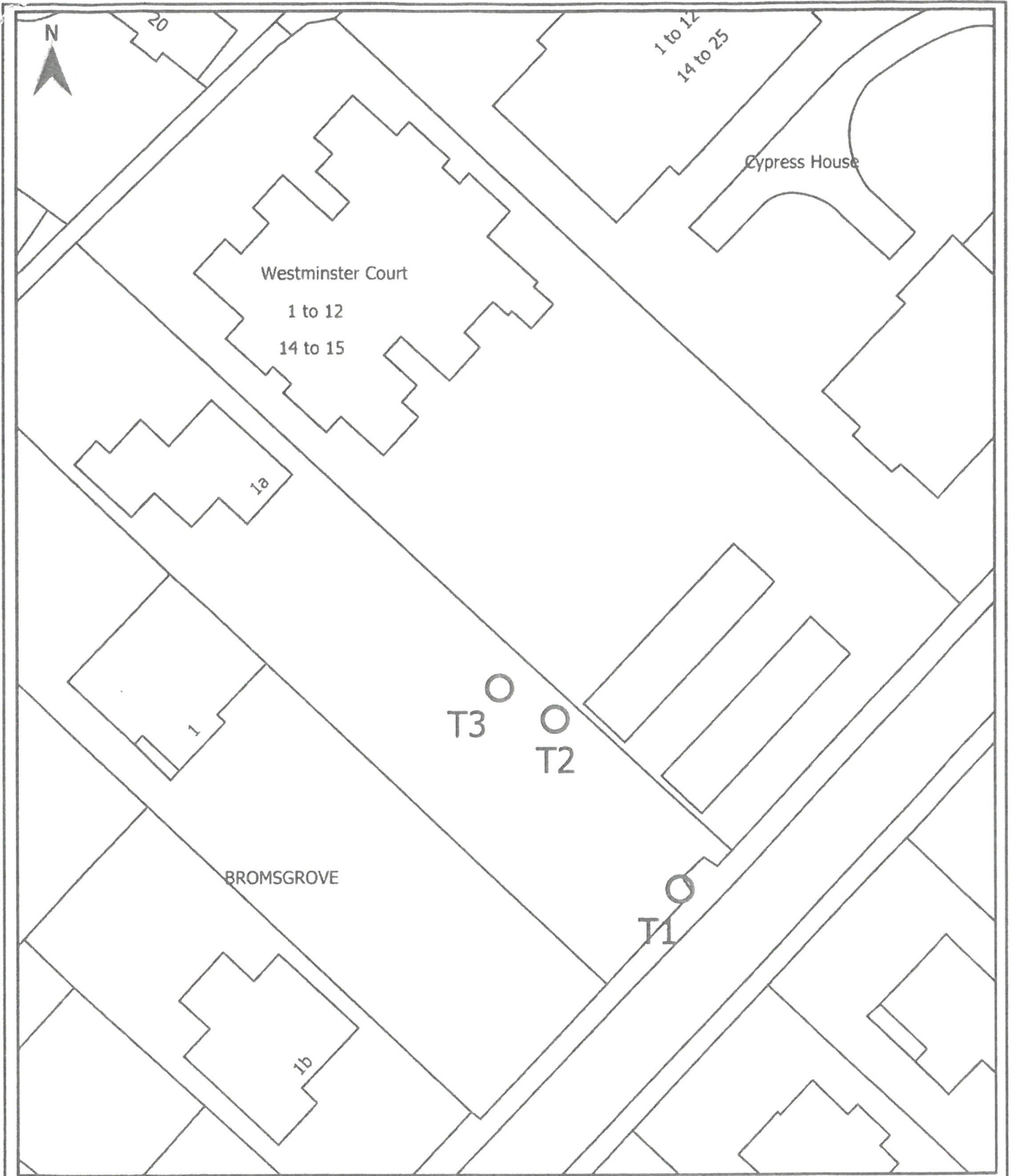
Dated this 29TH January 2021



Signed on behalf of Bromsgrove District Council



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

Agenda Item 7



 <p>Bromsgrove District Council www.bromsgrove.gov.uk</p>  <p>REDDITCH MAKING A DIFFERENCE www.redditch.gov.uk</p>	<p>Bromsgrove District Council TPO (2) 2021</p>	<p>Savin Boyes - Drawn: Arboricultural Team</p>	<p>Environmental Services Town Hall Walter Stranz Square Redditch Worces B98 8AH</p>	<p><i>Mare Monaghan</i> Authorised Signatory 29th January 2021</p>
	<p>1a College Road Bromsgrove B60 2NE</p>	<p>Scale: 1:500@ A4</p>	<p>@ Crown copyright and database rights</p>	
	<p>Drawing No: 1 of 1</p>	<p>Date: 29.1.2021</p>	<p>Page 65</p>	

Dated the 9th February 2021

A handwritten signature in black ink, consisting of a large, sweeping initial 'L' followed by a series of connected, stylized letters.

Head of Environmental Services

Town Hall
Walter Stranz Square
Redditch
Worcestershire
B98 7AH

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	Silver Birch	396185, 270589	Southern boundary of the site.
T2	Magnolia	396173, 270605	Eastern boundary of the site
T3	Golden Foliage Chamaecyparis Species Conifer	396167, 270610	Eastern boundary of the site

Trees specified by reference to an area

(within a dotted black line on the map)

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

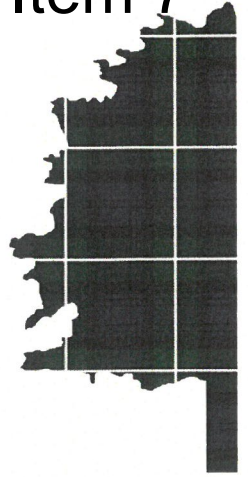
(within a continuous black line on the map)

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

NONE

- Planning
- TPO
- Safety Inspection
- Subsidence
- Expert Witness
- Design

Forbes- Laird Arboricultural Consultancy



Principal Consultant:

Julian Forbes-Laird

BA(Hons), MICFor, MEWI, M.Arbor.A, Dip.Arb.(RFS)

TEMPO

Tree Evaluation Method for Preservation Orders

A systematised assessment tool for TPO suitability

GUIDANCE NOTE FOR USERS

November 2009



*To be read in conjunction with TEMPO pro forma,
included at the end of this document*

Introduction

Background

The impetus to take a fresh look at existing TPO suitability evaluation methods grew out of the preparation for a local authority of a detailed Method Statement for reviewing Tree Preservation Orders (TPOs) in 2002. The client wanted the Method Statement to include a reliable means of assessing trees for TPO suitability, and asked for a bespoke system.

Having looked closely at what was already available, JFL decided that there was considerable room for improvement, as each of the better-known existing methods has disadvantages.

Accordingly, TEMPO was developed by JFL (whilst working as a Senior Consultant at CBA Trees) as a direct response to the apparent continuing uncertainty about what attributes a tree should have in order to merit statutory protection by TPO.

Overview

TEMPO is designed as a field guide to decision-making, and is presented on a single side of A4 as an easily completed pro forma. As such, it stands as a record that a systematic assessment has been undertaken.

TEMPO considers all of the relevant factors in the TPO decision-making chain. In this connection, it is helpful to revisit the wording of central government advice¹:

‘Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO’

From this, it becomes apparent that most existing methods are inadequate, seeking as they do solely to consider the tree rather than any known threats to its retention. TEMPO corrects this omission by including an expediency assessment within the framework of the method.

Excluding the first section, which is simply the survey record and is thus self-explanatory, TEMPO is a three-part system:

- Part 1 is the Amenity Assessment
- Part 2 is the Expediency Assessment
- Part 3 is the Decision Guide

These parts are set out and function as follows:

Part 1: Amenity Assessment

This part of TEMPO is broken down into four sections, each of which are related to suitability for TPO:

- a) Condition
- b) Retention span
- c) Relative public visibility
- d) Other factors

The first three sections form an initial assessment, with trees that 'pass' this going on to the fourth section. Looking at the sections in more detail:

a) Condition

This is expressed by five terms, which are defined as follows:

GOOD	Trees that are generally free of defects, showing good health and likely to reach normal longevity and size for species, or they may already have done so
FAIR	Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline shortly, or may already have done so. However, they can be retained for the time being without disproportionate expenditure of resources or foreseeable risk of collapse
POOR	Trees in obvious decline, or with significant structural defects requiring major intervention to allow their retention, though with the outcome of this uncertain. Health and/or structural integrity are significantly impaired, and are likely to deteriorate. Life expectancy is curtailed and retention is difficult
DEAD	Tree with no indication of life
DYING/ DANGEROUS	Trees showing very little signs of life or remaining vitality, or with severe, irremediable structural defects, including advanced decay and insecure roothold. Death or catastrophic structural failure likely in the immediate future, retention therefore impossible as something worthy of protection

The scores are weighted towards trees in good condition. It is accepted that trees in fair and poor condition should also get credit, though for the latter this is limited to only one point. Dead, dying or dangerous trees should not be placed under a TPO, hence the zero score for these categories, due to exemptions within the primary legislation.

For trees in good or fair condition that have poor form deduct one point.

A note on the pro forma emphasizes that 'dangerous' should only be selected in relation to the tree's existing context: a future danger arising, for example, as a result of development, would not apply. Thus, a tree can be in a state of collapse but not be dangerous due to the absence of targets at risk.

Where a group of trees is being assessed under this section, it is important to score the condition of those principle trees without which the group would lose its aerodynamic or visual cohesion. If the group cannot be 'split' in this way, then its average condition should be considered.

Each of the condition categories is related to TPO suitability.

b) Retention span

The reason that this is included as a separate category to 'condition' is chiefly to mitigate the difficulty of justifying TPO protection for veteran trees. For example, it is necessary to award a low score for trees in 'poor condition', though many veteran trees that could be so described might have several decades' potential retention span.

This factor has been divided into ranges, which are designed to reflect two considerations:

- It has long been established good practice that trees incapable of retention for more than ten years are not worthy of a TPO (hence the zero score for this category); this also ties in with the R category criteria set out in Table 1 of BS5837:2005
- The further ahead one looks into the future, the more difficult it becomes to predict tree condition: hence the width of the bands increases over time

Scores are weighted towards the two higher longevities (40-100 and 100+), which follow the two higher ranges given by Helliwell².

The Arboricultural Association (AA) publishes a guide³ to the life expectancy of common trees, which includes the following data:

300 years or more	Yew
200-300	Common [pedunculate] oak, sweet chestnut, London plane, sycamore, limes
150-200	Cedar of Lebanon, Scots pine, hornbeam, beech, tulip tree, Norway maple
100-150	Common ash, Norway spruce, walnut, red oak, horse chestnut, field maple, monkey puzzle, mulberry, pear
70-100	Rowan, whitebeam, apple, wild cherry, Catalpa, Robinia, tree of heaven
50-70	Most poplars, willows, cherries, alders and birches

The above should be considered neither prescriptive nor exclusive, and it is certainly not comprehensive, though it should assist with determining the theoretical overall lifespan of most trees. However, TEMPO considers 'retention span', which is a more practical assessment based on the tree's current age, health and context as found on inspection.

It is important to note that this assessment should be made based on the assumption that the tree or trees concerned will be maintained in accordance with good practice, and will not, for example, be subjected to construction damage or inappropriate pruning. This is because if the subject tree is 'successful' under TEMPO, it will shortly enjoy TPO protection (assuming that it doesn't already).

If a group of trees is being assessed, then the mean retention span of the feature as a whole should be evaluated. It would not be acceptable, for example, to score a group of mature birches based on the presence of a single young pedunculate oak.

A note on the pro forma identifies for inclusion in the less than ten years band trees which are assessed being an existing or near future nuisance, including those clearly outgrowing their context, or which are having an adverse effect on adjacent trees of better quality.

The nuisance element is introduced to cover situations where, for example, a Section 211 Notice has been received by the LPA for removal of a tree causing subsidence damage. In relation to outgrowing context, some common sense is needed here: if the trees are being considered for TPO protection prior to development, and if it is apparent that demolition of existing structures will be a component of this process, then a tree should not be marked down simply because it is standing hard up against one of the existing structures.

As with condition, the chosen category is related to a summary of TPO suitability.

c) Relative public visibility

The first thing to note in this section is the prompt, which reminds the surveyor to consider the 'realistic potential for future visibility with changed land use'. This is designed to address the commonplace circumstance where trees that are currently difficult to see are located on sites for future development, with this likely to result in enhanced visibility. The common situation of backland development is one such example.

The categories each contain two considerations: size of tree and degree of visibility. I have not attempted to be too prescriptive here, as TEMPO is supposed to function as a guide and not as a substitute for the surveyor's judgement. However, I have found that reference to the square metre crown size guide within the Helliwell System⁴ can be helpful in reaching a decision.

Reference is made to 'young' trees: this is intended to refer to juvenile trees with a stem diameter less than 75mm at 1.5m above ground level. The reasoning behind this is twofold: this size threshold mirrors that given for trees in Conservation Areas, and trees up to (and indeed beyond) this size may readily be replaced by new planting.

In general, it is important to note that, when choosing the appropriate category, the assessment in each case should be based on the minimum criterion.

Whilst the scores are obviously weighted towards greater visibility, we take the view that it is reasonable to give some credit to trees that are not visible (and/or whose visibility is not expected to change: it is accepted that, in exceptional circumstances, such trees may justify TPO protection⁵).

Where groups of trees are being assessed, the size category chosen should be one category higher than the size of the individual trees or the degree of visibility, whichever is the lesser. Thus a group of medium trees would rate four points (rather than three for individuals) if clearly visible, or three points (rather than two) if visible only with difficulty.

Once again, the categories relate to a summary of TPO suitability.

Sub-total 1

At this point, there is a pause within the decision-making process: as the prompt under 'other factors' states, trees only qualify for consideration within that section providing that they have accrued at least seven points. Additionally, they must not have collected any zero scores.

The total of seven has been arrived at by combining various possible outcomes from sections a-c.

The scores from the first three sections should be added together, before proceeding to section d, or to part 3 as appropriate (i.e. depending on the accrued score). Under the latter scenario, there are two possible outcomes:

- 'Any 0' equating to 'do not apply TPO'
- '1-6' equating to 'TPO indefensible'

d) Other factors

Assuming that the tree or group qualifies for consideration under this section, further points are available for four sets of criteria, however only one score should be applied per tree (or group):

- 'Principle components of arboricultural features, or veteran trees' – The latter is hopefully self-explanatory (if not, refer to Read 2000⁶). The former is designed to refer to trees within parklands, avenues, collections, and formal screens, and may equally apply to individuals and groups
- 'Members of groups of trees that are important for their cohesion' – This should also be self-explanatory, though it is stressed that 'cohesion' may equally refer either to visual or to aerodynamic contribution. Included within this definition are informal screens. In all relevant cases, trees may be assessed either as individuals or as groups
- 'Trees with significant historical or commemorative importance' – The term 'significant' has been added to weed out trivia, but we would stress that significance may apply to even one person's perspective. For example, the author knows of one tree placed under a TPO for little other reason than it was planted to commemorate the life of the tree planter's dead child. Thus whilst it is likely that this category will be used infrequently, its inclusion is nevertheless important. Once again, individual or group assessment may apply
- 'Trees of particularly good form, especially if rare or unusual' – 'Good form' is designed to identify trees that are fine examples of their kind and should not be used unless this description can be justified. However, trees which do not merit this description should not, by implication, be assumed to have poor form (see below). The wording of the second part of this has been kept deliberately vague: 'rare or unusual' may apply equally to the form of the tree or to its species. This recognises that certain trees may merit protection precisely because they have 'poor' form, where this gives the tree an interesting and perhaps unique character. Clearly, rare species merit additional points, hence the inclusion of this criterion. As with the other categories in this section, either individual or group assessment may apply. With groups, however, it should be the case either that the group has a good overall form, or that the principle individuals are good examples of their species

Where none of the above apply, the tree still scores one point, in order to avoid a zero score disqualification (under part 3).

Sub-total 2

This completes the amenity assessment and, once again, there is a pause in the method: the scores should be added up to determine whether or not the tree (or group) has sufficient amenity to merit the expediency assessment.

The threshold for this is nine points, arrived at via a minimum qualification calculated simply from the seven-point threshold under sections a-c, plus at least two extra points under section d. Thus trees that only just scrape through to qualify for the 'other factor' score, need to genuinely improve in this section in order to rate an expediency assessment. This recognises two important functions of TPOs:

- TPOs can serve as a useful control on overall tree losses by securing and protecting replacement planting
- Where trees of minimal (though, it must be stressed, adequate) amenity are under threat, typically on development sites, it may be appropriate to protect them allowing the widest range of options for negotiated tree retention

Part 2: Expediency assessment

This section is designed to award points based on three levels of identified threat to the trees concerned. Examples and notes for each category are:

- 'Immediate threat to tree' – for example, Tree Officer receives Conservation Area notification to fell
- 'Foreseeable threat to tree' – for example, planning department receives application for outline planning consent on the site where the tree stands
- 'Perceived threat to tree' – for example, survey identifies tree standing on a potential infill plot

However, central government advice⁷ is clear that, even where there is no expedient reason to make a TPO, this is still an option. Accordingly, and in order to avoid a disqualifying zero score, 'precautionary only' still scores one point. This latter category might apply, rarely for example, to a garden tree under good management.

Clearly, other reasons apply that might prevent/usually obviate the need for the making of a TPO. However, it is not felt necessary to incorporate such considerations into the method, as it is chiefly intended for field use: these other considerations are most suitably addressed as part of a desk study.

As a final note on this point, it should be stressed that the method is not prescriptive except in relation to zero scores: TEMPO merely recommends a course of action. Thus a tree scoring, say, 16, and so 'definitely meriting' a TPO, might not be included for protection for reasons unconnected with its attributes.

Part 3: Decision Guide

This section is based on the accumulated scores derived in Parts 1 & 2, and identifies four outcomes, as follows:

- Any 0 Do not apply TPO

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Where a tree has attracted a zero score, there is a clearly identifiable reason not to protect it, and indeed to seek to do so is simply bad practice

- 1-6 TPO indefensible
This covers trees that have failed to score enough points in sections 1a-c to qualify for an 'other factors' score under 1d. Such trees have little to offer their locality and should not be protected
- 7-11 Does not merit TPO
This covers trees which *have* qualified for a 1d score, though they may not have qualified for Part 2. However, even if they have made it to Part 2, they have failed to pick up significant additional points. This would apply, for example, to a borderline tree in amenity terms that also lacked the protection imperative of a clear threat to its retention
- 12-15 Possibly merits TPO
This applies to trees that have qualified under all sections, but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and 'gut feeling'
- 16+ Definitely merits TPO
Trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise

Notation boxes

Throughout the method, notation space is provided to record relevant observations under each section. For local authorities using TEMPO, it may even be helpful to include a copy of the TEMPO assessment in with the TPO decision letter to relevant parties, as this will serve to underline the transparency of the decision-making process.

Conclusion

TEMPO is a quick and easy means of systematically assessing tree or group suitability for statutory protection. It may be used either for new TPOs or for TPO re-survey, especially where Area TPOs are being reviewed.

From the consultants' perspective, it is also an effective way of testing the suitability of newly applied TPOs, to see whether they have been misapplied, or it can be used to support a request to make a TPO in respect of trees at risk, for example from adjacent development.

TEMPO does not seek to attach any monetary significance to the derived score: the author recommends the use of the Helliwell System where this is the objective.

CBA Trees owns the copyright for TEMPO, however the method is freely available, including via internet download through the FLAC website (www.flac.uk.com) and the Arboricultural Information Exchange www.aie.org.uk

TEMPO has undergone a number of minor revisions since its inception, many of which are due to helpful comments received from users. Any feedback on the method is gratefully received by the author.

JFL

Contact: jfl@flac.uk.com

References

- 1 'Tree Preservation Orders: A Guide to the Law and Good Practice', DETR 2000
- 2 'Visual Amenity Valuation of Trees and Woodlands', DR Helliwell, Arboricultural Association 2003 [the Helliwell System]
- 3 'Tree Management', Leaflet No. 4, Arboricultural Association 1991
- 4 Helliwell op. cit.
- 5 DETR 2000 op. cit. at para. 3.3 (1)
- 6 'Veteran Trees: A Guide to Good Management', Helen Read, English Nature 2000
- 7 DETR 2000 op. cit. at para. 3.5

Agenda Item 7

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date:	Surveyor:
-------	-----------

Tree details		
TPO Ref (if applicable):	Tree/Group No:	Species:
Owner (if known):	Location:	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

Score & Notes

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

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes

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

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:	Decision:
------------------------------	------------------

Agenda Item 7

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 15.02.21 Surveyor: J.P. Marlow

Tree details
 TPO Ref (if applicable): TPO 21/2021 Tree/Group No: T3 Species: Golden Lawson Cypress
 Owner (if known): Mrs Robinson Location: La College Rd, Bromsgrove

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

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

Score & Notes
5

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

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

Score & Notes
1

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
2

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes
1
9

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
9

Decision:
Does not merit TPO.

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TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 15.02.21 Surveyor: J.P. Marlow

Tree details
TPO Ref (if applicable): TPO(2) 2021 Tree/Group No: T1 Species: S. Birch
Owner (if known): Mr & Mrs. Robinson Location: La College Rd, Smisgrube

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

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

Score & Notes 3

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

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

Score & Notes 1

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes 4

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes 1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total: 9

Decision: Does not merit TPO

T.E.M.P.O Tree Evaluation Sheet

Appendix (5)

Evaluation by: GAVIN BOXES Date: 24th May 2021 Sheet No. 1 of 1
 Address/Site Details:

Tree Ref	Species	DBH (mm)	Amenity Assessment				Sub	Trees must have accrued 7+ points (& no zeros) to qualify	d - other factors	Exped iency	Score	TPO Y/N?	Notes
			a - Condition	b - Longevity	c - Visibility								
70	Silver Birch	400	3	4	4	11		1	1	13	Y	Tree Highly prominent in street scene	
71	Golden Dawn Conifer	300-400	5	4	2	11		1	3	15	Y	Tree was targeted for removal due to Planning application on site	

Part 1: Amenity assessment

- a) Condition**
- 5) Good (highly suitable)
 - 3) Fair (suitable)
 - 1) Poor (unlikely)
 - 0) Unsafe
 - Dead
- b) Longevity**
- 5) 100+
 - 4) 40 - 100
 - 2) 20 - 40 (suitable)
 - 1) 10 - 20 (just suitable)
 - 0) <10 (unsuitable)
- c) Relative public visibility**
- 5) Very large trees, or large trees that are prominent features (V/ige=200sqm+)
 - 4) Large trees, or medium trees clearly visible to the public (ige=100-200sqm)
 - 3) Medium trees, or larger trees with limited view only (Suitable, med=25-100sqm)
 - 2) Small trees, or larger ones visible only with difficulty (Unlikely, small = 5-25sqm)
 - 1) Young/V. small or not publicly visible regardless of size (prob unsuitable, <5sqm)
- d) Other factors**
- 5) Principal components of arboricultural features, or veteran trees
 - 4) Members of groups of trees that are important for their cohesion
 - 3) Trees with significant historical or commemorative importance
 - 2) Trees of particularly good form, especially if rare or unusual
 - 1) Trees with none of the above additional redeeming features

Part 2: Expediency assessment

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Known as an actionable nuisance

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1 - 6 TPO indefensible
- 7 - 11 Does not merit TPO
- 12 - 15 Possibly merits TPO
- 16+ Definitely merits TPO

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Appendix (6)

T2 Viewed from
College Road



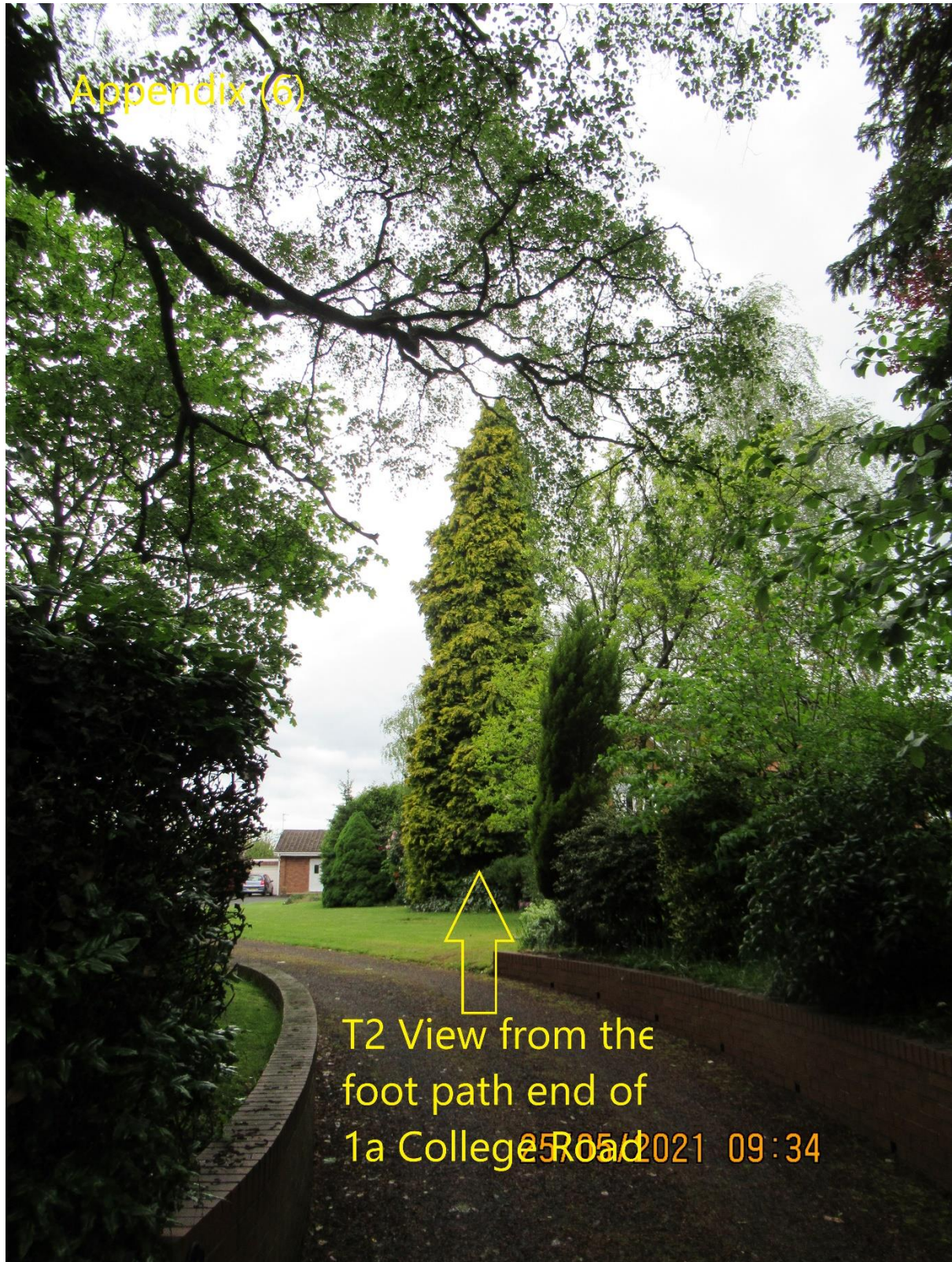
T1 Viewed from
College Road

25/05/2021 09:33



T1 Viewed
from College
Road





Appendix (6)



T2 View from the
foot path end of
1a College Road

5/5/2021 09:34

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mongoose Ltd	Full Planning Permission for the use of land for the stationing of 90 static residential park homes for the over 55s, with associated parking, internal service roads, and landscaping and acoustic fence to the north, east and west boundaries Corbett Business Park, Shaw Lane, Stoke Prior, Bromsgrove, Worcestershire B60 4EA	25.09.2020 EoT agreed 09.07.2021	20/00643/FUL

RECOMMENDATION: That planning permission be **Refused**

Consultations

Stoke Parish Council

OBJECTION

Stoke Parish Council has considered this application in detail and unanimously agreed to object strongly on the following grounds:-

Traffic Issues

1. This part of Shaw Lane is a potential accident black spot with a very busy entrance/exit onto the lane in close proximity to the railway bridge which has a traffic management system due to the narrow roadway. Traffic heading out of the village on this route would be on the site entrance very quickly.
2. General visibility at the proposed entrance/exit would be impaired by vehicles owned by employees at the Business Park parking on Shaw Lane both opposite and alongside the site.
3. There have been a number of accidents along Shaw Lane going out of the village towards Wychbold Church. This is a particular problem during the winter months.
4. Heavy lorries regularly access the Business Park and by increasing the number of private vehicles also using the site could lead to accidents. It becomes a serious safety issue.
5. By supporting this application, the number of vehicles in the immediate area could increase by between 90 and 180 and this would be in addition to the increased traffic caused by the Henbrook Gardens development. The local area has yet to see the full impact of the additional traffic resulting from the Henbrook Gardens development.
6. The transport statement supporting the application is based on holiday and retirement accommodation when the application clearly states "residential park homes for the over 55s". Therefore the traffic patterns quoted in the statement are not based on actual site usage. The statement also indicates that additional traffic in the area was justified on the basis that it would be less than would be generated if an industrial unit was built on the same site. Given that the site is unsuitable for any industrial building that argument is invalid.

7. The junction of Shaw Lane and Weston Hall Road at rush hour is very difficult and potentially dangerous with speeding traffic from both directions. Weston Hall Road is used as a 'rat run' to the Hanbury Road and short cut to Redditch and the M5.

Environment/Noise

1. The noise levels generated by the Business Park, neighbouring businesses such as Metal & Ores and the nearby railway are not ideal for retirement living.
2. Concerns about the potential flooding issues for the site. The building of Henbrook Gardens has already caused Hen Brook to flood on more than one occasion. There are serious concerns that Hen Brook cannot cope with any further development.
3. Serious concerns about the ground pollution from the former salt works on the site.
4. The site has already been deemed as unsuitable for industrial use due to the uncertainty of the ground being capable of supporting permanent buildings.
5. The application makes no mention of the brine shafts under the site or the use of lime during the period when it was occupied by the salt works.
6. There are issues around whether Excool adhere to the restrictions imposed under their planning permission in that they operate during the night causing disruption to local residents by way of noise and light pollution.

Parking

1. There is insufficient parking on the proposed site which will inevitably lead to an increase in the number of vehicles parked on both Shaw Lane and Weston Hall Road.
2. Moving the entrance gate back on the site will impact on the limited onsite parking still further.
3. The assumption has been made that each home will only require 1 parking space when there is every possibility that each home will have 2 vehicles. In the event that more than 2 people are living at the home that figure could increase further. There is also a total lack of visitor parking.
4. Residents will use private vehicles by chose due to the rural location.

Ecology Issues

1. Reduction of any natural habitat will further impact on the future sustainability of local wildlife. The recent building has already had a significant impact on the population of the great crested newts and other species such as grass snakes.

General

1. There is a clear assumption that the retirement age is 55 which is totally incorrect. Many people work until 65 and beyond. Many couples in their mid-fifties still have offspring living at home which would put even greater pressure on the site in terms of parking, traffic flow etc.
2. It is claimed that the bridge which provides access across the canal will be reopened. This used to be the link from the salt works to the railway but it has been disused for a long time. Barratts were required to block it up under the supervision of the Canals and Rivers Trust. It has never been used as a footbridge. The bridge does not provide access to the canal but leads into a SUD which is part of the Henbrook Gardens site. It is not a right of way.

3. This further development would have a further unacceptable impact on the local infrastructure.
4. The current public transport links are already poor with bus services only running from early morning to early evening. Not adequate for working people. The bus service is only suitable for people who do not work and travel at off peak times.
5. The development would put further strain on the local health services.
6. There is a potential impact on local employment with homes on this site deterring businesses from using the site.
7. There is only one route in and out of the site and any form of blockage ie broken down vehicle would prevent emergency vehicles having good access.
8. There is already strong local opposition to the application.

Additional Info

The Parish Council remain strongly opposed to this application. None of the additional new information has changed that view. The siting of 90 static homes on this site is totally wrong for all the reasons clearly expressed in the Parish Council's original letter of objection. This application is totally wrong for the village of Stoke Prior!

Wychavon District Council

I confirm that Wychavon District Council is content for Bromsgrove District Council to consider the application, taking account of the concerns raised by local residents. We do suggest, however, that it would be appropriate to consult the Worcestershire Wildlife Trust due to the proximity of the site to Hen Brook, which runs from the site to the Upton Warren Nature Reserve and SSSI.

BDC Housing Strategy

OBJECTION

Affordable housing would be required to make this application policy compliant and Strategic Housing objects to this application on the basis that no affordable housing is being provided. Any age restriction that the developer was proposing has no bearing on the affordable housing requirement as the age of occupants does not figure in the definition of affordable housing.

BDC Caravan Licensing Team

No Objection

A Mobile Home Site License would be required if planning permission was granted and a separate application would be required. The following are taken from the Site License Conditions and therefore need to be considered: -

- No caravan or combustible structure shall be positioned within 3-metre of the boundary of the site
- Every caravan must be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan, which is occupied as a separate residence

- Every caravan shall stand on a concrete hard-standing which shall extend over the whole area occupied by the caravan placed upon it, and shall project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard-standings must be constructed to the current industry code of practice, taking into account local conditions
- Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times. New roads shall be constructed and laid of suitable bitumen, macadam or concrete with a suitable compacted base. All roads shall have adequate surface water/storm water drainage. New two way roads shall not be less than 3.7 meters wide, or if they are designed for and used by one way traffic, no less than 3 meters wide.
- Both of the first two points are to prevent the spread of fire between units which is dictated to by central government following a technical survey into the spread of fire BRE IP 15/91 between caravans/mobile homes. I'm conscious that this may impact upon the number of units allowed onsite.

Birmingham And Worcester Canal Society

No Comments Received To Date

Canal And River Trust

No objection subject to conditions

Contamination and possible pollution

With regard to contamination, clay canals are not impervious to water ingress, as the numbers of leaks throughout the inland water network testifies. We would expect that following further investigation a suitable method of preventing contamination of the adjacent canal by from overland or ground water flows during the course of the development should be agreed to protect the water environment. This may be dealt with by way of suitably worded conditions on contamination mitigation and protection, but it is not clear if further information will be forthcoming at this stage.

Once development has taken place surface water should be prevented from entering the canal in an ad-hoc way by a suitable surface water system and this should include the provision and maintenance of oil interceptors. Suitable methods to prevent pollution entering any watercourse should be in place, but this is of particular concern to the Trust of that watercourse then joins the canal.

It is noted that both the Environment Agency and Worcestershire Regulatory Services also have concerns regarding contamination, including the water environment

Visual impact and Heritage

The proposed site is adjacent to the Canal Conservation Area but the impact on the Conservation Area will be neutral if the canal side boundary continues to provide screening, particularly as the fishing platforms have been removed and the path will be relocated.

Ecology

The removal of the fishing platforms is welcomed as this allows a suitable landscape buffer to remain, providing important habitat for the protected species in the area. The Trust note the comment with regard to lighting and welcome the comment that their will be no lighting adjacent to the canal. The Council should satisfy themselves that this

matter is adequately controlled to prevent additional lighting in the future. This may be best dealt with by way of a condition. The Trust would expect lux levels to remain at zero over the canal.

Drainage

We note that the applicant mentions that a detailed response is being prepared by Robert West, to respond to our concerns. I am not aware that this has been received although the limited information received does indicate that surface water drainage will go to Hen Brook.

The applicant should be aware that flooding of the brook and overtopping of the canal East of the Hanbury Road has occurred previously, which then continues downstream towards the development site and there has also been a recent flooding issue South of the site at Culvert 23A, of which WCC Highways, Bromsgrove DC and NWWM are investigating. If Hen Brook discharges into the canal, then flooding and overtopping may be exacerbated. We suggest that the drainage strategy requires more detail and clarification, including any possible impact on the canal. The developer will have to satisfy themselves, the Environment Agency and NWWM on these matters as the Canal & River Trust are not a flood authority.

Fishing

As the applicant will be submitting revised plans which remove all angling components of the application, concerns over the permission required to utilise the canal are no longer relevant to the application.

The Railway Bridge

Whilst the Trust welcomes additional use of the towpath, we understand the difficulties around the use of this bridge and note that this element will be withdrawn from the proposal.

WCC Archaeology

I have assessed the amended application and can confirm that our response remains unchanged. The site appears to have been used for brine waste throughout the 20th century and therefore we will not be recommending further archaeological investigation through condition, on this occasion.

BDC Conservation Officer

The site is located to the north of the Canal and south of the railway line in Stoke Prior. To the north east of the site there is some light industrial development as far as Stoke Wharf. Immediately to the south of the Canal is a business park, and to the south west of the site are some further light industrial units. The boundary of the site with the canal is lined with trees and vegetation which obscures views into the site from the canal. The tow path of the canal is on the far side of the Canal to the site. The site is currently vacant, until the mid 20th century it would appear to have been undeveloped, it was then used for the dumping of waste, indicated by the waste pits noted on the late 20th century OS plans.

A draft Conservation appraisal and management plan was prepared about a year ago and having gone through a public consultation process will hopefully be adopted as SPG in the new year. The applicant has noted the appraisal in the heritage statement and has highlighted the special character of the conservation area as noted in the document.

The W&B Canal Conservation Area covers the W&B Canal from the Southern Portal of the Tardebigge Tunnel to Bridge 41 at Astwood Lane. For most of its length it covers just the Canal and towpath. It expands out at various points to incorporate canal related development, in addition to the historic hamlet at Stoke Prior.

In the context of the Midlands the W & B Canal is of considerable architectural, historic and scenic interest. The influence of canals was phenomenal, completely revolutionising industrial transportation. The Canal's long sinuous form cuts a swathe through the rural environment, notably the stretch from Tardebigge to Stoke Wharf which has changed little since it was constructed at the beginning of the 19th century. The suburbs of Birmingham including Selly Oak and Kings Norton and the Worcester end of the Canal would have been equally rural at the time of construction but have changed beyond recognition unlike this stretch of the Canal. Parts of Bromsgrove are visible at certain points, but despite the expansion of the town, in long views it remains visually separated by countryside. The curving course of the Canal adds significant visual interest and provides constantly changing vistas. Canalside trees and hedgerow form boundaries along the canal especially on the towpath side resulting in an enclosed setting to the canal in places. The lack of traffic noise, and the sounds of running water and birdsong reinforce the rural setting.

The stretch between Stoke Wharf and Bridge 42 at Stoke Works is more built up and developed with business and industrial units. Historically this area had a number of industrial works, most notably the John Corbett Salt Works, now redeveloped for housing. Despite this development the countryside never feels far away. In respect of this area and the proposed development site, the appraisal notes, 'Beyond the Hanbury Road the Canal continues in a south westerly direction, however the setting changes noticeably, from a rural area to one comprising business units and light industry. To the north are the units described above, and to the south is a business park/light industry estate. The industrial buildings to the north have existed since the construction of the Canal, although they were significantly smaller in scale throughout the 19th century. The Canal uses were relocated to Tardebigge in the 1920s and it is likely that the buildings were altered and extended after this time. The south side of the Canal only began to be developed in the 1950s, original as an engineering works which has now been replaced with relatively modern, but architecturally undistinguished B1 units.

The north side does remind us of the industrial past of some aspects of canal life, although within the C A as a whole these pockets were relatively small. There were, however, wharves distributed along the canal at regular intervals in the 19th century and early 20th century, but most have disappeared altogether.

Where the Canal bends marginally in a south south/westerly direction development peters out on the north side, with a late 20th century building, residential in appearance with a warehouse unit behind. Views are then obscured in a westerly direction on the far bank by hedgerow and rough planting. This reinstates the sense of a rural setting again in this direction.'

In summary the setting of the Canal is predominantly rural. There are pockets at the southern end where there is light industry and other business uses, but they are generally on sites that were developed in the 19th century to benefit from a canal side location for transportation. Despite this the countryside does not feel far away.

The proposed development site appears to have been un-used until the mid 20th century when it was then used to dispose of waste. It is currently screened from the Canal and as noted above reintroduces the sense of the predominant rural setting of the Canal in the more industrial section. The proposed caravan park, especially given its intensive nature, would be alien to the area bringing a suburban feel to the predominantly rural setting of the Canal, which would be at odds with its character. That said views of the caravans from the canal would be largely obscured by the existing screening, although how effective this would be during the winter months is debateable. The plans submitted also show a path through the existing trees close to the canal. The towpath for the Canal is located to the south of the Canal and constructing a path on the north side, albeit slightly set back could potentially undermine the significance of the historic towpath and our understanding of the way canals operated historically, it would also potentially reduce the tree coverage along this boundary.

The landscape plan submitted does not contain sufficient information to assess how effective it would be at maintaining the existing summer screening, and it is likely that it would need to be reinforced to provide better screening in the winter. It is not suggested that evergreens are added to achieve this.

In conclusion it is considered that a caravan park would be an alien addition to the setting of the predominantly rural setting of the Canal, contrasting as well with the industrial pockets found along the Canal. The proposal is therefore at odds with the historic environment policies in the Bromsgrove District Plan noted above.

A considered landscape plan may however mitigate the harm by maintaining and reinforcing the current screening of vegetation and trees. If you are minded to approve the scheme it is suggested that you condition a landscaping scheme unless the applicant is able to provide more detailed information on this aspect of the scheme prior to determination.

07-06-2021

I previously commented on this scheme in December 2020. The revised information submitted would not appear to address any of the concerns expressed and I therefore stand by my December comments.

I had suggested in those comments that more information on the proposed landscaping should be submitted, and I note that the CGI at point 1.48 in the revised Planning Statement would appear to be at odds with the proposed landscape plan, and this discrepancy at least should be addressed.

Natural England

No objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection

BDC Ecology

I am writing in respect of ecological matters for the above application advice request regarding the proposed development of land to form a static caravan park at Shaw Lane, Stoke Prior, Bromsgrove.

I have reviewed the information provided directly by the Council and the application using the Council's online planning portal. I have not completed a site visit but have reviewed relevant maps and aerial photography.

The application is supported by an Outline Ecological Impact Assessment (the report) prepared by Eco Tech issued in May 2020, with various surveys conducted between August 2019 and May 2020. The application is also supported by an illustrative Landscape Plan (the landscape plan) prepared by Park Evolution in May 2020.

The report prepared by Eco Tech draws on previous studies and data searches and includes details of a walk over survey conducted in August 2019 and subsequent Great Crested Newts at a pond on site.

Based on the information provided within the Eco Tech report, I would make the following recommendations.

1. Great Crested Newts (GCN). Previous studies and surveys conducted in 2020, have confirmed presence of population of GCN within the pond located within the development boundary. The development is likely to cause disturbance to terrestrial habitats for GCN and a European Protected Species licence is required to ensure appropriate mitigation measures are made. Initial impacts during construction have been identified with long term benefits proposed given the elevated construction of the caravans and the assumed retained habitat (see note below). However, it is slightly unclear from the Eco Tech report as to the exact recommendations being made in relation to GCN. A "temporary" off site receptor area at Bradley Green has also been proposed. I would recommend that an Outline GCN Mitigation Strategy is prepared in relation to the site and this application. This should form part of the application and set out the general procedures for dealing with GCN in relation to pre and post construction scenarios. Based on this, a planning condition should also be made to obtain a European Protected Species licence for GCN.

2. Reptiles. The walk over survey in August 2019 identified the presence of reptile species on site. I would disagree with the conclusions that the site contains small populations of reptiles given the optimum habitat on site and the limited extent of only one survey outside of what is considered the optimal time of year for determining presence/absence of reptiles. That said the Eco Tech report does recommend mitigation in relation to reptile species to be undertaken in conjunction with the GCN mitigation. Again, I would recommend that a clear Outline Reptile Mitigation Strategy forms part of this application. The mitigation strategy should set out proposals for pre and post construction avoidance and compensation, which should then form a planning condition.

3. Landscape Plan. The Landscape Plan prepared by Park Evolution provides generic layout proposals. A more resolved and detailed plan is required to show how the proposed terrestrial habitats for GCN and Reptiles will be provided. For example, the key on the plan shows a pale green with tree symbol and is described as "native species tree and shrub planting." This could be interpreted as most of the site being set out with trees and shrubs; although I would anticipate that this not the case and that the trees and shrubs will be dispersed within amenity grass. If amenity grass is proposed, then this would be sub optimal terrestrial habitat for GCN and reptiles and should not be considered as providing long term benefits as set out in the report. The retention of the pond and southern vegetated boundary with the canal is to be encouraged. I would therefore recommend that more detailed landscape plan is prepared to show the proposed habitats together with proposed planting etc. A supporting Landscape and Ecological Management Plan (LEMP) should also be prepared to demonstrate how the habitats are to be managed and maintained in relation to the proposed Mitigation Strategies above. This should include elements such as the pond, hedgerows, grassland etc. I would recommend that the Landscape Plan and supporting LEMP form part of a pre commencement planning condition.

4. Canal corridor. The landscape plan shows an indicative pathway through the vegetation adjacent to the canal. I would suggest that this path is moved slightly further north to reduce disturbance to wildlife. If lighting is proposed for the path, then consideration should be given to impacts on foraging/commuting bat species.

5. Badgers. I would recommend that a further walkover survey and/ or precaution measures are taken to ensure that there are no badger setts on site since the previous survey in 2019. This could take the form of a pre commencement condition or Reasonable Avoidance Measures (RAMs) statement.

The planning conditions are recommended to ensure the Local Planning Authority's duty to conserve biodiversity under section 40 of NERC Act (2006).

Environment Agency

We have no objections but recommend that the following planning conditions be imposed.

Documents Reviewed

1. AIG Consultants Ltd, Ground Investigation Bayer Site, Shaw lane, Bromsgrove, UK03/300026/1, May 2003
2. Enviroarm Ltd, Phase I and Phase ii Consolidated Intrusive Site Investigation Report For Land at Corbett Business Park Shaw Lane, Stoke Works, Bromsgrove, Worcestershire REF EL/MLSI/1.00/2020

Site Specific Information / Comments

This site is located on marl and sandy skerries of the Mercia Mudstone group. The Mercia Mudstone at this location is classified a non-aquifer with a negligible permeability. However, the culverted Hen Brook bisects the site. We consider the previous landfill use to be potentially contaminative. The site is considered to present potential pollutant/contaminant linkages to controlled waters. Position We would recommend that further information be provided to address the potential contaminated land matters.

If you are minded to approve the application, the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Groundwater and Contaminated Land Technical Comments We consider the site investigation reports provided are not adequate and further works will be required in order for us to be in a position to recommend discharge of conditions. We have the following technical comments which should be addressed in future submissions:

We have previously commented on the southern part of the site in relation to planning application B/2007/1123 Raise ground levels of part of existing land to form a development platform and form raised bund for landscaping, and our response is included. These comments were made in the context of the permit surrender application. We confirmed recommendation of discharge, but emphasised the remaining inadequacies in relation to the site investigation and risk assessment and disagreed with a number of statements, particularly in relation to the nature of the deposits. No additional data presented in the reports submitted in support of this application have addressed these concerns.

In respect of the current application while it can be seen that the site investigation locations to date are relatively numerous, there has been only limited targeted sampling and application of appropriate analytical suites. It is evident that the site has not been fully characterised. For example:

- The proposed development site appears to be bigger than the area that has been investigated in the previous reports i.e. the area west of the pond does not appear to have been investigated at all.
- Only limited testing of the former Bayer UK landfill waste is provided; limited to four trial pits (TP1-4(2004)) and two samples. These samples were not analysed for soil and leachate potassium, ammoniacal nitrogen, manganese, sodium, magnesium, calcium, iron and chloride which are common contaminants in brine waste.
- The imported engineered 2m soil cap has only been subject to limited analysis (1 x WAC; 5 x soil). Sulphate concentrations are elevated in these samples and sample SWC1.1 indicates a sulphate concentration of 1856 mg/kg which is greater than the inert waste classification of 1000mg/kg. The provided plans do not show the location of the sample points on the imported soil cap. The depth of samples is given as 0.0m (i.e. surface scrape) and are not representative of the 2m depth range of the imported soils. The quality of the imported soil has not therefore been adequately demonstrated and could have further implications for risk to human health and controlled waters.
- No recent monitoring or assessment has been provided of the upstream and downstream Hen Brook water quality since the soil cap was imported.
- The report states that Bromsgrove District Council and Rail Track have both confirmed that the culvert is structurally sound, but does not provide any evidence to this effect, nor when this was confirmed i.e. before or after emplacement of the engineered soil cap.

The CSM provided is inadequate and does not address source-pathway-receptor linkages. In particular it does not address potential migration of mobile

contamination/leachate to the Hen Brook receptor, or, exposure of human site users to contamination from the historic landfill materials, imported soil cap or soil gas.

The report states that the infill over the lagoon area used "compacted inert engineered fill produced under a Mobile Treatment Permit issued by the Environment Agency". CAR report (46010/0317155) advised that the mobile treatment permit EAWML 403525 did not allow use or deposit of waste to restore the landfill. Please confirm and provide evidence that material was deposited in accordance with EPR or was otherwise exempt.

While the Enviroarm report (2020) states that "Following these investigations further soil to a depth of 2metres has been placed in engineered layers rolled at 300mm thickness over the brine lagoons and the former latex polymer landfill", no comprehensive site plan is provided proving the extent of imported soil and thicknesses, or the current topography of site? No CQA plan/validation is provided to confirm that the material was appropriately engineered to provide the correct cap specification? Landfill gas which is a human health issue and therefore the remit of the Local Authority could still be a significant risk.

The Enviroarm report (2020) states "Landfill gas monitoring carried out in 2008 by Geotechnical Developments supported the gas monitoring carried out previously by Enviroarm Limited both inside and outside the landfill site showing no presence of methane gas and trace carbon dioxide within the landfill footprint and low carbon dioxide levels in the brine process waste". Whilst these reports are listed in the references, they have not been supplied in support of this planning submission and the monitoring results have not been reproduced in the Enviroarm report (2020). The AIG report (2003) is not referenced in the Enviroarm (2020) report and there is no discussion of the elevated soil arsenic concentrations or elevated carbon dioxide readings. It is not evident where the AIG investigation overlays the current development area. Furthermore, the referenced reports were based on monitoring undertaken in 2008 and previous to that and do not take into account the recent import of 2m of soil to cap the site, which may surcharge the waste and lead to preferential gas migration.

Way Forward

The applicant should provide an updated PRA including a revised CSM reflecting the current understanding of the site. Taking into account our comments above further site investigation works will likely be required to fully characterise the site. In particular to demonstrate the quality of the imported soil cover and impacts to the Hen Brook (recent upstream / downstream analysis for contaminants of concern and integrity of culvert).

CONDITION: No development, or phasing as agreed below, shall take place until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the local planning authority

1) An updated Preliminary Risk Assessment and Site Investigation scheme, based on AIG Consultants Ltd, Ground Investigation Bayer Site, Shaw lane, Bromsgrove, UK03/300026/1, May 2003 and Enviroarm Ltd, Phase I and Phase ii Consolidated Intrusive Site Investigation Report, REF:EL/MLSI/1.00/2020; to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy, if necessary, of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. This should include any proposed phasing of demolition or commencement of other works.

4) Prior to occupation of any part of the development (unless in accordance with agreed phasing under part 3 above) a verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (2 and 3). The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

CONDITION:

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

REASON: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

North Worcestershire Water Management

I note in the applicant's letter they put NWWM in the list of no objections / conditions can cover issues however looking back at my comments for this site I recommended that the application is deferred until further information is received ' for clarity I've summarised my concerns below. Points 1 and 3 relate to issues which I believe need to be sorted before planning permission is granted.

- No dwelling should be placed over the culvert (the drainage strategy in the original application suggested this would be adhered to but the latest plan does not) ' I think this matter needs to be clarified before a decision is made rather than approve a plan which might allow for building over a culvert; the site layout may need to be tweaked to comply with this?

- A culvert survey should be carried out to ensure no defects (this can be conditioned).
- Some areas of the site are susceptible to surface water flooding which may be hazardous (depth & velocity) ' due to the proposed use of the site these areas should be avoided. Similarly to point 1, this needs to be clarified before a decision is made.
- The revised documents suggest the use of bioretention filter drains; this is welcomed as part of a SuDS strategy but I would like to reiterate that these should be lined and outfalling into the culvert (at a limited discharge rate) to reduce the mobilisation of contaminants, if present, due to the site being a former landfill site. It is not clear from the cross-section of they will indeed be lined, but this may be conditioned as part of the detailed drainage strategy.
- The discharge rate of the site is covered in the additional material so no further comments regarding this however there appears to be two connections into the culvert, with the 26 or so units to the South not passing through the attenuation tank; I would like clarification that a similar arrangement will be used for this area and where flow controls will be located.
- Further detail was requested regarding the capacity of the pond ' it must have capacity to drain the developed area of the site on top of the current area assumed to drain into it with sufficient free-board. I note that the revised strategy by-passes the pond and connects only to the culvert; this is fine but I require details on the sizing of the attenuation tank(s) proposed. This can be conditioned.
- The .MDX file for the microdrainage calculations was requested ' this can be conditioned.
- Finally I requested information on the adoption and maintenance of the SuDS and drainage features, including the culvert ' this can be conditioned.

BDC Leisure Play Provision

We would recommend that the design of the access routes along the canal corridor are linked into the residential proposal and provide easy access for all abilities. Consideration should also be given to the central pond area to ensure this has natural surveillance for a water risk management perspective and include the appropriate mitigation measures to ensure residential safety - particularly considering visiting families. Leisure would also recommend appropriate outdoor facility provision for this age group - this could be in the form of outdoor fitness trail or similar to be provided on site or off site within the locality

Play provision should be calculated for the residential impact locally and provided at the Parish Council Play Area at Shaw Lane as an offsite contribution

BDC Leisure - Open Space/Parks

Open Space layout - good use of pathway along the canal route and acknowledge BDC Ecologist's comments on moving pathway to protect species. SUDs needs to be planned to ensure Rospa Water Safety measures are included to manage water safety on site.

North Worcestershire Economic Development And Regeneration (NWEDR) **OBJECTION**

The applicant is seeking permission for 90 static homes for the over 55's at Corbett business park on existing employment land.

The site has been split into phase I and phase II. In 2018 a new warehouse was constructed for a occupier looking to expand their business, this part of the site remains occupied.

Due to the relatively recent new occupier on part I of the site, this site shows potential as employment land as should continue to be marketed and protected for future employment use.

In addition, adding a residential site into an already active business park could have an impact on the future use of surrounding employment sites, restricting use due to noise or traffic close to a residential development.

BDC Waste Management Comments Awaited

Education Authority

Thank you for your recent consultation in respect of the above proposal.

I note from the planning application form that the proposal is for 90 residential park homes for the over 55's and is adjacent to the current larger development at Stoke Prior. As the proposal submitted is for age restricted accommodation, there is unlikely to be a significant impact on school provision in the area. However, should the restrictions be waived or altered, Children, Families and Communities would wish to reassess the impact of the proposals on the ability to accommodate additional pupils.

For information only, the catchment area schools covering the proposals are Stoke Prior First School, Aston Fields Middle School and St Johns CE Middle School (shared catchment area) and South Bromsgrove High School.

WRS - Contaminated Land

Contaminated Land

WRS have reviewed the report entitled 'Phase I and II Consolidated Intrusive Site Investigation Report for Land at Corbett Business Park, Shaw Lane, Stoke Works, Bromsgrove, Worcestershire', produced by Enviroarm Limited, reference EL/MLSI/1.00/2020, submitted in support of the application. The submitted Ground

Investigation report produced by AIG Consultants Ltd, dated May 2003, has also been referred to.

The proposed site has a long history of industrial development associated with a former salt works and later a latex processing plant. The site includes railway sidings, waste pits and areas of landfill associated with these processes where it is understood that brine processing waste and dewatered latex sludge has been disposed of. Layers of soils have also been imported and placed on site.

The Enviroarm report indicates that it has been produced largely to address points raised previously by the Environment Agency (EA) as part of historic proposals and investigation on site. It is recommended that the planning authority consult the EA in relation to this development if they haven't already done so.

As a result of the above much of the submitted report relates to assessment of groundwater and leachate in respect of the areas of various waste disposal and landfill undertaken historically on site. It is understood that these works may relate to previous comments made by the EA. WRS have reviewed the report generally in respect of risks to human health posed from potential contamination on site. It is noticeable that the report does not detail potential sources of contamination on site that would be derived from onsite processes. This would normally be provided in terms of a preliminary / initial risk assessment and conceptual site model (CSM). This would then highlight potential contaminants of concern (such as potentially hazardous substances in landfilling materials, brine processing waste, and latex sludge, substances that may be present in made ground, railway sidings, and imported material (such as asbestos, metals, hydrocarbons etc), potential ground gas produced from landfill wastes and made ground). The results of this process would then inform the scope of the site investigation required, areas and depths to target, and suitable contaminants to test for. This process has been reversed in the report and is largely based on historical investigations the purpose of which is unknown and rationale not provided.

A revised CSM and Human Health Risk Assessment is included at the end of the report (sections 12 and 13) which states 'There are no identified potential contaminants of concern'. However as stated above WRS would expect the contaminants of concern to be highlighted in detail at the start of the assessment and drive the requirement for site investigation which would determine presence / absence of contamination.

The conclusion of the report also refers to a 2008 gas monitoring assessment however no detailed information is provided and no results are included.

WRS have briefly referred to the 2003 ground investigation report. Given that the report is 17 years old and the changes that have occurred on site in that time it is largely irrelevant to the current application. However the investigation does highlight exceedances of arsenic (maximum of 140mg/kg) and lead (590mg/kg) in soils. Elevated carbon dioxide of 5.2% v/v was also recorded during the three rounds of gas monitoring undertaken.

Given the long industrial use of the site and proposed change to a more sensitive residential use, suitable risk assessment in respect of human health should be provided. Following a review of the submitted site investigation report it is considered that significant elements of the risk assessment process have been omitted and a reliance is

placed on previous site investigations undertaken for unknown reasons. WRS therefore recommend that the 2020 report is either revised or that a new Phase 1 Desk Study is produced assessing the history of the site, sources of contamination, specific contaminants of concern, and appropriate risk assessment in relation to the proposed residential development. This should include a suitably detailed gas risk assessment.

In light of the above WRS recommend that the standard tiered contaminated land condition, as set out below, should be attached to any planning permission granted.

Tiered Investigation (Full)

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

The National Planning Policy Framework advises that Planning Decisions should ensure the site is suitable for its proposed use taking account of ground conditions, pollution arising from previous uses and any proposals for mitigation including land remediation. The Framework also requires adequate site investigation information be prepared by a competent person is presented. Little information is known or has been provided on this site and consequently a condition requiring Phase I study is recommended.

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 retrofitting and in some cases the demolition of construction work already completed.

Paragraph 178 of the NPPF requires development to be suitable for its proposed use taking account of ground conditions, any risks arising from contamination, and any proposals for mitigation, including land remediation. Paragraph 178 goes on to state that after remediation, as a minimum, land should not be capable of being determined as Contaminated Land under Part 2A of the Environmental Protection Act 1990.

WRS - Noise

The proposed development consists of prefabricated park homes located on a parcel of land bounded on three sides by an industrial estate. The fourth side to the east is hemmed in by the Gloucester to Birmingham Railway line. Saxon Business Park to the south of the site is allocated to B1, B2, B8 use. East of the proposed site, directly adjacent is an operational scrap yard, vehicle dismantlers and waste management

company which are inherently noisy industrial activities. To the West of the site there are several Industrial units allocated to B1, B2 and B8 use.

WRS have reviewed the associated acoustic report and whilst it concludes that noise impacts during their assessments would be manageable, based on their findings WRS maintains concerns as the assessment contains only captures a brief snapshot of the noise climate and does not take into account the potential variability of noise from all of the different sources surrounding the land. In addition to this due to the established planning status of the industrial estate/scrap yard/railway line there will always be a possibility that a noise increase may occur through intensification/ demand/ change of occupancy which would add further detriment to any future residential occupants.

Conclusion

WRS conclude that the allocation of residential properties in this location based on the proposed design within the confines of an industrial estate is unsustainable from an environmental amenity perspective. Should the applicant therefore wish to consider alternatives WRS would recommend continuous mid-rise traditional block/brick structures with adequate ventilation with suitably specified glazing and air ventilation systems so that internal amenity can be protected from external noise. The development should also consider the application of an enclosed central courtyard/ communal area so that a reasonable tranquil noise climate can be achieved externally as the building envelope will act as an acoustic barrier, providing suitable noise attenuation for residents.

Recommend

Refusal on the grounds of environmental amenity.

WRS - Air Quality

WRS have reviewed the application in relation to local air quality. No specific air quality concerns have been identified in the development area. Given the size of the proposed development you may wish to incorporate the standard air quality mitigation measures for residential development to help alleviate pollution creep and encourage uptake of low emission vehicles. The standard air quality mitigation measures wording is attached for your consideration.

Air Quality Conditions

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

It is recommended the applicant incorporate mitigation measures as part of the development to minimise impact from the development on local areas of poor air quality and assist in alleviating pollution creep arising in the general area. WRS therefore make the following recommendations in accordance with NPPF Paragraphs 102, 103, 105, 110, 170, 181:

Secure Cycle Parking

It is recommended that secure cycle parking facilities are incorporated into the design of commercial developments and domestic plots without sufficient exterior space to allow for secure cycle storage. Full details of the location, type of rack, spacing, numbers, method of installation and access to cycle parking should be provided.

Electric Vehicle Charging - Domestic Development

The provision of more sustainable transport modes will help to reduce CO₂, NO_x and particulate emissions from transport. In order to make the properties ready for EV charging point installation, appropriate cable provision and isolation switches must be installed that can be adapted to an appropriate dedicated socket for electrical vehicles to be charged in the garage, driveway or allocated car parking space. For developments with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided by the developer to be operational at commencement of development.

Low Emission Boilers

Boiler NO_x emissions from building heating systems contribute to background NO_x concentrations and the following condition is recommended to alleviate impact from new buildings.

NHS/Medical Infrastructure (Worcestershire Acute Hospitals Trust)

No Comments Received To Date

NHS Clinical Commissioning Group (GP Surgeries)

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.

The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. Herefordshire and Worcestershire CCG would therefore expect these impacts to be fully assessed and mitigated.

Summary position for primary healthcare services within catchment (or closest to) the proposed development

The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development will generate an additional 216 residents and subsequently increase demand upon existing constrained services.

The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

Healthcare Needs Arising From the Proposed Development

The intention of Herefordshire and Worcestershire CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.

The development would give rise to a need for improvements to capacity, in line with emerging STP estates strategy, by way of new and additional premises or infrastructure, or extension or alterations to existing premises.

Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposal

we are willing to accept the applicant's assumption that the average household of a static residential park home is 1.7 persons. We have therefore re-calculated the sum the CCG is requesting as follows:

Premises	Additional Population Growth	Additional floorspace required to meet growth (m²)	Capital required to create additional floor space (£)
Davenal House Surgery	153	10.49	24,127

Resulting in a request for a developer contribution of **£24,127**.

A developer contribution will be required to mitigate the impacts of this proposal. Herefordshire and Worcestershire CCG calculates the level of contribution required in this instance to be **£24,127**. Payment should be made before the development commences.

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

Conclusions

In its capacity as the primary healthcare commissioner, Herefordshire and Worcestershire CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, Herefordshire and Worcestershire CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that Herefordshire and Worcestershire CCG deem appropriate having regard to the formulated needs arising from the development.

Herefordshire and Worcestershire CCG is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

WCC Highways

No objection subject to conditions and s106 obligations

Context

The Highway Authority are in receipt of a full application for the provision of 90 static residential park homes at Corbett Business Park, Stoke Prior. The Highway Authority previously advised no objection in formal highway observations dated 18th August 2020. Following the re-consultation, the Highway Authority once again appraised the Application and have reached the same conclusion. However, this response now includes the full conditions and financial obligations required to make the site acceptable. This response supersedes previous highway response.

Proposed Development

The site lies on the southern side of Stoke Prior, Bromsgrove and to the north of Worcester. Stoke Prior comprises of a mix of land-uses including residential and business development.

The proposed development consists of over 55s modular park homes including private driveway, segregated from employment traffic to Corbett Business Park. The total site area comprises some 4.47 hectares (ha).

Proposed Site Access

The proposed vehicular access to the site is by an existing private industrial access connection onto Shaw Lane used by traffic to and from Corbett Business Park. The internal access road to Corbett Business Park divides into two routes at an internal junction. A wide track is provided to the west and north of the existing industrial units whilst parking and access to the businesses are provided on the southern side of the building. The internal arrangement would be an entirely private arrangement. The existing access is sufficient in width with adequate visibility. However, this would be over designed for a residential usage. The existing access is currently gated and provides access into an industrial facility. It is noted that to gain access to the site, occupiers would drive through the existing industrial site. A residential site sharing access with an existing industrial site is highly unorthodox, however, this is an entirely private arrangement. The arrangement does not provide a segregated pedestrian point of access clear from vehicular movements including HGVs. The current footway tapers where the existing gates are *in situ*, and based upon the current arrangement, pedestrians leaving the site will have to enter the private roadway, sharing road space with vehicles. Turning to supporting plan P026C26-11-REV A, *Location Plan*, the indicated blue-line boundary shows control over the access arrangement

Pedestrians should be segregated from car and HGV movements, ensuring that safe and suitable access for all users at the point where they join the public highway. A planning condition has been advised that requires the existing access arrangements to be altered and provide a continuation of a 3m footway into the development for sufficient distance to ensure pedestrians and cyclists are segregated from HGV movements.

Traffic Impact

The Trip Rate Information Computer System (TRICS) database was used to generate trip rates for employment/ industrial use, residential/ retirement flats and fixed caravan accommodation for means of comparison

Typical traffic generation for 90 retirement flats generated by TRICS was 21 two-way trips in the AM peak (08:00 – 09:00), 16 two-way trips in the PM peak (17:00 – 18:00) and a total of 290 two-way trips between 07:00 and 19:00. The TS identifies that this would likely not be fully representative of the trip generation for the proposed development and, therefore, presents the trip rates associated with a similar development in Welford. The trip rates for this are presented below:

- 10 AM peak two-way trips (08:00 – 09:00);
- 8 PM peak two-way trips (17:00 – 18:00); and
- 150 two-way total trips (08:00 – 18:00).

The site the above rates were derived from is considered comparable in terms of location and use to the proposed development. The Highway Authority, therefore, is satisfied with this.

Local Amenities and Bus Infrastructure

The TS notes that the nearest bus stops are at the railway Bridges 240m from the proposed development. However, this would be linear from the site to the bus stop. The current pedestrian network would route pedestrian via the access on Shaw Lane to the near bus-stop near the Railway overbridge on Shaw Lane. This is a distance of approximately 700m.

A contribution of £700.00 is requested to replace the life expired concrete bus stop poles on Shaw Lane.

There will be an impact from this development on Community Transport for those residents with limited mobility who are unable to access conventional bus services and to access Acute Hospitals that are some distance from the location. Static caravan sites in this geography tend to be occupied by a demographic who require the stated services. Likewise, the Application Form states that this application is for the construction of 90 residential park homes for the over 55s along with associated parking and landscaping. The County Council has specific duties to consider the transport needs of elderly and disabled people under the Transport Act 1985 and more general duties under the Equalities Act 2010. Based on data from the 2011 Census using the average population mix for Bromsgrove residents over 55, the target group for this development, and the Worcestershire Concessionary Travel Scheme, it is estimated that 36 residents could fall in this category.

On this basis, the Highway Authority request a contribution of £22,600.00 to establish a new Community Bus service serving the development on 2 days a week providing shopping opportunities in Droitwich or Bromsgrove. Establishing the Community Bus, registered under Section 22, would ensure that residents are able to access free concessionary travel as on a normal bus.

Public Rights of Way

The TS states that no Public Rights of Way (PRoWs) would be affected by the proposed development. However, it does identify that a Stoke Prior 521(B) which follows an alignment to the north side of the railway would provide a right of way for use by pedestrians and cyclists.

Network Safety

In accordance with WCC's Streetscape Design Guidance (2020) a TS has been produced. The TS identifies that no collisions were recorded within the vicinity of the site, including the proposed site access between 2013 – 2018. A review of CrashMap has identified that collision data is available for the most recent five-year period (2014 – 2019) confirms the absence of collisions in this location.

Travel Plan

As per the provisions of the Streetscape Design Guide, the Highway Authority request that the Applicant produces a Travel Plan and Residential Welcome Pack for all residents. As part of this, the Applicant is required to undertake Personalised Travel Planning (PTP). The Applicant would be required to include the following in the Travel Plan:

- PTP must be delivered to residents face to face (subject to COVID-19 restrictions);
- PTP must be supported by initiatives such as taster tickets for buses or vouchers towards a bike / bike gear for participating residents; and

The Welcome Pack must be put together using WCC's Guideline for Travel Welcome Packs at the following link:

https://www.worcestershire.gov.uk/downloads/file/11365/guideline_for_travel_welcome_packs WCC has published guidance on how it expects Travel Plans to be prepared. This guidance is freely available from the County Council's Travel Plans Officer. As part of this process, the Applicant must register for Modeshift STARS Business (www.modeshiftstars.org) and ensure that their targets have been uploaded, so that progress on the implementation of the Travel Plan can be monitored. WCC can assist applicants with this process should they need.

Modeshift STARS Business is a nationally

Conclusion

The Highway Authority has undertaken a robust assessment of the application. Based on the analysis of the information the Highway Authority concludes that impact on the local highway would not be severe subject to the conditions and obligations outlined in this report.

Conditions

1. Prior to commencement of development, details of a new 3m footway at the Shaw Lane site access tying to the existing footway connecting into the site for a minimum distance of 25m. This would be paved and kerbed providing segregation for pedestrian from the existing roadway. This will be constructed by the Applicant and maintained in perpetuity.

REASON: To ensure safe and suitable access for all road users.

2. The Development hereby approved shall not be occupied until the Applicant has submitted a Travel Plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated in agreement with WCC's Travel Plan Co-ordinator and thereafter implemented as updated.

REASON: To reduce vehicle movements and promote sustainable access.

3. The Development hereby approved shall not be occupied until the Applicant has submitted to and had approval in writing from the Local Planning Authority a Residential Welcome Pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

REASON: To reduce vehicle movements and promote sustainable access.

Obligations

1. A contribution of £700.00 is required to upgrade the bus stop on Shaw Lane.

REASON: To maximise use of sustainable travel modes and to encourage use.

2. A contribution of contribution of £22,600.00 is necessary Community Transport to provide door to door transport for those residents unable to use conventional bus services is required.

REASON: To maximise use of sustainable travel modes and provide transport for those residents unable to use conventional bus.

Network Rail

No objection

Due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

West Mercia Constabulary (Designing out crime)

No objection

This development will have little impact on crime and disorder, therefore I do not have any objection or comments to make regarding this application.

Hereford & Worcester Fire And Rescue

Access to the static residential units, access widths and road surfaces should be suitable for the attendance of fire appliances

Representations from Local Residents

At the time of preparing this report 218 representations, comprising 213 objecting to the proposal, 4 making comments and 1 representation in support, had been received. A proportion of the representations are from the same households, primarily due to multiple consultations during the course of the application.

Comments in Objection

TRAFFIC & HIGHWAYS

- The development would compromise road safety
- The development would increase air pollution
- The proposal would compound road congestion
- The proposal makes insufficient provision for off road parking
- The access is in close proximity to the railway bridge which has a traffic management system due to the narrow roadway
- The canal bridge is unsuitable for more traffic
- The residential development to the south-east of the canal is still being built out and consequently the full level of traffic from that development has not yet been realised. This scheme will compound the situation.
- The junction around Shaw Lane and Westonhall Road is already dangerous with many employees on Corbett Business park parking on the road around the junction and close to the one lane section of Shaw Lane under the railway bridges.
- Traffic generation at peak times is massive, contrary to the applicant's planning statement
- The whole of Stoke Prior including Shaw Lane and Westonhall Road is part of a rat run throughout the whole village to the M5 at peak times 07:30 - 09:00 and 16:30 - 18:00 daily. This traffic is passing to and from the three Business/Industrial Estates on the Hanbury Road opposite Harris Brush Works, which is itself an employer of 300+ employees
- Section 5.4 of the traffic report draws analogies to a site in Welford. The use may be the same but the size of the village is not and also it is not adjacent to an industrial area that has movement of heavy trucks.

ACCESS

- Visibility splays are inadequate at the access
- There are no plans to improve road access to the site off Shaw Lane apart from relocating the entrance gate 20 metres back towards the industrial side.
- Mixing residential and employment traffic will result in HGV vehicles being hampered entering the "employment site" with potential for them to block the Highway until such a time they can proceed
- Traffic from the bridges turns left into the business park, sometimes at over 30mph. This traffic will be meeting traffic turning right from the access road to the proposed development. Some sort of traffic management would be needed here to increase visibility and reduce potential accidents between cars, trucks, cyclists and pedestrians.

DISPLACEMENT OF PARKING FOR EMPLOYMENT USES & ON STREET PARKING

- The planning application site photographs show an empty side road for access, but recent aerial photographs show that this is used for general parking by the factory/office employees.
- The entrance to the 11.05 acre site off Shaw Lane - between Westonhall Road and the twin low bridges with single file access on Shaw Lane - vehicles are parked on both sides of Shaw Lane on the pavements by employees of Corbett Business Park, employees also park all along the 'suggested' access road to the site. Where are all these vehicles going to park IF the development goes ahead.

VEHICLE AND PEDESTRIAN CONFLICT

- There is currently no marked footway to segregate pedestrian and industrial traffic

UNSUSTAINABLE LOCATION

- The site is poorly served by public transport and would place undue reliance on the private car.

LACK OF AMENITIES ON SITE AND IN LOCAL AREA

- There are no buildings proposed on site to serve the needs of local residents.
- The units have insufficient amenity space
- There is only 1 village shop / post office.

PARKING PROVISION

- While the planning permission is for 90 retirement or holiday homes, some of the units will have up to 5 bedrooms suggesting that without question, one parking space per property, plus 5 visitor spaces is inadequate.
- Some of the units will have more than one car.
- The number of visitors will no doubt be more than that the available remaining spaces so it is unclear where other visitors would park
- only 95 parking spaces for 90 dwellings, this is only going to Accentuate the existing parking problems faced near the proposed development, where daily there is a line of cars parked along the side of the road creating a hazard for other vehicles.

DISTURBANCE DURING DEVELOPMENT

- The proposed units would be bulky to transport and would be a logistical challenge to get on site with narrow roads and bridges leading to the site and would cause a huge inconvenience to residents and traffic in general, especially if diversions and traffic systems were put in place.

ENFORCEMENT OF AGE LIMIT

- It would not be possible to practically monitor and enforce an age limit
- Any occupants under 55 would contribute towards existing adverse impacts upon local infrastructure
- Many people work until 65 and beyond
- Many couples in their mid-fifties still have dependents residing with them

INADEQUATE INFRASTRUCTURE FOR SCALE OF DEVELOPMENT

- Schools and GP services overstretched
- Occupation by over 55's would inevitably place greater pressure upon local GP services
- We have only a satellite surgery for the doctors and one small shop and school.
- The village has We have only a satellite surgery for the doctors and one small shop and school.

LOSS OF EMPLOYMENT LAND

- The site is allocated in the adopted local plan for employment use and not for residential development
- The site could be used for small units for start-up businesses, providing more employment opportunities for local people, rather than encouraging inward migration.

COMPATIBILITY WITH ADJACENT USES / RESIDENTIAL AMENITY

- The nature of adjacent land uses is likely to deter occupancy by those it is intended to serve
- There will be an increase in light and noise pollution for current residents.
- Difficult to reconcile demand for such residential accommodation situated within what would be an effective compound, with the canal on one side (with no pedestrian access) and the railway on the other, sandwiched between industrial uses.
- Noise from the factories can be heard in the surrounding areas from around 7 am. This is highly likely to lead to conflict between the new residents and the factory owners, causing many problems for both.

CONTAMINATED LAND

- The area has a history of salt mining, the full extent of which is unknown and creates a hazard for any development which may not yet have been mitigated.

FLOOD RISK

- Flood risk to the properties adjacent to Henbrook. The drainage report states that any extra discharge from non-permeable surfaces into Henbrook will be at restricted rate. The culvert under the railway is increasingly running at maximum capacity causing flooding downstream at the culvert under Shaw Lane. Any extra water will add to the problem of flood water backing up into the adjacent gardens.
- The development proposes discharge of surface water into Hen Brook. The culverts on Hen Brook are insufficient to deal with the current discharge from previously built developments on the flood plain. Stream water backs up during high rain periods and causes severe flooding to houses on Hanbury Road around Stoke Wharf. There should be no further development without first enlarging the culverts running through Metals and Ores and under the railway.

NOISE AND LIGHT POLLUTION

- The development would compound existing noise and light pollution issues

AFFORDABLE HOUSING

- The proposal would not deliver any affordable housing for the village

SCALE & CHARACTER OF DEVELOPMENT

- A static caravan site would be a blot on our beautiful village
- Stoke Prior is a village, not a convenient overspill area
- Out of character with the smart new houses on the Henbrook Gardens estate
- Unacceptably high density over-development of the site.
- The design of the park homes look like the standard type one could find anywhere in the UK

ECOLOGY

- Welfare of local wildlife systems including but not limited to the canal system, Hen Brook and Salwarp river feed. The development threatens a further reduction in the habitat for the protected species that are present on the site including Great Crested Newts grass snakes and slow worms. The Applicant's ecological survey also mentions that the dense scrub contributes to the foraging and commuting bats and dunnocks.
- The land should be used as a nature reserve

NEED

- With the recent development at Henbrook Gardens, there is no need for further residential development

Comments in Support

NEED

- The area needs this type of Housing

Relevant Policies

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP6 Infrastructure Contributions

BDP7 Housing Mix and Density

BDP8 Affordable Housing

BDP9 Rural Exception Sites

BDP10 Homes for the Elderly

BDP12 Sustainable Communities

BDP14 Designated Employment

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP20 Managing the Historic Environment

BDP21 Natural Environment

BDP22 Climate Change

BDP23 Water Management

BDP24 Green Infrastructure

BDP25 Health and Well Being

Others

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

Relevant Planning History

18/00041/FUL	Erection of New Industrial Units for B2 (General Industrial) and B8 (Storage and Distribution) uses	08.08.2018
14/0018	Extension to industrial unit	06.05.2014
B/2005/0717	Erection of additional storage accommodation.	09.02.2006
B/2005/0716	Deletion of condition 04 attached to B/2003/0531 to permit unrestricted operational hours	09.02.2006
B/2005/0597	Raise ground levels of part of existing land to form a development platform and form raised bund area for landscaped tree planting.	23.12.2005
B/2003/1368	Relocation of pump house and water storage tank (sprinklers).	06.02.2004
B/2003/0531	Change of Use to B1, B2 & B8 use.	16.06.2003
B/1998/0449	Pumphouse and water storage tank (sprinklers) at Bayer UK Ltd, Shaw Lane, Stoke Works, (as augmented by plans received 29.06.98).	13.07.1998
B/1995/0933	Extension to gatehouse and proposed pallet store	02.01.1996
B/18398/1989	Temporary Office Accommodation and hardstanding for car parking.	09.10.1989
B/13182/1985	Construction of new emergency access.	09.09.1985

Assessment of Proposal

Site Location and Description

The application relates to an area of land measuring 11.05 acres located on the north eastern side of Shaw Lane. The land located to the rear of the site is currently vacant and comprises of the last phase of Corbett Business Park. The eastern boundary of the site abuts the Metal and Ores site accessed via Hanbury Road. The designated Worcester to Birmingham Canal Conservation Area is adjacent to the Southern boundary and further commercial and industrial premises are located on the Saxon and Harris Business Park to the south of the canal. The northern boundary of the site runs parallel with the railway line that links Worcester with Birmingham. The site itself is undeveloped, with a screening belt of trees fronting the canal and a pond located on the southern side.

The site is designated as an employment zone within the adopted Bromsgrove District Plan and constitutes 'previously developed land.' Although contains no built development.

Proposal

Full Planning Permission is sought for a development of 90 residential park homes on the site. The proposed development comprises 3 models of Willerby Bespoke Park Homes of which the floor plans for each model has been submitted as part of the application. These would have a mix of horizontal artificial timber style cladding/ rendered exteriors and shallow pitched tiled roofs. These units would be serviced via the existing entrance to the industrial units at Corbett Business Park but with capability to create a segregated area for cyclists and pedestrians.

The development is specifically intended to cater for the over 55's. Each units would have 2 parking spaces. An existing pond would be retained. A pathway is show running parallel and through an area of landscaping along the southern boundary with the Worcester and Birmingham Canal.

Main Issues

The main issues to consider in this case are

- Principle of Development
- Loss of Employment Land
- Housing Supply
- Housing Need
- Highway Safety
- Character, Setting and Design
- Residential Amenity
- Ecology
- Floodrisk
- Land contamination
- Mitigating impact upon local infrastructure
- Proposed Occupancy age limit

These issues are weighed in the Planning Balance

Principle of development

The site is designated as an employment zone within the adopted Bromsgrove District Plan and constitutes 'previously developed land.'

Criterion 'a' of Policy BDP2 of the adopted Bromsgrove District Plan identifies *"Development of previously developed land or buildings within existing settlement boundaries which are not in the designated Green Belt;"* as being a suitable location for residential development.

Similarly, paragraph 118 of the NPPF states that

118. *Planning policies and decisions should:*

- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.*

The site lies with the settlement of Stoke Prior as defined by the residential and employment areas identified on the proposals map.

There are two key considerations in considering the principle of development in this case. Firstly, the designation of the site in the development plan for employment purposes, and secondly the Council's current position in respect of housing land supply.

The loss of employment land and Housing Land supply position are considered in the subsequent sections of this report.

Loss of Employment Land

Corbett Business Park is an existing industrial park situated on land designated for employment purposes and permissions have been granted for the use of the wider business park for B1, B2 and B8 uses.

BDP Policy 14 states that

BDP14.3 Bromsgrove District Council will safeguard employment areas that:

- a) Are well located and linked to the main road and public transport network; and*
- b) Provide, or are physically and viably capable of providing through development, good quality modern accommodation attractive to the market; and*
- c) Are capable of meeting a range of employment uses to support the local economy.*

BDP14.4 Proposals that result in the loss of employment land for non-employment uses, such as housing, will not be considered favourably unless applicants can adequately demonstrate that:

- i) The proposal would not have an adverse impact upon the quality and quantity of employment land within the local area; and*

The loss of the site to employment use would compound the loss of employment land in the area and District as a whole, generating pressure to find alternate Green Belt land.

- ii) There would be a net improvement in amenity (e.g. 'non conforming' uses close to residential areas); and*

The site is not presently in active employment use and consequently there is no assessment to be made about whether there would be an improvement to the amenities of residents. Moreover the nearest residential properties are situated on the opposite side of the canal to the south east of the site.

iii) The site has been actively marketed for employment uses for a minimum period of 12 months, providing full and detailed evidence or where an informed assessment has been made as to the sustainability of the site and/or premises to contribute to the employment land portfolio within the District (as part of this assessment, consideration should be given to the appropriateness for subdivision of premises); or

It is accepted that the site has been marketed in excess of the requisite period, but that does not mean that further marketing would fail to generate interest.

iv) The new use would result in a significant improvement to the environment, to access and highway arrangements, or sustainable travel patterns which outweighs the loss of employment land; and

The site is undeveloped. It is visible from the towpath and development on the opposite side of the canal. The site does not have a detrimental impact on the environment in its present state. The south eastern edge of the site / canal bank has some existing trees.

The proposal offers no significant changes to the junction arrangements, save creating a safe route for pedestrians and cyclists from the development, to the site access. As the site is undeveloped realistic comparisons cannot be made between 'existing' and 'proposed' traffic without making assumptions, but the acceptability of the proposal in highway terms does not rely solely upon demonstrating that the use might generate less traffic, than an alternative.

v) The site/premises are not viable for an employment use or mixed use that includes an appropriate level of employment. A development appraisal should accompany proposals to clearly demonstrate why redevelopment for employment purposes is not commercially viable.

BDP14.5 In line with the NPPF, planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where the above criteria is justified and there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings will be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Notably, the applicant's marketing report does not explicitly claim that the site is not viable for employment use. Part of the site has been recently developed in 2018 to facilitate further employment use.

Fisher and German have been joint agents for the site and have carried out an extensive marketing campaign in excess of 15 years. Their report forms part of the application. The report states a number of reasons why it has been difficult to generate an occupier for the site including:

- Poor access;
- Ground Conditions; and
- Better alternative sites within the area.

The marketing report concludes by stating:

“Phase II Corbett Business Park has been openly marketed for many years without success.

The land has outline consent for employment development and therefore new buildings to suit specific occupier requirements have been offered to the local and regional market, in all, over a period of almost 17 years.

Whilst discussions have taken place with potential tenants or buyers, this initial interest has not resulted into any serious interest.

The site is in a semi-rural location. Not in itself a major issue, but access to the site is poor. This has been the dominant reason for potential occupiers to discount the site.

There are a number of established business parks and estates in the intermediate area which are more readily accessible from the main road and motorway network. In addition, there are a number of employment sites with outline planning consent in the area with superior access, which will be able to satisfy market demand in the coming years.”

The fact that residential development, has been permitted under the terms of application reference 17/00761/FUL within the allocated site for employment on the south side of the canal, does not justify the further release of employment land on the north side.

In my opinion, the applicant has not demonstrated that there is no reasonable prospect of the site being used for employment purposes. The fact that there may be better available sites by comparison, does not make the site unsuitable for employment use, when seen in the context of the development plan period, where site availability may vary over time. North Worcestershire Economic Development and Regeneration (NWEDR) object to the proposal and it is considered that the release of this land for purposes other than employment use would be premature.

Housing Supply

Paragraph 59 of the NPPF states: *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where, it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.*

The fact that Bromsgrove cannot presently demonstrate a 5 year supply of housing is not disputed and the development could make a meaningful contribution to this identified shortfall. This matter must, reasonably, therefore be given substantial weight in determining the application. The relevant test is set out at Paragraph 11 of the NPPF which sets out a presumption in favour of 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”* The other impacts of the development are considered in the subsequent sections of this report and in the planning balance.

Housing Need

Policy BDP8 of the Bromsgrove District Plan requires that for brownfield sites accommodating less than 200 dwellings, up to 30% affordable housing will be required. paragraph 8.2 of Policy BDP8 states that in exceptional circumstances where the applicant can fully demonstrate that the required target cannot be achieved, the Council are able to negotiate a lower provision however, the policy does not allow this to be provided through the payment of commuted sums for off-site provision and as such, a registered social housing provider would be required to adopt a certain number of units as affordable homes. The reasoned justification for the policy states that there is a significant unmet demand for affordable housing in the district. Accordingly, the provision of affordable housing is a fundamental consideration for new residential.

In this case, the Applicant has contacted a number of registered social landlords to establish the premise of these established companies adopting the park home units, with the necessary requirements of affordable units in mind. That exercise did not generate any interest. However, the applicant's approach presupposes that on-site provision could only take the form of static caravans. Allowing the form of residential development to dictate whether the provision should be made on site is not a privilege extended to other developers. The applicant has advanced the argument that because there is no demand for an RSL to take up the units they are proposing that this precludes provision on site. If, without prejudice, the LPA were to except the premise that development of the site for residential use is an acceptable alternative to employment use, it does not follow that the affordable units must take the form of static caravans, notwithstanding the geotechnical constraints which have been alluded to in the submission. Therefore, without prejudice to the principle of developing the site for residential use, it is conceivable that the requirement for affordable housing could be met on site but in a different form and in partnership with an RSL. Making a contribution in lieu of onsite provision should not be regarded as an alternate option determined by preference or convenience to the developer.

The applicant has requested that the requirement for an offsite affordable housing contribution, rather than the provision of on-site affordable housing is considered by the Local Planning Authority. However, in light of the above considerations officers would be reluctant to accept a financial contribution in lieu of on-site provision, just because the applicant has chosen to advance a scheme with one form of residential development, to the exclusion of others, because that is the type of development their company specialises in. A proposal could have been advanced in partnership with an RSL to assign part of the site

The principle drawback with conceding a commuted sum is that collection of a sum in lieu of onsite provision does not actually secure the delivery of the affordable housing, nor does it identify an alternate site where such housing might be provided and delivered in an equivalent form. The applicant has not, as yet, attempted to argue that the proposed age limit on occupation of the development should provide any concession in respect of the affordable housing provision.

Paragraph 62 of the NPPF states that –

“Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and

b) the agreed approach contributes to the objective of creating mixed and balanced communities.

For the reasons set out above, the LPA do not consider that a financial contribution in lieu of affordable housing has been robustly justified.

Paragraph 63 of the NPPF states that –

“To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”

The site contains no vacant buildings to be reused or redeveloped so a reduction would not be warranted on that basis.

In its current form, the proposal makes no provision for affordable housing. Moreover, there is no mechanism before the Council to secure such provision. As a consequence, the proposal would fail to contribute towards the significant unmet demand within the district. This is a significant and demonstrable shortcoming of the proposal. Accordingly, it is a matter to which should be attached substantial weight in consideration of the proposal.

For the reasons identified above, I conclude that the provision of affordable housing in line with the requirements of the development plan is necessary and that this has not been adequately provided for through this application. Moreover, a lack of provision would prevent the proposal from helping the district meet its specific affordable housing needs. It would therefore fail to accord with Policies BDP6, BDP8 and BDP25 of the Bromsgrove District Plan which relate to infrastructure provision for new development, including the requirements for affordable housing.

Highway Safety

Policy BDP16 states that *“Development should comply with the Worcestershire County Council’s Transport policies, design guide and car parking standards, incorporate safe and convenient access and be well related to the wider transport network.”*

The site is located off Shaw Lane which has vehicle height restrictions in the vicinity. The road is subject to a 30mph speed limit. The proposed development would be accessed via the existing vehicular access which serves Corbett Business Park. Within the site the existing access road skirting the northern boundary between the existing units and railway line would serve the proposed development with the potential for segregation of pedestrians and cyclists from vehicular traffic.

In their consultee response WCC Highways make the observation that -

“A residential site sharing access with an existing industrial site is highly unorthodox, however, this is an entirely private arrangement” - the inference being it does not have to meet adoptable standards.

However, they note that *“The arrangement does not provide a segregated pedestrian point of access clear from vehicular movements including HGVs. The current footway tapers where the existing gates are in situ, and based upon the current arrangement, pedestrians leaving the site will have to enter the private roadway, sharing road space with vehicles.”*

Nonetheless, they have acknowledged that on the “supporting plan P026C26-11-REV A, *Location Plan*, the indicated blue-line boundary shows control over the access arrangement” This means that the applicant could deliver the requisite safe route for pedestrians, and those details could be secured by a condition in the event that Members were minded to approved the application. On that basis officers consider that highway safety concerns in this regard could be adequately mitigated via the implementation of improvements in accordance with further details which could be secured by a planning conditions if members were minded to support the application

WCC Highways advise that pedestrians should be segregated from car and HGV movements, ensuring that safe and suitable access for all users at the point where they join the public highway and recommend a planning condition that requires the existing access arrangements to be altered and provide a continuation of a 3m footway into the development for sufficient distance to ensure pedestrians and cyclists are segregated from HGV movements. Officers are consequently satisfied that this matter could be addressed by condition if members were minded to support the application.

The site is situated in a location, within close proximity to a number of essential services and facilities. The distances to those facilities are:

- • Post Office (500m);
- • Morrisons / ALDI Supermarkets (2.3km);
- • Numerous Nature Reserves and Parks (within 2km);
- • Stoke Prior Village Hall (800m);
- • Restaurants, Pubs and Cafes (within 2km);
- • Places of Worship (1.9km);
- • Larger range of services and facilities in Bromsgrove (4km);
- • Doctors Surgery (500m); and
- • Dentist (Charsfield Dental Practice) – 5.8 miles

Subject to improving connectivity through land in the applicant’s ownership and control it is possible the proposed site would be in reasonable walking distance of some local shops and services.

Worcestershire County Council’s Highways have undertaken a robust assessment of the proposal, and based on the analysis of the information submitted with the application and the consultation responses received from third parties. According, having regard to that advice, I concur with their conclusion that the proposal would not be an unacceptable impact on highway safety in the area and safe and convenient access could be achieved in accordance with Policy BDP16.

Worcestershire County Council Highways have recommended that several conditions should be appended to any permission in the event Members decide to grant planning permission. One of these conditions is for a travel plan to be submitted that promotes sustainable forms of access to the development site, in order to reduce vehicle movements and promote sustainable access in accordance with the requirements of Policy BDP16.

Character, Setting, and Design

Policies in the Bromsgrove District Plan, notably BDP 20, which at 20.2 states that the Local Authority will *“support development proposals which sustain and enhance the significance of Heritage Assets including their setting”*. In addition BDP20.3 states *“Development affecting Heritage Assets, including alterations or additions as well as development within the setting of Heritage Assets, should not have a detrimental impact on the character, appearance or significance of the Heritage Asset or Heritage Assets”*.

As regards conservation areas BDP 20.9 requires that *“Development within or adjacent to a Conservation Area should preserve or enhance the character or appearance of the area”*

These clauses are supported by the NPPF; and Paragraph 189 requires, applicants *“to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”*

Paragraph 193 states *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*

Paragraph 194 states *“Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification”*; and Paragraph 200 *“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance.”*

The applicant has produced a Heritage Statement, and this has informed the Council’s Conservation Officer’s comments reproduced in the consultees section of the report.

“A caravan park would be an alien addition to the setting of the predominantly rural setting of the Canal, contrasting as well with the industrial pockets found along the Canal. The proposal is therefore at odds with the historic environment policies in the Bromsgrove District Plan”. but goes onto add that *“A considered landscape plan may however mitigate the harm by maintaining and reinforcing the current screening of vegetation and trees.”*

Paragraph 4.3.2 of the BDC High Quality Design SPD (HQDSPD) states that

“Where new residential developments are proposed within the setting of a designated heritage asset, great care will need to be had to ensure the setting of the heritage asset is sustained and enhanced.”

BDP20.10 The removal of trees and other landscape features which make a positive contribution to an area’s character or appearance will be resisted.

And Policy BDP19 seeks to deliver good design by

p. Ensuring all trees that are appropriate (e.g. in terms of size, species, conditions and predicted climate) are retained and integrated within new development;

q. Ensuring development incorporates sufficient, appropriate soft landscaping and measures to reduce the potential impact of pollution (air, noise, vibration, light, water) to occupants, wildlife and the environment;

The trees do not benefit from protection by the Conservation Area status of the canal because they lie beyond it. Whilst it is certainly true to say that there is currently, as a result of the dense mixture of scrub hedges and trees minimal visibility from the public tow path (on the opposite southern side of the Worcester and Birmingham canal) into the development site; the proposal includes a path snaking alongside and through this vegetation. The application is not accompanied by an existing tree or topographical survey and the plans do not include sufficient detail to determine how this proposed feature might affect the established landscape screen, the retention of which is critically important in so far as it preserves and enhances the setting of the Conservation Area and its ability to act as a visual screen to the development. The path does not appear to have any internal connections with the internal service roads, but the extent to which it may impact upon the existing vegetation and the screen it affords in this currently undisturbed area is a significant concern.

The inevitable loss of vegetation which would result by introducing this path threatens the green backdrop to the canal and the visual integrity of this feature. The proposal has not demonstrated that the impact of the development upon the character and setting of the conservation area could be satisfactorily mitigated and risks harm to this heritage asset. The proposal is therefore contrary to policies BDP1, BDP19, BDP20 and BDP21 of the Bromsgrove District Local Plan and paragraph 200 of the NPPF.

Design

Policy BDP19 criterion ‘m’ seeks to encourage

“residential developments to provide sufficient functional space for everyday activities, meet people’s needs and expectations from their homes, and to enable flexibility and adaptability.”

The proposal makes no provision for external storage to serve the needs of the future occupiers the units. Whilst storage may not be required for gardening implements if areas are managed as contiguous open space between the units, there would be a need for secure storage for cycles adding further to the built form. It is unfortunate that given the approach that there does not appear to be an optional lean-to addition to meet that need (which could be at ground level and thus subordinate to the static caravans. A condition

requiring such structures could be imposed to ensure provision is made and implemented consistently, mindful that the units would not enjoy permitted development rights as conventional 'dwellinghouses' would, and such that such features would require planning permission.

Residential Amenity

In their Planning Statement the applicant claims -

"The primary aim of the proposed design is to develop an over 55s residential park which is both a peaceful and enjoyable place for residents to live."

Air Quality

The NPPF does require the cumulative impacts on air quality from individual sites in local areas to be considered. Therefore, although Worcestershire Regulatory Services (WRS) have not raised any objection to the proposal in regards to air pollution, they have suggested that their standard recommendations for a development of this size are put in place to mitigate against the cumulative impact on local air quality from all development.

I am satisfied that the details of such matters could be secured by condition, however the proposal makes no commitment to including measures such as electric vehicle charging points for each unit, or solar panels, noting the opportunity to exploit a southern aspect and generally shallow roof pitch. However electrical vehicle charging points and details of other measures designed to meet the objectives of a low carbon future could be secured via planning conditions.

Noise

Policy BDP19 criterion 't' requires that

"Development proposals should maximise the distance between noise sources (for example motorways) and noise sensitive uses (such as residential), whilst also taking into account the implications of the existing night time use of the locality";

A noise assessment was requested to be submitted with the application. Worcestershire Regulatory Services (WRS) have assessed this and object to the proposal.

The proposed development consists of prefabricated park homes located on a parcel of land bounded on three sides by an industrial estate. The fourth side to the east is hemmed in by the Gloucester to Birmingham Railway line. Saxon Business Park to the south of the site is allocated to B1, B2, B8 use. East of the proposed site, directly adjacent is an operational scrap yard, vehicle dismantlers and waste management company which are inherently noisy industrial activities. To the West of the site there are several Industrial units allocated to B1, B2 and B8 use. Whilst the newer unit to the immediate west of the site does have conditions controlling deliveries and dispatches to and from the building, precluding industrial processes outside the building, it does not preclude 24/7 working.

WRS have reviewed the associated acoustic report and whilst it concludes that noise impacts during their assessments would be manageable, based on their findings WRS maintains concerns as the assessment only captures a brief snapshot of the noise climate and does not take into account the potential variability of noise from all of the different sources surrounding the land.

In addition to this, due to the established planning status of the industrial estate/scrap yard/railway line there will always be a possibility that a noise increase may occur through intensification/ demand/ change of occupancy which would add further detriment to any future residential occupants.

Indeed, officers are aware that on 2nd December 2020, WCC granted planning permission under reference 20/000031/CM for -

“Demolition of part of existing industrial building; erection of extension to retained building and connection to adjacent waste transfer station to provide additional storage space for waste materials, office and staff facilities, and a new weighbridge on the metal and ores site”

Notwithstanding the acoustic fencing proposed, the proximity of these established industrial uses to the site would inevitably give rise to conflict between the future occupiers of the development and neighbouring uses.

Paragraph 182. of the NPPF states that *“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.”*

It is therefore apparent that the Framework strongly advises that proposed uses should be compatible with existing uses to ensure that existing businesses are not subjected to unreasonable restrictions. This is a matter that is echoed in Policy BDP1 of Bromsgrove District Plan which requires regard to be given to the compatibility with adjoining uses and the impact on residential amenity.

In concluding on this matter, I do not consider that the amenity of future occupiers would be safeguarded and the introduction of such a residential use in this context would generate disputes due to the incompatibility of with adjacent uses. I am also mindful that this incompatibility between adjacent uses is likely to be compounded if the units were occupied by the retired or semi-retired. Such occupiers comprise the operators target market and would have consciously chosen the location on the basis of particular lifestyle choices which are very unlikely to be compatible with the reasonable and necessary operations of heavy industry and storage and distribution uses. In this sense the proposal would also fail to meet the applicant’s stated objective.

Ecology

Policy BDP21 sets out a presumption to maintain the favourable conservation status of populations of protected species.

The site has a population of Great Crested Newts and accordingly requires some mitigation. The Council’s ecologist has concerns about the level of information submitted with the proposal, with regard to mitigation, however these matters could be addressed via a pre-commencement condition.

Floodrisk

Policy BDP 23 seeks to ensure that new development is not placed at risk of flooding or risks increasing flooding elsewhere.

The site falls predominantly within flood zone 1 (low risk of fluvial flooding) although an area of flood zone 2&3 passes through the site along the route of the culverted Hen Brook. The modelling covering this area is coarse and therefore may not be accurate, however in the absence of a site specific model and to protect the culvert (including access to it for maintenance purposes) no units should be placed over the culvert ' instead I would expect to see access roads or shared open space over this area; this appears to be the case in the drainage strategy (ref 19-004/FW01A) but not in the landscaping plans. A detailed culvert survey is required prior to any work commencing on site and again upon completion to ensure no defects are present which would lead to or exacerbate floodrisk.

In light of these considerations, it is considered that the impact of the development upon floodrisk could be mitigated through conditions and the development would accord with Policy BDP23.

Land Contamination

Policy BDP19 states that :

r. Ensuring development is made suitable for the proposed final use, for instance, in terms of land contamination and, where relevant, does not create an unacceptable risk to controlled waters (where relevant). The Council will determine whether reports detailing for example, site history; a preliminary risk assessment and where appropriate; a site investigation and remediation scheme along with long term monitoring and maintenance proposals, will need to be submitted in support of any planning application. Such reports will be prepared in accordance with best practice guidance;

WRS have recommended conditions to address this issue, so raise no objection in principle subject to the requisite reports and mitigation being submitted, approved and implemented.

Mitigating Impact on Local Infrastructure

Policy BDP12 states that -

“The Council will ensure provision is made for services and facilities to meet the needs of the community..... New developments that individually or cumulatively add to requirements for infrastructure and services will be expected to contribute to the provision of necessary improvements in accordance with BDP6.”

Policy BDP6 states that -

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

In this case, the development would also be required to make contributions towards public open space, refuse and recycling bins, GP practice, as well as necessary monitoring fees.

GP Practice

The NHS CCG has requested a contribution towards local GP practices to increase capacity, which the development would have an impact upon.

Public Open Space

An off-site contribution for improvement of play facilities on the public open space adjacent to the site would be required. The amount of contribution is to be confirmed

Refuse and Recycling Bins

A payment would be required for domestic waste and recycling bins which is likely to be in the order of £30 per bin

Education

The District Council anticipate that a contribution will be required towards local education provision, but this is heavily dependant upon any concession in respect of the age profile of the occupants. A further update will be provided in a subsequent addendum ahead of the meeting.

Highways

BDP16 sets out a requirement that *“Financial contributions from developers will be sought for new development in respect of investment in public transport, pedestrian, cycle and highways infrastructure as detailed by the draft Bromsgrove Infrastructure Delivery Plan in conjunction with policy BDP6 Infrastructure Contributions.”*

These are summarised in the response from the Highway Authority

Monitoring Fees

On 1 September 2019, the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 were introduced. These Regulations introduce new requirements to report and monitor on the collection of planning obligations.

The Regulations permit the District Council to apply a fee to planning obligations so long as it:

- Fairly and reasonably relates in scale and kind to the development
- Does not exceed the authority’s estimate of its cost of monitoring the development over the lifetime of the planning obligations

Officers are satisfied that the request meets the relevant requirements for contributions. In that they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

Proposed Occupancy / Age Limit

The applicant has asserted that they would be prepared to accept the following condition to control occupancy of the site, but have not explained why these consider such a condition to be necessary.

“Each unit of the development hereby permitted shall be occupied only by: persons aged over 55 years; persons living as part of a single household with such a person or persons; persons who were living as part of a single household with such a person or persons who have since died.”

And further notes

- *The over 55's age restriction should be implemented by way of a Planning Condition, as is the case with the majority of age restricted park home developments; and*
- *The age restricted element of the proposal can be further implemented via the Park Rules / Licence which directly reference that no person under a certain age may reside in a park home.*

It is notable that the condition proposed by the applicant would not prohibit occupancy by the under 55s and differs from that which was imposed in another case they cited, implicitly signalling that the condition imposed on the other site would not be appropriate. Only one of the occupiers of each unit would need to be over 55 and their partner and their dependents could be under 55 and continue to reside there in the event of the death of the occupant who was over 55. The description of development suggests a level of control which might not unreasonably lead to a perception by interested parties that the development would have materially lesser impacts than that which might be expected from that of a conventional residential development, but in reality, would not deliver that outcome.

Officers are not satisfied that this condition could be practically monitored for compliance but moreover, is essentially unnecessary for planning purposes other than where any normal mitigation requirements may be unreasonable if such a restriction were in force. Such a requirement might reasonably relate to the County Council Education contribution to ensure that a contribution which would otherwise be required were not evaded without a safeguard to ensure that the development did not generate that impact in the absence of such a control.

Whilst it is reasonable to assert that the data regarding household changes demonstrates that there will be a higher demand for properties for 'older person households' as a result of the aging population, it does not follow that in providing homes for the older generation to downsize, that this would actually free up housing for young families. But even if this were the result, it is not necessary for the Local Planning Authority to impose an age limit upon the occupancy of the park homes in an attempt to engineer that outcome. It would be sufficient to just provide that typology of accommodation.

Planning Balance

The Council do not have a 5-year supply of deliverable housing sites. Consequently, the requirements of Paragraph 11 of the Framework are engaged. This states that where the policies which are most important for determining the application 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 the Framework taken as a whole.

In terms of benefits, the proposal would, it is accepted that –

- The development would utilise a brownfield site for a beneficial use; This is a further matter to which I attribute some weight.
- The application site represents a deliverable scheme which would make a contribution to meeting the Authority's housing requirements and would assist in helping reduce the amount of Green Belt that would possibly have to be released for further residential development. This is a further matter to which I attribute substantial weight.
- The application has the potential to release some family homes by encouraging downsizing. This is a matter to which I attribute some limited weight.

I consider that issues arising in respect of safe pedestrian access, floodrisk, land contamination, highway safety could be dealt with or satisfactorily mitigated by condition, and that financial contributions to mitigate the impact of the development in respect of local health care, education, public transport could be secured; so would not constitute matters weighing against the grant of permission

However, weighing against the benefits of the proposal, it is necessary to balance the fact that –

- The development would result in the further loss of designated employment land and create pressure to develop greenbelt land. This is a further matter to which I attribute significant weight.
- The development would not deliver any affordable housing on site or quantify or qualify any acceptable alternative. This is a further matter to which I attribute significant weight.
- The development would not be compatible with the established industrial land uses to the south west and north east and consequently fail to create a satisfactory living environment for future occupiers This is a matter to which I attribute substantial weight.
- The proposal would concentrate accommodation for the retired in one location
- The proposal threatens the established tree screen along the canal which in turn threatens the setting of the Conservation Area. This is a further matter to which I attribute significant weight.
- The proposal does not adequately set out the requirements for mitigation in respect of the impact upon protected species. This is a further matter to which I attribute significant weight.

Cumulatively, therefore, the harm associated with the adverse effects of the proposal weigh very significantly against the development. Consequently, for the reasons identified above, cumulatively, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Accordingly, the proposal does not benefit from the presumption in favour of sustainable development and the application should be refused.

Conclusion

Having carefully considered the proposal, it is considered that the adverse impacts of granting planning permission in this case would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and adopted Development Plan taken as a whole and that those matters could not be satisfactorily mitigated by the imposition of planning conditions. Further, the proposal fails to meet the key components of sustainable development. Irrespective of whether the site should be released from employment use, officers consider this is the last place a residential use should be considered. Accordingly, officers recommend that the application be refused.

RECOMMENDATION: That planning permission be Refused

Reasons for Refusal

1. *Loss of employment land*

The proposal would result in the loss of a designated employment site on previously developed land which is capable of being developed for employment purposes, and its loss would consequently create pressure to designate greenbelt land to meet a shortfall of employment land provision. Accordingly, the development would be contrary to Policies BDP1 and BDP14 of the Bromsgrove District Local Plan and would lead to an unsustainable form of development by failing to meet the economic objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity

2. *Residential Amenity*

Adjacent to the proposed development site is an operational scrap yard, vehicle dismantlers and waste management company which are inherently noisy industrial activities. To the south west of the site there are several Industrial units allocated to B1, B2 and B8 use. Consequently, the relative position of the proposed residential park homes between these established employment uses, compounded by the Gloucester to Birmingham Railway line to the north and Saxon Business Park to the south would result in an unsatisfactory living environment for future occupants which could not be adequately mitigated, and which would also lead to complaints serving to impede the legitimate established employment activities. Accordingly, the development would be contrary to Policies BDP1 and BDP14 of the Bromsgrove District Local Plan and paragraphs 180 and 182 of the NPPF.

3. *Visual Impact and Setting of the Conservation Area*

The proposal incorporates a new path which would run parallel with the canal and cut through an existing tree and shrub screen which forms an important component of the setting of the Birmingham and Worcester Canal Conservation Area at this point, serves to screen the site from view from points along the opposite public tow path and threatens habitat. The application is not accompanied by an existing tree or topographical survey and the plans do not include sufficient detail to determine how this proposed feature might affect the established landscape screen, the retention of which is critically important in so far as it preserves and enhances the setting of the Conservation Area and its ability to act as a visual screen to the development. The inevitable loss of vegetation which would result by introducing this path threatens the green backdrop to the canal and the visual integrity of this feature. The proposal has not demonstrated that the impact of the development upon the character and setting of the conservation area could be satisfactorily mitigated. The proposal is therefore contrary to policies BDP1, BDP19, BDP20 and BDP21 of the Bromsgrove District Local Plan and paragraph 200 of the NPPF. It would also fail to meet the environmental objective of contributing to protecting and enhancing the natural, built and historic environment and therefore constitute an unsustainable form of development.

4. Housing Need

Notwithstanding reasons 1 and 2, The proposal would not deliver 30% affordable housing on site in accordance with the requirements of the development plan for brown field sites and the applicant has not demonstrated that the need could not be met on site in a form that was acceptable to an RSL. The proposal fails to quantify and qualify an acceptable alternative for consideration by the Local Planning Authority in lieu of provision on site and a lack of provision would prevent the proposal from helping the district meet its specific affordable housing needs. It would therefore fail to accord with Policies BDP1, BDP6, BDP8 and BDP25 of the Bromsgrove District Plan and paragraph 62 of the NPPF. The proposal would fail to meet the social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and therefore constitute an unsustainable form of development.

5. S106 Contributions

Bromsgrove District Plan BDP6 requires the provision of infrastructure to meet the demands of new development within the community. The various financial contributions required to mitigate the impacts have not been secured by way of a completed S106 Planning Obligation. The proposal is therefore contrary to Policy BDP6 – Infrastructure Contributions.

Plan reference

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

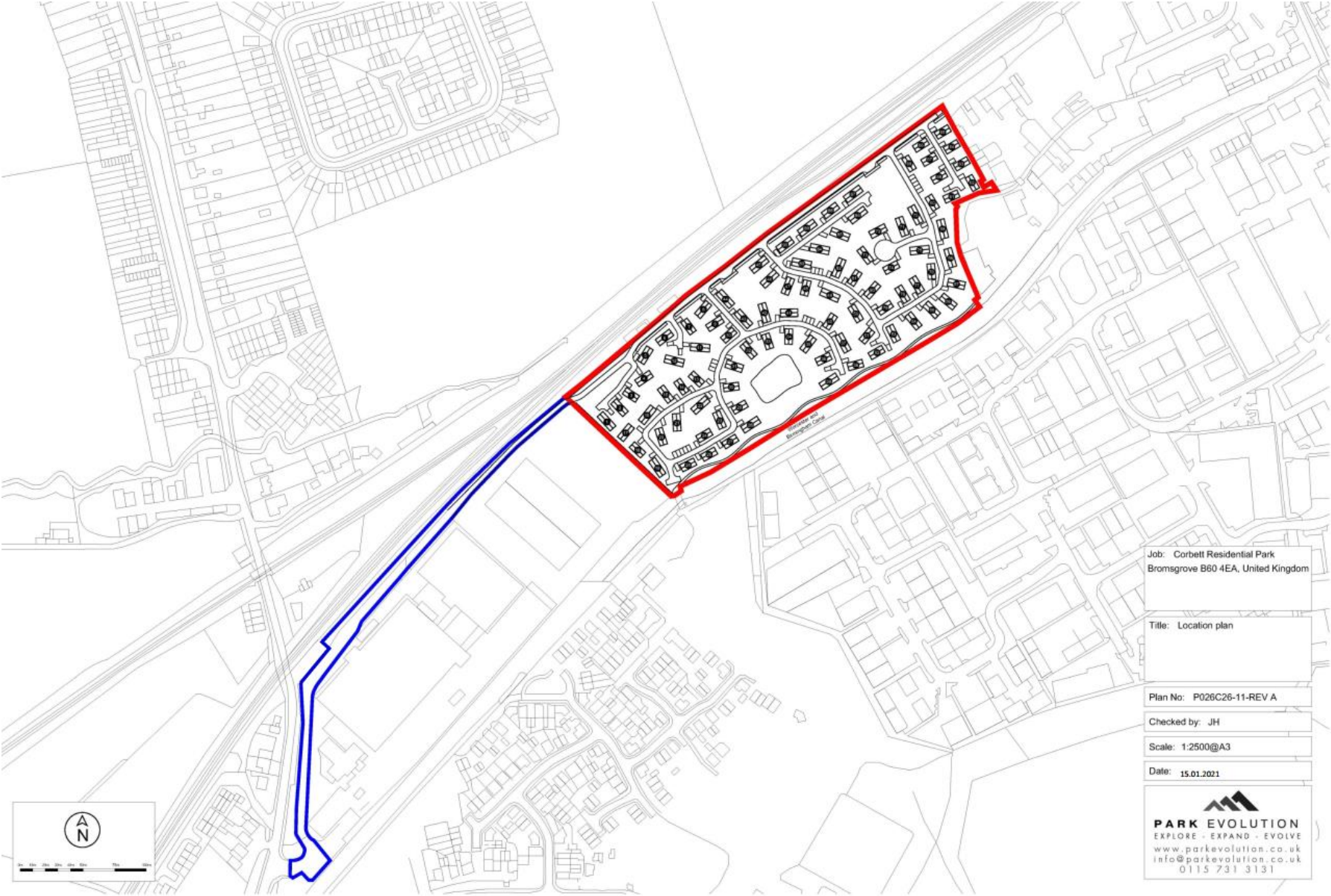
20/00643/FUL

Corbett Business Park
Shaw Lane, Stoke Prior
B60 4EA

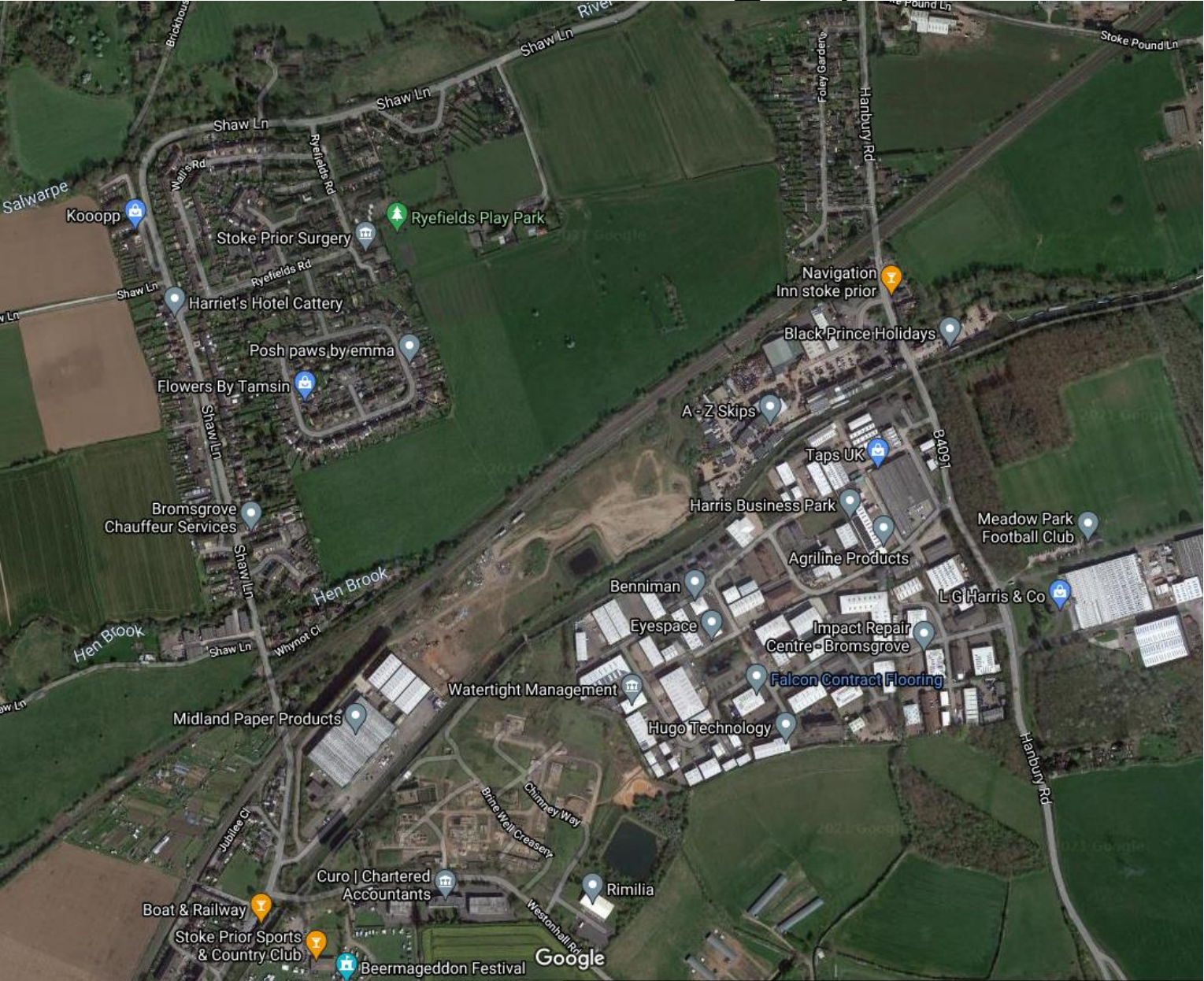
Full Planning Permission for the use of land for the stationing of 90 static residential park homes for the over 55s, with associated parking, internal service roads, and landscaping and acoustic fence to the north, east and west boundaries

Recommendation: Refusal

Location Plan

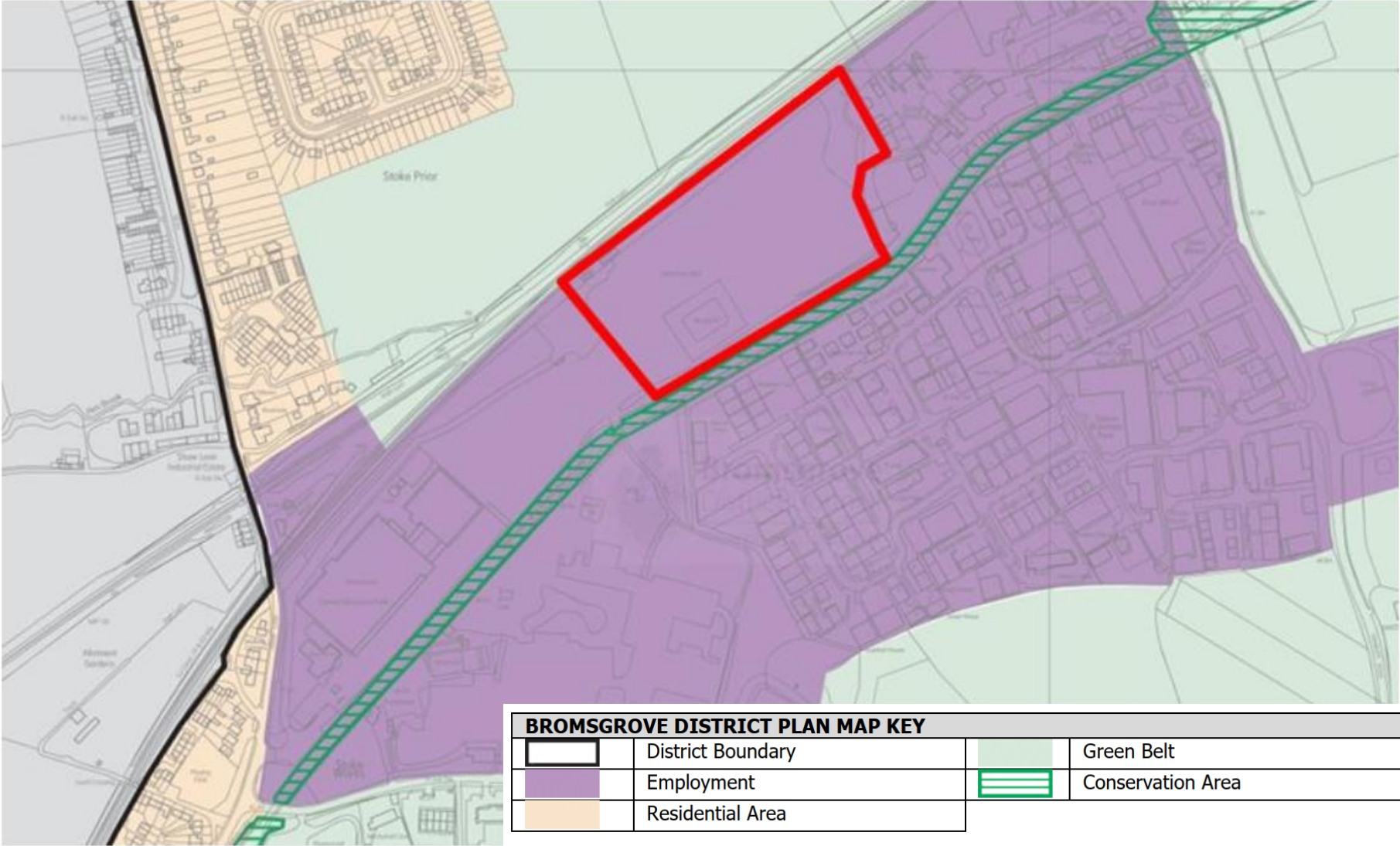


Aerial Photograph



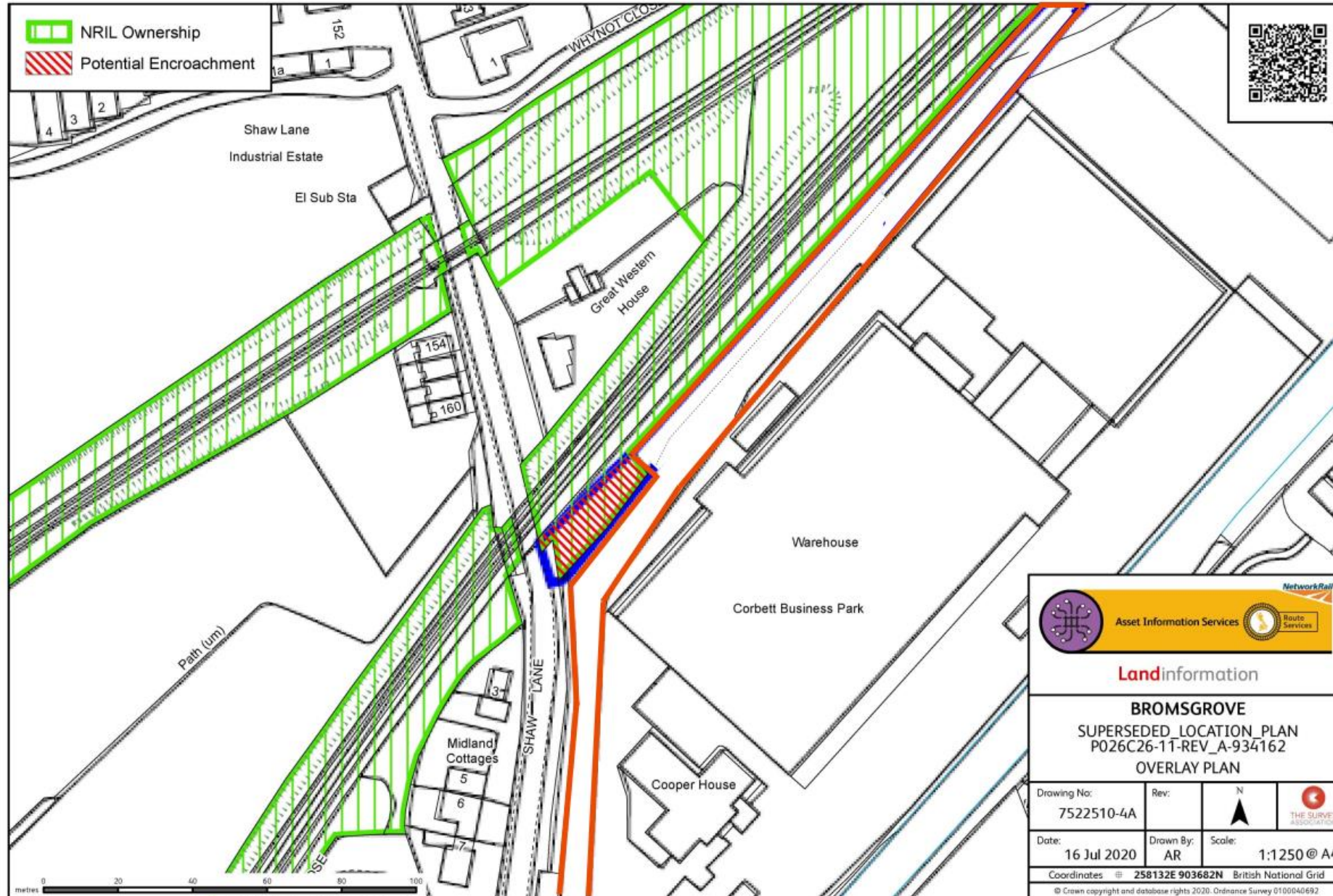
Extract from Bromsgrove District Plan with site added approximately in red

Page 140

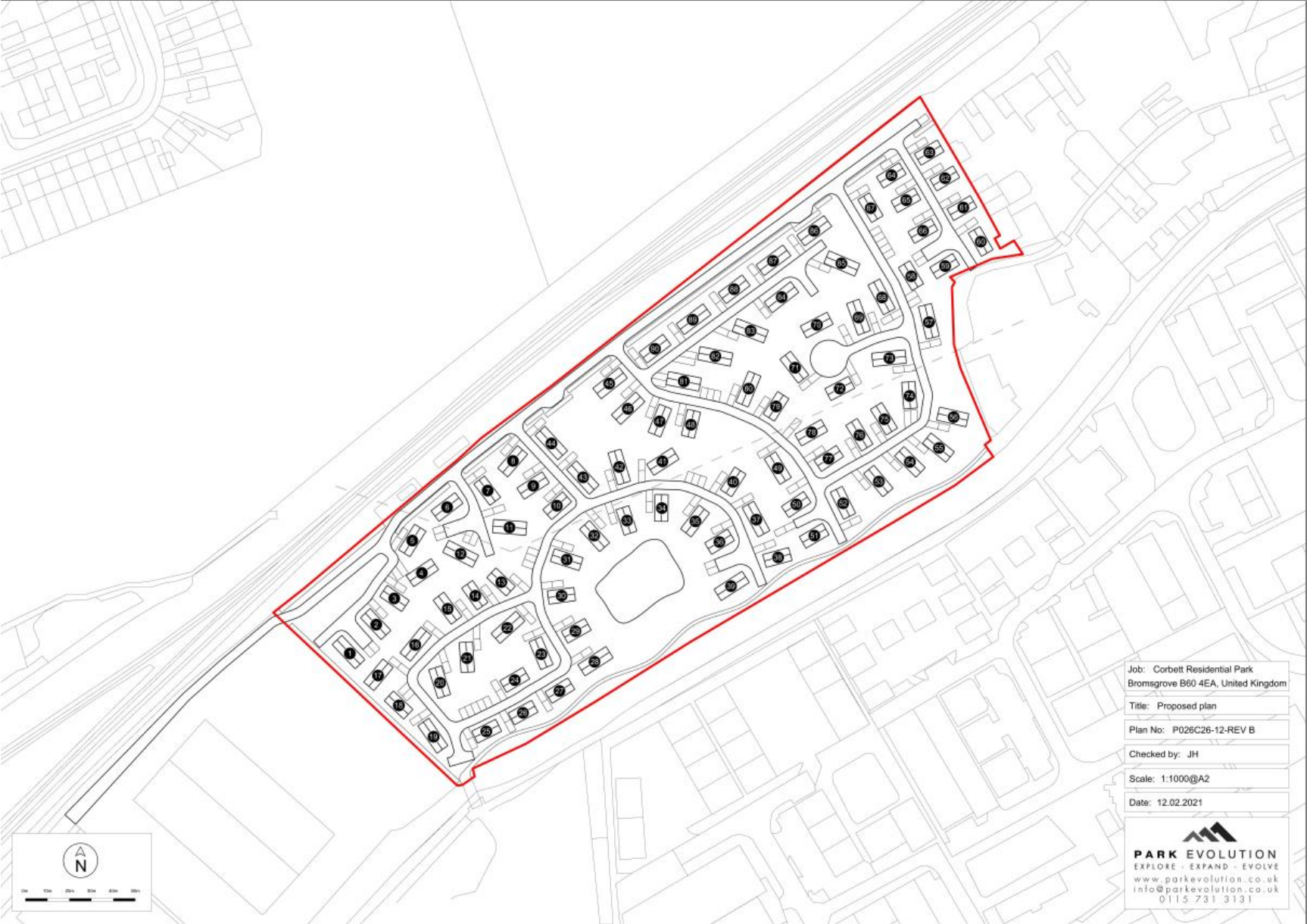


Agenda Item 8

Amended Plan to deal with railway encroachment



Layout Plan Revision B



Acoustic Fencing Plan

Scale: 1:1000@A2

Date: 24.06.2020

-  2.5m high Jakoustic® Reflective | Acoustic Fencing with 2.41m between Post Centres
-  2m high Jakoustic® Reflective | Acoustic Fencing with 2.41m between Post Centres



Illustrative CGI of how proposed development would appear.
view looking north west



Illustrative CGI of how proposed development would appear.
view looking north west

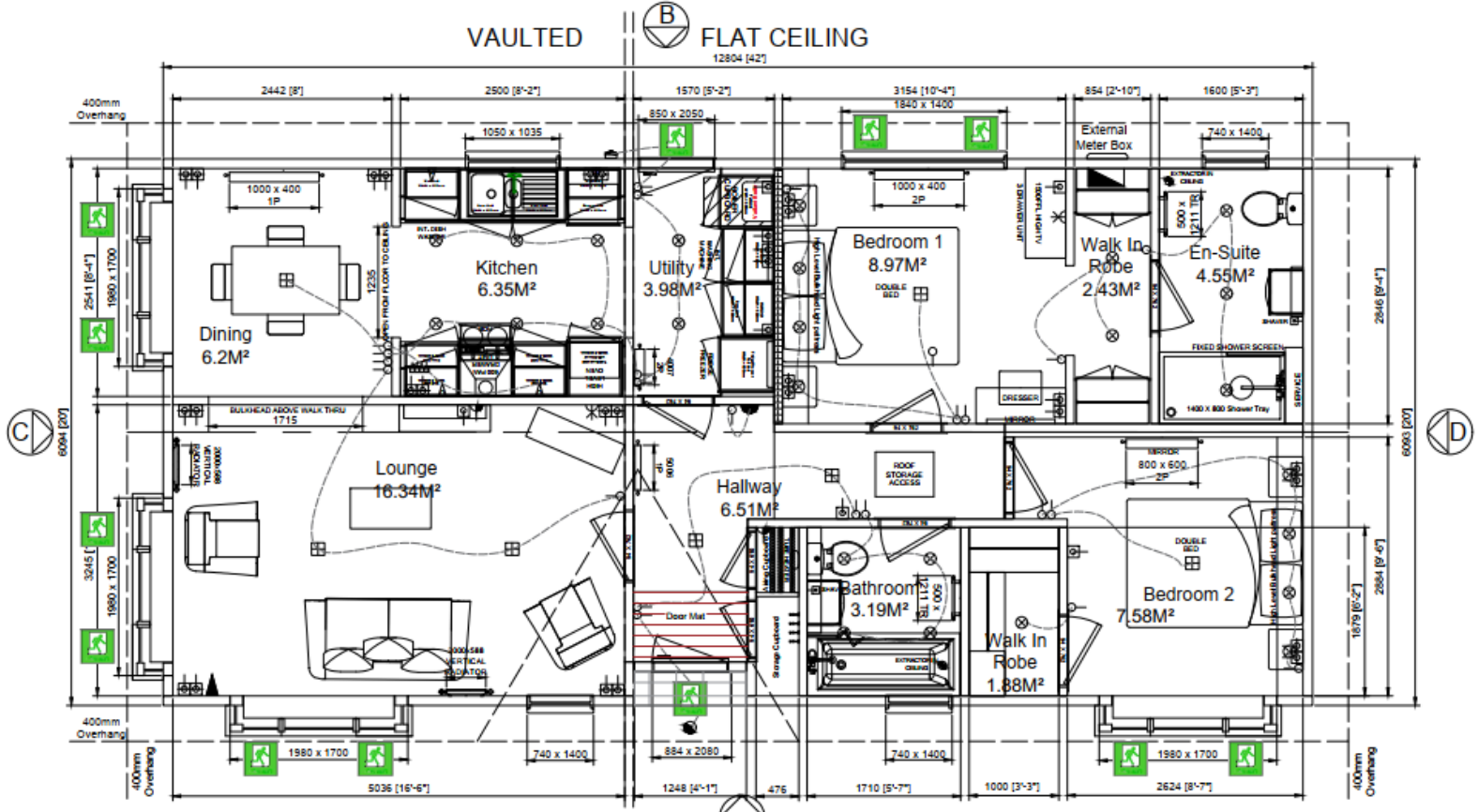


Charnwood Park Home illustration

Charnwood



Charnwood park home exterior



PLEASE NOTE - THE MODEL SIZE DOES NOT INCLUDE THE EXTERNAL FINISHING.
 ALLOW 56mm PER ELEVATION FOR STUCCO & 40mm PER ELEVATION FOR CANEXEL CLADDING.

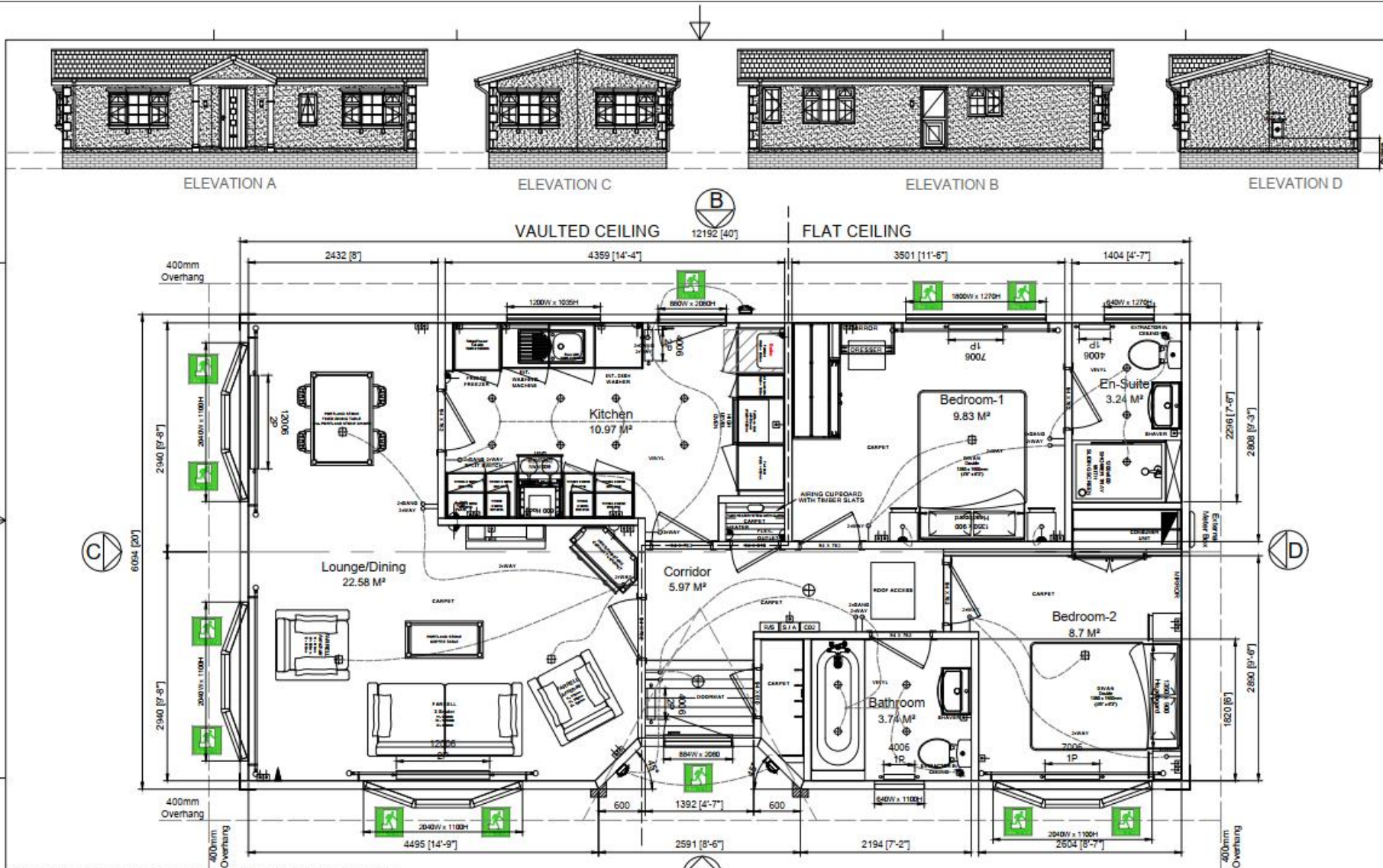
LEGEND		REV	DESCRIPTION	AUTH	DATE	SALES:	DATE	TITLE
Single Socket	3-Way Light Switch		Under Locker Light			PRODUCT:	DATE	WILLERBY
Double Socket	2-Gang Light Switch		Recessed Down light			TECHNICAL:	DATE	WILLERBY PARK HOMES
Telephone	3-Gang Light Switch		Flush Ceiling light					CHARNWOOD
TV	4-Gang Light Switch		LED Strip Light					12,804m x 6,094m (42ft x 20ft)
Fuse Spur	Light Point - Spotlight		Internal Wall light			NOTES:		DWG NO. CHA-01-0001-000
Smoke Alarm	Light Point - Pendant		Consumer Unit			1. Shall be in accordance to BS6300		SCALE NTS
Carbon Mono Detector	External Spotlight		Meter Box			2. Please see elevation details for correct setting out of exterior features.		
Mechanical Extraction Fan	External Wall light		Thermostat			3. A further drawing will be sent to customer which includes the production level.		
						4. Dimensions are in 'feet'. Do not scale, if in doubt ASK.		

Hazlewood Park Home illustration

Hazlewood Park Home



Hazelwood park home exterior



PLEASE NOTE - THE MODEL SIZE DOES NOT INCLUDE THE EXTERNAL FINISHING.
 ALLOW 56mm PER ELEVATION FOR STUCCO & 40mm PER ELEVATION FOR CANEXEL CLADDING.

LEGEND		REV	DESCRIPTION	AUTH	DATE	SALES:	DATE	TITLE
	Single Socket	1	ISSUED FOR CLIENT REVIEW	AM	17/08/18	PRODUCT:		HAZLEWOOD
	Double Socket	2	UPDATED TO MATCH INVENTOR DETAILS	AM	17/08/18	DATE:		WILLERBY PARK HOMES
	3-Gang Light Switch	3	KITCHEN UNIT DETAILS CORRECTED	AM	13/09/18	TECHNICAL:		HAZLEWOOD 2 BED
	Recessed Down Light	4	FLOOR CASSETTES OVERLAID	MM	20/11/18	NOTES:		12,192m x 6,094m (40ft x 20ft)
	Flush Ceiling Light	5	DOOR & RADIATOR DETAILS UPDATED	AM	11/01/19	1. Refer to elevation details for correct setting out of exterior features.		
	LED Strip Light	6	DRAWING BORDER UPDATED	AM	21/08/19	2. Please see elevation details for correct setting out of exterior features.		
	Internal Wall Light	7	UPDATED FOR REVIT	MD	21/10/19	3. A further drawing will be sent to customer when adopted for Production Issue.		
	Light Point - Spotlight	8				4. Dimensions are in 'Feet', Do not scale, 1" = about 400.		
	Light Point - Pendant							
	Consumer Unit							
	Mater Box							
	Thermostat							
	Under Locker Light							
	Shaver Socket							
	Single Socket (IP RATED)							
	Double Socket (IP RATED)							
	External Tap							
	B&K Light							
	Satellite Connection							
	Chuk to Down Sensor							

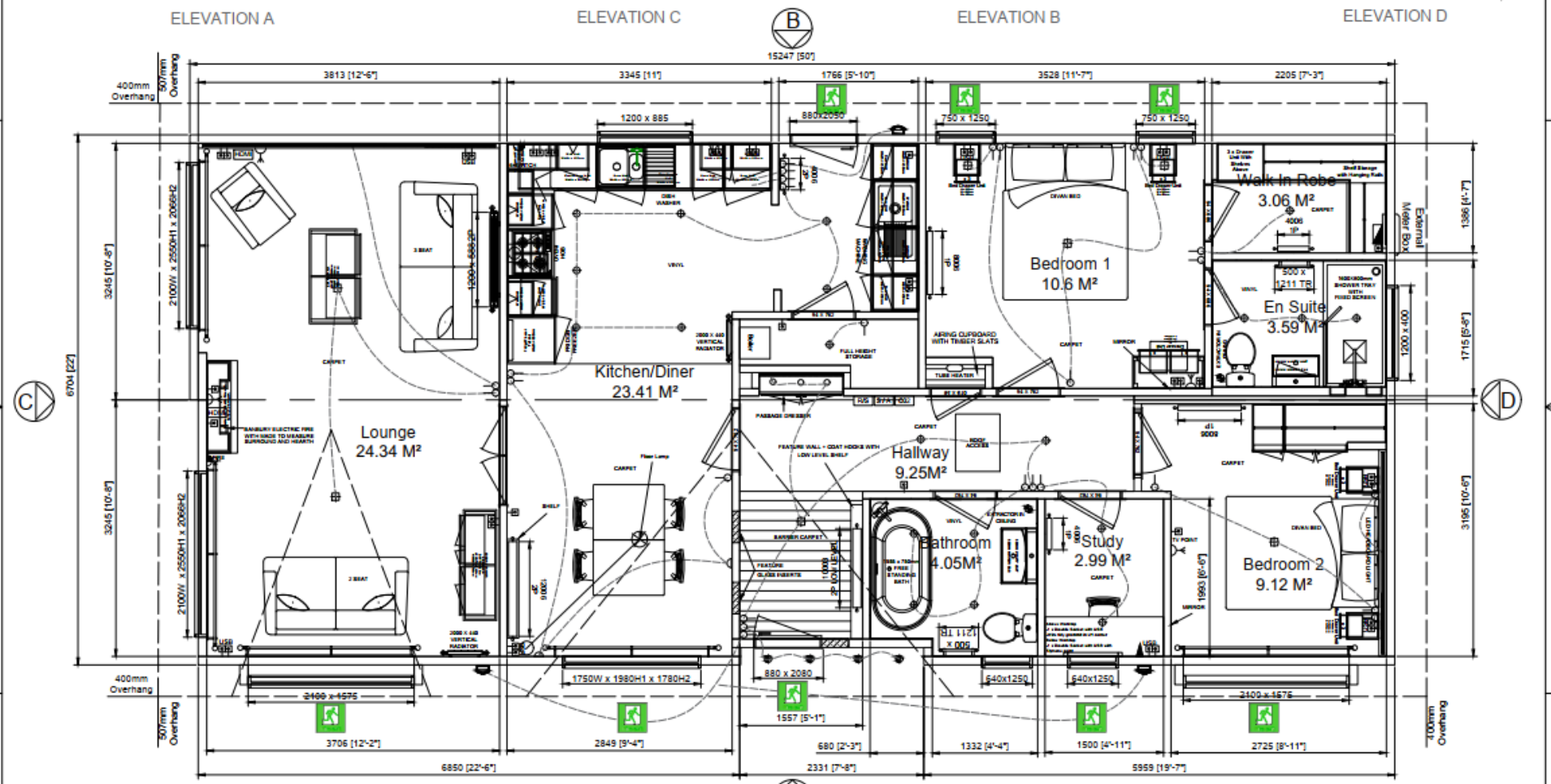
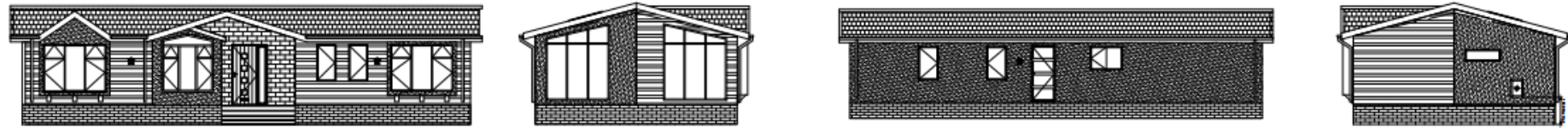
DWG NO.	RPH-00-S002-000	SCALE	NTS
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Delamere Park Home illustration

Delamere Park Home



Delamere park home exterior



PLEASE NOTE - THE MODEL SIZE DOES NOT INCLUDE THE EXTERNAL FINISHING.
 ALLOW 56mm PER ELEVATION FOR STUCCO & 40mm PER ELEVATION FOR CANEXEL CLADDING.

LEGEND		REV	DESCRIPTION	AUTH	DATE	SALES:	DATE	TITLE
	Single Socket	5	Removal of Non-Standard Items	MD	21/08/2019	PRODUCT:	DATE	Willerby
	Double Socket	7	Updated to spec	BF	01/10/2019	TECHNICAL:	DATE	Willerby Park Homes
	Telephone						DATE	DELAMERE
	TV					NOTES:		15,247m x 6,704m (50ft x 22ft)
	HDMI					1. Built in accordance to GSD303		DWG NO. DEL-01-001-000
	Power Spur					2. Please see elevation details for correct setting out of exterior features		SCALE
	Smoke Alarm					3. A further drawing will be sent to customer when adapted for Production Issue		NTS
	Carbon Monoxide Detector					4. Dimensions are in "mm", do not scale, if in doubt ASB.		
	Mechanical Extraction Fan							
	Under Locker Light							
	Recessed Down Light							
	Flush Ceiling Light							
	LED Strip Light							
	Internal Wall Light							
	Light Point - Spotlight							
	Light Point - Pendant							
	Container Unit							
	Maler Box							
	Thermostat							
	Shower Socket							
	Single Socket (IP RATED)							
	Double Socket (IP RATED)							
	External Tap							
	ESB Light							
	Satellite Connection							
	Duck to Down Sensor							

View from Birmingham and Worcester Canal tow path



View of existing/proposed entrance from Shaw Lane –looking east



View of existing/proposed entrance from Shaw Lane –looking south



Name of Applicant	Proposal	Expiry Date	Plan Ref.
Momentum Projects Ltd	Internal works to facilitate a new mezzanine level in the storage and distribution building approved under the reserved matter consent 19/00619/REM Redditch Gateway Land Adjacent To The A4023, Coventry Highway, Redditch, Worcestershire,	24.02.2021	20/01502/FUL

RECOMMENDATION: That planning permission be GRANTED

Consultations

Redditch Development Control

NO OBJECTION

Further to your recent consultation request dated 23rd Feb 2021, as attached, I can confirm the matter was reported to Planning Committee at Redditch Borough Council on 10th March. The Officers report is available via the attached link;

<http://svmodgov2019:9073/mgChooseDocPack.aspx?ID=3470>

At the meeting members considered the report and resolved that they; raise no objection to the proposal on behalf of Redditch Borough Council.

Stratford On Avon District Council

No Comments Received To Date

Beoley Parish Council

OBJECTION

We at Beoley Parish Council have always, when considered a consultee, objected to the Eastern Gateway and do so again in this case. Due to the empty 'shed' space already prevalent within Redditch, the desamiation of the greenbelt, wildlife and their habitat, and the balance of that against low skilled jobs and virtually saturated excess traffic, we see no need for it.

North Worcestershire Water Management

We have no comments to make on the proposals within this application. The overall drainage strategy for the wider site has been agreed and the works proposed in this application make no significant external changes, therefore have no bearing on the wider site drainage or flood risk.

WRS - Noise

NO OBJECTION to the application in terms of any noise / nuisance issues.

WRS - Air Quality

NO OBJECTION

No relevant concerns have been identified and therefore WRS have no adverse comments to raise in this respect.

North Worcestershire Economic Development And Regeneration

SUPPORT

As this is only internal alterations, NWedR have no objections to the application. We are supportive of this project.

Highways - Bromsgrove

The Highway Authority is in receipt of a Transport Statement, produced by Peter Evans Partnership in November 2020, a Design and Access Statement, Planning Statement and associated documents. These form the basis of this response.

Highway Network

Both the northern and southern development parcels associated with the original application would be served via a new signal-controlled crossroads junction. This junction is located on the A4023 Coventry Highway. As part of the previous permission, the speed limit on the A4023 is to be reduced to 40mph as part of the junction proposals. No changes are proposed as part of this application.

The A4023 Coventry Highway is a dual carriageway which runs east to west and connects the A441 and A435.

Approximately 500m west of the proposed development, the A4023 meets a number of local roads at an eight-arm roundabout. The roundabout provides access to the surrounding industrial estate and residential areas. There are no proposed changes to the site access.

Layout

No changes to the external site are proposed as part of this application. In line with this, no revisions to the Section 73 would be required.

Highway Impact

Automatic Traffic Count (ATC) data was collected on the eastbound and westbound carriageways of the A4023, located to the west of the junction with the A435. This was collected between Friday 29 June and Thursday 5 July 2018 and found the following peak hour flows, of which 73% were car drivers:

- AM peak (07:00-08:00): 1,859 two-way; and
- PM peak (17:00-18:00): 1,777 two-way.

The outline application's Transport Assessment (TA), for a total development of 90,000sqm of B1, B2 and B8 uses was forecast to generate the following AM and PM peak hour flows:

- AM peak (08:00-09:00): 411 two-way; and
- PM peak (17:00-18:00) 367 two-way.

The Technical Note (TN) produced for the reserved matters application (Ref: 19/00619/REM) provided a trip generation comparison between the outline application and the reserved matters application proposals for 34,041sqm B8 use. This found that

the 34,041sqm B8 building would generate less traffic than the floorspace assessed in the approved 2017 outline TA during both peak periods and throughout the day.

The Applicant has used the Trip Rate Information Computer System (TRICS) database to quantify the trip making associated with the mezzanine floorspace of 23,678sqm. This exercise looks at what the potential trip making could be if this were a standalone assessment. This does not relate to the Outline Consent which has been assessed with trip making at greater levels compared to what is on-site and the mezzanine proposals. The additional total mezzanine floorspace of 23,678sqm would generate 39 two-way trips during the AM peak and 31 two-way trips during the PM peak.

In addition to this, the Applicant outlined alternative scenarios with which to compare the additional trips to those consented in the outline application. In summary, the assessments found that:

- If the main building and the mezzanine trips were added to the overall main building trips, the total number of trips generated by the proposed development would be less than those tested for the northern parcel at the outline application stage; and

The cumulative traffic levels from the most recent phasing plan for Redditch Gateway, at the time of writing this response, in addition to the current and proposed development on the northern parcel, would generate less than the traffic associated with the level of development assessed at the outline application stage.

Pedestrian and Cycle Provision

The TS identifies that there are currently no formal pedestrian footways and/or crossing points located on the A4023 Coventry Highway. However, new footways and formal crossing points are proposed as part of the signalised junction works. In addition, as part of the previous approval, Public Right of Way (PRoW) 588(D) and 585(C) are to be diverted around the western perimeter of the site and provide access to the A4023 Coventry Highway.

Cycle routes are located within 500m of the proposed development, including local walking and cycle links which provide access to Redditch and the surrounding areas. These include:

National Cycle Route (NCN) 5 and NCN 55;

- pedestrian and cycle crossing facilities on the A4023, to enhance the permeability between the northern and southern plots;
- a pedestrian and cycleway link will be provided to Far Moor Lane from the southern parcel, a planning condition requires this to be complete before the occupation of the distribution centre, to encourage travel by these modes between the site and the surrounding areas.

Public Transport

Bus services are observed 550m west of the proposed development and north of the A4023 Coventry Highway.

As part of the outline consent new bus stops are to be constructed on the A4123 at the site access junction, as well as an internal bus stop / terminal outside the distribution centre.

Further bus stops are located on Far Moor Lane south of the A4023 and to the west of the southern parcel. In addition to this, new bus stops are being constructed on the A4023 eastbound and westbound carriageway, located to the immediate west of the signal-controlled junction.

Parking Provision

The Applicant has advised that there will be no material increase in the number of staff employed at the distribution centre.

The Applicant undertook a Car Parking Assessment to demonstrate that the level of car parking approved for the previous applications would be sufficient to accommodate the new mezzanine in light of this new Application. A total of 469 car parking spaces, of which 22 will be accessible car parking spaces and 48 would be electric vehicle charging spaces were approved under the previous permission. In addition to this, 47 motorcycle spaces and 60 covered bicycle parking spaces were approved.

The Applicant advises that the mezzanine would operate in conjunction with the ground floor of the distribution centre. The operator has provided an indication of the shift patterns and operation within the building and potential total headcount for each shift at peak times. This is tabulated below:

Shift	Start	End	Max Headcount
Full Time Option			
Full Time Day	06:00	14:30	296
Full Time Twilight	14:00	22:30	484
Full Time Night	21:00	05:30	296
Part Time Option			
Part Time Morning	06:00	11:00	340
Part Time Day	11:30	16:30	340
Part Time Twilight	17:00	22:00	484
Part Time Night	22:30	03:30	340

The Applicant advises that during Full-Time operation a maximum of 780 staff would be on site at any one time. This is seen to reduce to 629 staff during Part-Time operation and taking accounting of shift changeover periods, where there is often an overlap of staff parking due to the new shift arriving before the current shift have departed. A 30% overprovision at shift changeover times is generally considered sufficient.

In order to understand the likely percentage of staff 'car drivers', travel survey data from four applicant owned sites throughout the UK has been used to understand the maximum levels of car use. These show that a maximum of 57% of Full-Time staff will be 'car drivers'. This equates to a maximum car park provision of 445 spaces.

The proposals are consistent with the level of parking proposed.

Highway Safety

The Applicant has undertaken a desktop review (utilising CrashMap) to understand the level of collisions recorded within the vicinity of the proposed development, for the period 2016-2019. The Highway Authority consider Crashmap to be unsuitable in assessing accident data, and that data should be requested from the Authority to ensure appropriate and up to date data sources are used. In addition, it is required that any assessment should include the most recent data available, which in this case includes 2020 and 2021.

The Highway Authority has therefore undertaken its own assessment which showed that during 2016-2021 there were a total of six accidents at the A441/A4023 roundabout, of which four were classified as slight and two as serious. None of the collisions involved pedestrians. The two serious collisions were both single vehicle incidents. Following review of the data, WCC is satisfied that, given the scope of the study (over the most recent 5-year period) that there are no highway design and/or safety issues attributed to the accidents.

Travel Planning

Condition 25, pursuant to the Section 73 consent for the previous permission, requires the submission of a Travel Plan prior to the first occupation of any building through reserved matters. The Applicant provides that this Travel Plan, which is under preparation, would not require changes as a result of the proposed development. In summary, the Travel Plan proposes the following measures:

- Lockers, showers and changing facilities;
- Cycle to work scheme;
- Travel information board;
- Key transport information displayed on TV screens;
- Private group created on the Liftshare car sharing platform; and
- Liaison with bus companies.

WCC has published guidance on how it expects Travel Plans to be prepared. This guidance is freely available from the County Council's Travel Plans Officer. As part of this process, the Applicant must register for Modeshift STARS Business (www.modeshiftstars.org) and ensure that their targets have been uploaded, so that progress on the implementation of the Travel Plan can be monitored. WCC can assist applicants with this process should they need.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of Travel Plans.

Conclusion

The Highway Authority has undertaken a robust assessment of the application. Based on a review of the information submitted, the Highway Authority recommends **no objection**.

Relevant Policies

Bromsgrove District Plan 2011-2030

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

Other Material Considerations
NPPF and PPG

Relevant Planning History

17/00700/OUT Redditch	Hybrid application comprising: Outline planning application (with matters of appearance, landscaping, layout, scale and details of internal circulation routes reserved) for the development on a phased basis of 32ha of employment land for business/industrial uses (Use Classes B1, B2, B8). The development shall include: landscaping, parking, associated infrastructure, utilities, drainage (including SUDS) and ground engineering works; and Full planning application for Phase 1 Ground Engineering works, and details of means of access to the site from the A4023.	11.06.2018
17/00701/OUT Bromsgrove	Hybrid application comprising: Outline planning application (with matters of appearance, landscaping, layout, scale and details of internal circulation routes reserved) for the development on a phased basis of 32ha of employment land for business/industrial uses (Use Classes B1, B2, B8). The development shall include: landscaping, parking, associated infrastructure, utilities, drainage (including SUDS) and ground engineering works; and Full planning application for Phase 1 Ground Engineering works, and details of means of access to the site from the A4023.	
18/01596/S73 Bromsgrove	Variation of conditions 2 and 8 to amend the parameters of development for the northern development parcel, and Phase 1 Ground Engineering works (and changes to conditions 12, 16, 18, 21, 29, 31, 32, 36 and 37 to allow hedgerow and tree removal prior to the coming into effect of the relevant condition, and	10.04.2019
18/01626/S73 Redditch	Variation of conditions 2 and 8 to amend the parameters of development for the northern development parcel, and Phase 1 Ground Engineering works (and changes to conditions 12, 16, 18, 21, 29, 31, 32, 36 and 37 to allow hedgerow and tree removal prior to the coming into effect of the relevant condition, and	

conditions 28 and 29 to relate to updated flood risk assessment) in respect of hybrid planning permissions 17/01847/OUT (Stratford reference number), 17/00700/OUT (Redditch reference number), and 17/00701/OUT (Bromsgrove reference number) dated 11 June 2018.

19/00619/REM Bromsgrove	Application for approval of reserved matters relating to appearance, landscaping, layout, scale and access (internal to the site) for a use class B8 (storage and distribution) building with ancillary floorspace including use class B1 (offices); earthworks; plot and structural landscape works inclusive of an ecological enhancement area; internal access roads, car parking, gatehouse; utilities and plant infrastructure; on the northern development parcel pursuant to S73 permissions SDC 18/03746/VARY, BDC 18/01596/S73, RBC 18/01626/S73 following outline permissions SDC 17/01847/OUT , BDC 17/00701/OUT, RBC 17/00700/OUT	15.10.2019
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Assessment of Proposal

Location and Context

The 17.45 hectares (ha) site is located within both the Stratford-on-Avon District Council and Redditch District Council boundaries. The majority of the proposed building works are located within the administrative area of Bromsgrove, with the parking and largest concentration of green infrastructure being located within the administrative area of Stratford-on-Avon. The site access is located within Bromsgrove District Council's administrative area.

The application site is located within the northern parcel for Redditch Gateway where a B8 Use Class (storage and distribution) facility has been approved under application references 19/01545/REM (Stratford) and 19/00619/REM (Bromsgrove).

The distribution centre, as consented by the previous permission, is currently under construction with a permitted floorspace of 34,041sqm Gross Floor Area (GFA). The overall site is bounded to the south and east by the A435 and A4023 grade separated junction.

Proposal

Following the granting of this planning consent, further approval is sought for the provision of internal works to facilitate a new mezzanine level in the storage and distribution building approved under the reserved matters consent (Ref:19/00619/REM).

The Applicant seeks permission for the installation of a free-standing heavy mezzanine platform and a lightweight mezzanine comprising a total of 23,678sqm. The Applicant advises that the heavy mezzanine would be used for purposes directly associated with the approved Class B8 usage to improve the internal functioning of the business. This would constitute 15,678sqm of the total 23,678sqm. The lightweight mezzanine would support the conveyors which are used to move goods and products. This would constitute 8,000sqm of the total 23,678sqm.

The mezzanine would improve the internal function of the approved warehouse building and would be used largely for storage and automated operations. These operations would be overseen by a small number of workers. No other building works are proposed that would increase the floor area.

Likewise, the proposal would not impact the external appearance, profile or layout. In line with this, the layout of the car park and servicing yard would not be changed and therefore, would be consistent with that agreed in the previous permissions.

Main Issues

Traffic

The main issue arising from this proposal is the potential for the development to significantly to traffic impacts mitigated through the original scheme. WCC have carefully considered the various elements and traffic implications of the proposal and raise no objection, nothing the application would have no significantly greater impact than that which was envisaged and approved at the outline stage.

As permission runs with the land, it is conceivable that the addition of the mezzanine could give raise to different impacts, were it used in a more intensive way. Accordingly, a condition is recommended to limit its use.

Other Issues

The comments in objection made by Beoley Parish Council appear to be directed at the principle of development and impact of the substantive proposal which has already received planning permission, so I attach no significant weight to them in reaching my recommendation.

Conclusion

The proposal essentially seeks to add a mezzanine for the purposes of assisting efficiency of the existing consented operation and would result in minimal impact upon traffic

Policy BDP1 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

On the basis of the above considerations, I conclude that the proposal is sustainable development. I therefore consider that the presumption in favour does apply in this case and that this application should be granted.

RECOMMENDATION: That planning permission be GRANTED

Conditions:

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

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

2. The development hereby approved shall be carried out in accordance with recommendations in the following documents, plans and drawings –

20106_P05A_Proposed Mezzanine Plan and indicative associated platforms
PLANNING-A1 Template

20106_P06A_Existing GF Plan PLANNING-A1 Template

20106_P03A_Location Plan-A0 Template

20106_P04A_Council Boundaries PLANNING-A0 Template

Redditch Gateway Transport Statement November 2020 - PEP

20106 Design and Access Statement rev B (002)

Reason: To accurately define the permission and for the avoidance of doubt.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order with or without modification), the mezzanine hereby permitted shall be used for as a platform for mechanical handling equipment and ancillary facilities related to the purposes of Use Class B8 as approved in 18/01596/S73 and for no other purposes of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (as amended) or any other provision(s) equivalent to that Class / those Classes in any Statutory Instrument revoking and/or re-enacting that Order with or without modification.

Reason: To enable the Local Planning Authority to regulate and control the development of land, having regard to Policies BDP1, BDP14, and BDP16 of the Bromsgrove District Plan. The Local Planning Authority is of the opinion that the proposed use of the mezzanine for the purpose specified is appropriate in this location, having due regard to all material planning considerations, but other uses within that or other Use Classes may not be acceptable to the Local Planning Authority in this location and should be the subject of a separate planning application to be considered on its own planning merits, having regard to the character and amenities of the area in connection with sustainability objectives.

Plan reference

4. Development to be undertaken in accordance with the Construction Environment Management Plan

Case Officer: Simon Jones Tel: 01527 548211

Email: simon.jones@bromsgroveandredditch.gov.uk

20/01502/FUL

Redditch Gateway

Land Adjacent To The A4023 Coventry Highway

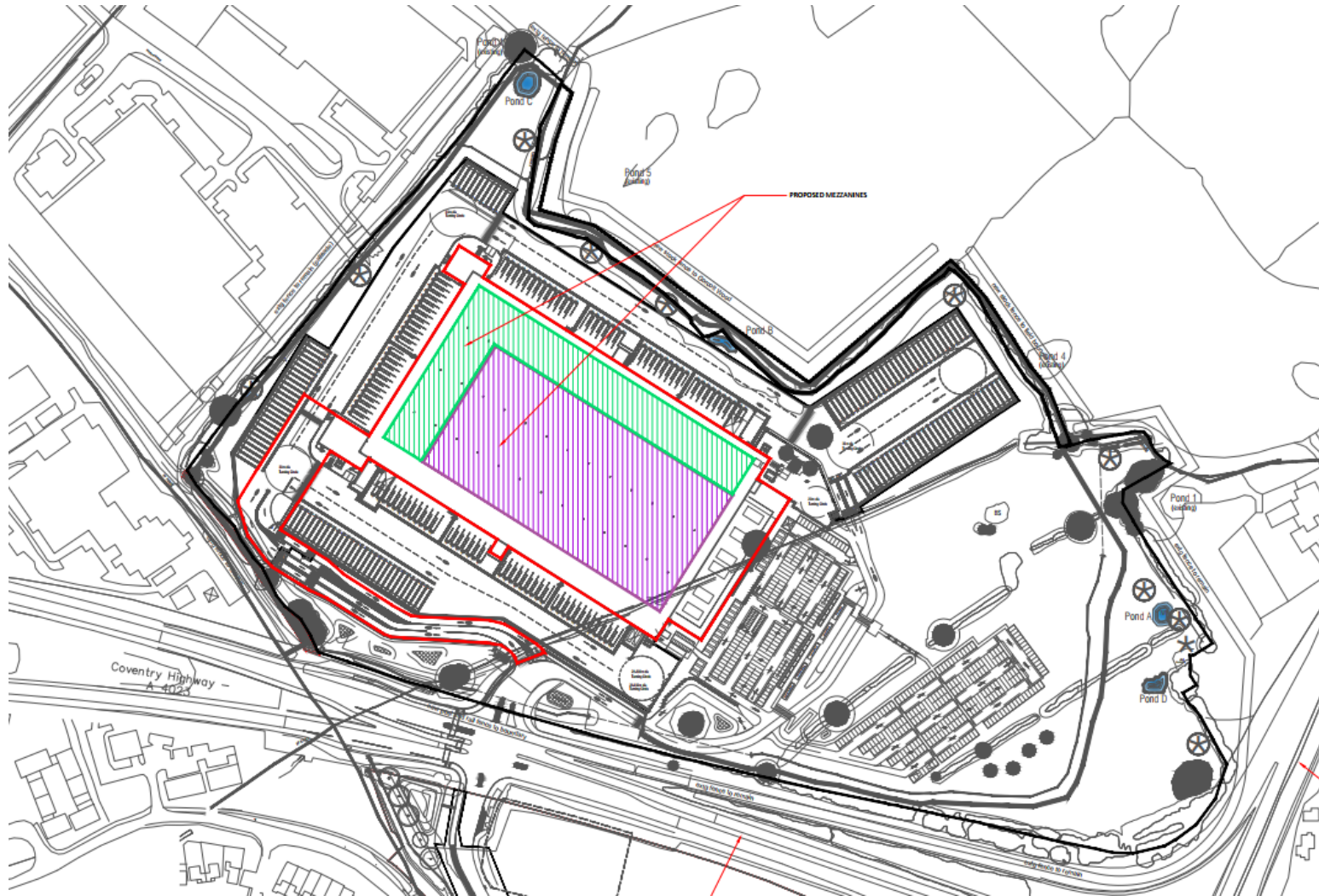
Redditch

Internal works to facilitate a new mezzanine level
in the storage and distribution building approved
under the reserved matter consent

19/00619/REM

Recommendation: Approve

Location Plan



PROJECT TITLE REDDITCH			
DRAWING TITLE LOCATION PLAN			
Scale 1:1250@A0	Date 16.11.2020	Drawn by A.T.	Checked by
Drawing Status PLANNING			
Drawing No. 20106_P03			Revision A

— RED LINE APPLICATION

SITE AREA - 17.45 HA / 43.12 ACRES

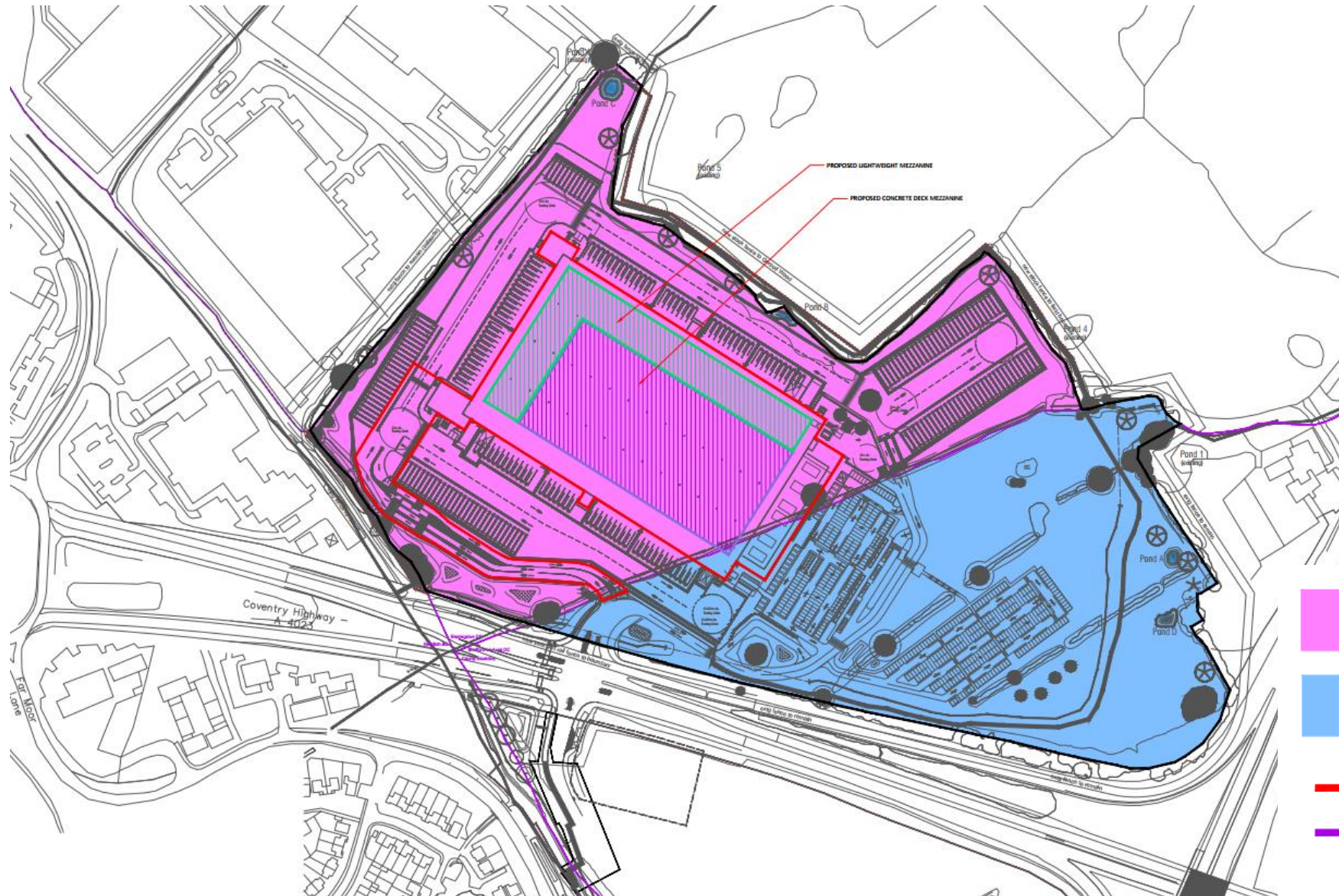
BROMSGROVE DISTRICT COUNCIL

10.14 HA (25.06 ACRES)

STRATFORD ON AVON DISTRICT COUNCIL

7.31 HA (18.06 ACRES)

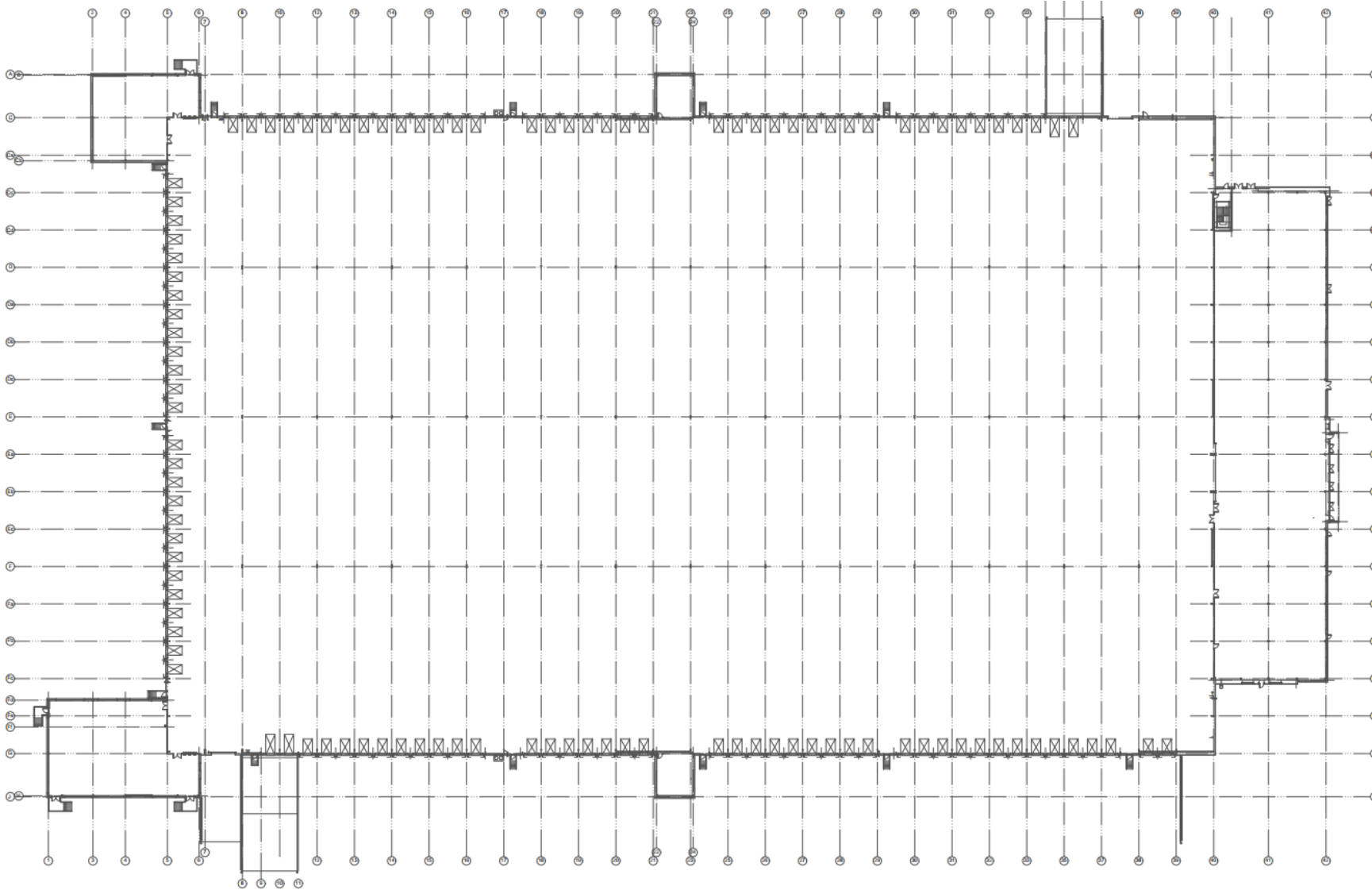
Council Boundaries with proposed Mezzanine



PROJECT TITLE REDDITCH			
DRAWING TITLE COUNCIL BOUNDARIES WITH NEW PROPOSED MEZZANINE			
Scale 1:1250@A0	Date 16.11.2020	Drawn by A.T.	Checked by
Drawing Status PLANNING			
Drawing No. 20106_P04		Revision A	

- BROMSGROVE DISTRICT COUNCIL
- STRATFORD ON AVON DISTRICT COUNCIL
- RED LINE APPLICATION BOUNDARY
- COUNCIL BOUNDARY

Existing Ground Floor Plan

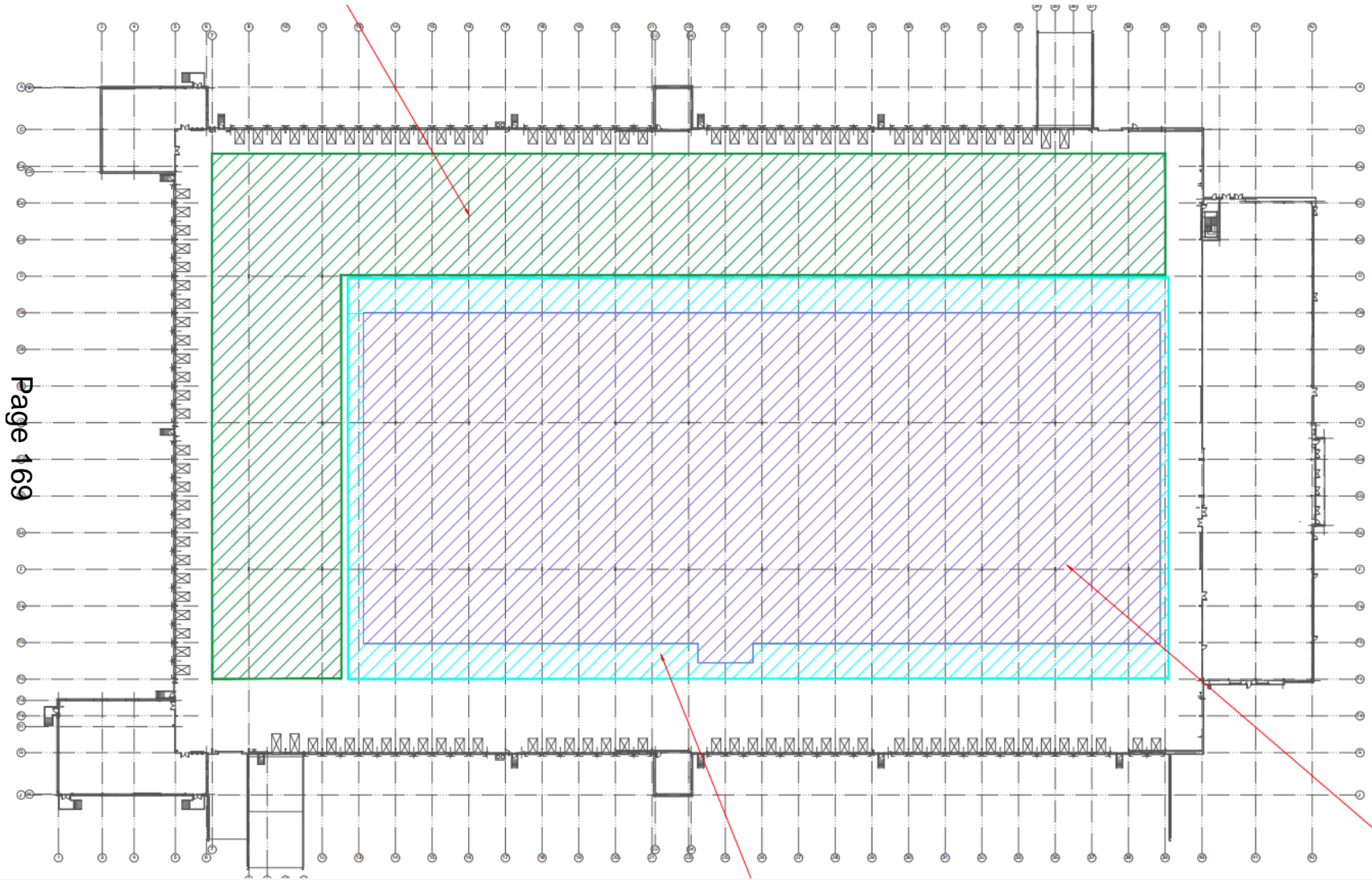


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PROJECT TITLE REDDITCH			
DRAWING TITLE EXISTING GROUND FLOOR PLAN			
Scale 1:500@A1	Date 16.11.2020	Drawn by A.T.	Checked by
Drawing Status PLANNING			
Drawing No. 20106_P06			Revision A

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Proposed Mezzanine Plan



PROJECT TITLE REDDITCH			
DRAWING TITLE PROPOSED MEZZANINE PLAN			
Scale 1:500@A1	Date 16.11.2020	Drawn by A.T.	Checked by
Drawing Status PLANNING			
Drawing No. 20106_P05		Revision A	

LIGHTWEIGHT MEZZANINE
8000 SQ.M AREA



CONCRETE DECK
MEZZANINE
3,063 SQ.M



CONCRETE DECK
MEZZANINE
12,615 SQ.M



CONCRETE DECK MEZZANINE
TOTAL AREA 15,678 SQ.M

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Christian Rees-Cooke	Proposed extensions to dwelling 29 Newfield Road, Hagley, Stourbridge, Worcestershire, DY9 0JR	09.07.2021	21/00090/FUL

RECOMMENDATION: That planning permission be Granted

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

Consultations

Cllr Colella Consulted 22.02.2021

I wish to object for the following reasons:

The application is overbearing and out of keeping with the street scene The application adversely impacts on the neighbouring rear garden amenity. Neighbouring properties will lose important garden amenity and enjoyment of their private space.

I consider the application to breach the rear building line.

The application causes a terracing effect on the street scene; this goes against the original design and planning policy specified in the street scene design. The application is larger than the 40% extension threshold. The application is the latest proposal which has changed the property from what was a bungalow to the current dormer bungalow style dwelling to what would be a large family house. There is a shortage of bungalow/dormer bungalow properties and if approved would create a further shortfall.

Hagley Parish Council Consulted 22.02.2021

We object to this application. The extension is:

Over-large and overbearing

Not set down, so as to make it clear that the extension is subsidiary to the main dwelling.

Out of keeping with the area.

The extension will overlook and overshadow the adjacent house

Publicity

Neighbours consulted 22.02.2021

Neighbour Responses

Occupiers of 4 properties have objected to the application raising comments as summarised below:

- The proposed first floor bedrooms to be created will reduce the sunlight to adjacent / adjoining properties (overshadowing / loss of light)

- The proposed extensions are too large and not in keeping with the existing property, the local street scene and would harm the character and appearance of the local area
- The extensions would overlook our property to the detriment of residential amenity
- The extensions would be overbearing, overwhelming and would have a visually intimidating impact
- Insufficient parking on site
- Proposals do not comply with the Councils SPD on High Quality Design
- Extensions should be subordinate with ridge line lowered from that of the existing
- Foundation and exhaust flue concerns
- Loss of bungalow stock required for an ageing population

Occupiers of 2 properties support the application raising comments as summarised below:

- Many houses have been extended and refurbished to some degree in this and surrounding roads
- The proposals are sympathetic and will enhance and improve the appearance of the property providing a fine family home

Relevant Policies

Bromsgrove District Plan 2011-2030

BDP1 Sustainable Development Principles
BDP19 High Quality Design

Others

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

Relevant Planning History

B/115/1974	Garage	Approved	03.06.1974
B/8049/1980	Lounge extension and loft conversion for domestic purposes	Approved	27.10.1980

Assessment of Proposal

The site and its surroundings

This detached three bedroomed property is situated to the northern side of Newfield Road, Hagley. Adjoining No.29's boundary to the west is the semi-detached 2 storey dwelling No 27 Newfield Road and to the east, No.31 Newfield Road. The property has been extended in the past by means of a largely flat roofed garage extension and a later flat roofed lounge extension together with loft conversion. Existing floor plans and elevations submitted with the application also show a glazed conservatory to the rear although this has recently been removed.

The proposed development

It is proposed, at ground floor level, on the site of a recently removed conservatory to extend the original rear wall of the property out to the rear by 4.54 metres to form a kitchen extension. In order to accommodate the extension, a small flat roofed extension, currently forming part of the existing kitchen area would be demolished. The extension to the rear would extend out to the furthest part of the existing lounge area, itself, as extended under application B/8049/1980. Above this area it proposed to create an additional bedroom.

Further, it is proposed to erect a first-floor extension to the side of the dwelling over the existing garage in order to create further bedroom accommodation. Within the existing first floor area which exists, bedroom 1 would remain, with the remainder of the space being converted to a dressing area and ensuite bathroom.

Materials proposed for use would match those of the existing dwelling.

Assessment

Character and appearance

Policy BDP.19 of the Bromsgrove District Plan (BDP) requires development to be of high-quality design. This is re-enforced within the Councils High Quality Design SPD.

Objections received comment that the proposed side extensions would harm the character of the existing dwelling and the character and appearance of the street-scene. The Councils SPD comments that extensions should enhance the dwelling and give consideration to any impact of the development on the existing dwelling. Alterations and extensions should complement the scale and general massing of the existing building and remain subservient to it. Matching bricks, roof tiles or other facing materials in form, colour and texture should be used.

With respect to roof treatment, the SPD comments that the roof form (type and angle of pitch) should match that of the original development, (particularly where a two-storey extension is proposed) which contributes to the harmony of the building and avoids the long-term maintenance problems associated with flat roofs.

In this case, the proposed side extension is considered to represent a visual enhancement to the existing garage, erected in the mid 1970's and the proposals are not considered to harm the character and appearance of the existing street. The hipped roof arrangement would match the angle of pitch of the existing dwelling as advised in the Councils SPD. Whilst noting that the side extension would be extended to the boundary, this would only be to approximately 3.7m in height with a first-floor gap remaining between No.29 and 27 Newfield Road. It is not considered uncommon for properties in this area to be built on or very near to a shared side boundary and I have noted that both number 27 and 31 Newfield Road present two storey flank gables on or near to the shared boundary to the host property. Whilst noting that the ridge line serving the side extension is not lower than the ridge line serving the host property, I have noted the SPD's guidance at 3.3.1 which comments that each application should be considered on its merits to ensure that the design of the side extension is appropriate to that property and its surroundings. The ridge line serving the side extension would meet the ridge line serving the existing property towards the centre point of the existing dwelling and thus the roofslope would be largely 'set back' from the front face of the dwelling reducing the prominence of the extension.

I have also noted that No.27 Newfield Road, whose occupiers object to the application, were granted permission for a two-storey side extension – ref B/1994/0097 approved 05.05.1994 where the ridge line serving the extension has not been lowered from that of the original dwelling.

A small dormer window is proposed to the front elevation of No.29 which is considered to add relief to the (south facing) roofslope. Other examples of dormer windows exist within the street, notably at No.31, and considered as a whole, the design of the proposed development having regards to its impact upon the character and appearance of the dwelling and the wider area is considered to be appropriate.

Residential amenity

Objections have been received from nos. 25, 27, 31 and 36 Newfield Road which have been summarised above.

Within the presentation which will accompany this report, diagrams have been provided to show the extent of extensions which could be added to the property both to the rear and to the side (as single storey extensions) without the occupier needing to apply for planning permission. These rights exist under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015.

With respect to the proposed side extension, the lowest part of the extension would measure 3.7 metres from ground level, rising to 7.15 metres (the highest point of the existing dwelling). A single storey extension could be erected to the side of the dwelling to a maximum height of 4 metres.

With respect to the proposed rear extension, members should note that a single storey extension measuring no more than 4 metres in height and by 4 metres in depth could be erected in the same area as that as shown on the proposed ground floor plan, albeit the proposed rear extension would extend to 4.54 metres in depth.

The Councils SPD advises that two storey extension proposals (excluding single storey extension proposals) be assessed against the 45 degree line guidance.

The 45 degree line guidance derives from the Building Research Establishment (BRE) guidelines "Site Layout Planning for daylight and sunlight".

It must be stressed that where non-compliance with the 45 degree line (guidance) exists, it should not necessarily follow that planning permission should be refused. Distance between dwellings, height and massing of the development are also relevant factors as are average daylight hours and light distribution throughout the day.

In the case of the rear two storey extension, the extension complies with the 45 degree line guidance in so far as the impact upon the occupier of No.31 Newfield Road is concerned. In terms of the impact upon No.27 Newfield Road, both the two-storey rear extension and the first-floor extension above the existing flat roofed garage would not comply with the 45 degree line guidance. However, the shape and pitch of the roof proposed are key in understanding the true impact upon residential amenity including overshadowing and overbearance. In this case, the existing dwelling and the proposed ridge height serving the development would measure 7.15 metres from ground level. However, due to the steeply pitched roof, height to eaves is only 2.8 metres rising to a maximum of 3.7 metres. By comparison, the eaves height serving the property to the immediate West (31 Newfield Road) measures 5 metres. The roof serving both the side extension and the rear extension rises as it reaches the centre point of the dwelling rather than having significant height at the shared boundary.

In terms of sunlight distribution, numbers 25 to 31 have north facing rear gardens. It is likely that any early morning light reaching number 27 (from the east) will be partially obscured by existing built development. Given the shape of the roof proposed to the side extension any loss of light would not be considered to be material.

In terms of privacy issues raised, no first-floor habitable room windows directly overlook neighbours to the west and to the east. A rooflight serving a landing area would be positioned in the east facing elevation and an obscurely glazed window serving an ensuite bathroom would be positioned in the west facing elevation. A single flat roofed dormer window serving a bathroom already exists to the west facing elevation which would be replaced by the new ensuite bathroom window and no additional windows are proposed to west facing elevation when compared to that of the existing. The other windows to the rear would face north directly down the host dwellings rear garden.

An element of overlooking from habitable rear windows serving numbers 25 to 31 Newfield Road, into adjacent rear gardens already exists and would continue to exist. It is for the decision maker to consider whether the impact caused by any additional overlooking impact would be material. The impact is not considered to be material in this case. I have taken into consideration that the windows serving the proposed rear bedroom would be glazed 'french doors' behind which would be an internal safety guard rail. An external balcony / raised platform is not proposed.

I am therefore satisfied that the proposal would not harm the amenities enjoyed by the occupiers of adjoining residents having taken into consideration the provisions of Policies

BDP.1 and BDP.19 of the Bromsgrove District Plan (BDP) and the Councils High Quality Design SPD.

Other matters

The property is not situated within the Green Belt and therefore the 40% threshold which applies under Policy BDP.4 of the District Plan does not apply. No percentage limits apply to dwellings which are located outside the Green Belt.

The property is not a bungalow, rather a dormer bungalow with existing stairs leading to first floor bedrooms and therefore the proposal would not result in the loss of a bungalow or a property which would necessarily be any more attractive to elderly persons. Newfield Road is currently considered to be characterised by that of two storey dwellings rather than that of bungalows and in that respect, I have noted that No.31 Newfield Road was once a bungalow before being replaced by that of a two-storey dwelling (ref B/1992/0540, granted 10.08.1992).

Concerns raised regarding foundation design / depth together with matters concerning the flue are not planning considerations in this case and are matters covered by other legislation including that covered by the Building Regulations and Regulatory Services.

Parking concerns have been raised. Current County Highway parking standards require that three car parking spaces be provided within the curtilage of any dwelling providing four or more bedrooms. Parking for a minimum of three cars can be accommodated within the frontage and therefore approval of the proposals is unlikely to lead to additional on-street parking demand.

Conclusion

The extensions proposed are considered to be in accordance with the Council's SPD: High Quality Design; Policies BDP.1 and BDP.19 of the Bromsgrove District Plan and the provisions of the National Planning Policy Framework and would not cause harm to residential or visual amenity. As such the application can be supported.

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 BP64590 revision A: Proposed floorplans, elevations, site plan and location plan: AMENDED dated 2nd March 2021

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

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

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

Case Officer: Steven Edden Tel: 01527 548474
Email: steve.edden@bromsgroveandredditch.gov.uk

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Bromsgrove District Council

Meeting of the Planning Committee

5th July 2021

21/00090/FUL

29 Newfield Road, Hagley, DY9 0JR

Extensions to dwelling

Recommendation: Approve

Site Location

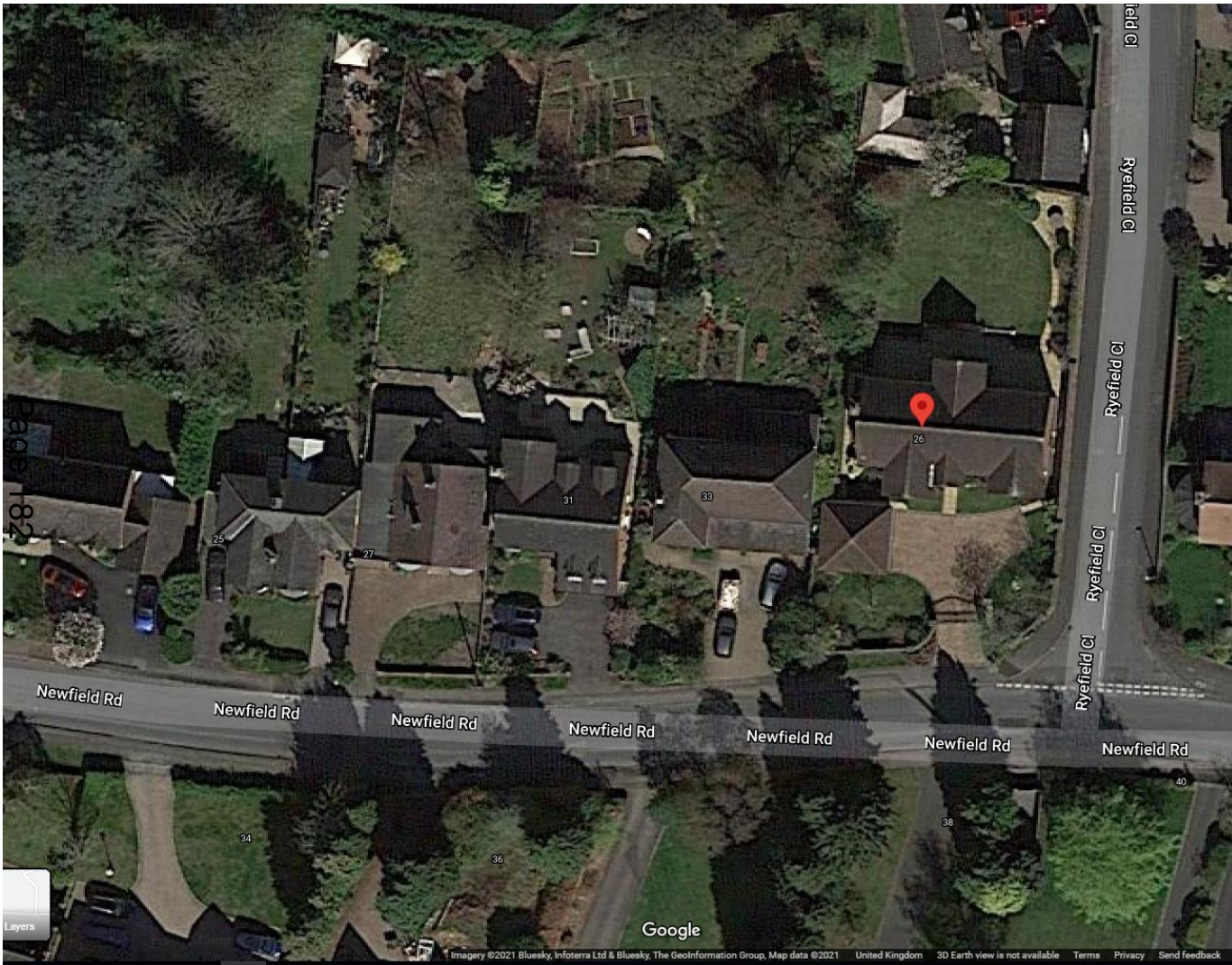


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Satellite View



Street view



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Rear of property



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Looking towards No.31. Tape indicates extent of extension



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Agenda Item 10

Tape indicating extent of proposed extension



Tape indicates extent of single storey permitted development extension



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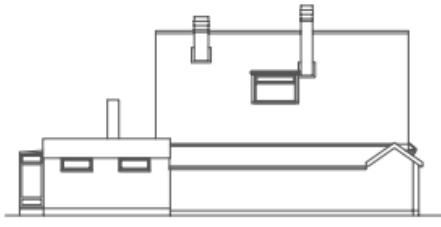


Agenda Item 10

Existing and Proposed Elevations



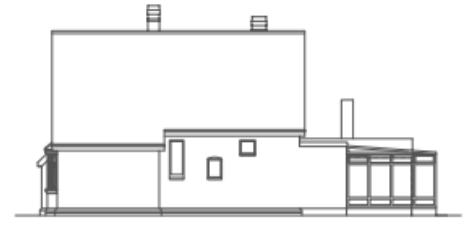
Front



Side



Rear



Side

Existing Elevations Scale 1:100



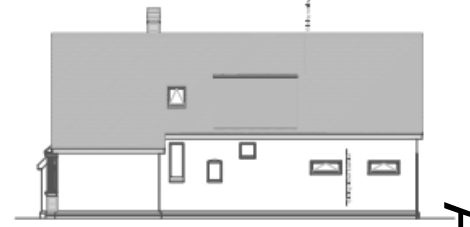
Front



Side



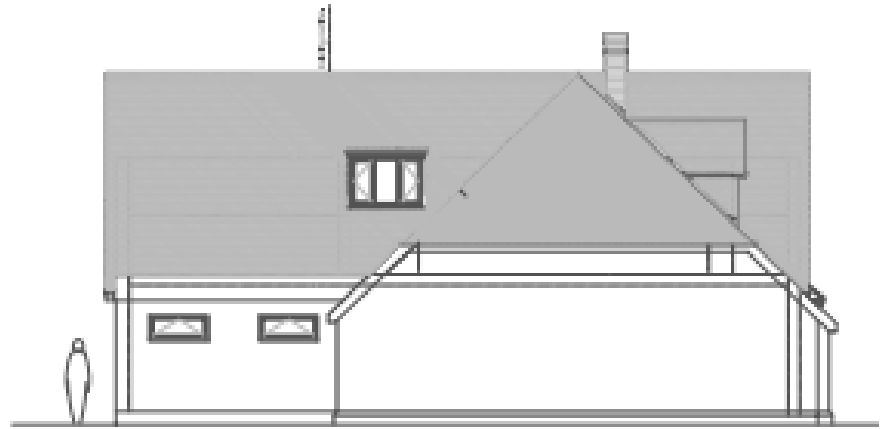
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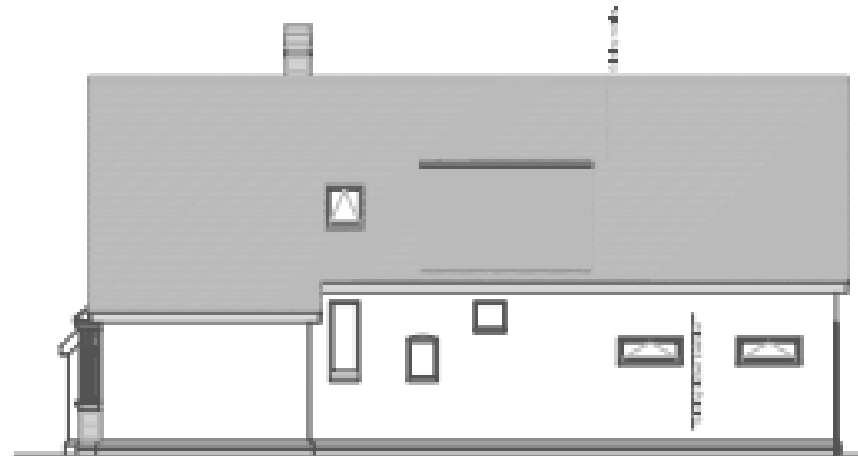
Side

Proposed elevations - detail

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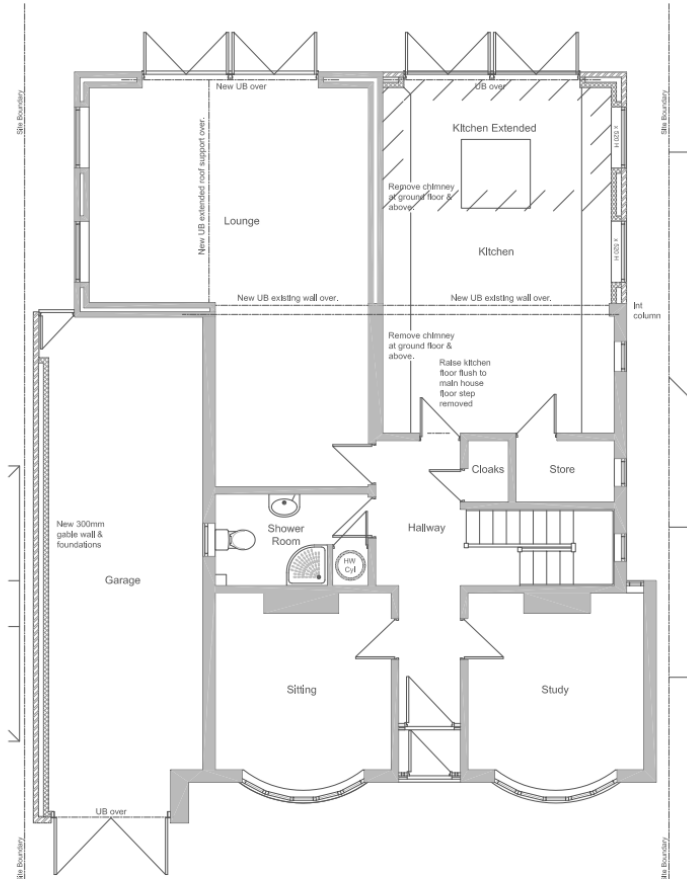
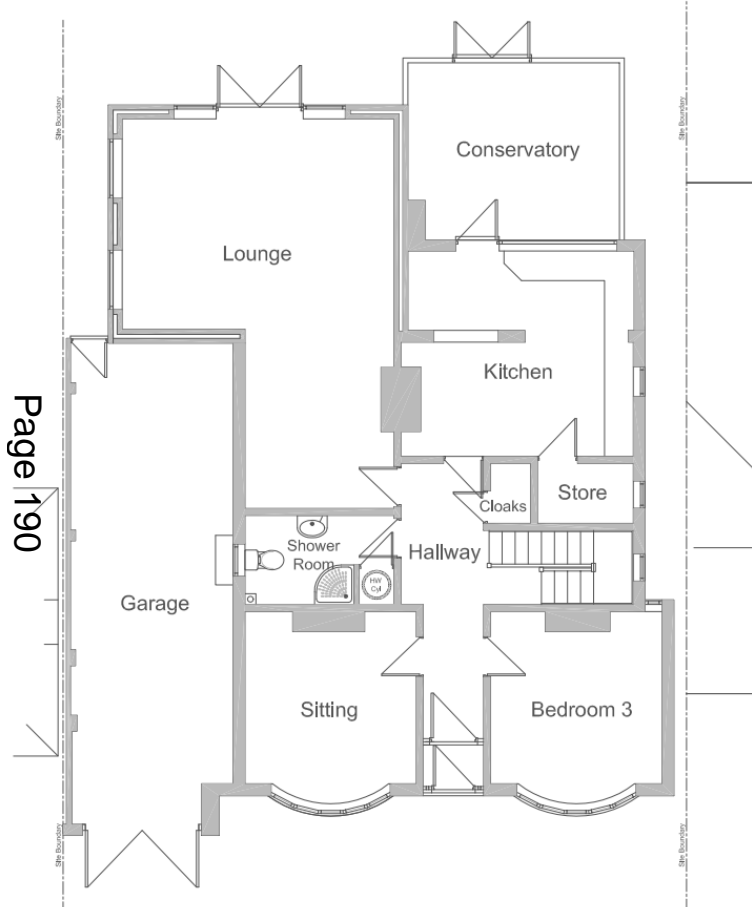
Rear



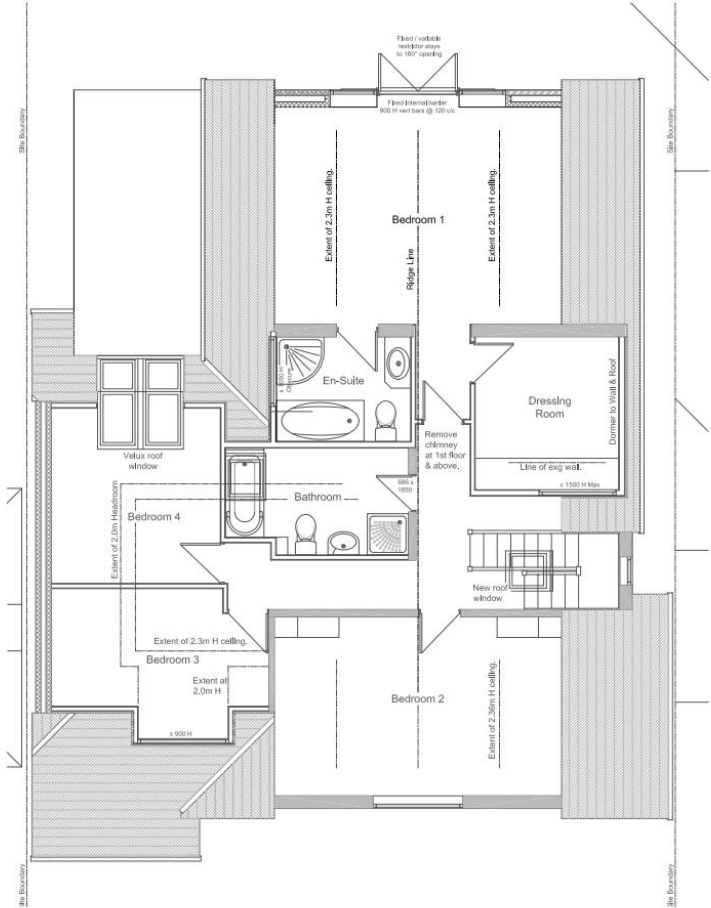
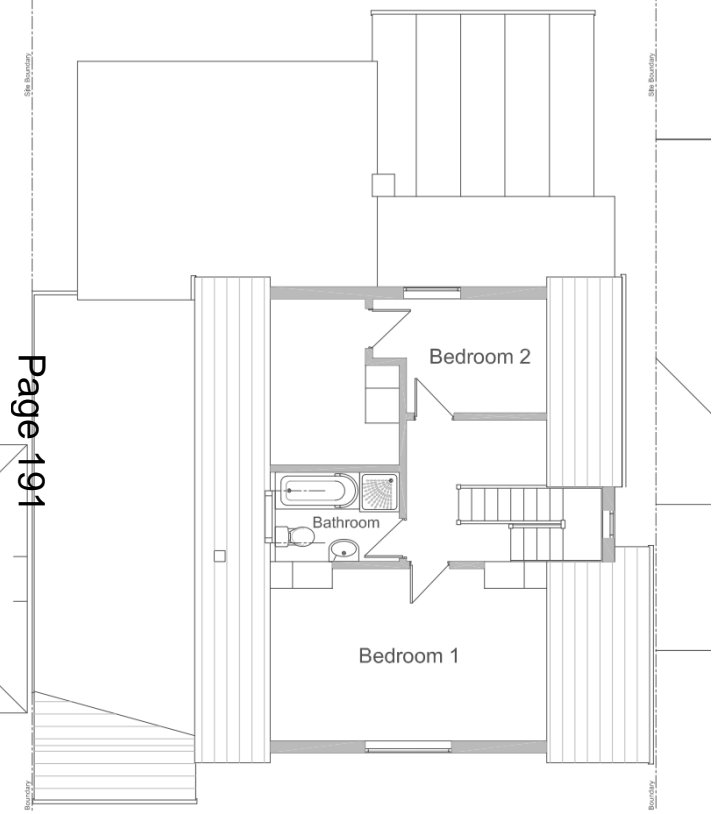
Side

Agenda Item 10

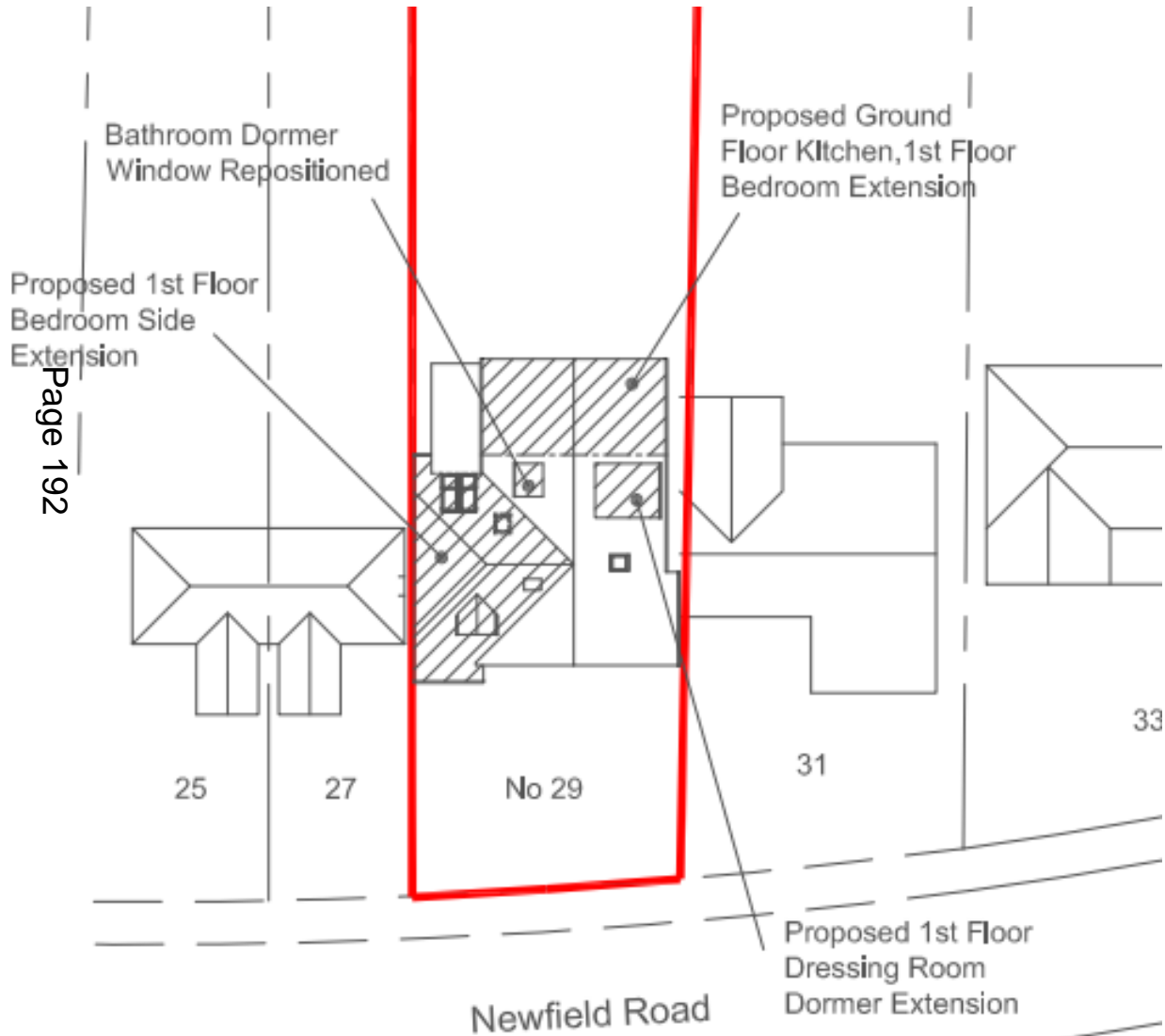
Existing and proposed ground floor plan



Existing and proposed first floor plan

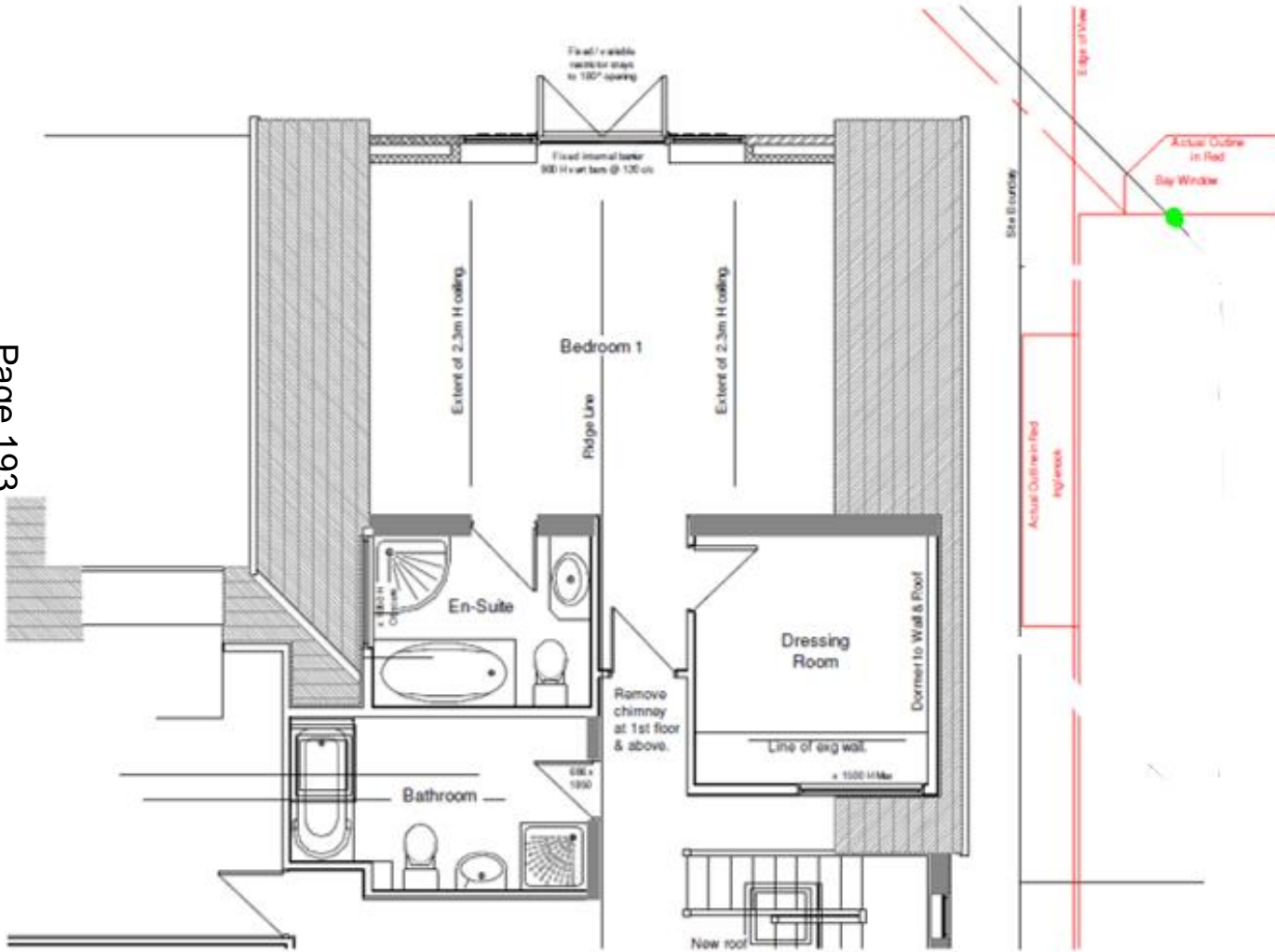


Proposed roof plan



45 degree line and neighbouring property outline

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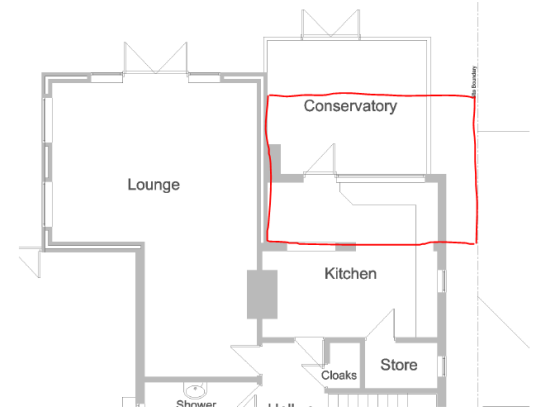
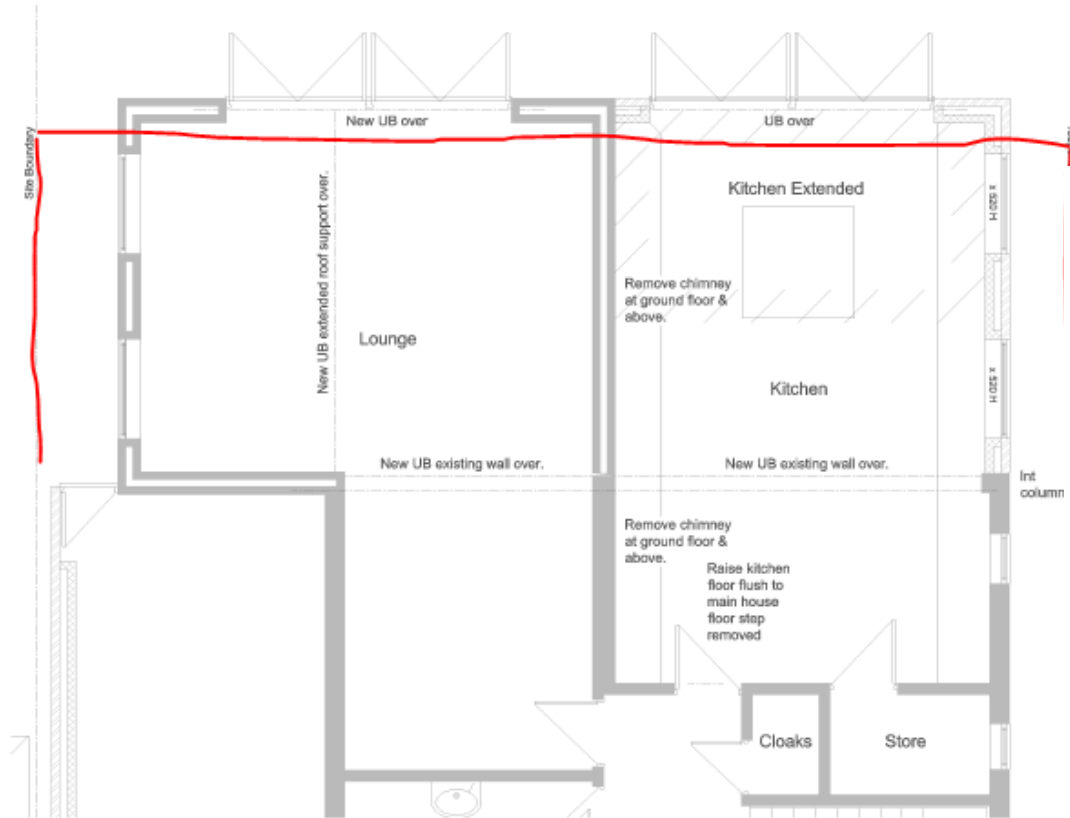
Agenda Item 10

Permitted development – single storey side extension



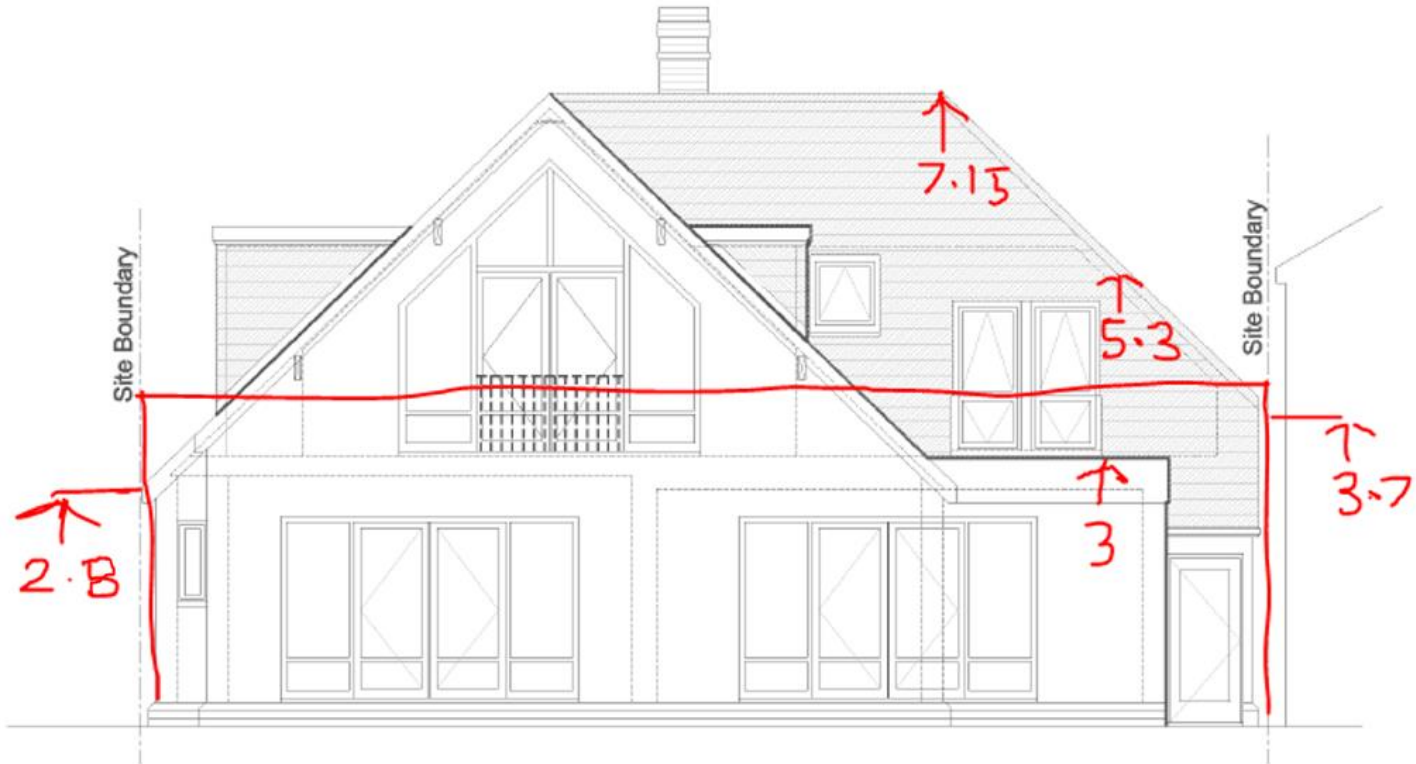
Permitted development – single storey rear extension

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Agenda Item 10

Proposed rear elevations with dimensions



Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Peter Norton	Proposed detached dwellinghouse using previously approved access driveway 32 Lickey Square, Lickey, Birmingham, Worcestershire, B45 8HB	26.04.2021	21/00312/FUL

Councillor King has requested that this application be considered by Planning Committee rather than be determined under delegated powers

RECOMMENDATION: That planning permission be Granted

Consultations

Cllr J. E. King Consulted 15.03.2021

Comments summarised as follows:

It comes as no surprise that we are confronted with yet another planning application for a house in the rear garden of a Lickey Square house . This time it is number 32, where an application for a 5 bed detached house in the rear garden was refused in 2014. The present application, again for a large five bed two storey detached house appears to be larger than the refused dwelling. The agent has omitted to give measurements apart from to indicate that the 21 metres rule between the house and the neighbouring property in The Badgers has been observed. The measurement of the height of the proposed building above the neighbouring house (number 16 The Badgers) has been left to our imagination. I call this application in for the consideration of the planning committee on the grounds of non-compliance with the policies of Bromsgrove Local Plan BDP 19 and the Lickey and Blackwell and Cofton Hackett Neighbourhood Development Plan.

Lickey and Blackwell Parish Council Consulted 15.03.2021

Comments summarised as follows:

Lickey and Blackwell Parish Council object strongly to this application. The proposed dwelling is far too large and elevated. It would overlook the neighbouring houses and remove privacy. Trees may be impacted, which would potentially have provided screening from the development. Balconies and large windows will take away privacy. This application is against BDP19 and our Neighbourhood Plan BD3 against back garden development. This application would impact on the character of the local area.

Arboricultural Officer Consulted 15.03.2021

No objections, subject to conditions

Comments summarised as follows:

There is a mature Douglas Fir tree (T903) and Oak tree standing within the grounds of 34 Lickey Square which the driveway access passes between. These trees are subject to protection under Bromsgrove District Council Tree Preservation Order (4) 2011. Due to the size and proximity of these trees to the access driveway and associated parking bays the footprint of these features causes an incursion into the BS5837:2012 recommended

Root Protection Area (RPA) of both trees. Therefore, the access driveway should be installed by use of a No Dig method of construction over the existing ground levels to ensure that the development does not affect the health or stability of these trees. No objections are raised to the slight re-positioning of the hedge line to the front of No.36 in order to achieve the sightline splay required. I agree with the reasoning and comments of the Planning Inspector on earlier cases in that there should be no need to remove any of the TPO protected trees on the site in order to achieve the visibility splay required at the entrance to the site.

Recommended conditions:

1. Any section of the proposed access driveway and parking bays that fall within the BS5837:2012 should be installed by use of a suitable grade of No Dig construction. A plan showing the area to be constructed by the use of No Dig construction and specification of the material to be used should be supplied.
2. All trees to be retained should be afforded protection in accordance with BS5837:2012 recommendations throughout any ground or development work on the site.
3. An Arboricultural Method statement and protection plan should be submitted.

Worcestershire County Highways Consulted 15.03.2021

No objections, subject to conditions
Comments summarised as follows:

I have no highway objections to the proposed detached dwelling subject to the recommended visibility splay condition applied to the earlier consent, and conditions requiring the first 5 metres of access road being surfaced in a bound material; the provision of an Electric Vehicle charging point and sheltered and secure cycle parking provision.

I have noted that the site has had outline permission for 5 dwellings, a separate full planning permission for two dwellings, ref 19/01388/FUL and a full planning permission for a single dwelling ref 19/00477/FUL.

Consents, granted on appeal by the planning inspectorate did not raise any concerns on the ability to deliver the visibility splay subject to a condition. The inspector will have considered the reasonableness of any conditions and clearly has judged that the visibility splay condition meets the relevant tests.

The applicant has provided 4 car parking spaces which are in accordance with WCC car parking standards.

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

21/00312/FUL

WRS - Noise Consulted 15.03.2021

No objection

North Worcestershire Water Management Consulted 15.03.2021

Comments summarised as follows:

The site falls within flood zone 1 (low risk of fluvial flooding) and is not shown to be an area susceptible to surface water flooding. Should you be minded to grant permission I would request that a surface water drainage strategy for the proposed development be submitted (via condition)

Publicity

37 Neighbour notifications sent 16.03.2021

Site Notice displayed 19.03.2021

Neighbour Responses

17 letters of objection received

4 letters received in support of the application

Objection summary:

- The proposed development represents 'garden grabbing', contrary to the Lickey and Blackwell and Cofton Hackett Neighbourhood Development Plan and the Bromsgrove District Plan.
- The development would be detrimental to the character and quality of the area
- Detrimental impact on trees
- The proposed dwelling is too large for the plot
- Over-development of the site
- Proposal would overshadow neighbouring dwellings resulting in a loss of light
- The site is elevated from 'The Badgers'. Overlooking would occur resulting in a loss of privacy to existing occupiers
- Proposal would be overbearing, overwhelming and be visually intimidating in nature
- Separation distances between existing dwellings and the proposed dwelling are insufficient having regard to level differences
- Increased traffic to and from the site would be prejudicial to highway safety
- Drainage and flooding concerns due to elevated, steeply sloping nature of the site
- Harm to wildlife would occur
- Noise and light pollution concerns
- Smaller houses are required in this area not large 5 bed roomed detached houses
- Inadequate bin storage facilities

Support summary:

- The dwelling would be well set back from the main road and would be surrounded by mature trees providing privacy for all neighbours. The planned development has taken this into account and will merge into the existing landscape

- The development would be in keeping with the 2 dwellings approved at appeal under ref 19/01388/FUL and would respect the character and architecture of other existing dwellings in the area
- The development would utilise a large plot of land providing additional much needed housing in the district
- There are no highway safety issues. The development would be accessed via the access already considered by the Planning Inspectorate which is deemed to be acceptable by both the Planning Inspectorate and County Highways
- The Council cannot demonstrate a 5 year housing supply. Utilising available land in residential areas is preferable to sacrificing land in the Green Belt

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP7 Housing Mix and Density
BDP19 High Quality Design
BDP21 Natural Environment
BDP23 Water Management

Others

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

Relevant Planning History

14/0166: 1 detached dwelling: rear garden of No.32 Lickey Square. Refused by BDC 11.04.2014

16/0190: 5 detached dwellings on land to the rear of No's 32, 34, and 36 Lickey Square. Refused by BDC, 19.08.2016. Allowed at appeal subject to conditions 06.07.2017. The outline planning permission reserved all matters apart from the proposed access point leading to a private drive between no. 34 and 36 Lickey Square which was allowed

18/01322/FUL: 1 detached dwelling: rear garden of No.34 Lickey Square. Refused by BDC 20.02.2019

19/00477/FUL: 1 detached dwelling: rear garden of No.34 Lickey Square. Granted by BDC 07.08.2019

19/01388/FUL: 2 detached dwellings rear of 34 to 36 Lickey Square. Appeal against the non-determination of the application within prescribed timeframes. Appeal allowed 30.07.2020

20/00759/REM: Reserved Matters Application for five detached dwellings seeking consent for appearance, landscaping, layout and scale following outline consent through appeal (ref 16/0190)

Appeal against the non-determination of the application within prescribed timeframes.

Appeal dismissed 18.12.2020

Assessment of Proposal

The site and its surroundings

The site is located within the settlement of Lickey Hills within a residential area. The site is not within the Green Belt.

The property fronting the application site to the north (No.32 Lickey Square) is a large two storey detached dwelling, facing the southern side of the road. It is set within large grounds containing many mature trees to both the front and rear gardens many of which are protected by Tree Preservation Orders (TPO's). This part of Lickey Square is fronted by other individually designed, large, detached houses set within substantial plots. The site falls steeply from front to back (north to south).

Adjacent to the rear (south) of the site is an end of a cul-de-sac 'The Badgers' a more recent development of detached two storey dwellings with smaller gardens than numbers 32 to 36 Lickey Square. The plot would be accessed via an unclassified road, Lickey Square and benefits from a footpath and street lighting on the opposite (the northern side) of the road. There are no parking restrictions in force in the vicinity. The site is located approximately 340 metres from Lickey Hills Primary School and approximately 140 metres from a bus route and a bus stop.

The proposed development

It is proposed to construct a two-storey dwelling which would be 13 metres high to ridge (excluding chimney), and 7.9 metres high at eaves. The dwelling would be a maximum of 14 metres wide and a maximum of 18.7 metres deep (including the rear 'orangery'). The front elevation would be articulated with two, 2 storey gables, a central doorway with an external brick chimney stack to the side.

The rear elevation would have similar gables and a flat roofed orangery. The main roof would have a 30 degree roof pitch.

The design of the development would be very similar to that of the two dwellings allowed at appeal under reference 19/01388/FUL.

Assessment

Character and appearance

The underlying character of the locality is one of large detached, two storey houses of varying ages and styles. Many are set within substantial and maturely landscaped, verdant plots. However, there is also a clear pattern of rear gardens having been developed along Lickey Square and surrounding streets. There are also several examples of higher density developments than that of the application site as can be seen

on the cul-de-sac estates of Cleveland Drive and Stretton Drive to the east of the site, and The Badgers, a gated two-armed cul-de-sac to the south of the site.

The Lickey and Blackwell Village Design Statement (SPD) states that new housing should generally reflect the character, setting and style of housing in the immediate vicinity.

Given the variety of densities and surrounding layouts it is considered that the application would accord with the mixture of scale and pattern of development in the area and would form a natural extension to the layout of development allowed by the Planning Inspectorate under reference 19/01388/FUL.

The dwelling has been designed to complement the dwellings approved under reference 19/01388/FUL with variations along the front and rear elevations to break up the visual mass of the building and the gap between the proposed dwelling and the nearest dwelling approved under 19/01388/FUL, (being approximately 30 metres) is considered to be ample and would provide visual relief, avoiding cumulative harm.

As noted by the Inspector when considering application 19/01388/FUL, the sloped characteristics of the site limit potential views of the development from the Lickey Square street scene. Further, the proposed positioning of the dwelling together with the location of existing trees to be retained would provide adequate screening.

In allowing the appeal under appeal ref APP/P1805/W/20/3245957 (19/01388/FUL), the Inspector noted that five trees, subject to a Tree Preservation Order (TPO), lining the boundary between Nos 34 and 36 would be removed. Whilst contributing to the verdant character of the site and its surroundings the Inspector noted that there were only limited views of the five trees in question along Lickey Square and from other public vantage points. He noted that most views of the subject trees, from both public and private land, were layered by the other protected trees lining the outer boundaries of the site and along Lickey Square more generally. As such, the Inspector concluded that the removal of the proposed trees would not in itself detrimentally harm the verdant characteristics of the site, nor the visible treelined backdrop along Lickey Square or the surrounding area.

The Councils Tree Officer has raised no objections to this application.

The appeal Inspector under APP/P1805/W/20/3245957 concluded that the risk of future occupiers wanting to prune the protected trees to improve the degree of light experienced to the dwellings was low. Whilst the boundary trees would cause some overshadowing at select times of the day and year, this would not be dissimilar to the levels experienced by existing occupants in the area given the surrounding verdant character.

Under consideration of application 20/00759/REM (Reserved Matters Application for 5 dwellings to the rear of 32 to 36 Lickey Square, the density of development on the site as a whole (5 rather than the 3 which would occur if planning permission were to be granted under this application) was much higher, with gardens serving the dwellings being relatively modest by comparison. Here, occupiers would benefit from a garden area measuring approximately 400 square metres in area which would greatly exceed the Councils minimum requirement as set out in the High-Quality Design SPD which is 70 Square metres and a 10.5m garden length. I am therefore satisfied that the proposed

dwelling would experience acceptable access to light and would not put remaining trees at undue risk of pruning in the future.

In this context, the proposed development would deliver acceptable design and would not harm the overall character and appearance of the surrounding area. It would comply with Policy BDP19 of the Bromsgrove District Plan (adopted January 2017), Policies BD2, BD3 and NE3 of the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan (LBCHNP) (adopted January 2020) and Paragraphs 127 and 170 of the National Planning Policy Framework (the Framework). Collectively, these policies seek, amongst other things, to deliver high quality development that is in keeping with the character and quality of the local environment, whilst retaining and integrating trees where appropriate as part of the overall green infrastructure network.

Residential amenity considerations

It has been suggested by a number of occupiers from 'The Badgers', notably no's 15, 16, 17, and 18 that the siting and scale of the dwelling proposed would have an unacceptable impact on existing living conditions enjoyed by those occupiers, principally by way of loss of privacy.

The Council's High Quality Design Supplementary Planning Document (SPD) (adopted June 2019) serves as a guide to calculate the appropriate separation distance between habitable windows of properties that directly face each other. It specifies that a minimum separation distance of 21 metres is required where existing and proposed habitable rooms windows directly face each other, and that where there is a gradient difference, further distance may be required, with an additional two metres added for each metre difference in ground level as specified on Figure 4 of the SPD. In this case a cross section has been submitted showing a 5m difference in levels between the rear wall of the proposed dwelling (excluding the proposed ground floor orangery), referred to as 'Section 1', and the southern boundary fence. This shows that there would be a 21.4 metre distance between the proposed rear wall (excluding the proposed ground floor orangery) and the rear boundary fence. A separation distance of 24.3 metres would exist between the first-floor rear wall of the proposed dwelling and the existing flank (blank) wall serving the side elevation to No.16 The Badgers.

Importantly, the proposed rear face of the dwelling would not face towards the rear face of No.16 The Badgers nor any other rear facing habitable windows serving 15, 17 or 18 The Badgers. Nor would the dwelling face directly towards the side (flank) wall serving No.16 The Badgers, rather this would be at an oblique angle. As such, the 21m (or greater) distance set out within Figure 4 of the SPD does not apply in this case because the minimum distance only applies where rear habitable room windows face other, rear habitable room windows. This minimum distance DID apply under consideration of appeal ref APP/P1805/W/20/3245957 where the rear face of those proposed dwellings faced directly towards habitable room windows serving, in particular, No's 17 and 18 The Badgers. In the appeal case the separation distances were greater, at approximately 37 metres from the ground floor level and 40 metres from the first-floor level between the proposed dwellings and the nearest extent of No's 17 and 18.

The Inspector noted, in finding the appeal to be acceptable that the SPD also considers the presence of openings between properties and whether each dwelling is offset or

directly facing each other to determine whether any harmful overlooking may occur. The Inspector considered that neither of the two proposed dwellings directly align with either Nos 17 or 18 The Badgers, creating a more acute line of sight between the respective sets of properties by virtue of their offset positioning. The Inspector also considered that existing and proposed vegetation screening between the properties would further obscure any perceived views between the habitable rooms of the dwellings.

To conclude on the matter of privacy, the proposed dwelling would not face habitable room windows and nor would it directly overlook the dwelling, No.16 The Badgers itself. Whilst partial views of No.16 The Badgers garden would be viewed from the site, there is not considered to be anything particularly unusual or out of the ordinary with such a (90 degree) relationship and views from one property's habitable room window into a neighbouring properties rear garden are commonplace in many residential environments. It is for the decision maker to determine whether a material loss of amenity would occur based on the individual circumstances of the case. I have taken into consideration the substantial existing screening which exists (and which would be retained) to the rear (southern) boundary of the site, and consider that this, together with any additional planting in this area which could be introduced by means of a separate planning condition, would safeguard privacy.

It is not considered that the proposed development would result in a material loss of light to existing dwellings, taking into consideration the orientation of the dwelling, to the north of the nearest existing residential dwelling; separation distances and the presence of existing mature tree screening. Accordingly, the proposed development would not be considered to harm the living conditions of neighbouring occupants in The Badgers. The proposal is therefore considered to comply with the Councils High Quality Design SPD, which seeks to deliver development of a high-quality design which does not adversely affect the living conditions of neighbouring occupiers.

Other matters

The Council cannot currently demonstrate a five-year housing land supply. The presumption in favour of sustainable development therefore applies in accordance with Paragraph 11(d) of the Framework and therefore significant weight should be attributed to the positive contribution the proposal would make towards addressing this current shortfall.

Concerns raised by neighbouring occupiers with respect to the potential increase of flooding and drainage water from the site as a result of the proposed development are noted. However, the site is at low risk of fluvial flooding and drainage can be appropriately dealt with under building regulations. The Councils Drainage Engineer (NWWM) has raised no objection subject to an appropriately worded site drainage strategy condition (as set out below).

Concerns regarding traffic generated by the proposal and the safety of the proposed access to Lickey Square are also noted. However, the Inspectorate have assessed the suitability of the access for a new development utilising the same access and serving 5 dwellings under an earlier application and have found access arrangements to be acceptable. The Inspector in considering APP/P1805/W/20/3245957 similarly raised no concerns on the matter.

The County Highway Authority have again reviewed the proposed development and have raised no objection to the proposal subject to the same conditions applied to earlier consents and I have concluded that a single dwelling would likely generate a small amount of additional traffic and as such I am similarly satisfied that the proposal would not amount to any harmful effects to the highway network, subject to conditions.

There are no protected species concerns arising from the development although Paragraph 175 of the NPPF comments that opportunities to incorporate biodiversity in and around developments should be encouraged. To enhance ecological biodiversity, permanent bat and bird nesting opportunities should be integrated within the scheme. An appropriately worded planning condition is recommended to be imposed.

Conclusion

The proposed development would not cause unacceptable harm in respect of the main issues: the character and appearance of the area, or the living conditions of existing and future occupants. Moreover, the proposals are acceptable in terms of the other issues which include drainage considerations and highway safety. The proposal would make a contribution to the Councils housing land supply where a 5-year supply cannot be demonstrated, and the application is supported.

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:

32 Lickey Square location plan dated 28 Feb 2021
32 Lickey Square site plan dated 28 Feb 2021
Levels Plan dated 28 Feb 2021
32 Lickey Square house plans dated 28 Feb 2021
Ecological report dated 28 Feb 2021
Tree report dated 28 Feb 2021
Section dated 21 June 2021

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, shown on proposed elevation drawings, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

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

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

- 5) All trees to be retained within the site shall be given full protection in accordance BS5837:2012 recommendations throughout any ground or development work on the site

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

- 6) Any section of the proposed access driveway and parking bays that fall within the BS5837:2012 should be installed by use of a suitable grade of No Dig construction. A plan showing the area to be constructed by the use of No Dig construction and specification of the material to be used should be supplied and any works shall be carried out in accordance with the approved document.

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

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A to E including any alterations at roof level, and including the creating of balconies shall be carried out without express planning permission first being obtained from the Local Planning Authority.

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

- 8) No development above foundation level of the scheme hereby approved shall take place until a site drainage strategy has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of

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

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

- 9) No development above foundation level of the scheme hereby approved shall take place until a scheme of landscaping, including details of proposed tree and shrub plantings and treatment of all parts of the site not covered by buildings, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the sizes, numbers, species and grade of all proposed trees/plants; and specifications to ensure successful establishment and survival of new planting.

The approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner.

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 size and species and in accordance with the approved details.

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

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

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

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

Reason: In the interests of highway safety.

- 12) Prior to the construction of the vehicular access, visibility splays shall be provided 43 metres from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway. No shrubs, trees or other vegetation shall be allowed to grow above 0.6 metres in height, and no structure or erection exceeding 0.6m in height shall be placed, within the visibility splays.

Reason: In the interests of highway safety.

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

Reason: To encourage sustainable travel and healthy communities

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

Reason: To comply with the Council's parking standards

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

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

Case Officer: Steven Edden Tel: 01527 548474
Email: steve.edden@bromsgroveandredditch.gov.uk

Bromsgrove District Council

Meeting of the Planning Committee

5th July 2021

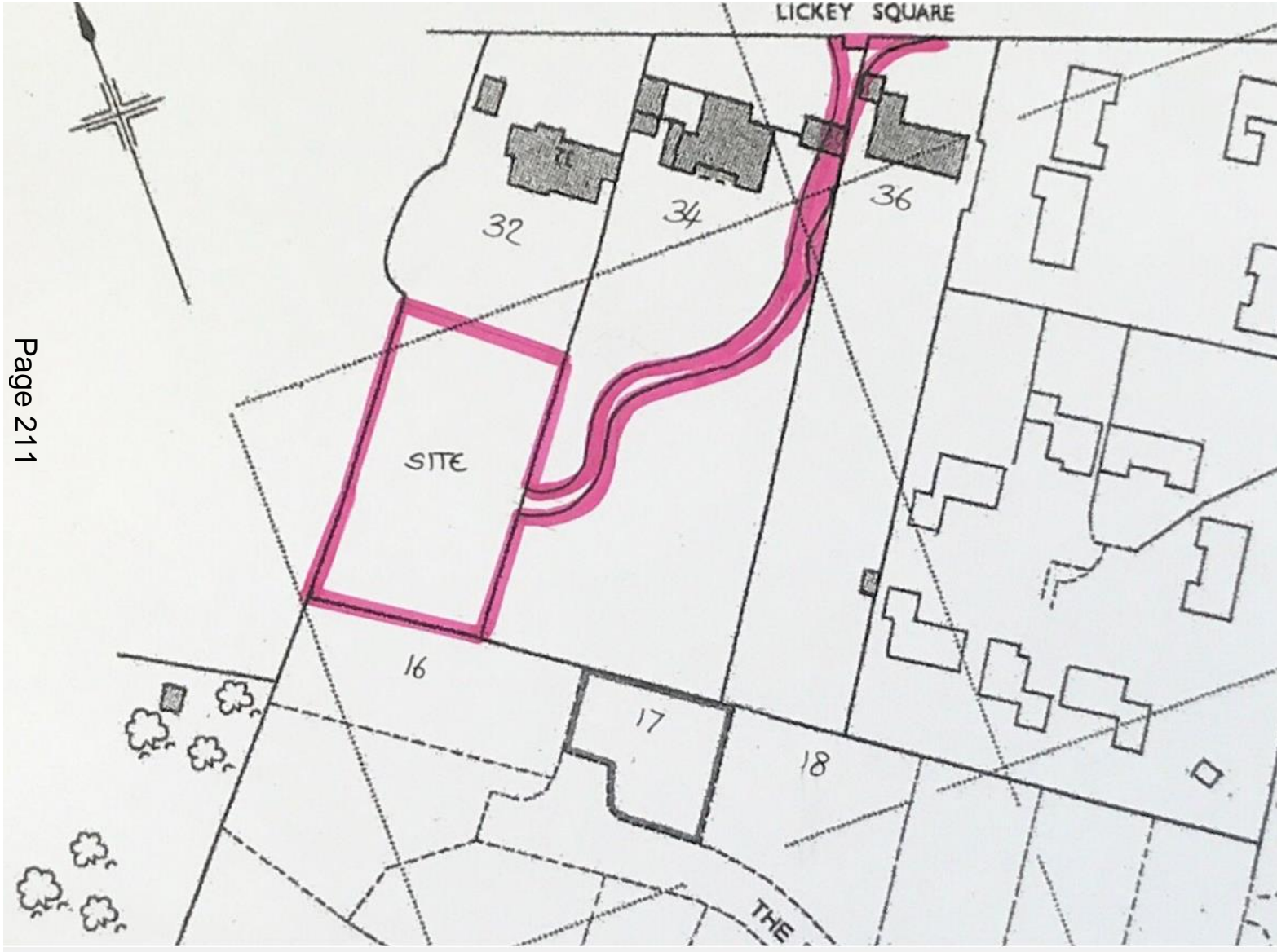
21/00312/FUL

32 Lickey Square, Lickey, B45 8HB

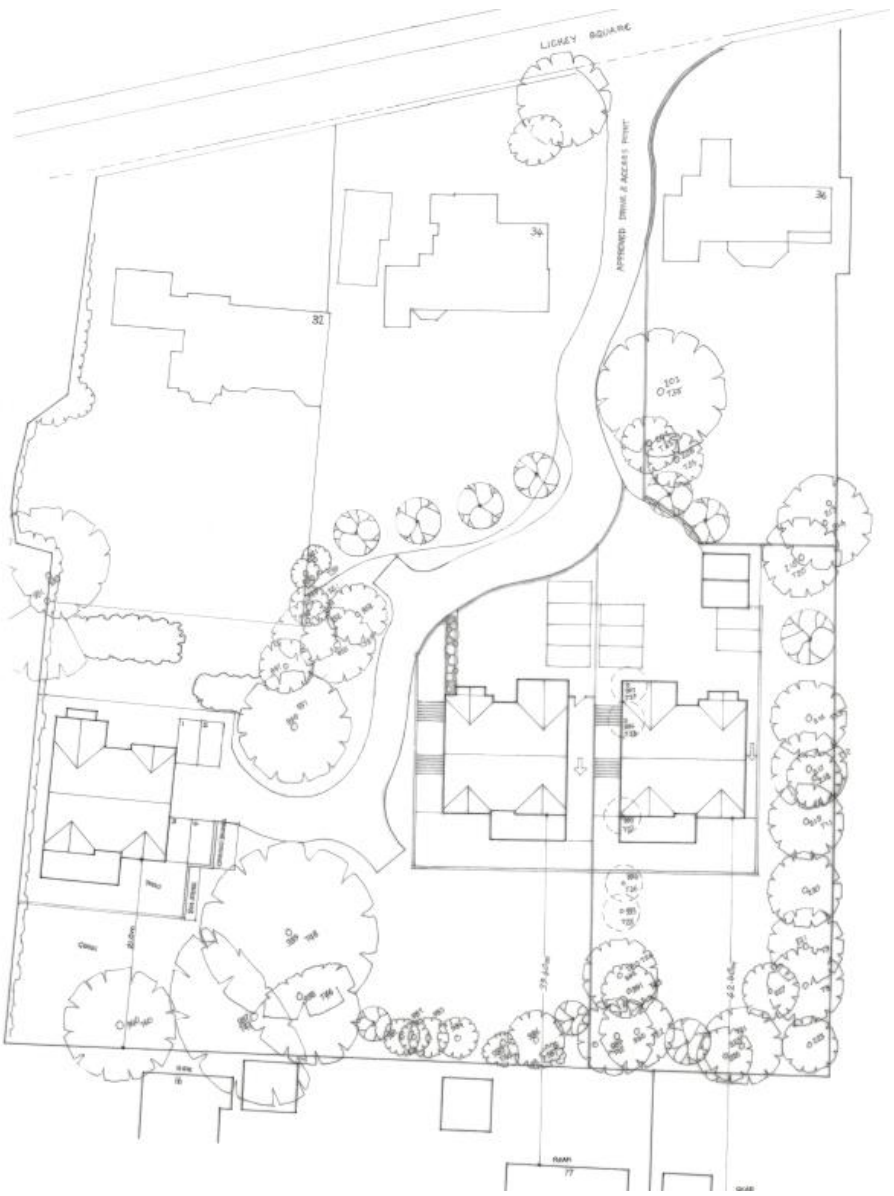
Proposed detached dwellinghouse
using previously approved access driveway

Recommendation: Approve

Site Location



Site layout



Site layout detail



Site layout further detail



View in direction of 16 The Badgers



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Agenda Item 11

Rear garden 32 Lickey Square



Satellite View



Birds eye view

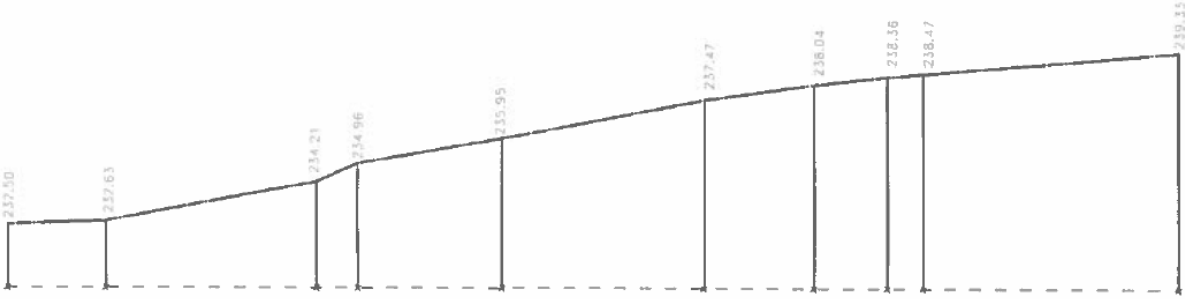
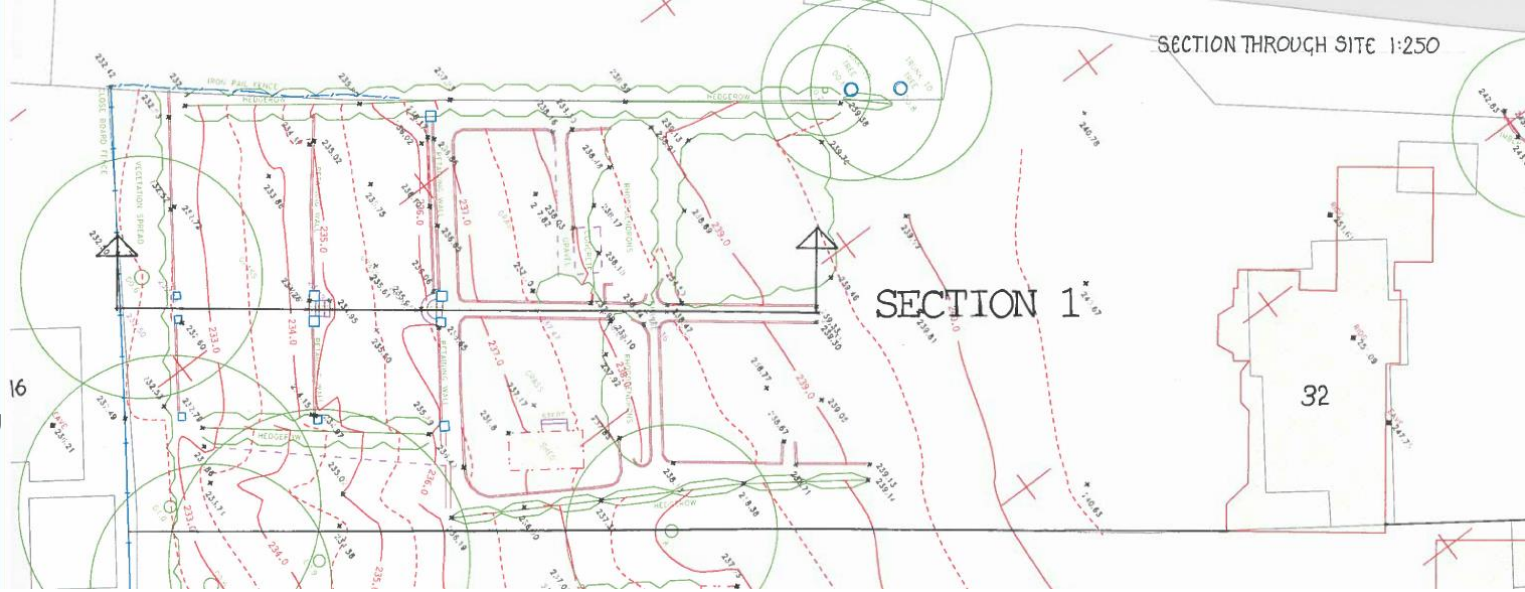


Section



SECTION ILLUSTRATION SHOWING RELATIONSHIP BETWEEN PROPOSAL & No. 16 THE BADGERS & HOW SEPARATION DISTANCES EXCEED REQUIREMENTS & THE EXTENT & SCALE OF THE INTERVENING MATURE SCREENING 1:100

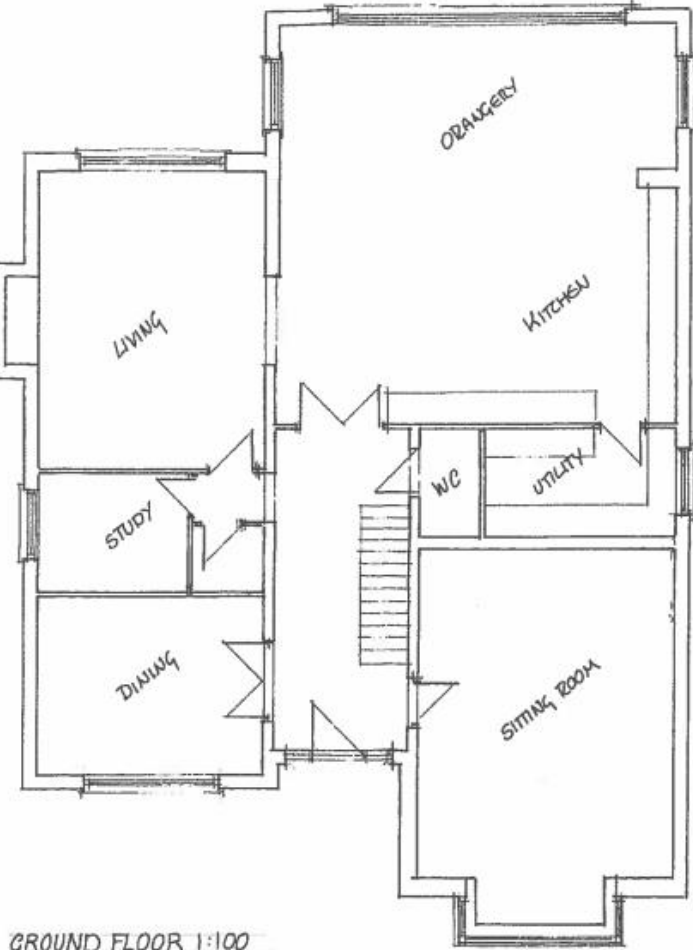
Section



SECTION 1 1:250

Proposed floor plans

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GROUND FLOOR 1:100



FIRST FLOOR 1:100

Proposed elevations



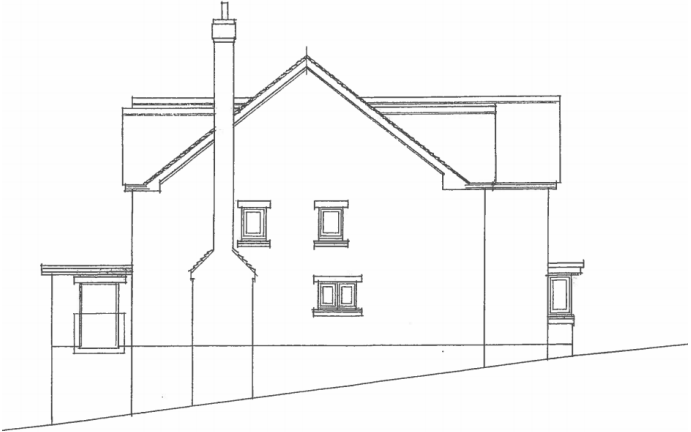
FRONT 1:100



SIDE 1:100



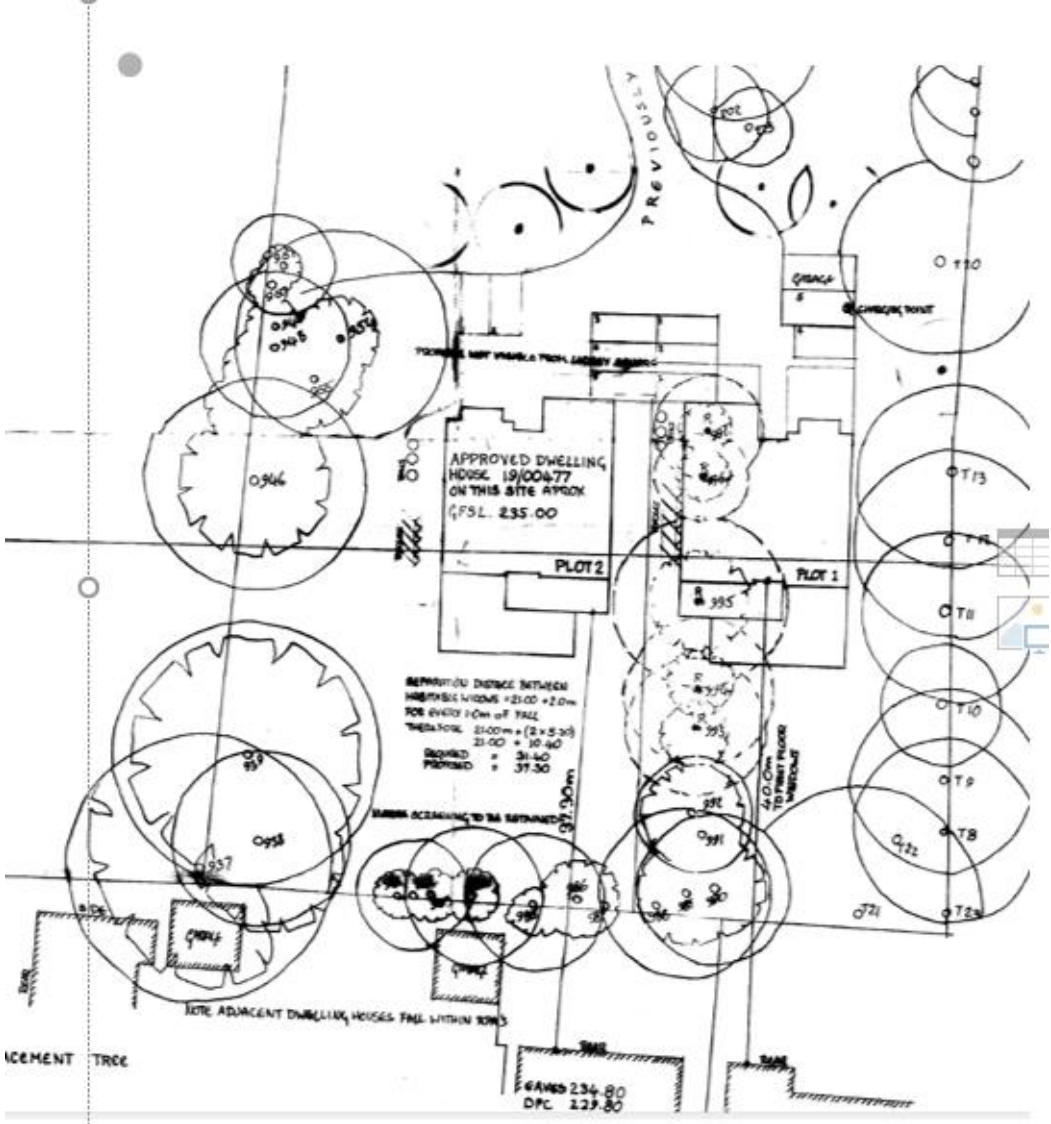
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SIDE 1:100

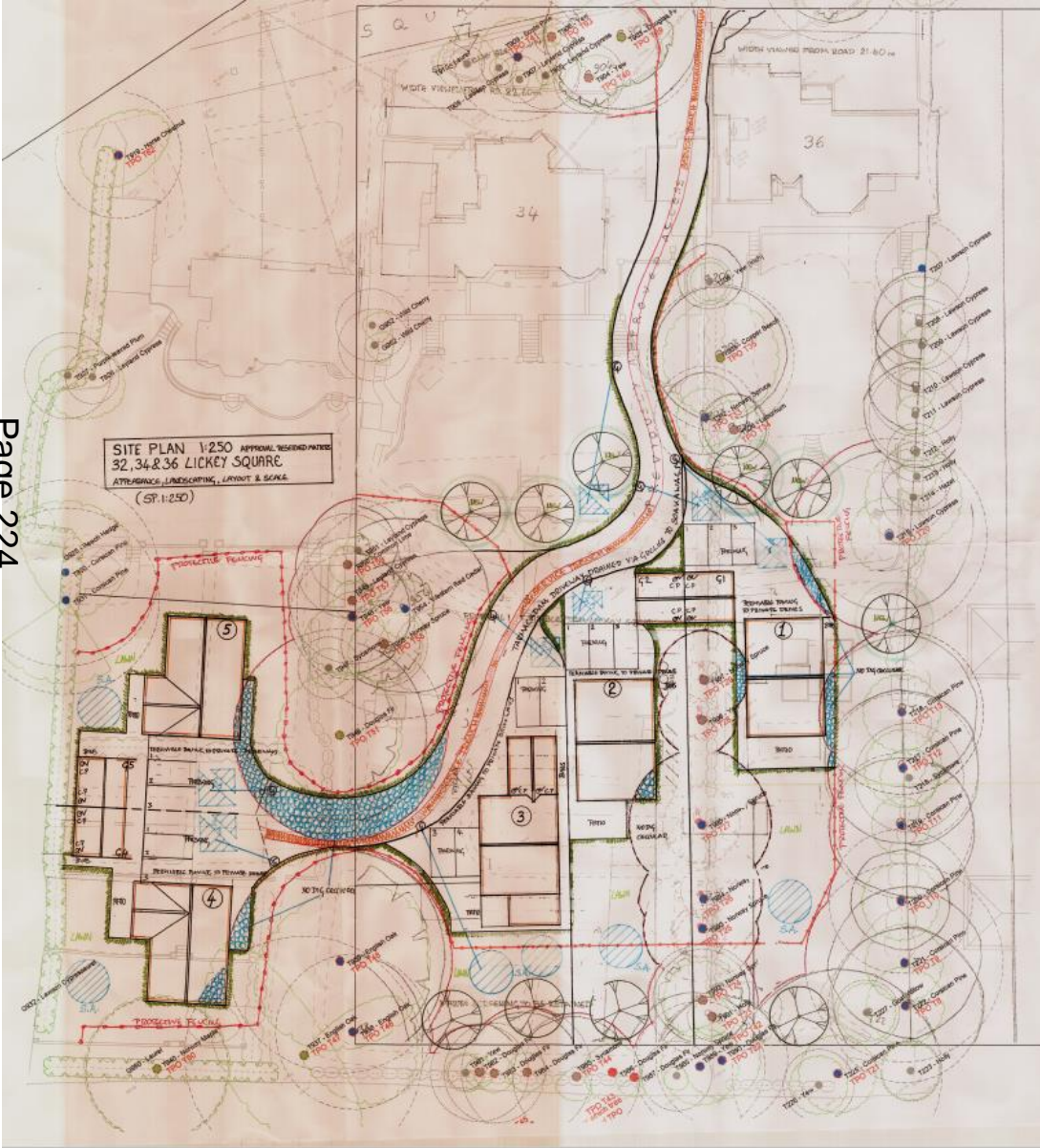
Development allowed at appeal under ref 19/01388/FUL

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Agenda Item 11

Layout of development under application 20/00759/REM



Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr C Myatt	Redevelopment of builder's yard site to provide 2 no. semi-detached dwellings and associated vehicular access and landscaping. Land To The Rear Of Redhill Place, Hunnington, B62 0JR	08.04.2021	21/00204/FUL

Councillor May has requested that this application is considered by Planning Committee rather than being determined under delegated powers due to the level of public interest.

RECOMMENDATION: That planning permission be Refused

Consultations

North Worcestershire Water Management

- No objections. However given there is an identified surface water flood risk in the vicinity of the site, a condition for a surface water drainage strategy is recommended.

Highways - Bromsgrove

- Objection. Site lies in an unsustainable location, not in walking distance to amenities. The future occupiers of the development would therefore rely on private motor vehicles.

Arboricultural Officer

- No objections. Proposal would result in the loss of a Willow tree which is subject to a Tree Preservation Order (TPO). However given that the Willow tree has major stem failure and basal decay, its loss is acceptable subject to replacement planting and works being carried out in accordance with the submitted method statement.

WRS - Contaminated Land

- No objections. However in view of the former use of the site, there is potential for ground contamination and therefore a phased risk assessment in relation to contaminated land is recommended.

Hunnington Parish Council

- Objection (no further details given)

Publicity

Thirteen neighbour letters were sent 05.03.2021 (expired 29.03.2021)

One site notice posted 06.03.2021 (expired 30.03.2021)

One letter of objection was received from a third party raising the following concerns:

- Lack of communication in relation to proposal
- Proposal would not improve traffic or noise.
- Design, layout and character would not be in keeping

Plan reference

- Proposed development is too large/overbearing
- Overlooking/loss of privacy
- Loss of light
- Light pollution
- Impact to property price
- Loss of view

Seven letters of support were also received from third parties.

Cllr May

Requests that the application goes before planning committee on the grounds of public interest.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP4 Green Belt
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP21 Natural Environment
BDP23 Water Management

Others

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

Relevant Planning History

20/00966/CPE	Certificate of lawful use for the use of land as a builder's storage yard for a continuous period in excess of 10 years and operational development comprising of the erection of boundary walling and gates and blockwork storage bays for over 4 years	Granted	25.09.2020
15/0528	Erection of 2 dwellings on land currently used as a builder's yard	Refused	30.10.2015

Assessment of Proposal

The application site is a rectangular piece of land which is accessed off Redhill Place, a cul-de-sac on the western side of Bromsgrove Road in Hunnington. The site also lies to the rear of the gardens of a number of properties along Bromsgrove Road. The most recent use of the site is a builder's storage yard, and the lawfulness of this use has been

confirmed by a certificate of lawfulness, which was granted in September 2020 under application reference: 20/00966/CPE.

The current proposal is a full planning application for the redevelopment of the site in order to provide two semi-detached three-bedroom dwellings, with associated parking and amenity areas.

The site lies within the Green Belt and therefore the material planning considerations with this application are whether the proposal would constitute inappropriate development within the Green Belt, the impact on the openness of the Green Belt, the sustainability of the location of the site, residential amenity, as well as a number of technical matters.

Further to this it should be noted that the Council cannot currently demonstrate a five year housing land supply (5YHLS). On the 1 April 2020 the 5YHLS was calculated to be 3.18 years. In view of this regard should be had to paragraph 11(d) and footnote 7 of the National Planning Policy Framework (NPPF) which together state that for applications providing housing, where the Council cannot demonstrate a 5YHLS, the policies which are most important for determining the application are considered out-of-date and planning permission should be granted 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. Footnote 6 clarifies that includes Framework policies relating to Green Belt.

(ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Therefore, despite the lack of 5YHLS, limb (i) above states that planning permission should not be granted if there is a clear reason for refusing the development on Green Belt grounds.

Green Belt

Paragraph 145 of the NPPF states that the construction of new buildings in the Green Belt should be considered inappropriate, save for a number of exceptions. Most relevant to this proposal are exceptions 145(e) and 145(g), which respectively allow for limited infilling in villages and for partial or complete redevelopment of previously developed land that would not have a greater impact on the openness of the Green Belt. Policy BDP4.4(f) and BDP4.4(g) of the Bromsgrove District Plan broadly reiterate these policies within the NPPF.

With regards to limited infilling within a village, the NPPF does not define the term "village". However, Policy BDP2 of the Bromsgrove District Plan (BDP), provides a settlement hierarchy which lists "large" and "small" settlements within the district. Hunnington, the location of the proposal site, is not listed as a settlement within this hierarchy and is not defined by a settlement boundary on the proposals map. The nearest settlement identified within the BDP is Romsley which is nearly a mile to the south of the site. Notwithstanding this case law (Wood, 2015) has held that boundaries defined in a development plan are not determinative in establishing whether a site falls within a village, and that the situation as it exists on the ground should be considered. In the case of the proposal site, whilst there is a significant stretch of ribbon development nearby on Bromsgrove Road, these are predominantly residential properties. Although there is a

cricket club and the former Bluebird Factory to the north of Hunnington, there is a distinct absence of services and facilities that you would reasonably expect to find within a village, namely; shops, pubs, schools or a village hall. Having regard to the particular characteristics of the local area it is therefore concluded that the proposal site does not form part of a village. With regards to the term "infill", there is also no definition of this within the NPPF. However, a commonly accepted definition within appeal decisions is "The development of a modest sized gap in an otherwise substantially built-up frontage which is broadly linear in formation". Taking this into account, whilst there are nearby linear runs of houses to the east of the site on Bromsgrove Road, to the south of the site on the opposite side of Redhill Place, and to the north of the site along The Close, the proposed development would clearly not fill a gap within these linear frontages. The proposal site is therefore not considered to be within a village and its development could not reasonably be considered "infill", contrary to Policy BDP4.4(f) of the BDP and paragraph 145(e) of the NPPF.

During the course of the application the applicant has put forward further information in support of the location of the site being within a village. This included a webpage taken from Hunnington Parish Council website which described the area of Hunnington as a village. Whilst this is noted, this information is not in itself determinative as to whether the location of the site can be considered to fall within a village for the purposes of Green Belt policy. In addition to this, the applicants have disputed the above interpretation of "infill" which officers have had regard to, stating that the term "infill" can be defined alternatively. Although the definition of infill that has been referred to above is not statute, it often used by Planning Inspectors in appeals and therefore officers have proceeded on this basis.

As well as limited infilling within villages, the District Plan and the NPPF also allow for the for partial or complete redevelopment of previously developed land in the Green Belt, provided there is no greater impact to the openness of the Green Belt and no conflict with its purposes. The NPPF defines previously developed land as that which is occupied by a permanent structure and any associated fixed infrastructure. A Certificate of Lawfulness was granted in September 2020 for use of the land as a builder's storage yard and for the operational development on site comprising of the boundary walling and gates and blockwork storage bay. The hard surfacing on the site is fixed infrastructure and therefore also development; however the lawfulness of this hard surfacing is not explicitly confirmed within the certificate. Notwithstanding this, by reason of its flat appearance, this hard standing is currently having a limited impact to the openness of the Green Belt.

In terms of the walls, gates and blockwork storage bay on site, which were included within the certificate, a previous appeal decision in relation to walls and gates confirmed that these types of structures should be considered a building, as Section 336 of the Town and Country Planning Act, 1990 defines "buildings" to include "any structure or erection". Notwithstanding this, it is important to note that none of the existing structures on site resemble the proposed dwellings in terms of their scale. The modest height, footprint and volume of the walls, gates and blockwork storage bay on site are not comparable to that of the proposed two storey dwellings.

In addition to this, the use of the site a storage yard would have further transient impacts to the openness of the Green Belt through the storage of materials and parking of vehicles on site. However this harm would be intermittent and again, would not be comparable to the permanent impact arising from the height and volume of the proposed

dwellings. By reason of its permanency, height, volume and footprint, the redevelopment of the site would therefore have a greater harm to the openness of the Green Belt and would be contrary to Policy BDP4.4(g) of the BDP and paragraph 145(g) of the NPPF.

In view of the above, the proposed development would not meet any of the Green Belt exceptions, and therefore by definition would be inappropriate development within the Green Belt. Paragraphs 143 & 144 of the NPPF are clear that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm, and "very special circumstances" will not exist unless Green Belt harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Further to the development being inappropriate by definition, the substantial combined footprint of the two dwellings, which would measure 127 square metres and the height of the two dwellings, which would measure 8.6 metres, would have a significant impact on the openness of the Green Belt. As openness is the most important attribute of the Green Belt, substantial harm is attached to this.

With regards to whether there are very special circumstances present, a number of matters have been put forward by the applicant. Firstly, that the development would improve the openness and visual amenity of the Green Belt. However as considered above, the development would result in two substantial and permanent dwellings whereas the permanent structure on site at present are limited to modest walls, gates and blockwork storage bays, which have less impact to openness. Furthermore, the visual appearance of the site could be tidied up irrespective of the construction of two dwellings. It has also been raised that the development would contribute towards the delivery of much needed housing, which is particularly important given the Council's shortfall in its 5YHLS. However housing can be provided in alternative locations where it would not result in inappropriate development within the Green Belt. It was also stated that the new housing would be of a high quality design and would be in a sustainable location. With regards to this, high quality design is expected of all development proposals and therefore would only weigh neutrally in the planning balance. In terms of the sustainability of the site, as considered later in the report, the site is not considered to be in a sustainable and accessible location. Finally, it was stated that the development would improve living conditions for neighbours and reduce the amount of traffic to the site. In relation to these matters no substantive evidence has been put forward to demonstrate the noise or traffic movements that arise at present. As these matters could be mitigated in other ways, it is not considered that they would clearly outweigh the permanent, substantial harm that would arise to the Green Belt.

In view of the above it is not considered that there are very special circumstances present that would clearly outweigh the harm that would arise by reason of inappropriateness and any other harm.

Design and Character

Policy BDP19(e) of the BDP seeks to ensure that development enhances the character of the area and Policy BDP7 of the BDP seeks to achieve the best use of land whilst maintaining character and local distinctiveness. This high bar for design reflects the aspirations of the NPPF.

The majority of dwellings in the local area front the main Bromsgrove Road, however there are the notable cul-de sacs of Redhill Place and The Close which contravene this pattern. Whilst the introduction of the proposed pair of semi-detached properties would not integrate into an existing frontage of houses, they would be opposite an existing pair of semi-detached properties, and therefore the layout of development would not appear at odds with the current layout of properties. As with the properties on the opposite side of Redhill Place, the proposed dwellings would comprise two storey buildings, however the design, roof form and materials of the proposed dwellings would not reflect the other houses on Redhill Place. Notwithstanding this, given they would not be positioned adjacent to the existing houses, and as they would not be prominent from public view, the proposed design and materials are considered acceptable.

Overall, given that the proposed residential use would be more compatible in character terms than the storage yard use, the layout and design of the proposed development is considered acceptable in design, layout and character terms and would meet the requirements of BDP19 and BDP7 of the BDP. It is important to recognise that this issue is separate from the matter of the definition of infill as detailed above.

Residential Amenity

Policy BDP1(e) of the District Plan states that regard should be had to residential amenity and paragraph 127 of the NPPF states that planning decisions should seek a good standard of amenity for existing and future occupants of land and buildings. Further to this, the Council's High Quality Design SPD outlines a number of standards for new development. Most relevant to this application is paragraph 4.2.49 which states that a minimum separation distance of 21 metres is required between the opposing faces of two storey dwellings, in order to achieve privacy, and that a distance of 12.5 metres is required between a windowed wall and a flank wall.

Having regard to these standards, the front windowed elevations of 4 and 6 Redhill Place opposite the site would be 24.5 metres from the front elevations of the proposed dwellings. The rear elevations of the properties to the north along The Close would be in excess of 50 metres from the rear elevations of the proposed dwellings. Finally, the rear windowed elevations of the properties to the east along Bromsgrove Road would measure 29 metres from the flank wall of the easternmost proposed dwelling. The proposal would therefore meet the separation standards described above.

In addition to this, given the orientation of the proposed dwellings relative to the rear garden areas of the properties along Bromsgrove Road, there would be no adverse impact to the sunlight received by these properties. Whilst the proposal would result in two storey flank walls close to the rear boundaries of the properties along Bromsgrove Road, given that these properties benefit from particularly long gardens, the proposed development would not result in an overbearing impact.

Finally whilst a window is proposed on the first floor eastern side elevation of the easternmost dwelling which would look onto the garden area of the dwellings along Bromsgrove Road, this would serve a bathroom and has been indicated to be fitted with obscure glazing. A planning condition could ensure that this remained so in perpetuity.

Highways and Sustainability of Location

Worcestershire County Highways have provided comments and have raised concerns with the proposal based on the sustainability of the location of the site and its suitability for new housing.

It has been noted that whilst the site is located only a short walk from the main Bromsgrove Road, which benefits from footpaths, Bromsgrove Road is fast flowing and has no street lighting, meaning it would not be desirable for pedestrians. There is also a lack of facilities and services within close proximity to the site, and whilst future occupiers of the proposed development could walk to the nearest bus stop, there are only 5 or 6 services a day which may not always be convenient for its users. The nearest shops, pubs and school facilities lie within Romsley, which is approximately 1.3 kilometres from the site, which is not considered to be within reasonable walking distance. Given the conditions of Bromsgrove Road described above it is even less likely that future occupiers would choose to walk to these facilities, particularly in times of darkness and adverse weather conditions. Due to these factors, the Highway Officer has reasoned that future occupiers of the development would likely rely on the use of a motor vehicle to access day to day services and facilities.

In view of the above the proposal is considered to be contrary to Policies BDP1 and BDP2 of the BDP which, amongst other matters seek to direct development to settlements, reduce the need to travel and promote sustainable development. Similarly, it would be contrary to paragraphs 108 and 110 of the NPPF which aim to locate development in accessible and convenient locations and promote walking, cycling and the use of public transport. Due to this the Highway Officer has recommended that the proposal is refused.

It is noted that the Highway Officer's comments considered that the existing vehicular access had acceptable visibility in both directions and raised no concerns with parking.

Trees and Ecology

Although the site is largely void of vegetation, the Tree Officer has confirmed that there are two trees on the western boundary which are protected under a Tree Preservation Order (TPO); these comprise of a semi-mature (T1) Oak and a (T2) Willow. In addition to this there is also an unprotected Ash tree and a young Oak tree.

The application proposes the removal of the protected T2 Willow tree. It has been stated that this is required due to major stem failure and basal decay. The Tree Officer has not objected to this, but as there appears to be scope for replanting along the western boundary, has requested that further details of this are submitted for consideration. The Tree Officer has confirmed that these further details could be suitably secured by a planning condition.

With regards to the remainder of the trees, the Tree Officer noted that majority of the proposed development would be outside of the root protection area (RPA) of the nearby trees, save for some minor incursion into the RPA of the T1 Oak. In view of the current hard surfacing within the RPA and the geo-textile and woodchip which is proposed to protect the RPA, no objections have been raised with regards to this minor level of incursion. The Tree Officer has also requested that all works are undertaken in accordance with the Arboricultural Method Statement that was submitted with the application. This can again be secured by planning condition.

A Preliminary Ecological Appraisal and roost assessment was also submitted with the application. Given that the species rich hedgerow along the western boundary would be retained along with the majority of the trees on site, the survey found that the proposal would unlikely have a negative impact on the local bird population or foraging/commuting bats. The Willow tree to be removed was considered to have low potential as a bat roost, however the report recommends a precautionary approach for its removal. The report made a number of other recommendations for mitigation and enhancement measures to ensure there would be no adverse impact to local wildlife. These measures outlined within the report can be secured by planning condition in the event that planning permission is granted.

Drainage

North Worcestershire Water Management (NWWM) have reviewed the proposal and whilst there is not risk of fluvial flood risk in the area, a risk of surface water flooding in the vicinity has been identified. Surface water flooding occurs after heavy rainfall, when the volume of rainwater fall does not drain away fast enough through the existing drainage system or into the ground, and instead lies on the ground. Given that the existing use of the site is largely impermeable from hard surfacing, NWWM have stated that there could be a betterment to the site in terms of surface water flood risk through the reduction of hard surfacing. Notwithstanding this, NWWM have questioned whether the local ground conditions would allow for infiltration drainage and given the identified surface water flood risk in the vicinity, have requested that a condition for a surface water drainage scheme is attached to any planning permission granted for the site.

Contaminated Land

Worcestershire Regulatory Services (WRS) have provided comments in relation to the application. Due to the recent use of the site as a builder's yard and evidence that a number of domestic garages occupied the site prior to this, they have stated there is the potential for ground contamination to be present on site. Given that this could have implications on the proposed use of the site, they have recommended that a condition for a tiered investigation and risk assessment of the site is included on any future planning permission. The condition would also ensure that any contamination that is subsequently found would be adequately remediated and mitigated, in order to minimise risks to future occupiers of the development.

Hunington Parish Council

Hunington Parish Council have raised objections to the proposal, however have not given further details in relation to their grounds of objection. They have, however suggested that if planning permission is granted, a landscaping scheme to retain existing trees on the site and a construction management plan should be secured for the site.

Third Party Representations

One letter of objection has been received from 235 Bromsgrove Road, which lies to the north east of the site. The letter raised the following concerns set out in the table below. A response has been provided for each matter that has been raised.

Concern raised	Response
Lack of communication in relation to proposal and for previous certificate	Consultation letters were sent to properties adjoining the proposal site boundary and a site

application. Site address for the proposal is misleading.	notice was put up in relation to this current application. This met the statutory requirements for public consultation. Public consultation is not required for a certificate application. The exact location of the proposal site is confirmed on the Location Plan which is viewable on Public Access.
Would not be an improvement to the current state of the land. Would not result in less traffic or noise.	As further information has not been provided in relation to the level of traffic and noise arising from the existing use of the site, limited weight has been given to the benefits of removing this existing use.
Design, layout and character would not be in keeping.	This has been considered in the report above.
Too large/overbearing	Given the distance of the proposed buildings in relation to any neighbouring dwelling, the scale of the proposal is not considered to be overbearing.
Overlooking/loss of privacy	The distance between the windows of the proposed dwellings and neighbouring properties has been considered above in the report and it is not considered that there would be an adverse impact to the privacy of neighbours.
Loss of light, particularly in garden	In view of the orientation of the proposed dwellings there would not be a detrimental impact to the level of sunlight received by the rear garden areas of properties along Bromsgrove Road. Any impact to sunlight would be limited to the late afternoon hours and would only affect the rearmost part of the long garden areas of these properties.
Light pollution	It is not considered that there would be any adverse impact to neighbour amenity as a result of the light that would arise from two additional dwellings in this location.
Impact to property price	This is not a material planning consideration.
Loss of view of fields and hills behind	This is not a material planning consideration.
Using illegal use of land as leverage	The use of the proposal site as a builder's storage yard has been found to be lawful through the certificate of lawful use. The current lawful use of the site is a material planning consideration.

Seven letters of support have also been received from local neighbouring residents. Collectively the letters of support raised the following points:

- Two houses on the site would be more aesthetically pleasing
- Proposal would reduce traffic and noise
- Houses would be more in keeping with the area
- The safety and security of the area would be improved
- The proposal would cause no overlooking

Planning Balance

The Council cannot currently demonstrate a 5 year supply of housing land. Paragraph 11(d) of the NPPF states that where policies that are most important for determining the application are out-of-date, planning permission should be granted 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. Footnote 6 clarifies that includes Framework policies relating to Green Belt and heritage assets.
- (ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

In view of limb (i) the proposal has been found to result in inappropriate development within the Green Belt, which is harmful, and would also cause substantial harm to the openness of the Green Belt. In addition to this the proposal would result in an unsustainable form of development which would result in poor access to services, facilities and employment opportunities and would mean that the future occupiers would be largely reliant on motor vehicles to travel. Given that other considerations would not outweigh the total harm that would arise from these matters, it is not considered that very special circumstances exist in this instance. Therefore, having regard to limb (i) outlined above, Green Belt policies provide a clear reason for refusing development, and there are no material planning considerations that would warrant otherwise.

Conclusion

Taking all material planning considerations into account, including those raised within the representations that have been received, the proposal is considered unacceptable.

RECOMMENDATION: That planning permission be Refused

Reasons for Refusal

- 1) Having regard to the location of the application site and the relationship to existing development, the proposed dwellings would not comprise limited infill within a village. In view of the current lawful use of the site and the existing structures that are present, the redevelopment of the site, by reason of the height, volume, footprint and permanence of the proposed dwellings, would have a greater impact to the openness of the Green Belt compared to the existing development. The proposal would therefore comprise inappropriate development in the Green Belt which is harmful by definition. Given their scale and massing, the proposed dwellings would also cause substantial harm to the openness of the Green Belt. Given that other considerations would not outweigh the total harm that would arise by reason of inappropriateness and other harm that has been identified, there are no very special circumstances present in this case. The proposal would therefore be contrary to Policy BDP4 of the Bromsgrove District Plan and paragraphs 143, 144 and 145 of the National Planning Policy Framework.

- 2) The proposed dwelling would be sited outside of any defined settlement and by reason of its distance and poor access to essential services and facilities and job opportunities, would result in an unsustainable form of development where future occupiers would be reliant on the use of a motor vehicle for day to day living. The proposal would therefore comprise an unsustainable form of development which would be contrary to Policies BDP1 and BDP2 of the Bromsgrove District Plan and paragraphs 7,8, 108 and 110 of the National Planning Policy Framework.

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

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21/00204/FUL

Redevelopment of builder's yard site to provide
2 no. semi-detached dwellings and associated
vehicular access and landscaping

Land To The Rear Of Redhill Place, Hunnington,
B62 0JR

Recommendation: Refuse

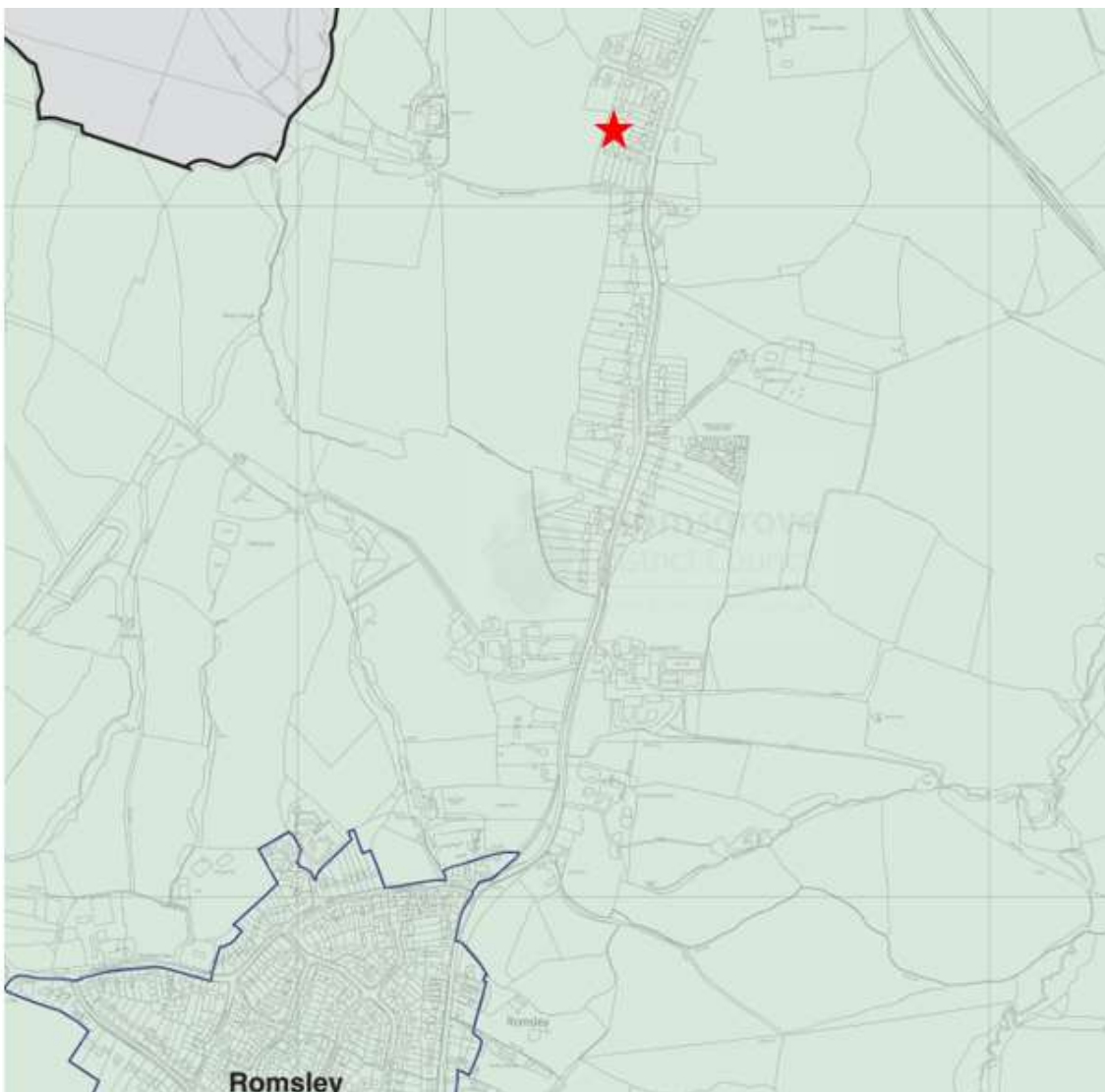
Location Plan



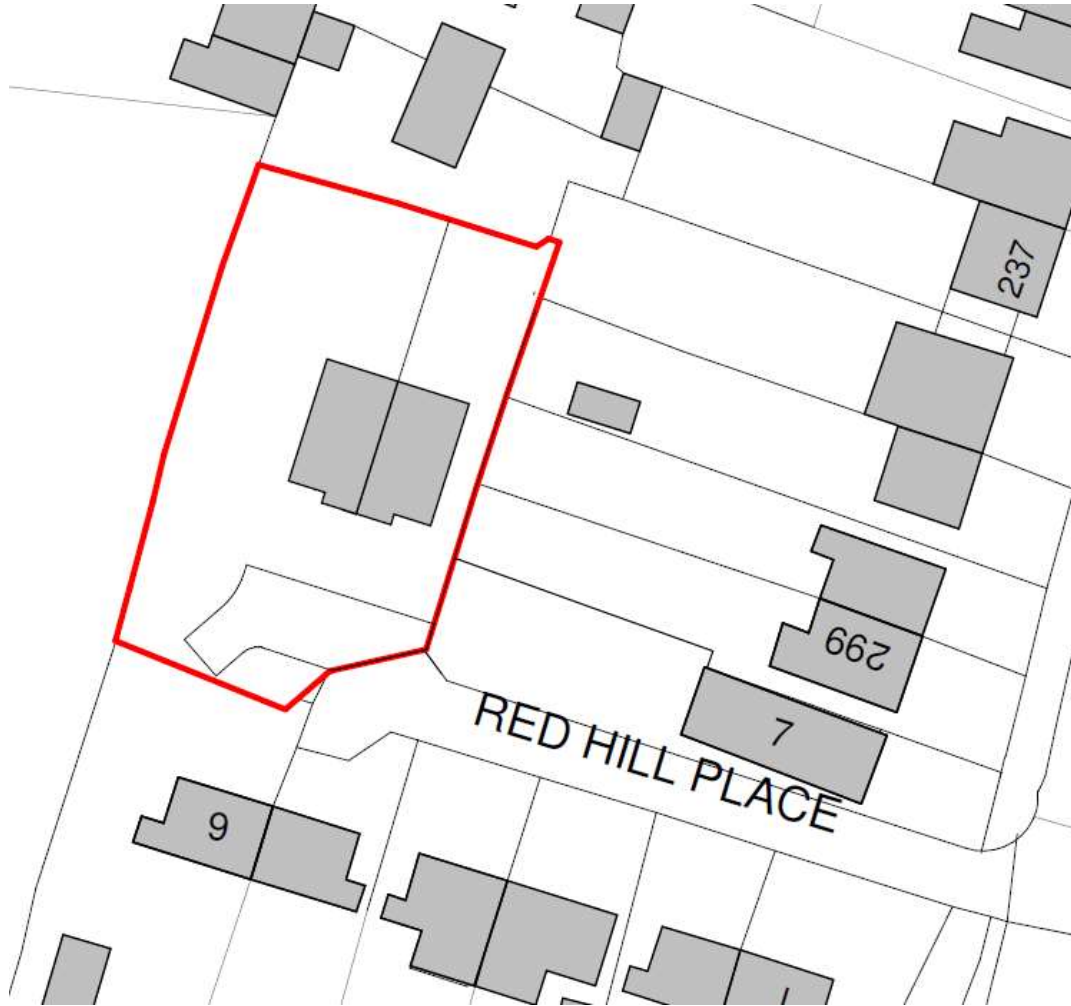
Satellite View



Proposals Map Extract



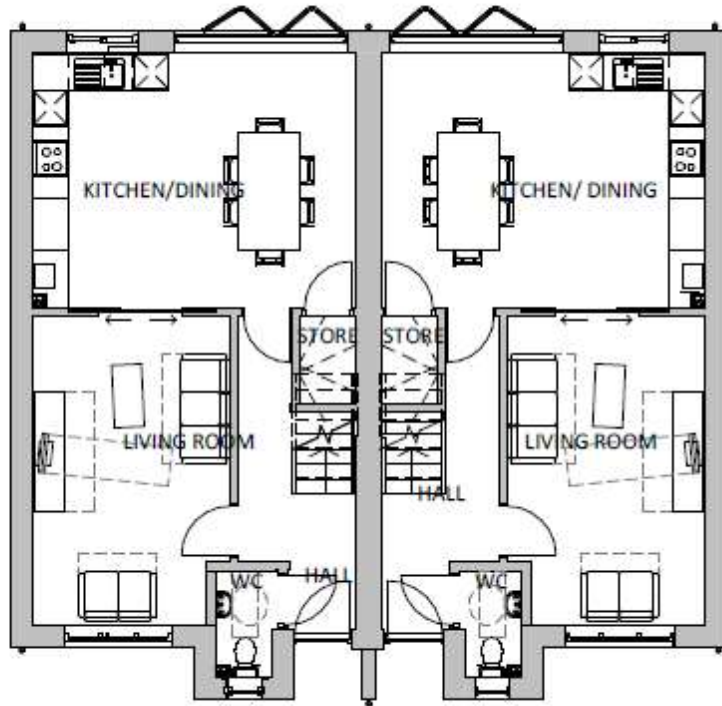
Proposed Block Plan



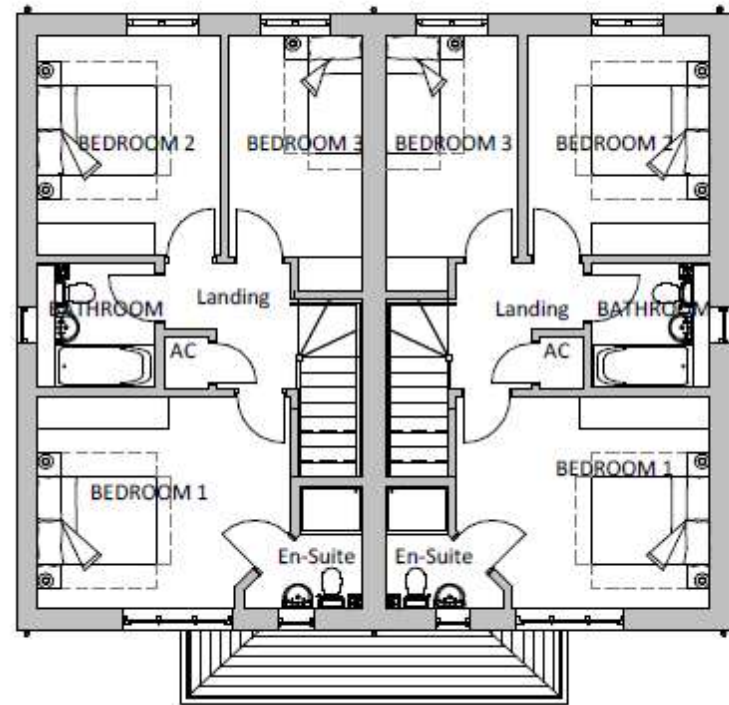
Proposed Site Plan



Proposed Floor Plans



Proposed Ground Floor Plan



Proposed First Floor Plan

Proposed Elevations



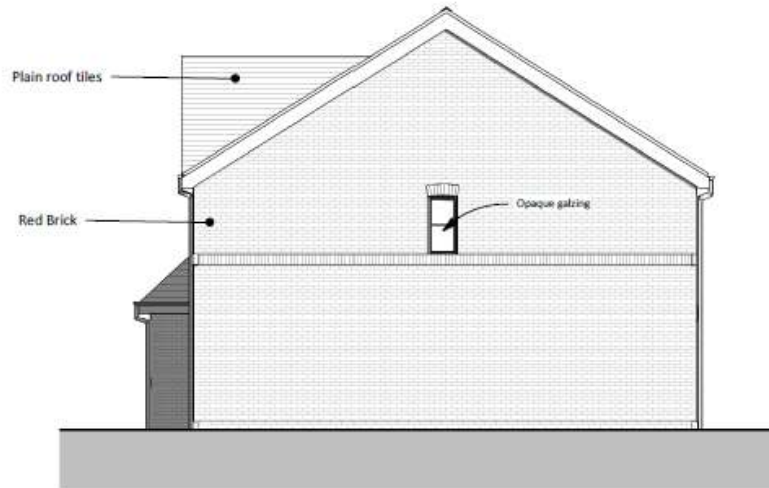
Proposed Front Elevation - South

1 : 100@A3



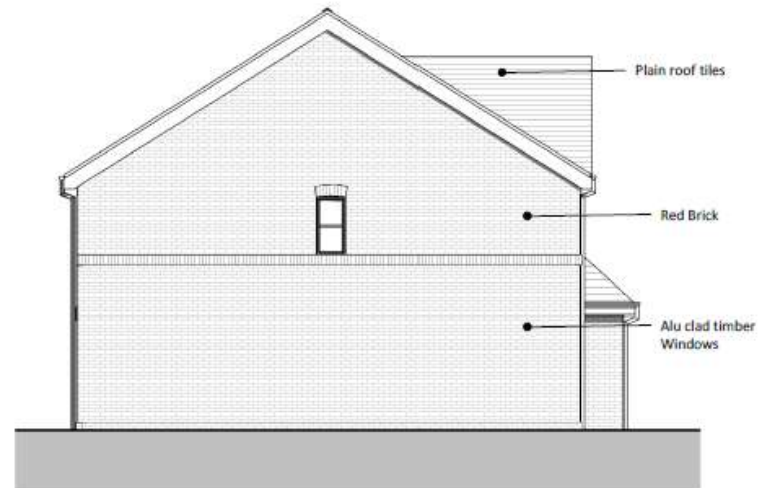
Proposed Rear Elevation - North

1 : 100@A3



Proposed Side Elevation - East

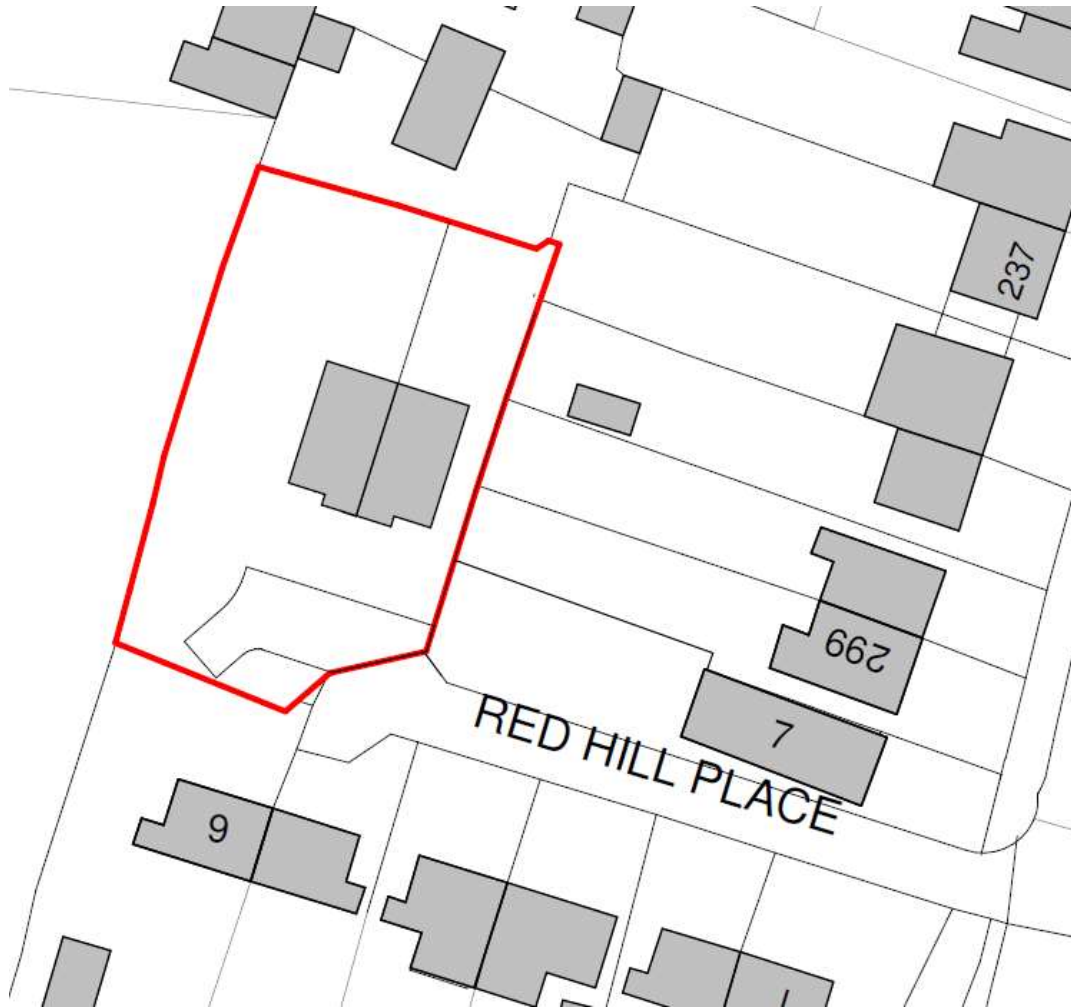
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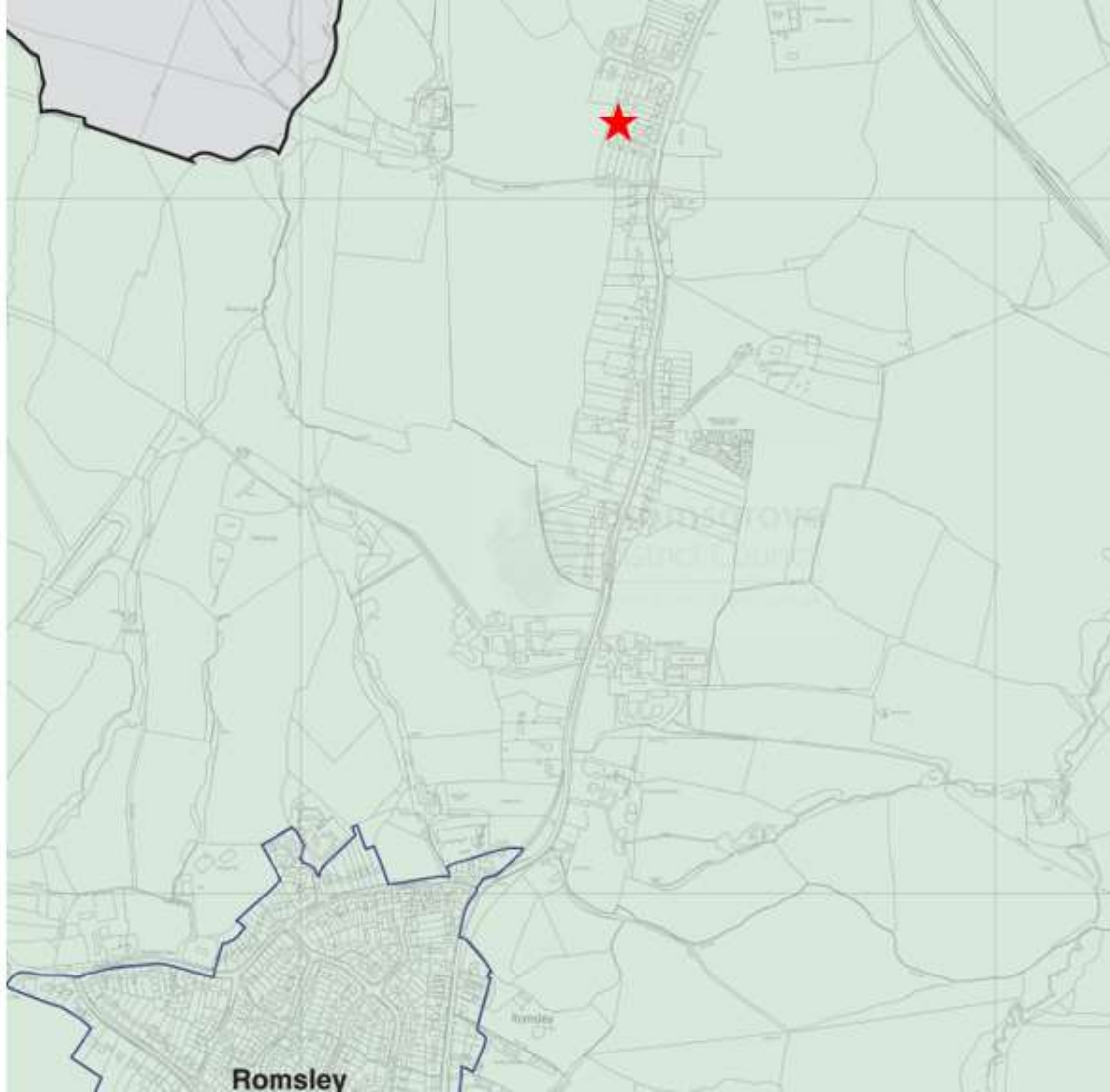
Proposed Side Elevation - West

1 : 100@A3

Residential Amenity



Sustainability



Photos



Photos



Photos



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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Messrs AS, BS and BS Bhandal	<p>Glazed sun room (part retrospective): remove sloped roof and replace with flat aluminium-framed glazed roof, retaining the remaining structure as existing</p> <p style="text-align: center;">Four Stones Restaurant, Adams Hill, Clent, Stourbridge, Worcestershire DY9 9PS</p>	08.06.2020	20/00443/FUL

RECOMMENDATION:

- (a) **MINDED to GRANT** full planning permission:

- (b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:-
 - (i) To undertake and complete the works within 6 calendar months from the date of the grant of planning permission 20/00443/FUL.
 - (ii) Planning Obligation Monitoring Fee: £TBC.

- (c) And that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the list at the end of this report.

Consultations

Clent Parish Council

No comments submitted.

Conservation Officer

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policies in BDP20, the Historic Environment Section of the Bromsgrove District Plan require that development proposals which sustain and enhance the significance of heritage assets including their setting and should not have a detrimental impact on the character, appearance or significance of heritage assets. These policies are supported by those in the NPPF.

This latest proposal is for a marginally more modest conservatory than that granted permission in 2016 and sits more or less on the same footprint of the earlier structure. It is considered that the proposal will have a neutral impact on the character and appearance of the Clent Conservation Area and would not harm the significance of the Area.

WRS - Noise

No objection.

Public Consultation

Site Notice erected 11.5.20 expired 13.6.20
 Press Notice published 22.5.20 expired 8.6.20

2 letters of comment

1 objection letter makes reference to the hours of opening of the restaurant and noise experienced as a result.

1 representation refers the unauthorised works that have taken place on site and that the applicant should have built the structure in accordance with the approved plans.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
 BDP4 Green Belt
 BDP19 High Quality Design
 BDP20 Managing the Historic Environment

Others

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

Relevant Planning History

17/00646/FUL	Demolition of existing sunroom and erection of a replacement glazed sunroom (retrospective)	Refused	19.07.2017
APP/P1805/W/3191833		Dismissed at Appeal	09.04.2018
		Overtured in High Court	15.10.20
16/0403	Demolition of front sun room and replace with new flat roof sun room.	Approved	06.07.2016
B/1994/0680	Erection of a front conservatory	Approved	07.11.1994

Site Description

The Four Stones Restaurant comprises a later Victorian detached property located in the Green Belt and Clent Conservation Area. The property had been extended including a single storey brick built extension and a conservatory at the front of the property. The conservatory on site at present is unauthorised.

Proposal Description

Permission is sought to construct a conservatory similar to that granted in 2016. However, the overall height of the structure would be slightly lower than that approved in 2016.

Assessment of Proposal

Planning Permission was granted under application 16/0403/FUL for; 'Demolition of front sunroom and replace with new flat roof sunroom'. The development has been implemented on site, but not in accordance with the approved drawing. The replacement to the original sunroom/conservatory includes a dominant roof structure.

Retrospective permission was sought under application 17/00646/FUL to regularise the development. However, the proposal raised issues associated with the site's location in the Green Belt and within the Clent Conservation Area and was subsequently refused. The applicant appealed the decision, but the appeal was subsequently dismissed.

Following on from the dismissed appeal, The Council have taken enforcement action in respect to the unauthorised structure. The applicant made 3 appeals against the enforcement notice. The enforcement appeals were initially dismissed, however, the appellant challenged the decisions in the High Court on a procedural matter. The High Court challenge was successful and the Court has ordered the Planning Inspectorate to re-determine the enforcement appeals.

In the meantime, the applicant is also looking at alternative approaches to resolve the enforcement matter and this application is a scheme showing modifications to the sunroom to address the refusal reasons of application 17/00646/FUL. The modifications include the removal of the pitched roof, canopy and supports, and replacing with a lower flat roof.

With reference to policy BDP4, application 16/0403/FUL allowed the general extent of the sunroom as it reflected the floor space of a previous conservatory. However, the structure built on site (as reflected in refused retrospective application 17/00646/FUL) is taller and its resultant bulk and mass is markedly greater than that previously approved under 16/0403 impacting upon the openness of the Green Belt and representing further harm.

Permission sought under this application shows a sunroom that is similar to that approved in 2016, however, the overall height of the sunroom is lower than that on site at present and would also be lower than the scheme approved under application 16/0403/FUL.

The modifications proposed under this application is for a more modest glazed structure than that granted permission in 2016. It is considered that the modifications proposed for the sunroom would not have an impact on the openness of the Green Belt and as such would accord with policy BDP.4 of the District Plan and the NPPF.

In addition, modifications proposed for the sunroom will have a neutral impact on the character and appearance of the Clent Conservation Area and would not harm the significance of the Area. The Conservation Officer raises no objection to the proposal.

Neighbour objections

Comments have been submitted from neighbouring occupiers in respect to the structure that has been built on site without the benefit of planning permission. A neighbour has also raised comments in respect to noise etc. However, Worcestershire Regulatory Services raise no objections to the proposal.

Planning obligations

Due to the unauthorised nature of the current development on site, a Legal Agreement is proposed for this scheme to ensure that the replacement works are carried out within a limited timeframe. Given the enforcement issues on this site, it would be appropriate to ensure the works that form part of this application are carried out promptly within a suitable timeframe from the date of this permission. Although it is noted that the Hearing date for the enforcement appeal is fixed for 24 August 2021 and the date of the decision of the enforcement appeal is likely to be within a couple of months of the date of the Hearing.

The applicant is agreeable to a Legal Agreement and such an Agreement is currently in the process of being drafted.

Conclusion

An unauthorised structure exists on site at present. The works proposed under this application would be an acceptable solution to resolving the unauthorised works on site. The modifications would be more in keeping with the building and as such would be acceptable in a Conservation Area setting, whilst the scale of the development would be reduced having minimal harm on the openness of the Green Belt. The modifications proposed for the sunroom are acceptable and would be in accordance with policies in the District Plan and the NPPF.

RECOMMENDATION:

- (a) **MINDED to GRANT** full planning permission:
- (b) That DELEGATED POWERS be granted to the Head of Planning, Regeneration and Leisure to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:-
 - (i) To undertake and complete the works within 6 calendar months from the date of the grant of planning permission 20/00443/FUL.
 - (ii) Planning Obligation Monitoring Fee: £TBC.
- (c) And that DELEGATED POWERS be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the list at the end of this report.

Conditions:

- 1) The development to which this permission relates must be begun within 4 months from 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 location plan Dwg. No. FS/22
Proposed alterations to sunroom Dwg. No. FS/21 Rev.a

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 roof 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.

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

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20/00443/FUL

Four Stones Restaurant, Adams Hill, Clent

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Glazed sun room (part retrospective): remove sloped roof and replace with flat aluminium-framed glazed roof, retaining the remaining structure as existing

Recommendation: That permission be Approved

Agenda Item 13

Site Location Plan

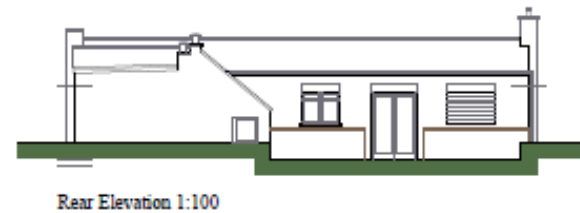
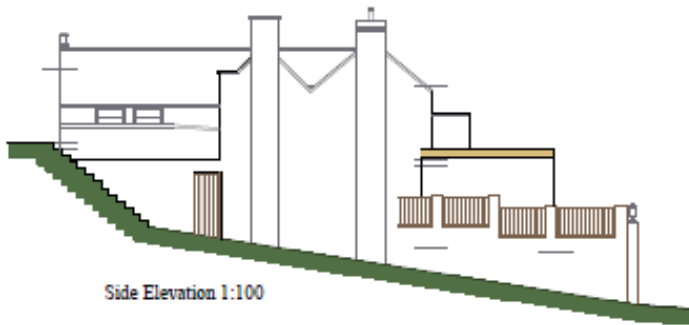


Previous conservatory at the site



Scheme approved under application ref: 16/0403/FUL

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Sunroom on site at present





Proposed scheme

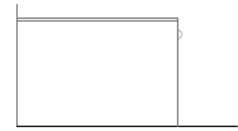
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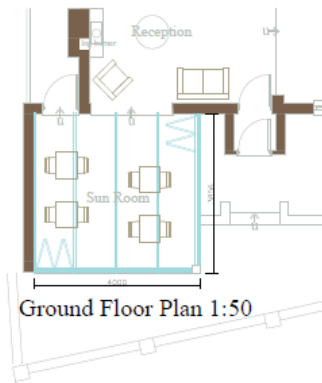
Front Elevation 1:50



Side Elevation 1:50



Side Elevation 1:50



Ground Floor Plan 1:50



Side Elevation 1:50

1:50 (2000) side elevation - side

TITLE	
Proposed Alteration To Sun Room	
The Four Stones Restaurant	
Adams Hill	
Client	
DVS 9PS	
DRAWING NO.	REV
FS/21	A
DATE	
April 2019	

Agenda Item 13

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