



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 7TH MARCH 2022

AT 6.00 P.M.

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

MEMBERS: Councillors H. J. Jones (Chairman), A. D. Kriss (Vice-Chairman), A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, M. Glass, J. E. King, P. M. McDonald, M. A. Sherrey and C. J. Spencer

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 7th February 2022 (Pages 1 - 16)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. Tree Preservation Order (14) 2021 - Trees on Land at 9 Fairlight Drive, Barnt Green, B45 8TB (Pages 17 - 38)
6. 20/01568/FUL - Redevelopment and change of use to a large portion of an existing mixed use commercial site known as Cur Lane Farm, involving the demolition of existing storage buildings, and the erection of 7 new homes, set out around two new courtyards, accessed from a new roadway ingress off Cur Lane. Two of the existing storage barns will remain to the northern end of the

site, Cur Lane Farm, Cur Lane, Upper Bentley, Worcestershire - Mr. M. Ferris (Pages 39 - 62)

7. 21/01666/S73 - Application Reference Number: 21/00778/FUL, Date of Decision: 13/10/2021, Condition Number(s): 2, 8 - Variation of condition 2 (plans approved) and 8 (wording of Construction Environmental Management Plan), Longbridge East and River Arrow Development Site, Groveley Lane, Cofton Hackett, Worcestershire - Grace Sadler (Pages 63 - 102)
8. 21/01354/FUL - First floor side extension to provide en-suite bathroom and single storey side extension to provide ground floor utility area, 10 Monument Lane, Lickey, Birmingham, Worcestershire, B45 9QQ - Mr. B. Das (Pages 103 - 122)
9. 21/01819/FUL - Demolition of existing garages and replacement with a portacabin to house toilet facilities, Victoria Ground, Birmingham Road, Bromsgrove, Worcestershire, B61 0DR - Mr. M. Gardiner (Pages 123 - 130)
10. 21/00873/FUL - Development of 22 dwellings, associated landscaping and siteworks and construction of new access from existing highway roundabout, Land to Rear of 1-6 Smedley Crooke Place, Redditch Road, Hopwood, Worcestershire - Mr. D. Rickett, (Pages 131 - 174)
11. 21/00324/FUL - Timber hit and miss cedar fence, rear double gate and UPVC corrugated roof sheeting to provide shelter to existing external seating area. Partial conversion of car park to permanent use of external seating area with canopy awning and proposed clad shipping container to be used as dry store. Retaining 2No. existing parking spaces, Cup & Bean, 121 Worcester Road, Hagley, Worcestershire, DY9 0NG - Mr. E. Stringfellow (Pages 175 - 192)
12. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting.

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

25th February 2022

If you have any queries on this Agenda please contact
Pauline Ross
Democratic Services Officer

Parkside, Market Street, Bromsgrove, B61 8DA
Tel: 01527 881406
Email: p.ross@bromsgroveandredditch.gov.uk

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 (link below).

You are able to see and hear the livestream of the meeting from the Committee Pages of the website, alongside the agenda for the meeting.

[Live Streaming 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 strongly encouraged to take a lateral flow test on the day of the meeting, 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 must wear face coverings during the meeting, unless exempt. Face masks should only be removed temporarily if the Councillor/officer requires a sip of water or when speaking and should be reapplied as soon as possible. Refreshments will not be provided by the venue, therefore

Members and officers are encouraged to bring your own supply of water and hot drinks.

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 the 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 strongly encouraged to wear face coverings, to use the hand sanitiser that will be provided and will be required to sit in a socially distance 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.

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.

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 will be invited to unmute their microphone and address the Committee 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 Officer on 01527 881406 or by email to p.ross@bromsgroveandredditch.gov.uk before 12 noon on Thursday 3rd March 2022.**
- 2) Advice and assistance will be provided to public speakers as to how to access the meeting and those registered to speak will be invited to participate face-to-face or via a Microsoft Teams invitation. Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting via 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 3rd March 2022.**
- 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.



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

at www.bromsgrove.gov.uk

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7th February 2022

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 7TH FEBRUARY 2022, AT 6.00 P.M.

PRESENT: Councillors H. J. Jones (Chairman), A. D. Kriss (Vice-Chairman), A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, M. Glass, J. E. King, H. D. N. Rone-Clarke (substituting for Councillor P. M. McDonald, during Minute No's. 60/21 to 68/21) C. J. Spencer (during Minutes No's. 60/21 to 68/21) S. A. Webb (substituting for Councillor M. A. Sherrey)

Officers: Ms. C. Flanagan, Mr. D. M. Birch, Miss C. Gilbert, Ms. R. Paget, Mr. P. Lester. Mr. A. Sukvinder, Worcestershire County Highways, and Mrs. P. Ross

60/21

TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were received from Councillors M. A. Sherrey and P. M. McDonald, with Councillors S. Webb and H. D. N. Rone-Clarke in attendance, respectively as substitute Members.

61/21

DECLARATIONS OF INTEREST

Councillors H. D. N. Rone-Clarke, M. Glass and A. D. Kriss declared in relation to Agenda Items 5 and 6 (Minute Nos. 64/21 and 65/21) – 21/01617/FUL and 21/01835/PRIOR, The Artrix, School Drive, Bromsgrove, Worcestershire, B60 1AX; in that Councillor M. Glass was a member of the Bromsgrove Arts Development (Holding Trust), Councillor A. D. Kriss' partner was also a member of the Bromsgrove Arts Development (Holding Trust) and Councillor H. Rone-Clarke volunteered at The Artrix. Councillors H. Rone-Clarke, M. Glass and A. D. Kriss withdrew from the meeting room for the duration of these items and took no part in the Committee's consideration nor voting on the matters.

Councillor S. P. Douglas declared in relation to Agenda Item No.7 (Minute No. 66/21) - 21/013721/FUL 111 Stourbridge Road, Bromsgrove, Worcestershire, B61 0AN, in that she would be addressing the Committee for this item as Ward Councillor under the Council's public speaking rules. Following the conclusion of the public speaking, Councillor S. P. Douglas left the meeting room.

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Councillor A. B. L. English declared in relation to Agenda Item No.9 (Minute No. 68/21) - 21/00684/HYB, Bordesley Hall, The Holloway, Alvechurch, Birmingham, Worcestershire, B48 7QA, in that she would be addressing the Committee for this item as Ward Councillor under the Council's public speaking rules. Following the conclusion of the public speaking, Councillor A. B. L. English left the meeting room.

Councillor M Glass declared in relation to Agenda Items 8 (Minute No. 67/21) – 21/01700/FUL, 1/1A Maund Close, Bromsgrove, Worcestershire, B60 3JU, in that he knew the Applicant and that he would be withdrawing from the meeting room for this item. Councillor M. Glass withdrew from the meeting room for the duration of this item and took no part in the Committee's consideration nor voting on the matter.

Councillor A. D. Kriss asked for it to be noted, that in relation to Agenda Item 8 (Minute No. 67/21) - 21/01700/FUL, 1/1A Maund Close, Bromsgrove, Worcestershire, B60 3JU, in that he knew the Applicant in a professional capacity, but he did not think that his knowledge of the applicant would have an effect on his judgement on this application.

Councillors H. J. Jones, A. D. Kriss, A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, M. Glass, J. E. King, H. D. N. Rone-Clarke, C. J. Spencer and S. Webb, declared other disclosable interests in Planning Applications 21/0754/FUL and 21/01755/LBC, Stoney Lane Farm, Stoney Lane, Alvechurch, Worcestershire, B60 1LZ; in that the applications were from a District Councillor who they were acquainted with.

62/21

MINUTES

The minutes of the Planning Committee meeting held on 6th December 2021 were received.

RESOLVED that the minutes of the Planning Committee meeting held on 6th December 2021, be approved as correct record.

63/21

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING

The Chairman announced that a Committee Update had been circulated to all Planning Committee Members and she asked all Members if they had received and read the Committee Update.

64/21

21/01617/FUL - PROPOSED INSTALLATION OF AIR SOURCE HEAT PUMP TO SERVICE EXISTING THEATRE ROOF - THE ARTRIX, SCHOOL DRIVE, BROMSGROVE, WORCESTERSHIRE, B60 1AX - JOHN HOMER

Officers clarified that the Application had been brought to the Planning Committee for consideration as the applicant was Bromsgrove District Council.

Officers presented the report and in doing so informed Members that the application proposed the installation of an air source heat pump to service the existing theatre roof.

Officers commented that the air source pump would not be highly visible. No objections had been received from Worcestershire Regulatory Services with regard to potential noise pollution.

Overall, it was considered that the proposed development complied with the provisions of the development plan and would be acceptable.

Following a brief discussion, it was

RESOLVED that Planning Permission be granted subject to the Conditions as detailed on page 19 of the main agenda report.

65/21

21/01835/PRIOR - INSTALLATION OF A SOLAR PHOTOVOLTAIC SYSTEM TO EXISTING ROOF OF EXISTING THEATRE - 138NO. VERTEX S MONOCRYSTALLINE MODULES (55KWP) - THE ARTRIX, SCHOOL DRIVE, BROMSGROVE, WORCESTERSHIRE, B60 1AX - JOHN HOMER

Officers clarified that the Application had been brought to the Planning Committee for consideration as the applicant was Bromsgrove District Council.

Officers presented the report and in doing so informed Members that the application proposed the installation of a solar Photovoltaic (PV) System to the existing roof of the theatre.

Officers highlighted that the proposed solar PV equipment would be sited on the flat roof of the Artrix. It would all of the criteria set out in Class J.1 to J.3 including that the equipment would not be higher than 1 metre above the highest part of the roof and that it would not be installed within 1 metre of the external edge of the roof. Due to this it was not considered that the equipment would be highly visible from within the street scene.

No objections had been received from Worcestershire Regulatory Services with regard to light nuisance.

RESOLVED that

- a) Prior Approval was not required and that the proposed development be carried out in accordance with the approved plans and documents, as detailed on page 26 of the main agenda report; and
- b) the solar panel PV equipment to be removed as soon as reasonably practicable when no longer needed.

66/21

**21/01372/FUL - PROPOSED NEW DWELLING IN REAR GARDEN OF
111 STOURBRIDGE ROAD - 111 STOURBRIDGE ROAD,
BROMSGROVE, WORCESTERSHIRE, B61 0AN - MR. J. SINGH**

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

Officers reported that an additional comment had been received from one of the original objectors to the application, with regard to the reason for refusal on two grounds; and that there should be a third reason for refusal. The third reason being inadequate provision off-street parking and the difficulty of parking in nearby streets. The officer's response refers Members to the views of Worcestershire County Council (WCC), Highways, as detailed on page 32 of the main agenda report and further 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 presented the report and in doing so informed Members that the site was located in a residential area of Bromsgrove.

Members' attention was drawn to the following presentation slides: -

- Site Location
- Proposed Plans and Elevations
- Site Photos

Officers referred to Amenity Space and Bromsgrove District Council High Quality Design SPD, and policy BDP19, as detailed on page 35 of the main agenda report.

Officers further referred to the 5 objections received, as detailed on page 33 of the main agenda report; and the comments received from WCC, Highways, as detailed on pages 32 and 37 of the main agenda report.

At the invitation of the Chairman, the Council's Principal Solicitor, read out Mr. S. Blades speech in objection to the Application.

Councillor S. P. Douglas, Ward Member, also addressed the Committee.

The Committee then considered the Application, which officers had recommended be refused.

Members queried if a Condition could be imposed following the comments received from North Worcestershire Water Management and if the proposal was for a two-storey dwelling.

Officers commented that Members needed to consider the application as presented, and further clarified that the proposal was for the erection of a two-bedroom dwelling house; and that the proposed dwelling house

was shown to be two storey, with a height of approximately 6.4 metres with the first-floor accommodation being situated in the roof space.

In response to further questions from the Committee, officers referred to the Amenity Space information on the rear garden overall area and length, as detailed on page 35 of the main agenda report.

Following a further brief discussion on amenity space it was

RESOLVED that Planning Permission be refused, subject to the reasons as detailed on pages 38 and 39 of the main agenda report.

67/21

21/01700/FUL - DETACHED 2 BED HOUSE - 1/1A MAUND CLOSE, BROMSGROVE, WORCESTERSHIRE, B60 3JU - MR. J. LEAVESLEY

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

Officers reported that additional information had been received from the Applicant. This information was sent directly by the Applicant to all Members of the Planning Committee and included on the Council's website by officers for Public Access.

The information related to: -

- Parking
- Amenity Space
- Examples of residential developments in the locality, which included photographic evidence.

The officer's response was also 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 presented the report and explained that the application was for a detached 2 bed house. Officers drew Members' attention to the following presentation slides: -

- Site Location
- Aerial View
- Amended Block Plan (it was noted that this slide was different to the slide as presented on page 56 of the main agenda report). Worcestershire County Council (WCC), Highways had been consulted on the amended Block Plan and they were still recommending refusal; as detailed in the Committee Update.
- Proposed Floor Plans
- Proposed Elevation Plans
- Site Photos

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Officers read out the reasons for Refusal, as detailed on page 51 of the main agenda report.

At the invitation of the Chairman, the Applicant, Mr. J. Leavesley addressed the Committee.

Councillor M. Thompson, Ward Member, also addressed the Committee.

The Committee then considered the Application, which officers had recommended be refused.

In response to questions from the Committee with regard to amenity space, officers clarified that; the application sought to utilise an area of garden to the rear of 1/1A Maund Close. The proposed dwelling footprint would be 6.5m wide by 6m deep and would extend approximately 5.5m forward. This would visibly reduce the spaciousness and visual openness. Officers had looked at private amenity space for both the proposed dwelling and existing residents which would be limited.

WCC, Highways officer further commented that they had raised objections due to the unacceptable access to the proposed relocated parking area, with insufficient turning space and the dimension of the car parking spaces. Vehicles would have to reverse backwards and forwards in order to manoeuvre and this was unacceptable and raised highway safety concerns.

Following further discussion with regard to the proposed development being overbearing and the proposed relocated parking and existing parking, it was

RESOLVED that Planning Permission be refused for the reasons as detailed on page 51 of the main agenda report.

68/21

21/00684/HYB AND 22/00092/DEM - HYBRID APPLICATION CONSISTING OF A FULL APPLICATION FOR THE DEMOLITION OF EMPLOYMENT BUILDINGS AND THE CONVERSION OF BORDESLEY HALL INTO 3 APARTMENTS AND AN OUTLINE APPLICATION (WITH ALL MATTERS RESERVED WITH THE EXCEPTION OF ACCESS) FOR THE CONSTRUCTION OF UP TO 46 DWELLINGS AND ALL ASSOCIATED WORKS -BORDESLEY HALL, THE HOLLOWAY, ALVECHURCH, BIRMINGHAM, WORCESTERSHIRE B48 7QA - CORBALLY GROUP AND MR. KELLY

Officers reported that with regard to Planning Application 21/00684/HYB, Bordesley Hall, The Holloway, two further comments had been received, as follows: -

Councillor A. B.L. English on behalf of Mr. James McManus, Chair of the Rowney Green Residents' Association had forwarded photographs of The Holloway, which had been sent directly to all Members of the

Planning Committee and included on the Council's website by officers for Public Access.

One further objection letter had also been received and a summary of the comments received were 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.

As highlighted at the commencement of the meeting, the Committee received a joint presentation for Planning Applications 21/00684/HYB and 22/00092/DEM, Bordesley Hall, The Holloway, Alvechurch, Birmingham, Worcestershire, B48 7QA.

Officers presented the joint presentation and in doing so explained that: -

Planning Application 21/00684/HYB

The hybrid application consisted of the demolition of employment buildings and the conversion of Bordesley Hall into 3 apartments and on outline application (with all matters reserved with the exception of access) for the construction of up to 46 dwellings and all associated works.

Planning Application 22/00092/DEM

Prior notification of the proposed demolition of redundant buildings and structures.

Officers further drew Members' attention to the following presentation slides: -

- Satellite View
- Bordesley Hall photographs
- Existing Buildings
- Sketch Layout
- Bordesley Hall Existing Layout

With regard to Planning Application 21/00684/HYB –

Members were referred to Table 1 – Indicative number per housing type, as detailed on page 68 of the main agenda report.

The proposal would involve the demolition of an extensive employment site, which comprised one, two and three storey buildings as well as areas of parking and hardstanding.

The site lay within the Green Belt where there was a presumption against new development save for a number of exceptions as outlined at Paragraphs 149 and 150 of the National Planning Policy Framework (NPPF).

One of these exceptions, at paragraph 149 g) was "the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings),

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which would not have a greater impact on the openness of the Green Belt than the existing development”; further information was included on page 70 of the main agenda report.

Officers referred to the comments received from Highways – Bromsgrove and their objection to the application on sustainability grounds, as detailed on pages 62, 75 and 76 of the main agenda report.

Officers further drew Members’ attention to Loss of Employment Use and Affordable Housing and Vacant Building Credit, as detailed pages 71 and 72 of the main agenda report.

The applicant had provided substantial evidence in the form of a Statement on Employment Land and Financial Viability Assessment. Furthermore, evidence had been provided that demonstrated that the neither the refurbishment of the existing buildings for office/industrial uses would be viable at the site, nor would the site’s redevelopment top deliver new build office and industrial uses.

Officers further reported that all of the trees on the site were subject to formal protection under Bromsgrove District Council Tree Preservation Order (3) 2014. The application was also supported by a Ruskins Tree Consultancy Arboricultural Impact and Tree Condition Survey.

Officers highlighted that Alvechurch Parish Council had raised no objections to the proposal.

Members were informed that in conclusion, the proposed development would not be inappropriate in Green Belt terms, would have a minor benefit in terms of the openness of the Green Belt proposal, would deliver a number of benefits. The proposal would result in the redevelopment of previously developed land and it was accepted that the existing employment use of the site was no longer feasible. The Council cannot demonstrate a five year housing land supply and given that the proposal had been found to comply with policy for development within the Green Belt.

Future occupants of the proposal would not have suitable access to local services and facilities and future occupiers would be heavily reliant on a private motor vehicle. However, this harm was to some degree moderated by the existing employment use of the site that could generate more vehicle trips than the proposal in its own right and the relatively short distance by car to services and facilities.

With regard to Planning Application 22/00092/DEM –

Officers reported that Worcestershire County Council was unable to support the proposed prior notification of proposed demolition, for the reasons 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.

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The application was made under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) and sought confirmation as to whether the prior approval of the local planning authority was required and would be given to demolish the majority of the buildings on the site. The Hall itself would be retained and did not form part of this application.

Members were informed that prior approval was required and approved for the demolition of the building.

At the invitation of the Chairman, Mr. J. McManus, Chair of the Rowney Green Residents' Association, addressed the Committee on behalf of the residents of Rowney Green, in objection to the Application.

Mr. T. Hawkeswood, also addressed the Committee, in objection to the Application.

Mr. R. Bellamy, the Applicant's Agent addressed the Committee on behalf of the Applicant.

Councillor A. B. L. English, Ward Member also addressed the Committee.

The Committee then considered Planning Application 21/00684/HYB, which officers had recommended be approved.

Some Members commented that they welcomed the development taking some of the burden away from the town centre. Some Members had visited the site and had found it easily without any issues.

Officers responded to further questions in respect of the existing employment use at the proposed development and the viability of the existing businesses.

Members raised questions with regard to the front garden location, kitchen garden wall, tree preservation and the possible retention of any dead trees.

Members further commented that, as stated by officers, the current employment use would generate greater traffic with a greater number of vehicles, than the proposed development. The proposed development was a wonderful housing opportunity and the opportunity to be a really fabulous development. Whilst the objections from WCC, Highways had been noted, the proposal would see less vehicle use.

In response to queries raised in respect of affordable housing and vacant building credit, the Chairman referred to the information as detailed on page 71 of the main agenda report.

On being put to the vote, it was: -

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RESOLVED that with regard to **Planning Application 22/00092/DEM**, prior approval was required and approved for the demolition of the building subject to the Conditions and reasons as detailed on pages 86 and 87 of the main agenda report.

and

RESOLVED that with regard to **Planning Application 21/00684/HYB** Hybrid Planning Permission be granted, subject to: -

a) authority be delegated to the Head of Planning and Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:

- i) £30,258.89 towards NHS Worcestershire Acute Hospitals Trust
- ii) £18,607 towards Herefordshire & Worcestershire CCG provision
- iii) £190,182 towards Middle School phase education
- iv) £99,872 towards secondary phase education
- v) £52.24 per dwelling towards the provision of wheelie bins for the development
- vi) A S106 Monitoring fee

and

(vii) The provision of the on-site place space and open space provision, with associated trigger points for adoption;

b) authority be delegated to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of Conditions, as detailed on pages 80 and 81 of the main agenda report.

At this point in the proceedings the Chairman announced that the meeting be adjourned in order for everyone to take a comfort break.

Accordingly, the meeting stood adjourned at 19:53pm and reconvened at 20:01pm.

69/21

21/00872/FUL - CONSTRUCTION OF NO. 15 AFFORDABLE (DISCOUNTED MARKET SALES HOUSING) DWELLINGS INCLUDING NO. 3 RETIREMENT BUNGALOWS WITH ASSOCIATED PROVISION FOR CAR PARKING, OPEN SPACE, LANDSCAPING AND INFRASTRUCTURE WORKS - LAND BETWEEN THE CROFT AND HOPWOOD GARDEN CENTRE, ASH LANE, HOPWOOD, WORCESTERSHIRE, B48 7TT - MRS. P. ROBINSON

Officers presented the report and in doing so highlighted that Planning Committee Members had previously considered a smaller proposal for 3 detached dwellings along the frontage of Ash Lane. This proposal was refused and subsequently dismissed at appeal, as detailed on pages 110 and 111 of the main agenda report.

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This proposal was for the construction of No. 15 affordable (Discounted Market Sales Housing) dwellings including No. 3 retirement bungalows with associated provision for car parking, open space, landscaping and infrastructure works.

Officers referred to the following presentation slides: _

- District Plan Map
- Satellite View
- View of site from Ash Lane
- Existing Access from Ash Lane
- View of site from Hopwood Garden Centre Access
- Existing Site
- Proposed Layout

The application site related to a 1.3ha parcel of land located on the northern side of Ash Lane in Hopwood. The site was located in the Green Belt as defined in the Bromsgrove District Plan (BDP) and was within the Alvechurch Parish Neighbourhood Plan area and was located adjacent to but not outside of the defined Village Envelope of Hopwood.

At the parish level, Policy H1: Locations for New Housing Development of the Alvechurch Parish Neighbourhood Plan stated that new housing outside of Alvechurch Village was inappropriate development and would not be supported by national, local or neighbourhood level policies.

Members' attention was drawn to the Five Year Housing Land Supply information, as detailed on page 112 of the main agenda report.

Officers further referred to the reasons for refusal, as detailed on pages 123 and 124 of the main agenda report.

At the request of the Committee, officers displayed the Proposed Streetscene, the Proposed Dwellings and Proposed Access presentation slides.

In response to queries from the Committee, officers confirmed that there were no footpaths in the vicinity and referred to Highways and Accessibility information, as detailed on pages 118 and 119 of the main agenda report.

Officers concluded that the proposal would be inappropriate development in the Green Belt, causing substantial harm to the openness, as detailed on page 123 of the main agenda report.

Officers further referred to the Applicants Case, as detailed on pages 121 and 122 of the main agenda report.

At the invitation of the Chairman, Mrs. J. Rees, addressed the Committee in objection to the application.

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Mr. C. Whitehouse (via Microsoft Teams), the Applicant's Planning Consultant, also addressed the Committee.

The Committee then considered the Application, which officers had recommended be refused.

Officers and Worcestershire County Council (WCC), Highways officer responded to Members questions with regard to no footpaths in the vicinity and virtual footpaths.

The WCC, Highways officer reiterated that WCC Highways had reviewed the application and that in the immediate vicinity Ash Lane did not benefit from footpaths and that there was not enough room to put in a segregated footpath and that a virtual footpath was not acceptable.

Some Members commented that having read and listened to the comments from WCC, Highways, the planning inspectorate decision at appeal and the objections from Alvechurch Parish Council; that they were in agreement with the reasons for refusal.

Officers responded to further questions in respect of the site being located outside a defined village envelope and reiterated the decision taken by the planning inspectorate to dismiss, the previous smaller proposal, at appeal.

In response to further questions with regard to the Affordable Housing element, which included discounted market sales housing, officers referred to page 117 of the main agenda report and in doing so highlighted the definition of 'Rural Exception Sites'.

On being put to the vote it was

RESOLVED that Planning Permission be refused for the reasons as detailed on pages 123 and 124 of the main agenda report.

70/21

21/0754/FUL AND 21/01755/LBC - CHANGE OF USE OF FARMHOUSE AND ATTACHED BARN TO FORM HOLIDAY LET ACCOMMODATION WITH REINSTATEMENT ROOF WORKS TO THE ATTACHED BARN; CHANGE OF USE OF DETACHED BARN TO CREATE DWELLING HOUSE WITH SINGLE STOREY EXTENSION; CREATION OF NEW ACCESS TRACK AND PARKING AREA TO FARMHOUSE AND REMEDIATION AND REINSTATEMENT WORKS TO DOVECOT - STONEY LANE FARM, STONEY LANE, ALVECHURCH, WORCESTERSHIRE, B60 1LZ - MR. P. WHITTAKER

Officers clarified that the Applications had been brought to the Planning Committee for consideration as the applicant was a Bromsgrove District Councillor.

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Officers reported that for consistency purposes in order to align with condition relating to Planning Application 21/01755/LBC, that Condition 1 on page 159 of the main agenda report, be amended to read 18 months and not 3 years, 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.

As highlighted at the commencement of the meeting, the Committee received a joint presentation and report for Planning Applications 21/01754/FUL and 21/01755/LBC, Stoney Lane Farm, Stoney Lane, Alvechurch, Worcestershire, B60 1LZ.

Officers presented the joint report and in doing so asked the Committee to note that planning permission and listed building consent was granted in February 2017 (ref 161028 and 161029) and that those previous permissions had now lapsed, and that this application was a resubmission of the previously approved schemes.

However, it should also be noted that with regards to sustainability for the proposed residential dwelling when the original application was submitted in 2017 sustainability was not considered to be a major reason for refusal but with the recent policy changes this had now become a reason for refusal.

Stoney Lane Farm consisted of a group of buildings comprising a Grade II listed Georgian farmhouse, connected to a 18th century timber-framed barn, a single storey range of 19th century brick barns and a separate brick dovecote. The site was located in the Green Belt.

It was proposed that the main farmhouse and adjoining barns would be converted and used for holiday lets, and the separate rear barns converted to form a single dwelling. Members' attention was drawn to the detailed proposed development information, as shown on page 147 of the main agenda report.

The dovecote would be restored including the reconstruction of its original pyramidal form roof and would be used a shared storage for Units 2 and 4.

Officers stated that as detailed on page 150 of the main agenda report, that in terms of the access and parking arrangements, Members were asked to note that no new surfacing was proposed to serve either the access route or the parking area itself. Having carefully considered this aspect of the scheme, officers were of the view that in the balancing exercise, that the access and parking proposals were integral to providing the designated heritage asset with a new use and ultimately a future. An appropriate soft and hard landscaping scheme had accompanied the scheme that had been sensitively designed to reduce the impact of this aspect of the scheme.

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Officers concluded that the substantial weight given to the harm arising from inappropriate development and its effect on the openness of the Green Belt was clearly outweighed by the benefits identified within the main agenda report.

The scheme raised no issues affecting highway safety, residential amenity or flooding and would have no adverse impact on any identified protected species.

The Conservation Officer had raised no objections.

The Committee then considered both Applications, which officers had recommended be approved.

Members commented that they welcomed the applications as it would tidy up the dilapidated buildings.

Officers responded to suggested conditions from the Committee in respect of cycle parking/storage provision and electric charging points; and in doing so highlighted that with regards to electric charging points, that the site consisted of a group buildings which included Listed Buildings and that it would be difficult to try to satisfactorily incorporate electric charging points outside the curtilage of a Listed Building and that the Conservation Officer would raise concerns. It was also highlighted that any cycle storage facilities would have to meet the standards set by Worcestershire County Council, whereby cycle storage racks had to be covered storage and that could also raise some concern from the Conservation Officer.

Officers further responded to questions from Members with regard to the existing track currently serving Stoney Lane Cottages being widened.

Officers further clarified that should Members still be concerned about cycle parking/storage; that an Informative could be included, that the applicant look into the possibility of cycle parking/storage facilities.

RESOLVED that

a) full Planning Permission for Planning Application 21/01754/FUL be granted, subject to the Conditions as detailed on pages 154 to 158 of the main agenda report;

and

b) Listed Building Consent be granted for Planning Application 21/01755/LBC, subject to the Conditions as detailed on page 159 of the main agenda report, with Condition 1 being amended from 3 years to 18 months, as detailed on page 2 of the Committee Update.

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The meeting closed at 8.55 p.m.

Chairman

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PLANNING COMMITTEE

7th March 2022

Tree Preservation Order (14) 2021 Trees On Land at 9 Fairlight Drive, Barnt Green B45 8TB

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

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider the confirmation without modification of Tree Preservation Order (14) 2021 relating to Tree/s on Land at 9 Fairlight Drive B45 8TB

2. RECOMMENDATIONS

- 1.2 It is recommended that provisional Tree Preservation Order (14) 2021 relating to trees on land at 9 Fairlight Drive B45 8TB be confirmed without modification as in the provisional order as raised and shown in appendix (1).

3. KEY ISSUES

Financial Implications

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

Legal Implications

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

Service / Operational Implications

Background:

- 3.4 The provisional order was raised on the 8th September 2021 following an enquiry received from the owner of the property indicating that he was considering removing the trees now included within the order. In view of the enquiry a site meeting was held with the owner of the property on 23rd August 2021 to inspect the trees and consider their potential removal. At this meeting

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the owner outline that ideally, he would like to remove all three trees within the provisional order as he considered that they represented a too high a level of safety risk to persons using the garden area of the property in view of past instances of branch failure and other general debris fall from the trees. He also explained that if it was not acceptable to remove all of the trees would it be acceptable to remove one of them. Having considered both options and the issues highlighted and the condition of the trees my opinion was that the trees are worthy of retention and therefore protection for the following reasons.

- They are of a mature age class but still have a lengthy future expected life span and are consistent in both species and size to trees within other plots within the Fairlight Drive estate.
- They are a prominent feature with the landscaping of Fairlight Drive being clearly visible to from the front of the property and partially visible from the publicly accessible woodland to the rear of the property.
- Fairlight Drive is a reasonably recent development, and the trees would have been a constraint when the site was developed but were clearly thought to have been too important a feature to remove at the time of development.
- They are showing no visual signs of any physiological problems or structural defects
- The crowns contain an expected amount of growth habit deadwood but this could easily be pruned out and one tree contains a slightly overextended later branch that could be reduced in length. If this work was carried out the likely risk of any major material falling from the trees would be very low.

Therefore, for the reasons above the trees were considered worthy of protection.

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

Letter dated 30th September 2012 from Mr Peter Bridge the owner of 9 Fairlight Drive as shown in appendix (2).

My comments in relation to the points raised in this objection are as follows:

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- The Council has not followed a fair process in determining that these trees should be protected.

TEMPO was used to help evaluate the tree which is a guidance template tool we regularly use designed to give an informed decision making process when raising TPO protection on trees as shown in appendix (4). There is no statutory requirement to use this process when making a decision to raise a TPO order. As a regular user of TEMPO you become familiar with the categories and scoring matrix of the process and can therefore evaluate trees visually on the spot especially when there are only three similar condition trees as in this case. Then fill in the form in the car immediately following the site inspection. The standard procedure for the raising of the order was followed throughout.

- Amenity

The trees are clearly visible from the front of the house approximately a third of the height of the trees and most of the crowns being visible above the apex of the roof line of the property, as can be seen in the photographs in appendix 3. The definition of the canopies of the protected trees are not lost against the woodland behind them but stand clearly visible against the skyline when viewing the trees from the front of the property. I accept that the estate of Fairlight Drive is gated which restricts walk in public access but there are fourteen properties with the estate some of which benefit from being able to see at least part of the trees. There is also going to be a large volume of visitors to a site containing fourteen properties friends and family and service providers many of which would benefit from the amenity value these trees provide. The trees are also partially visible from the publicly accessible woodland to the rear of the property which again is shown in the photographs in appendix (3).

- Safety

As all ready highlighted the crowns on the trees do contain some growth habit deadwood and one contains a slightly over extended lateral branch. But these issues can be easily address buy some routine pruning that would have not detrimentally influence on the trees and would reduce to risk of any material falling from the trees to a very low level.

- Potential damage to property.

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No one can 100% guarantee the safety of any tree as they are dynamic structures open to all environmental issues in nature and weather conditions. When assessing the risk of any tree it is the probability of anything occurring in terms of structural failures the main considerations are, the trees general condition, future likely development, its position and constraints on the tree likely to influence its future development and health. These trees are in good health and form while having a lengthy expected future life span and some minor management pruning would address the safety issues raised.

- 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) Letter of objection from Mr Peter Bridge owner of 9 Fairlight Drive
- Appendix (3) Photographs of the protected trees.
- Appendix (4) TEMPO assessment of trees

PLANNING COMMITTEE

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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 from the front of the property and publicly accessible woodland to the rear of the property, they are in good physiological condition and add greatly to the character of the area.

Therefore, I recommend to the committee that Tree Preservation Order (14) 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

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

Bromsgrove District Council Tree Preservation Order (14) 2021
Tree/s on land at 9 Fairlight Drive, Barnt Green, Birmingham, Worcestershire,
B45 8TB

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 (14) 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 *8th day of September 2021*

Signed on behalf of Bromsgrove District Council

John Hussain

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	Pine	399556, 274552	Rear Garden 9 Fairlight Drive
T2	Pine	399561, 274540	Rear Garden 9 Fairlight Drive
T3	Spruce	399569, 274539	Rear Garden 9 Fairlight Drive

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>
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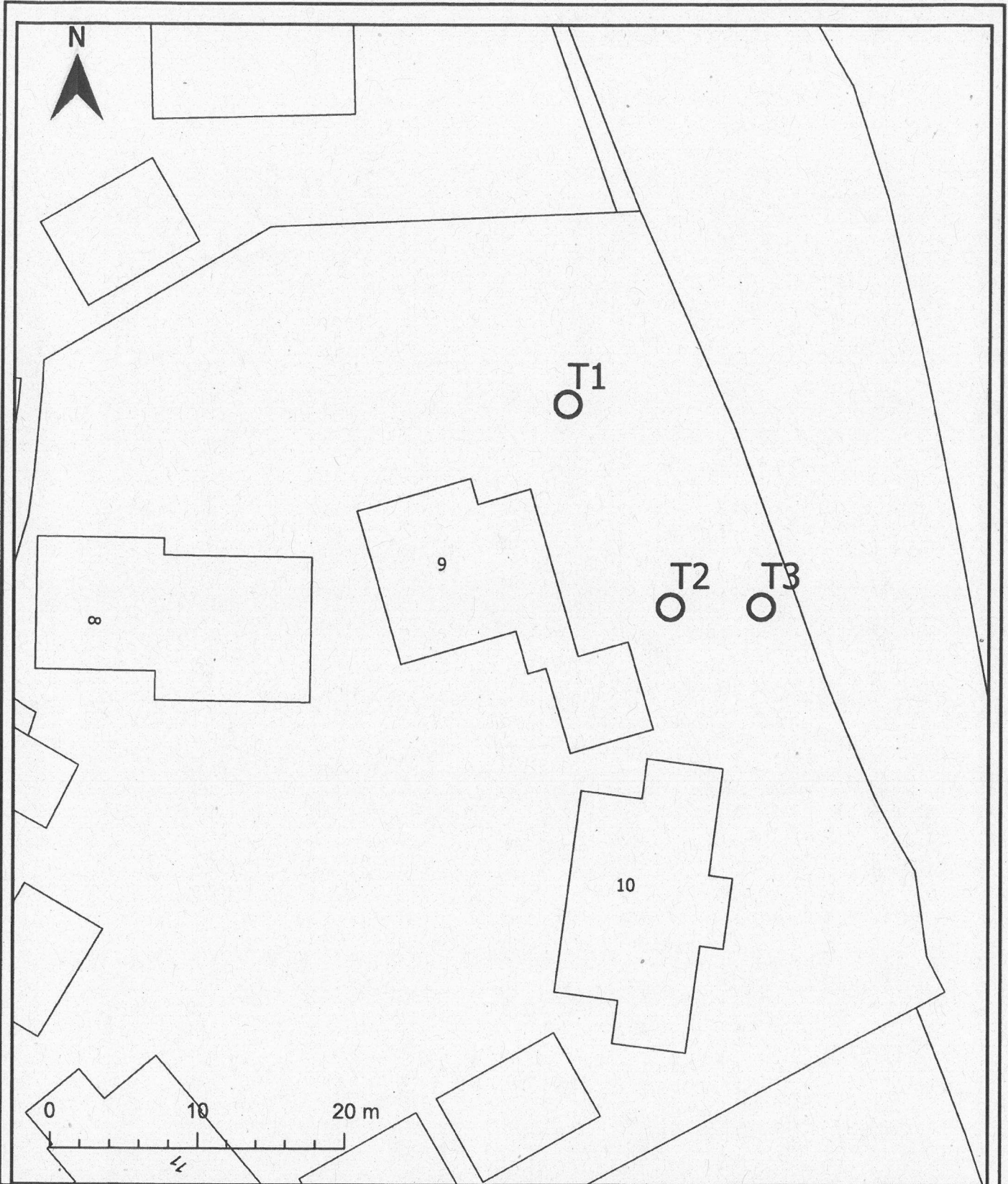
NONE



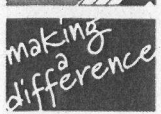
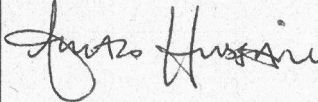
Woodlands

(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



 <p>Bromsgrove District Council www.bromsgrove.gov.uk</p>  <p>REDDITCH BOROUGH COUNCIL</p>  <p>making a difference www.redditchbc.gov.uk</p>	Project: TPO (14) 2021	Drawn: Gavin Boyes - Arboricultural Team	Environmental Services Town Hall Walter Stranz Square Redditch Worcs B98 8AH	 08/09/2021
	Drawing: 9 Fairlight Drive, Bamt Green B45 8TB	Scale: 1:340.316822 @ A4		
	Drawing No.: 1 of 1	Date: 9.2021		

APPENDIX (2)

Gavin Boyes
Senior Tree Officer
Bromsgrove & Redditch Council
The Tree Team
Crossgate House
Crossgate Road
Redditch
B98 7SN

Peter Bridge
9 Fairlight Drive
Barnt Green
Worcestershire
B45 8TB

Dear Gavin

30th September 2021

Objection to the Tree Preservation Order

I would like to object to Bromsgrove District Council introducing a Tree Preservation Order on the three trees in my back garden (T1, T2 and T3) you have highlighted in the documents you sent to me on the following grounds:

1. Process.

The Council has not followed a fair and reasonable process to determine these trees should be protected.

When you came to see the trees, your initial comments were that the trees were not currently protected but you would be recommending that they should be. Although, you were not able to complete your Tree Evaluation Method for Preservation Orders (TEMPO) until after you had inspected the trees your initial comments clearly demonstrate that you had made up your mind before seeing the trees that they should be protected rather than coming to that conclusion only after completing a TEMPO that generated a score that led you to conclude the trees should be protected.

2. Amenity.

The Council has totally misjudged the amenity value of the trees in my garden as they are hidden from public view.

You state that the Council's reasons for making the Order are – The trees provide special amenity value and the TPO is made in the interests of amenity. How can there possibly be any amenity if no one can see the trees, other than the very tips, and would not notice them gone if they were felled as they are totally camouflaged by the hundreds of trees immediately behind them in the Lickey Hills?

'Amenity' is not defined in law, so best practice encourages authorities to exercise clear and sensible judgment when deciding whether it is reasonable 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. But as the trees in my garden are totally hidden by my house on one side and the trees in the Lickey Hills on the other there is no impact on the local environment and the public cannot see them as we are located at the back of a gated development that the public have no access to. I cannot see, therefore, how the Council is able to show that protection would bring any degree of public benefit in the present or future.

3. Health & Safety.

The Council has ignored the significant risk of the health and safety of my family in our own garden, despite me bringing this to your attention in the first place.

The trees are regularly shedding wind-damaged and dead branches which are usually large enough to cause anyone in the garden significant harm or possibly kill them if they were to fall when someone is in the garden. I understand this can be managed to some extent by regular dead-wooding but there will always be significant risks between each exercise. The only way this risk can be eliminated is to cut the trees down.

4. Potentially damaging to my house.

The Council has not taken into account the significant damage the roots from T1 and T2 could do to my home.

T1 is just 4.7m and T2 is only 3.8m, respectively, from my house. I believe the safe distance for a pine tree from a house is generally 8m. I am amazed planning permission was given so close to these trees.

5. Benefits to my other trees in the garden.

The Council are ignoring the wellbeing of the other trees I have in the garden which are further away from the house.

If T1 and T2 were cut down these other trees comprising oaks and silver birches would benefit from access to more sunlight and more water.

Thank you for this opportunity to appeal the TPO.

I sincerely hope you give this appeal full consideration.

Kind regards


Peter Bridge

APPENDIX (3)













APPENDIX (3)





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

APPENDIX (4)

Erin Boyes

Date: 23/08/2021

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							
	Pine		3	4	3	10		1	5	16	Y	Some deadwood within the crown Some deadwood within the crown, one slightly overextended branch in lower crown
12	Pine		3	4	3	10		1	5	16	Y	
13	Spruce		3	4	3	10		1	5	16	Y	

Part 1: Amenity assessment

- a) **Condition**
 - 5) Good (highly suitable)
 - 3) Fair (suitable)
 - 1) Poor (unlikely)
 - 0) Unsafe
 - 0) 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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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr. Mitchell Ferris	<p>Redevelopment and change of use to a large portion of an existing mixed use commercial site known as Cur Lane Farm, involving the demolition of existing storage buildings, and the erection of 7 new homes, set out around two new courtyards, accessed from a new roadway ingress off Cur Lane. Two of the existing storage barns will remain to the northern end of the site.</p> <p>Cur Lane Farm, Cur Lane, Upper Bentley, Worcestershire,</p>	28.02.2022	20/01568/FUL

This application is being reported to members because it is a major planning application in relation to the creation of new floor space.

RECOMMENDATION: That planning permission be **Refused**

Consultations

Highways - Bromsgrove

Unable to support the proposed redevelopment development due to its unsustainable location. Recommend refusal.

Waste Management

No objection.

WRS - Contaminated Land

The current use of the site is described as a mixed use commercial site consisting of light industrial and commercial functions namely storage and small workshop activities. There is the potential for contamination from various sources, therefore a suitable land contamination condition is recommended.

WRS – Noise

Have no adverse comments to make subject to the confirmation of the use of the existing storage buildings. The storage barns are close to this proposal and could have a detrimental effect to amenity to the proposed. It is recommended that a construction management plan is submitted and approved prior to commencement of this proposed development.

WRS - Air Quality

No objections.

Housing Strategy

2 rented affordable units required.

Education Authority

The proposal as submitted is below the threshold for which a planning obligation would be sought as the impact on education infrastructure is deemed to be low.

NHS/Medical Infrastructure Consultations

The development would give rise to a need for improvements to capacity of existing premises. The development falls within the boundary of a practice which is a member of Kingfisher Primary Care Network (PCN) and Nightingales PCN. Request a contribution of £2,760 to secure the funding for Kingfisher PCN or Nightingales PCN to provide additional infrastructure/extension/reconfigure existing premises to improve overall access.

NHS Acute Hospitals Worcestershire

Given the scale of the development, no contributions are sought.

Leisure Services

Views awaited.

Bentley & Pauncefoot Parish Council

Objects to the proposals.

Development would result in the loss of employment land for non-employment uses. Proposal will reduce the quality and quantity of employment land.

The proposal will not provide amenity.

The applicant provides no evidence that they have marketed the site for employment uses, could be allocated for employment in relation to the Foxlydiate development.

Development off a narrow lane, and the allocation of 2 parking spaces per residential unit will only add to our parish's existing traffic problems. Policy BDP22.1c states that the Council will deliver viable low carbon climate resilient developments through ensuring developments are in locations well-served by public/ sustainable transport, existing local facilities and infrastructure. This location has none of these.

Proposal conflicts with Section 5 of the Bromsgrove District Plan Strategic Objectives:

- This location is isolated out in the Green Belt 2 miles from the edge of Bromsgrove and 0.75 miles from the edge of Webheath without public transport connections and is therefore not sustainable.
- A range of housing types are needed in the parish so that local people can afford homes and so that our village does not become a dormitory one, damaging our community.
- Removes sources of economic growth and rural diversification.
- Proposal does not respond to local character; the design of the development shows expansive glazing in anthracite powder coated aluminium window frames dominating the facades and comparatively shallow pitched roofs that bear no resemblance to any vernacular elements.

These proposals do not fulfil the NPPF's sustainable development objectives.

- This location requires employment land, not housing, and it lacks infrastructure.
- The range of housing is extremely limited and no investigation has been carried out by the applicant to assess the needs of the community.
- The proposals do not make effective use of this land and the architecture makes no reference to low carbon design.

Given this site is in the green belt, this application throws up questions regarding land use. Curr Lane Farm is dominated by its livery facility and yet the proposals will result in the erasure of the buildings necessary for this to continue.

This development will necessitate further erosion of the Green Belt given no access is shown to the two existing single storey timber buildings on the north of the site. A road will have to be built in the adjoining countryside.

North Worcestershire Water Management

Recommend drainage condition.

Arboricultural Officer

No objection.

Red Kite Network Nat Healy (Ecology)

No objection.

Public Consultation

Site notice erected 16.3.21 expiry 15.4.21

Press notice published 12.3.21 expiry 29.3.21

Neighbour letters posted 5.3.21 expiry 29.3.21

No comments received

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP3 Future Housing and Employment Development

BDP6 Infrastructure Contributions

BDP7 Housing Mix and Density

BDP8 Affordable Housing

BDP12 Sustainable Communities

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP21 Natural Environment

BDP24 Green Infrastructure

Others

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

Bromsgrove High Quality Design SPD

National Design Guide

Relevant Planning History

B/2005/0889 Formation of new pond to facilitate land drainage. 05.12.200

B/1992/0624 Operation of agricultural contracting business Refused 11.01.1993

B/10374/1982	Cattle and dry sow house, (address amended by letter dated 16.12.82).	Approved	24.01.1983
B/8246/1980	Filling of hole with inert material	Approved	26.01.1981
B/5856/1979	Erection of cattle store. (Lane House Farm).	Approved	21.05.1979
B/5855/1979	Erection of pig and cattle shelter	Approved	21.05.1979
B/3242/1977	Erection of barn.	Approved	23.05.1977

Proposal Description

Full Planning permission is sought for the demolition of various commercial buildings at Cur Lane Farm and the erection of 7 dwellings in the form of single and two storey buildings. The dwellings would be finished in brickwork and timber cladding and include pitched roofs of varying heights. 3 No. 3 bedroom units, 2 No. 4 bedroom units, and 2 No. 5 bedroom units would be provided.

Two existing agricultural buildings to the north of the site will be retained as part of the development and share the same vehicular access as the residential development.

Assessment of Proposal

Planning permission is sought to redevelop the site of various commercial buildings for residential use. All the existing buildings on site are lawful following the grant of planning permission on appeal for the site as a mixed use following an appeal decision Ref: APP/P1805/C/16/3160015 dated 28 April 2017. Two single storey buildings to the north of the site (units 3 and 4) which were approved for agricultural storage use are excluded from the redevelopment as they do not fall within the definition of previously developed land under Annex 2 of the NPPF and therefore, will be retained for storage agricultural equipment.

The existing buildings are used for the following uses (as defined in the appeal decision):-

Unit 1	Residential storage
Unit 2a	Commercial storage
Unit 2b	Steelwork manufacturing
Unit 3	Agricultural storage
Unit 4	Agricultural storage
Unit 5	Manufacturing of exhibition stands
Unit 6	Indoor equine facility
Unit 7	Commercial livery and stables
Unit 8	Manufacturing of exhibition stands
Unit 9	Commercial storage
Unit 10	Ancillary toilet block

Five Year Housing Land Supply

Paragraph 74 of the National Planning Policy Framework (NPPF) requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies

are more than five years old. In addition, there must be a buffer of between 5% and 20%, depending on the circumstances of the LPA.

The Council has identified that (inclusive of the 5% buffer required by the NPPF) it can currently demonstrate a housing land supply of 4.6 years. Therefore, despite progress which has been made in identifying sites and granting planning permissions the Council still considers that it cannot demonstrate a five year housing land supply. Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the NPPF is engaged. Paragraph 11 requires that decisions on planning applications apply a presumption in favour of sustainable development. 11 (d) goes on to state that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

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

Footnote 8 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, as set out in paragraph 74. Footnote 7 states these policies include land designated as Green Belts.

Green Belt

The site lies within the Green Belt where there is a presumption against new development save for a number of exceptions outlined at Paragraphs 149 and 150 of the National Planning Policy Framework.

One of these exceptions, at paragraph 149 g) is: "the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development". This is aligned with policy BDP 4(g) of the Bromsgrove District Plan (BDP).

The definition provided in Annex 2: Glossary of the NPPF for previously developed land is as follows:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

In this case the site comprises of buildings that have been used for storage and industrial uses over time and now have the benefit of an established use via the above appeal

decision. Due to the characteristics of the site, it is considered that most of the site (excluding the two agricultural buildings to the north of the site) fall within the definition of previously developed land as outlined in Annex 2 of the NPPF.

With respect to the development proposed a total of approximately 2,258.61 square metres of existing building will be removed from the site to be replaced with approximately 1,294 square metres of built form (including garages). The two existing agricultural buildings to the north of the site totalling approximately 353.3 square metres will be retained as part of the development. The proposed development is contained within the site in a courtyard layout in the approximate locations of the existing buildings on site. Whilst the proposed development will contrast in its form with that existing on site, it can be seen to have a benefit to the openness of the Green Belt by breaking up the large block forms of the existing development on site with a mixture of single and two storey dwellings of varying roof heights from 4.4 to 7.4m. The heights of the existing buildings vary from 3.10 to 7.6m.

The NPPF indicates that openness is an essential characteristic of the Green Belt. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. The new buildings would be of a reduced floorarea and height compared to existing. As such, the proposal would have less impact on the openness of the Green Belt in spatial terms than the existing circumstances. Taking all these matters into account it is considered that the development proposed would not have a greater impact on the openness of the Green Belt than the existing development, complying with paragraph 149 g) of the NPPF and BDP 4g) of the BDP, and as such would not comprise of inappropriate development in the Green Belt.

There is therefore a presumption in favour of the development in terms of Green Belt policy.

Sustainable location

Policy BDP2 of the District Plan defines four main facets to the delivery of housing to meet the needs of Bromsgrove District consisting of the following:-

- a) Development of previously developed land or buildings within existing settlement boundaries which are not in the designated Green Belt;
- b) Expansion Sites around Bromsgrove Town (as identified in BDP 5A);
- c) Development Sites in or adjacent to large settlements (as identified in BDP 5B);
- d) Exceptionally, affordable housing will be allowed in or on the edge of settlements in the Green Belt where a proven local need has been established through a comprehensive and recent survey and where the choice of site meets relevant planning criteria. Where viability is a concern the inclusion of other tenures within a scheme may be acceptable where full justification is provided. Where a proposed site is within the boundaries of a settlement, which is not in the Green Belt, a local need for housing would not need to be justified.

Although the site is previously developed land, it is within the Green Belt and is outside any existing settlement. The site is not identified as one of the expansion sites around Bromsgrove Town, and it is not in or adjacent to the large settlements identified in BDP 5B. However, it is adjacent to the Foxlydiate mixed use urban extension site identified under Policy RCBD1, the Redditch Cross Boundary Development area. Members will be

aware that permission has recently been issued for hybrid application 16/0263 comprising:-

1) Outline Application (with all matters reserved with the exception of vehicular points of access and principal routes within the site) for the demolition of existing buildings and the erection of : Up to 2,560 dwellings (Class C3); Local centre including retail floorspace up to 900 sq metres (Classes A1, A2, A3) health and community facilities of up to 900 sq metres (Class D1) ; A 3FE first school (Class D1) (up to 2.8Ha site area) including associated playing area and parking and all associated enabling and ancillary works.

2) Detailed application for the creation of a means of access off Birchfield Road, Cur Lane, Foxlydiat Lane and emergency, pedestrian and cycle access to Pumphouse Lane. The creation of a primary access road, including associated cut and fill works and other associated earthworks, landscaping, lighting, drainage and utilities, crossings and surface water attenuation/drainage measures.

Whilst the principle of the Foxlydiat development has been approved, the scheme and associated infrastructure/facilities/services proposed for the mixed use development are yet to be implemented on site. Whilst it is noted that the application site is adjacent to this cross boundary site, one of the main issues is whether the proposed development would provide a suitable site for housing, having regard to proximity to services and job opportunities and reliance on motor vehicles.

The Highways Engineer has recommended refusal of the application on the grounds that it is a rural unsustainable location. The site at present benefits from an existing vehicular access with visibility which is impeded by overgrown vegetation. Cur Lane does not benefit from footpaths or street lighting and no parking restrictions are in force. The site is not located within walking distance of amenities, bus route or bus stops. The matter as to whether the site lies in a sustainable location has been noted by the Highway Authority and an objection is raised to the proposal on this basis.

The applicant has submitted several supporting statements to address sustainability concerns. A summary of the arguments put forward are as follows:-

- Reference to the Enforcement Appeal decision and that the site was considered a sustainable location at the time of the appeal.
- Reference is made to the existing vehicle movements associated with the site and that these could increase in the future, however, a small scale residential development is likely to have fewer traffic movements. 7 houses would generate 54 movements per day. That is a reduction of nearly 160 vehicle movements per day with the current development.
- The following sustainability accessibility measures would be provided for each residential unit:-
 1. Two electric bicycles, housed in an easily accessible weatherproof and secure cycle store adjacent to each house, complete with charge points;
 2. An electrical charge point for an electric vehicle;
 3. A travel pack containing:

- Maps and a guide clearly indicating the site's access to cycle routes, notably access to the nearby National Cycle Route 5 and the wider cycle route network that this links into (see diagram below);
 - Maps and a guide clearly indicating the site's access to local bus routes;
 - Maps and a guide clearly indicating the site's proximity and access to local amenities such as schools, medical services, food retail and leisure services;
 - Maps and a guide clearly indicating the local public footpath network, indicating routes to be taken to reach various amenities, alongside suggested circular routes of varying distance and rigour for the purposes of walking and jogging to enhance better health and well-being;
4. Fast Broadband provision, to enable and support working from home.

- The existing buildings have poor thermal insulation properties and are inefficient to heat. By contrast, the construction methods employed in the new dwellings will deliver highly energy efficient homes, whose carbon footprint will represent a significant betterment to the existing development which this will replace.
- The existing site sits on the edge of agricultural land and green open space. The new development will replace a voluminous collection of unsightly commercial and agricultural storage buildings with well designed new homes built in brick and hardwood finishes more in keeping with this setting.
- The continued use of this site for commercial purposes, whilst controlled by a range of measures, will inevitably bring about more 'polluting' activity to this site than the proposed dwellings. The proposal will improve existing noise pollution;

The Highway Authority acknowledge that there will be a reduction in the number of trips between the current uses of the site and the proposed use. However, it should be noted that the uses are not a like for like comparison (employment and residential). As the proposal is now for a residential development, the residents should be able to reach the amenities and public transport routes safely and by sustainable modes which would not be the case in this instance.

Paragraph 110 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 112 of the NPPF requires that within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high

quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

BDP16.8 of the District Plan requires the use of travel plans where applicable to secure the provision of sustainable travel choices, both to new developments and to extensions of existing sites, regardless of use. The reasoned justification in the policy ‘encourages a modal shift away from the car to move towards more environmental and sustainable travel, public transport needs to provide a convenient and efficient alternative to the private car that will encourage more people to use it’. Whilst it is acknowledged that if the site remains in employment use, employees will still access the site generally by car. It should be noted that the provision of sustainable travel choices is required for this new development and would not be achieved due to the distance of current local facilities and services.

The Highway Authority consider the proposed development to be remote in respect accessing even day to day services and facilities for the intended future occupiers who would have a high reliance on a private motor vehicle. For those that would not have access to such a vehicle, the nearest services and facilities would not be accessible.

Whilst it is acknowledged that the site is not physically isolated or remote with the dwelling known as Twin Oaks and another neighbour opposite, as well as The Retreat, and the existing settlement of Webheath; the site is not considered to be located within a sustainable location due to the reliance of the car to reach all amenities and public transport.

Once the building of the development for up to 2,560 homes at Foxlydiate has taken place new transport links especially bus services will be created, and local services will be provided further reducing the need to travel. Given that the infrastructure and services have not been provided for Foxlydiate at present, officers can only take into account the existing infrastructure in respect to considering the sustainability of the proposal in this location.

The thresholds below for a site to be sustainable cannot be met. The following are the acceptable maximum thresholds via suitable infrastructure being in place:

- o Walking - 2k
- o Cycling - 5k
- o Bus stop - 400m

The location is 1.3 miles from the nearest bus stop and impacted by the lack of a safe walking route therefore this location cannot be considered sustainable from a transport perspective as there is no realistic alternative to the use of the car. The lack of street

lighting will deter journeys on foot particularly in times of darkness and adverse weather conditions. The site is located off a classified narrow fast flowing road close to a bend. Since the amenities and public transport stops are not located within walking distance it is unlikely to encourage residents to walk or cycle. There would be an unacceptable reliance on motor vehicles to access services and job opportunities.

The applicant relies on the fact that the adjacent land (Foxlydiate) is allocated for mixed use development and considers the application should be assessed on the aspiration for the adjacent allocation site, noting that once fully developed and occupied, it would be necessary for transport infrastructure to be introduced. However, a planning application must be assessed on the existing context at the time of the application. Whilst it is appreciated the adjacent land is designated for future housing, as highlighted in policy RCBD1 point 1.4III, only once the associated infrastructure has been constructed would the site become sustainable. Furthermore, the timescale for such a large scale development to be delivered on the ground is some way off. Until such a time, the site remains unsustainable.

Due to the above factors the trips would become car-based trips which would be unacceptable. As such, the proposal would be contrary to Policy BDP1, BDP2 and BDP16 of the District Plan, and paragraphs 11, 110 and 112 of the NPPF.

Design and Layout

Paragraphs 126-136 of the NPPF deal with high quality design and in particular states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

BDP19 of the Bromsgrove District Plan sets a series of criteria by which high quality people focussed space will be achieved. The new dwellings would be a mixture of single and two storey dwellings, that would be detached and semi detached and form courtyard settings to be finished in materials to be controlled by conditions.

The layout of the site is considered to be acceptable complying with Policy BDP19 of the District Plan and guidance set out in the Council's SPD on High Quality Design.

Drainage

The proposed development site is situated in the catchment of Spring Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. A Drainage Impact Assessment has been provided with the application and this sufficiently summarises the flood risk to the site. The Drainage Assessment proposes a drainage layout which in principle is considered acceptable. North Worcestershire Water Management have considered the details submitted and recommend a drainage condition.

Ecology

The application is accompanied by a series of ecological appraisals that confirms that there appears to be no obvious and immediate issues for this development with regard to protected species and no further dedicated surveys for any species are recommended. Appropriate enhancement conditions in accordance with the Worcestershire Biodiversity Action Plan would be recommended.

Affordable Housing

Policy BDP 8 of the Bromsgrove District Plan requires 30% affordable housing on brownfield sites accommodating less than 200 houses. The proposal would generate the need for 2 affordable dwellings to be provided on site.

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 existing structures are not vacant to be re-used or re-developed, so a reduction in affordable housing contribution would not be warranted on this occasion.

The applicant has offered to purchase 1 No. 4 bedroom residential unit (house) and 1 No. 2 bedroom residential unit (house/flat) in Bromsgrove and they be offered to BDHT to be made available as social rented accommodation. The applicant states the following in respect to this approach:-

- The proposal is not a monetary contribution but is a proposal to supply housing that better matches the need and requirements of the Council Housing department, by providing this in locations within Bromsgrove that better suit the needs of the housing association that Housing have asked us to partner with.
- This proposal provides the benefit of this housing being provided within 6 months of approval of all pre-construction planning conditions, rather than at the end of the build project; this represents a benefit of what may amount to 18 months to 2 years, alongside an assurance of the provision of this housing, to help manage urgent housing needs.
- Although providing affordable housing away from the development site might represent a departure from this aspect of policy, we believe that we are providing a solution to satisfy the principal aims of this policy.

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 schemes.

Making an off site proposal 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 provision, rather than the provision of on-site affordable housing be considered by the Local Planning Authority (LPA).

However, in light of the above considerations officers would be reluctant to accept an off site proposal in lieu of on-site provision, the principle drawback is that it 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. Paragraph 63 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 the off site proposal in lieu of on site affordable housing has been robustly justified and as the site does not contain vacant buildings to be reused or redeveloped, the reduction in this provision would not be warranted on this occasion.

In its current form, the proposal makes no provision for on site affordable housing. Moreover, there is no mechanism before the Council to secure such provision. Therefore, 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 proposal. Moreover, a lack of provision would prevent the proposal from helping the district meet its specific affordable housing needs. It would therefore be contrary to Policies BDP6 and BDP8 of the Bromsgrove District Plan which relate to infrastructure provision for new development, including the requirements for affordable housing.

Planning Obligations

In accordance with Paragraph 56 of the NPPF and Section 122 of the CIL regulations, planning obligations would be sought to mitigate the impact of this major development, should the application be recommended for approval. The site exceeds 0.5 hectares (0.64 hectares) and the total floorspace of the new development would exceed 1000 square metres and as such is a major application that would generate S106 contributions. The obligation in this case would cover the following if recommended for approval:-

- 2 No. affordable housing units provided on site
- £52.24 per dwelling towards the provision of wheelie bins for the development
- £26,844 towards free home to school transport for eligible students under 16 years of age.
- £2,760 to secure the funding for Kingfisher PCN or Nightingales PCN to provide additional infrastructure/extension/reconfigure existing premises to improve overall access.
- A S106 Monitoring fee TBC

Conclusion

The proposed development would not be inappropriate in Green Belt terms, as there would be a minor benefit in terms of the openness of the Green Belt due to the reduction of built development on the application site. The Council cannot demonstrate a five year housing land supply and given that the proposal has been found to comply with policy for development within the Green Belt the presumption in favour of sustainable development applies. The provision of housing will make a small contribution to the housing supply

position in the district as well as providing jobs through the construction process in the short term. However, future occupants of the proposal would not have suitable access to local services and facilities and as such would be heavily reliant on a private motor vehicle. This harm is to some degree moderated by the existing employment use of the site that could generate more vehicle trips than the proposal in its own right. Nevertheless, there is still moderate harm associated with this.

It is considered that the 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. Whilst new dwellings in this location would bring some benefits, these would be largely limited and are outweighed by the significant harm caused by virtue of the unsustainable location of the application site. The proposal does not therefore benefit from the Framework's presumption in favour of sustainable development as outline in paragraph 11 of the NPPF, and having regard to the issues outlined above, would represent an unacceptable form of development.

In addition, the proposal would fail to provide on site affordable housing as required by the development plan. This is a significant and demonstrable shortfall of the proposal and as a consequence, would prevent the proposal from helping the district meet its specific affordable housing needs. As such the proposal would not accord with policies in the District Plan and the NPPF and would represent an unacceptable form of development.

RECOMMENDATION: That planning permission be **Refused**

Reasons for Refusal

1. The proposal by reason of its distance from essential services, job opportunities, and the future occupier's reliance upon motor vehicles as a means of transport would result in an unsustainable form of development. The proposal would therefore be contrary to Policies BDP1, BDP2 and BDP16 of the Bromsgrove District Plan and paragraphs 11, 110 and 112 of the National Planning Policy Framework.
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 and BDP8 of the Bromsgrove District Plan and paragraph 63 of the NPPF.

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

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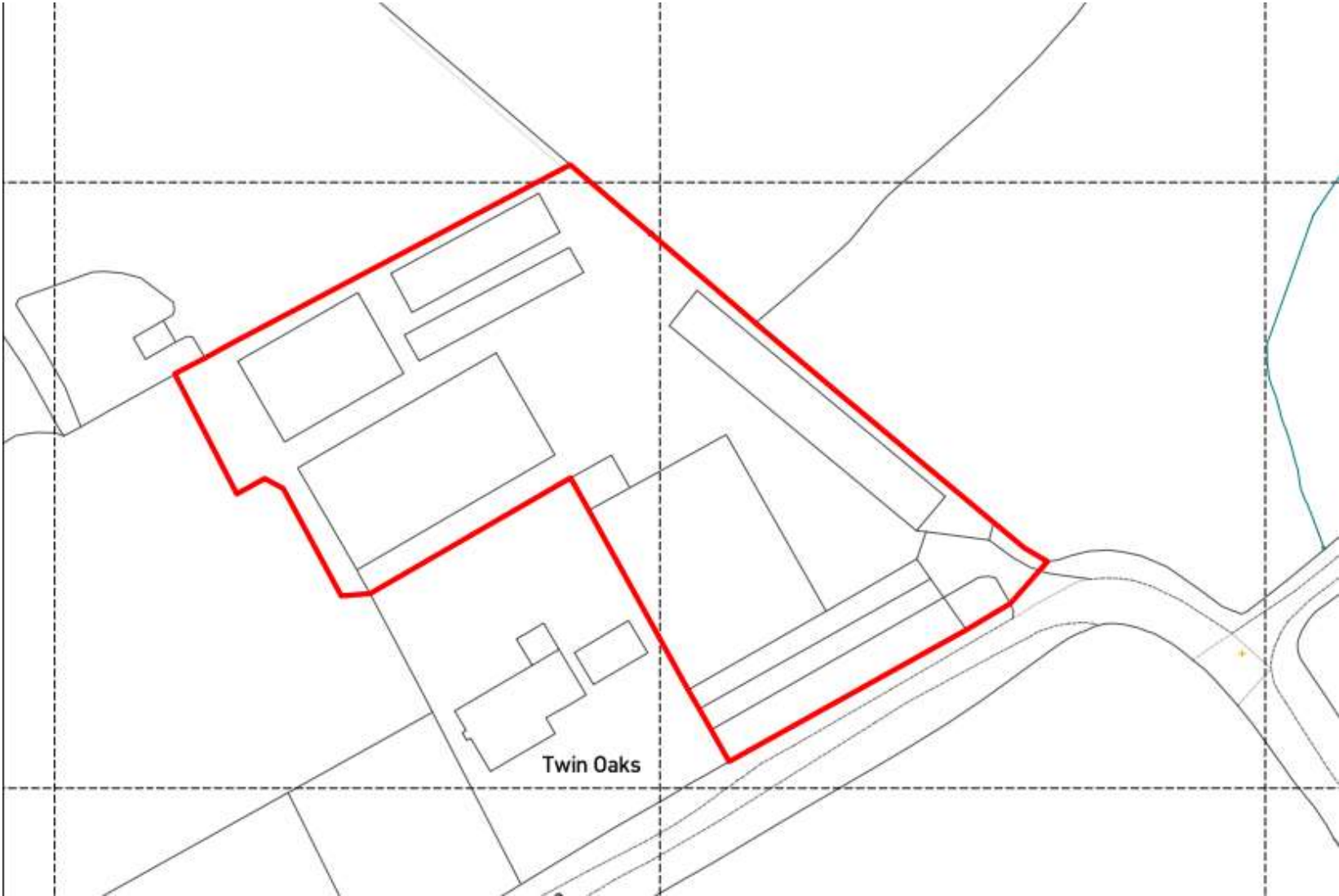
20/01568/FUL

Cur Lane Farm, Cur Lane, Upper Bentley

Redevelopment and change of use to a large portion of an existing mixed use commercial site known as Cur Lane Farm, involving the demolition of existing storage buildings, and the erection of 7 new homes, set out around two new courtyards, accessed from a new roadway ingress off Cur Lane. Two of the existing storage barns will remain to the northern end of the site.

Recommendation: That planning permission be
Refused

Site location plan



Site layout plan



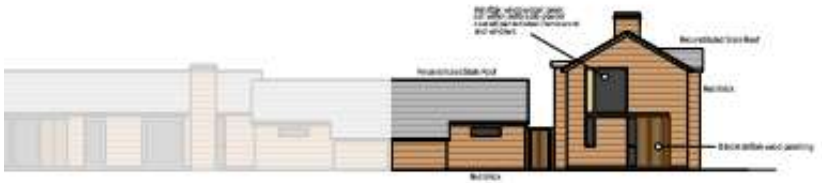
House types



Unit 1 - Looking North



Unit 1 - Looking West



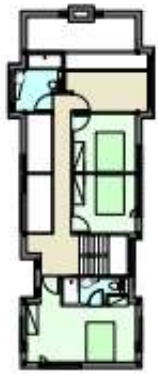
Unit 1 - Looking East



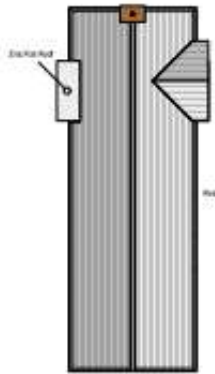
Unit 1 - Looking South



Ground Floor



First Floor



Roof Plan



Unit 1 - Looking South



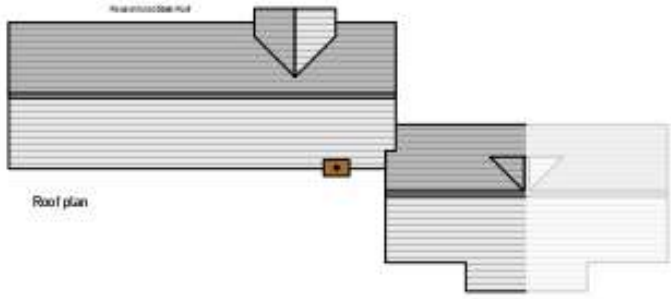
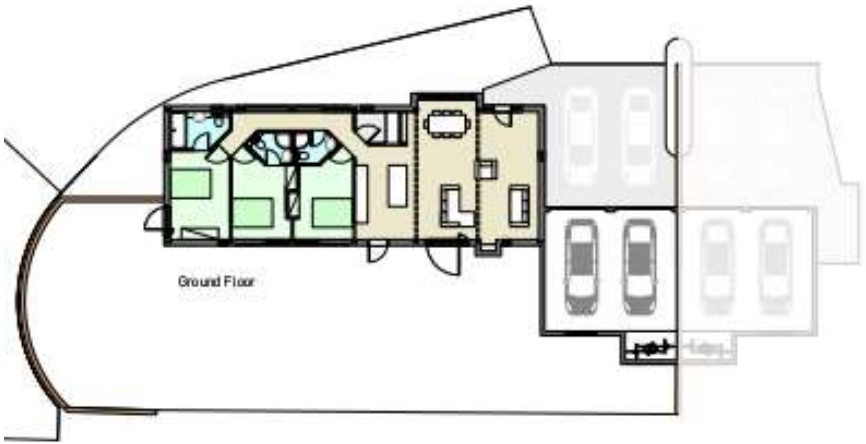
Unit 1 - Section A-A

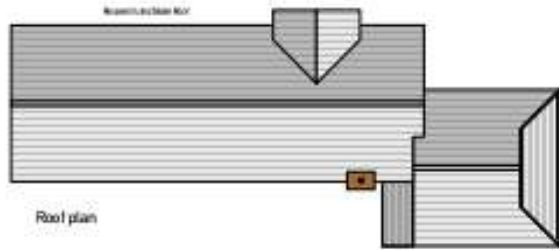
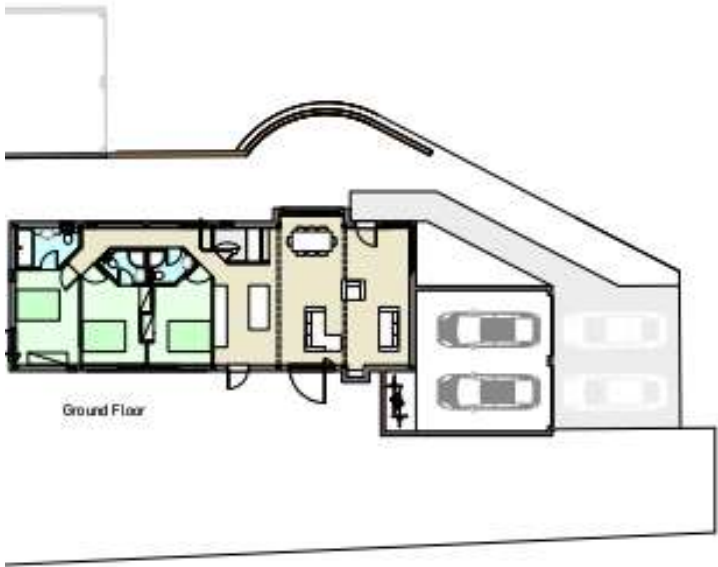


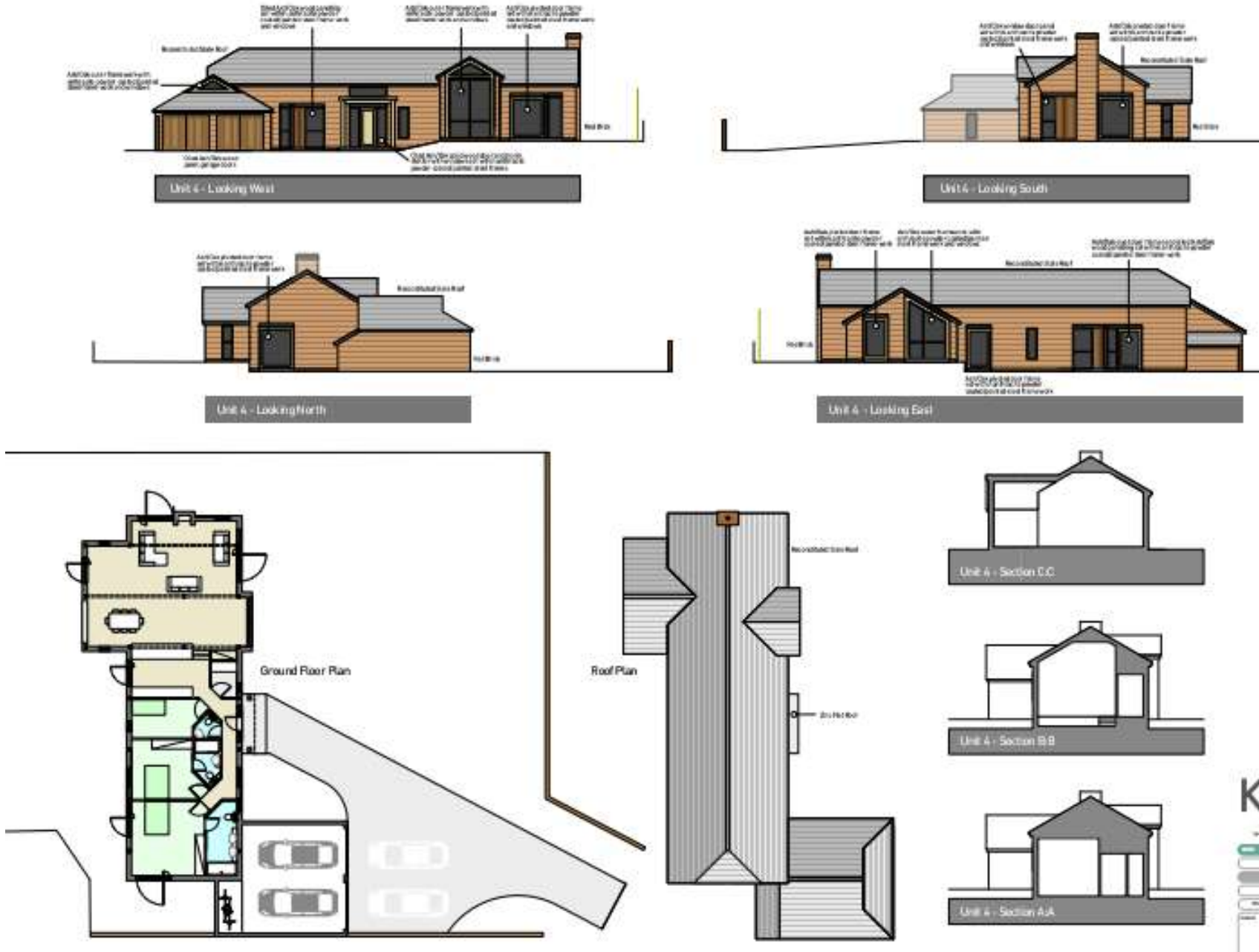
Unit 1 - Section B-B



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Unit 5 - Looking East



Unit 5 - Looking South



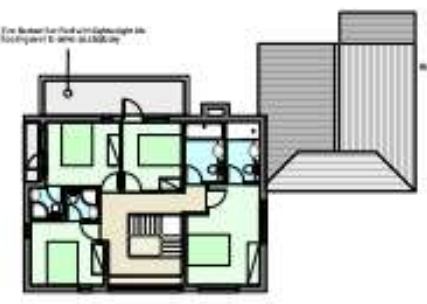
Unit 5 - Looking North



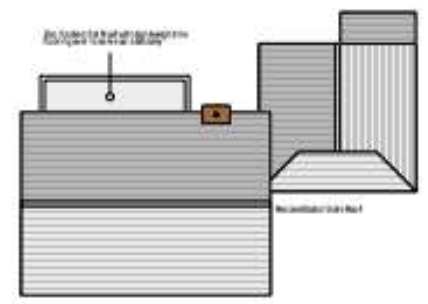
Unit 2 - Looking West



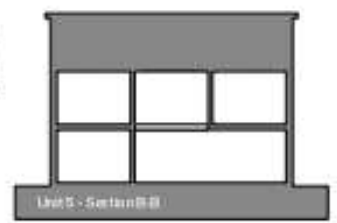
Ground Floor



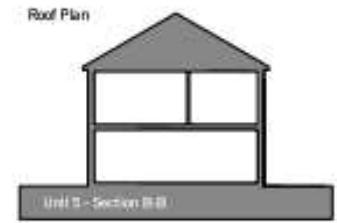
First Floor



Roof Plan



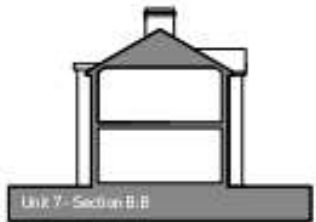
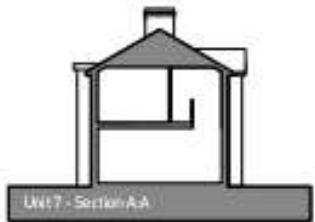
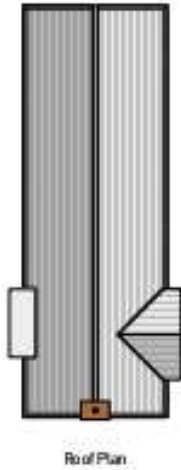
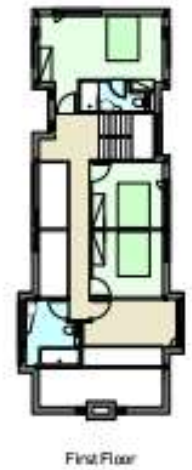
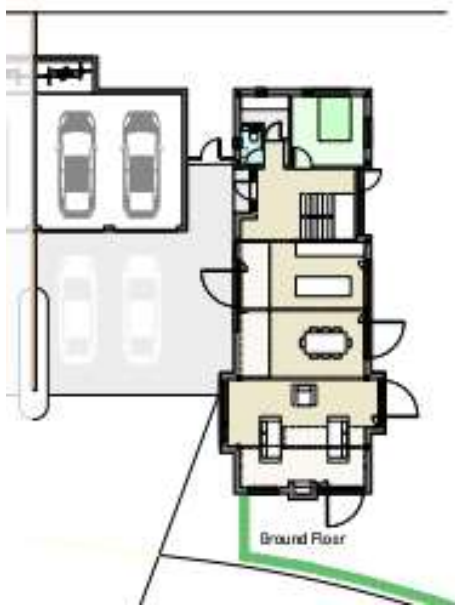
Unit 5 - Section B-B



Unit 2 - Section D-D







Name of Applicant	Proposal	Expiry Date	Plan Ref.
Grace Sadler	Application Reference Number: 21/00778/FUL Date of Decision: 13/10/2021 Condition Number(s): 2, 8 Variation of condition 2 (plans approved) and 8 (wording of Construction Environmental Management Plan) Longbridge East And River Arrow Development Site, Groveley Lane, Cofton Hackett, Worcestershire,	15.03.2022	21/01666/S73

RECOMMENDATION: That planning permission be approved subject to conditions

Consultations

Cofton Hackett Parish Council

These are very minor changes to the application, Cofton Hackett Parish Council has no objections.

Housing Strategy

No objection.

Birmingham City Council

No comments to the proposal.

Highways - Bromsgrove

No objection since the variation of condition No. 2 does not impact on any highway matters.

Birmingham City Council - Highways

No objections.

Environment Agency

We have no comment to make on the variation of conditions No. 2 and No.8 and reiterate our previous comments to the original application (21/00778/FUL). This includes our groundwater monitoring/contaminated land recommendations to which condition no. 13 secures/relates.

North Worcestershire Water Management

No comments to make on this application.

Severn Trent Water Ltd

Would ask that the drainage related condition is imposed.

Waste Management

No objection.

WRS - Contaminated Land

No objection to the condition variations, however I would request that condition 11 to 14 from the previous permission (21/00778/FUL) relating to contamination are maintained in any new decision notices.

WRS - Noise

No objection to the proposed variation of condition 2 and 8 in terms of any noise / nuisance issues. The submitted CEMP appears satisfactory in terms of the proposed working hours and the measures to monitor and mitigate any potential nuisance from noise, vibration and dust emissions. However, in terms of vibration from piling activities, the submitted CEMP states a vibration trigger / action level at the nearest sensitive receptors of 10mm/s PPV. This is a high level of vibration and would result in complaints from nearby residents. Therefore, when piling activities commence the applicant should submit vibration monitoring results for the first day of piling activities for comment / approval.

WRS - Air Quality

No objection to the condition variations, however we would request that conditions 4 and 5 from the previous permission (21/00778/FUL) relating to electric vehicle charging points and secure cycle parking respectively are maintained in any new decision notices.

West Mercia Constabulary

No objection.

Community Safety

No further comment to make.

Public Consultation

Site notice erected 25.01.2022

Press notice 28.01.2022

Neighbour consultation 18.1.22

1 letter of comment received stating no objection.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP3 Future Housing and Employment Development

BDP6 Infrastructure Contributions

BDP7 Housing Mix and Density

BDP12 Sustainable Communities

BDP19 High Quality Design

BDP21 Natural Environment

BDP24 Green Infrastructure

BDP25 Health and Well Being

Others

Longbridge Area Action Plan

Bromsgrove High Quality Design SPD

Lickey and Blackwell and Cofton Hackett Neighbourhood Plan
SPG11 Outdoor Play Space
NPPF National Planning Policy Framework (2021)
NPPG National Planning Practice Guidance
National Design Guide

Relevant Planning History

21/00778/FUL Residential development comprising 109 dwellings together with access, parking, landscaping and associated works
Approved 13 October 2021

Proposal Description

Proposal seeks to vary condition No. 2 (plans approved) and No. 8 (wording for CEMP) of planning approval reference 21/00778/FUL.

Site Description

The site forms part of the former MG Rover Works known as Powertrain. A considerable amount of remediation work has taken place in this area in order to make the site suitable for residential development. Mature and substantial tree planting exists along the western and southern boundaries of the site.

Assessment of Proposal

Members will recall that planning permission was granted in October 2021 for 109 dwellings to be erected on Phase 3 of the East Works site at Longbridge. A copy of the committee report is attached as Appendix A at the end of this report.

This application, made under the provisions of Section 73 of the Town and Country Planning Act 1990, seeks to vary conditions No.s 2 and 8 of planning application 21/00778/FUL.

Variation of condition No. 2

Condition 2 lists the approved plans/ drawings/ documents that the development must be carried out in accordance with. The approved plans show a substation to be provided next to plot 1. It has become apparent through the construction design process that a substation is no longer required and as result, the applicant would like to reconfigure this area of the application site and amend 3 No. 2 bedroom units to 3 No. 3 bedroom units to make efficient use of the site.

Variation of condition No. 8

This variation relates to the wording of condition 8 which currently reads as follows:-

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

- o Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway.*
- o Details of site operative parking areas, material storage areas and the location of site operative's facilities (offices, toilets etc).*
- o The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.*

- o Details of any temporary construction accesses and their reinstatement.*
- o A highway condition survey, timescale for re-inspections, and details of any reinstatement.*

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

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

Since the issue of the decision notice 21/00778/FUL, there has been the submission of a discharge of condition application in October 2021 that relates to condition 8, the relevant CEMP details have been approved and as such the applicant would like the approved document to form part of the revised condition 8 to read as follows:-

“The development hereby approved shall be carried out in accordance with the Construction Management Plan (Ref. St Modwen Homes/Groveley Lane, Longbridge Phase 3, Rev. 4), unless otherwise agreed with the Local Planning Authority.”

The revision to the house types to vary condition No. 2 is considered to be acceptable and the repositioning of the plots enables them to have an equal provision of garden space.

The revision of condition 8 has resulted in a query from WRS – Noise, in respect to piling during construction. At the time of drafting this report, clarification is currently being sought on this matter and an update will be provided on the day of Committee.

In respect to condition No. 8 officers would suggest that the condition reads as follows for clarity:-

The development hereby approved shall be carried out in accordance with the Construction Management Plan (Ref. St Modwen Homes/Groveley Lane, Longbridge Phase 3, Rev. 4), unless otherwise agreed with the Local Planning Authority.

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

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

Members will recall that a planning obligation formed part of the approval of 21/00778/FUL for 109 dwellings. The obligation also refers to any new planning applications that may be granted under Section 73 of the 1990 Act, and that the obligations applied shall be related and bind to all subsequent planning permissions pursuant to Section 73 without the need to enter into a subsequent deed of variation or new agreement under S106 or 106A of the 1990 Act.

RECOMMENDATION: That planning permission be granted subject to the following conditions:-

Conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years from 13 October 2021.

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

- 2) The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings/ Documents listed in this notice:

To be defined.

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

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

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

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

REASON: To encourage sustainable travel and healthy communities.

- 5) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking be provided in accordance with details as shown Site Layout Plan Dwg. (to be defined) within garages and sheds that form part of the plot. The cycle parking shall be kept available for the parking of bicycles only.

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

- 6) The Travel Plan (prepared by Phil Jones Associates) that forms part of this application and required to promote sustainable forms of access to the development will thereafter be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator and thereafter implemented as updated.

REASON: To reduce vehicle movements and promote sustainable access.

- 7) The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plans have been properly consolidated, surfaced, drained and otherwise constructed in accordance with the approved details Dwg. (to be defined) and these areas shall thereafter be retained and kept available for those users at all times.

Reason:- In the interests of highway safety.

- 8) The development hereby approved shall be carried out in accordance with the Construction Management Plan (Ref. St Modwen Homes/Groveley Lane, Longbridge Phase 3, Rev. 4), unless otherwise agreed with the Local Planning Authority.

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

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

- 9) The landscaping details including proposed fencing, screen walls etc. shown on Dwg. No.s (to be defined) shall be implemented within 12 months from the date when any of the building(s) hereby permitted are first occupied or in accordance with a phased implementation plan to be agreed in writing with the Local Planning Authority. Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

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

- 10) All trees to be retained within the development are afforded full protection in accordance with BS5837:2012 throughout any ground or construction works on site.

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

- 11) Unless otherwise agreed by the Local Planning Authority, first occupation must not commence until conditions 1 to 3 have been complied with:
1. The approved remediation scheme must be carried out in accordance with its terms prior to the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.
 2. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
 3. In the event that contamination is found at any time when carrying out the

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

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

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

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

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

- 13) A scheme of groundwater monitoring and any further remediation requirement shall be carried out and undertaken in accordance with the PJA Report; "St. Modwen Developments Ltd. East Works, Longbridge Ongoing Monitoring Strategy" dated October 2019. Document Ref: 03787-OUT-0007, including the following component parts:
1. Physical and Chemical monitoring of the aquifer and reporting of the results shall be undertaken in accordance with the PJA Report; "St. Modwen Developments Ltd. East Works, Longbridge Ongoing Monitoring Strategy", dated October 2019. Document Ref: 03787-OUT-0007.
 2. If monitoring in 1 identifies a deterioration in groundwater or surface water indicators, then further risk assessment will be undertaken in accordance with the PJA Report; "Technical Note; East Works, Longbridge, Remediation Strategy. St. Modwen Developments Ltd. Version: A". Doc Ref: 03787-OUT-0009, Dated October 2019.
 3. If the further assessment of risks in 2 identifies the plume is no longer in a stable condition or if the modelling predicts levels of contaminant migration away from the

Site that may put the identified receptors at significant risk then a 'remediation options appraisal' will be undertaken in accordance with the PJA Report; "Technical Note; East Works, Longbridge, Remediation Strategy. St. Modwen Developments Ltd. Version: A". Doc Ref: 03787-OUT-0009, Dated October 2019.

4. (a) The most effective remediation option developed from 3 shall be agreed in writing with the Local Planning Authority (LPA) in consultation with the Environment Agency. Once agreed a detailed remediation strategy (including a 'verification plan') for this option will be submitted to the LPA for approval, in consultation with the Environment Agency.

(b) Any 'verification plan' shall provide details of the data that will be collected in order to demonstrate that the works set out in (4a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

5. A verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (part 4). The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for any 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, in consultation with the Environment Agency. The scheme shall be implemented as approved.

REASON: To ensure groundwater monitoring and implementation, where necessary, of a remediation strategy to protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).6 of 21

- 14) 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).

- 15) The proposed boundary treatments (except for any required acoustic boundary treatment under condition 16) as indicated on Dwg. No. (to be defined) shall be implemented before the respective dwelling to which it serves is first occupied.

Reason:- In the interests of residential amenities.

- 16) The development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority documentation detailing the proposed implementation of the noise mitigation recommendations of the Hoare Lea Noise Assessment Rev. 4 dated 4.5.21 with respect to glazing, ventilation and acoustic boundary treatment for the proposed residential dwellings. These measures shall be implemented as approved prior to the occupation of the respective dwelling to which they relate and shall be retained in perpetuity.

Reason: In the interests of residential amenities.

- 17) No works or development above foundation level shall take place until a finalised scheme for foul and surface water drainage, along with a maintenance plan for this drainage scheme, has been submitted to, and approved in writing by the Local Planning Authority. This should include the following details :-
- o A for construction drainage plan detailing :-
 - o private connections
 - o All finalised porous paving areas
 - o Relevant underdrains which connect to the main surface water drainage system
 - o Calculations indicating the offsite discharge rate and any flooded volumes indicated.

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.

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

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Name of Applicant

APPENDIX A

Expiry Date

Plan Ref.

N/A	Residential development comprising 109 dwellings together with access, parking, landscaping and associated works	12.08.2021	21/00778/FUL
	Longbridge East And River Arrow Development Site, Groveley Lane, Cofton Hackett, Worcestershire,		

RECOMMENDATION:

- (a) MINDED to **GRANT** full planning permission
- (b) That **DELEGATED POWERS** be granted 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) £5,694.00 as a contribution towards the provision of wheelie bins for the scheme.
 - (ii) £41,262.00 as a contribution towards the extension of New Road Surgery, Rubery and/or Cornhill Surgery, Rubery.
 - (iii) £21,203.00 as a contribution to be paid to the Worcestershire Acute Hospitals NHS Trust (WAHT) to be used to provide services needed by the occupants of the new homes and the community at large.
 - (iv) The securing of 10% provision (11 units) of on-site affordable housing.
 - (v) £33,572.00 Cofton Park - contribution towards improvements to access, signage and security and outdoor fitness equipment including additional maintenance costs.
 - (vi) £67,144.00 Lickey Hills Country Park - contribution to be applied towards the refurbishment of the toposcope (the folly) and car park at Beacon Hill also general refurbishment of paths and improvements to accessibility inclusive of additional maintenance costs to other key areas such as Warren Lane, Upper Car Park and Visitor Centre car park.
 - (vii) £27,468.00 Cofton Hackett open space enhancements - general access improvements and refurbishment works to the existing allotment gardens and refurbishment of the local play area off Chestnut Drive, improvements to the car park at Lickey Road, and incidental enhancements including benches and planters in and around Cofton Hackett.
 - (viii) 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

Cofton Hackett Parish Council

Members of Cofton Hackett Parish Council have viewed the revised scheme and are pleased to see a much more sympathetic design and particularly the removal of the 5-storey apartment block. Accordingly, we currently have no objections to this application.

Birmingham City Council

Request a contribution towards enhancing existing open space areas at the Lickey Hills and Cofton Park.

Highways - Bromsgrove Consulted 18.05.2021

No objections and recommend conditions.

Birmingham City Council - Highways

No objections to this latest layout and recommend an advisory in respect to Section 278 of the Highways Act 1980.

Housing Strategy

If the Council is satisfied with the viability report then there is little we can do about reduction to 10%. Concern that the units are placed in the same locality.

Education Department at Worcestershire

An education contribution was paid under S106 agreement dated 1st November 2012 which included dwellings proposed on this development. No further mitigation or S106 contribution is therefore required.

Node – Urban Design

The scheme has been amended considerably since the previous version which had a large apartment building fronting onto Groveley Road. This element has now been removed and replaced with more traditional lower density housing with the scheme providing 109 units. The central road running east / west has been given a central alignment and is more in keeping with the original outline consent and will help the legibility of the scheme. The layout is generally in perimeter blocks with the back gardens enclosed within the perimeter of the blocks.

A pedestrian/ cycle link is provided north/ south adjacent to a private drive which does improve connectivity over the original scheme which did not have a connection at this point and its width and overlooking of houses helps with visual security.

The scheme now has removed the small pocket park which would have provided an amenity space for the apartments and for small children. It is assumed that play space requirements are being provided off site as no amenity space is now provided on site?

With regard to the storey height plan, there is a logic to have higher elements around the square in the centre of the site and to terminate vistas. However, it would have made more sense to have three storey elements at key corners and fronting onto Groveley Road on the western edge of the site as well to create a greater sense of enclosure to Groveley Lane and to signify the importance of the corners.

It is good to see more parking is now placed between properties so reduce visual impact but a number of large runs or parking still dominate in a number of locations.

North Worcestershire Water Management

The details submitted as part of this application with respect to drainage and flood risk are acceptable. Recommend drainage condition.

Severn Trent Water Ltd

No Comments submitted.

NHS/Medical Infrastructure Consultations

The proposed development is likely to have an impact on the services of 2 GP practices. The GP practices do 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. Redditch & Bromsgrove CCG would therefore expect these impacts to be fully assessed and mitigated.

A Healthcare Impact Assessment (HIA) has been prepared by Redditch & Bromsgrove CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the existing GP practices that do not have capacity to accommodate the additional growth resulting from the proposed development. The primary healthcare services directly impacted by the proposed development are Cornhill Surgery and New Road Surgery.

NHS Acute Hospitals Worcestershire

Request a contribution to enable the Trust to provide services needed by the occupants of the new homes and the community at large.

Sports And Leisure Services Manager

There is limited open space within the proposed development. However, development is reasonably close to Cofton Park. This Park is managed and maintained by Birmingham City Council and provides the opportunity for community cohesion for new residents and within the wider development of Longbridge and includes multiple play, open space and sports facilities to offer. We would recommend an offsite contribution for Play/Sport and POS to enhance these existing assets.

Waste Management

Proposal acceptable from a waste collection perspective.

Arboricultural Officer

The main area of the site contains no vegetation or trees stock only a limited amount of generally young and insignificant trees line some sections of the perimeter of the with the adjoining railway to the east and road network to the north and west. The plans show an intention to retain some of the existing trees. The development would not create any conflict with the trees shown for retention. No objection to the proposed development in view of any tree or landscaping issues.

Cadent Gas Ltd

Recommend an informative.

Environment Agency

The previous use of the proposed development site and adjacent land as motor works presents a high risk of contamination that could be mobilised during construction to further pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer and is linked to a nearby surface water course.

Recommend conditions requiring an ongoing monitoring programme and further assessment, remediation and verification if monitoring shows this to be necessary.

WRS - Contaminated Land

The site was previously part of the MG Rover engine manufacture and aluminium casting site. There have been several stages of remediation at the site, all reports relating to which appear to have been approved. The development platform is now ready for construction to begin. However, there are some outstanding remedial requirements that will need to be undertaken. Recommend a tiered investigation condition.

WRS - Noise

Recommend a condition to ensure the recommendations of the noise assessment relating to glazing, ventilation and acoustic boundary fencing, detailed in Section 8, should be implemented. No objection to the application in terms of noise adversely impacting future residents.

WRS - Air Quality

No objections, recommend conditions.

West Mercia Constabulary

No objection to this application.

Community Safety

Recommend that the developer considers application for Secured by Design Gold or Silver Award in respect of the development; and carefully consider potential security concerns in respect to build phase security, external lighting, gates, doors and windows.

Network Rail

Comments awaited.

CPRE

A minimum of 700 dwellings should be provided across the site, with a density of 40-50 dwellings per ha (dph). The proposal would provide a shortfall in the overall total required for the East Works site. Concern about the limited affordable housing provision proposed for the site. Reference to the layout of the scheme and house types.

Public Consultation

Site notice erected 25.05.2021

Press notice 28.05.2021

Neighbour consultation 21.5.21

3 written responses submitted:-

1 objection letter

No additional infrastructure is in place for these extra residents e.g school places, GPs, police, shops, bus routes.

1 representation

Request traffic calming. Traffic speeds are a concern at junction of Lowhill Lane and Groveley Lane. With more families and children moving to the area it is important to consider this as an urgent safety concern.

1 letter of support

This is a much better plan which will be in-keeping with the rest of the housing on the Longbridge East site. Only concern is that there is only 10% affordable housing to be provided.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP3 Future Housing and Employment Development

BDP6 Infrastructure Contributions

BDP7 Housing Mix and Density

BDP12 Sustainable Communities

BDP19 High Quality Design

BDP21 Natural Environment

BDP24 Green Infrastructure

BDP25 Health and Well Being

Others

Longbridge Area Action Plan

Bromsgrove High Quality Design SPD

Blackwell and Lickey and Cotton Hackett Neighbourhood Plan

SPG11 Outdoor Play Space

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

National Design Guide

Relevant Planning History

19/01396/ADV 5no. flags on poles

Approved 29 January 2020

19/01395/FUL Full planning application for a temporary sales area, including sales cabin and associated car parking, together with advertisement consent for the display of 5 flags on poles

Approved 29 January 2020

19/01153/REM Application for the approval of Reserved Matters (appearance, landscaping, layout and scale) pursuant to outline permission ref. 16/1085 for residential development consisting of 150 dwellings together with access, parking, landscaping and associated works.

Withdrawn 13 January 2021.

19/01152/FUL Full planning permission for residential development consisting of 18 dwellings (phase 3a) together with access, parking, landscaping and associated works.
Withdrawn 13 January 2021.

16/1087 Erection of 185 dwellings, including details of access, landscaping and open space, drainage and other associated infrastructure.
Land off East Works Drive, Cofton Hackett
Approved 27 July 2017

16/1085 Hybrid application: Outline Planning Permission for 150 dwellings with some matters reserved for future consideration (appearance, landscaping, layout and scale)
Full Planning Permission for a Community Facility including details of access and associated car parking, landscaping, drainage and other associated infrastructure.
Approved 27 July 2017

15/0819 Erection of 41 dwellings, landscaping and associated development infrastructure.
Approved 9 Feb 2016

14/0239 Deletion of condition 27 attached to 11/0750 in respect of timing for delivery and nature of off-site highway works to Groveley Lane.
Approved 08.04.2015.

12/0160 Re-profiling and re-modelling of site levels, deculverting of part of the River Arrow and associated infrastructure including construction access
Approved 23 April 2012.

11/0882 Re-profiling and re-modelling of site levels, deculverting of part of the River Arrow and associated infrastructure including construction access.
Approved 12 Nov 2012.

11/0750 Erection of 229 residential dwellings, neighbourhood park, children's play area, associated landscaping and access works (full application).
Approved 2 Nov 2012.

11/0748 Mixed use development comprising residential (C3) and/or residential institution (C2), community use building (D1), public open space, de-culverting of part River Arrow, site re-profiling, access, parking, landscaping and associated development infrastructure (outline).
Withdrawn.

B/2008/0529 Mixed use development comprising residential (C3) including houses and apartments, residential institutions (C2) including sheltered elderly care, retail (A1, A2, A3, and A5) and non residential institutions (D1) including library and community centre with a neighbourhood centre, parking service and highway infrastructure open space including new public park, enhancement works to river arrow, recreation facilities, public transport routes, footpaths, cycleways, landscaping, service infrastructure, highway

access and infrastructure, drainage flood storage areas, public art and street furniture (outline).

B/2008/0333 Site Re-modelling, re-profiling and alterations to River Arrow and culverts: Approved 18.03.09.

Proposal Description

The application is phase 3 of the overall redevelopment of Longbridge East. This scheme provides 109 units and comprises of the following mix of development:-

98 Open market housing units

11 No. 2 bed dwellings

44 No. 3 bed dwellings

43 No. 4 bed dwellings

11 Affordable housing units (7 Social Rent and 4 Shared Ownership)

4 No. 2 bed maisonettes

2 No. 1 bed maisonettes

2 No. 2 bed dwellings

3 No. 3 bed dwellings equating to 10% affordable housing.

The proposed layout shows the majority of the housing to be served off East Works Drive with two access points. Two vehicular access points off Groveley Lane are also proposed to serve 11 units.

The site is currently set at a lower level to the west of the site adjacent to Groveley Lane. However, it is intended that levels will be increased to enable plots 8 -15 to be closer to street level, providing much improved pedestrian access from the site to Groveley Lane

The units are a mix of 2 and 3 storey and would be in a variety of designs, materials / colours to add interest to the streetscene. Some plots have single garag

Site Description

The site forms part of the former MG Rover Works known as Powertrain. A considerable amount of remediation work has taken place in this area in order to make the site suitable for residential development. Mature and substantial tree planting exists along the western and southern boundaries of the site.

Assessment of Proposal

Principle

Members may recall that outline planning permission was granted for 150 dwellings on this area of land under a hybrid application ref: 16/1085. Condition 4 was imposed on the hybrid application which restricted the reserved matters application to a total number of no less than 145 dwellings and no more than 150 dwellings.

Members will also recall that a reserved matters application (19/01153/REM) and a full application for residential development (19/01152/FUL) were considered and deferred at Planning Committee in September 2020.

Concerns raised by Members related to potential overshadowing from the proposed 5 storey apartment building, and whilst Members were aware of the Council's 5 year housing land supply, concerns about the size and location of the proposed 5 storey apartment building needed to be reconsidered by the applicant. Other concerns related to the introduction of a through road within the scheme, onto Groveley Lane to the north, and the potential for a "rat-run" into the wider Longbridge East scheme. Objections to the scheme referred to the apartment building as well as the access arrangements. Members resolved to defer the applications to enable officers to negotiate improvements to the schemes.

Although the applicant made changes to the two applications, they considered it more appropriate to withdraw the applications completely taking into account local resident and Member views and reconsider the whole scheme.

This application is a revision of the whole site and shows the omission of the apartment building, the omission of the no through road, and a reduction in the total number of dwellings proposed for the site.

The key changes to this application are as follows:-

- 109 units proposed, some with single garages.
- There is no large scale apartment building proposed, the scheme provides traditional housing of 2 – 3 storeys.
- There is no longer a vehicular access that runs through the scheme. However, cycle and pedestrian access (active travel route) is still provided in order to maintain connectivity between the scheme and other phases of the East Works development.
- A wider pedestrian/cycle access is proposed off Groveley Lane. This provides a much improved pedestrian/cycle access from the site to Groveley Lane and the public transport network. This link is highly visible and will be viewed from the proposed crossroads that forms part of the overall layout.
- Due to the proposed increase in site levels, the dwellings fronting Groveley Lane will provide an improved streetscene to the area.

Members will be aware that under the outline application reference 16/1085, the site is designated for housing in the Longbridge Area Action Plan (LAAP) which is part of the Development Plan for Bromsgrove District and specifically applies to the Longbridge area. The LAAP is a shared document with Birmingham City Council and is the starting point for decisions and any development in this area should be determined in accordance with this plan unless material considerations indicate otherwise.

Proposal H2 of the LAAP applies and requires a minimum of 700 dwellings to be provided on the East Works site providing a mix of sizes, types and tenures. Members will recall that when considering the outline aspect of the hybrid application it was accepted that the minimum requirement of 700 units would not be achieved overall in this location based on

the numbers currently developed and approved and a shortfall of 95 dwellings was anticipated.

East Works site

Phase 1 scheme	= 229 dwellings	(already built)
Phase 2a scheme	= 41 dwellings	(already built)
Phase 2b scheme	= 185 dwellings	(under construction)
Phase 3 scheme	= 109 dwellings	(this application)

Proposed total = 564 dwellings (shortfall 136 dwellings)

The two previous withdrawn schemes (19/01152/FUL and 19/01153/REM) would have provided a total of 168 dwellings resulting in an overall shortfall of 77 dwellings for the East Works site. However, 57 units were proposed within the 5 storey apartment building of the reserved matters application which ultimately increased the density of the scheme to 54dph. Members will recall the extent of objection to the 5 storey apartment building and as such this aspect of the development has now been omitted from the current scheme, however, this does have an impact on the total number of dwellings for the East Works site and ultimately the overall shortfall. The current application will result in a shortfall of 136 dwellings. It is noted that the overall shortfall is more than that considered under the outline application 16/1085 (a difference of 41 units between the outline application and the current scheme).

Proposal H2 requires an overall density of 40 - 50 dwellings per hectare to be achieved. The aspiration was that the northern part of the East Works site be developed at a higher density enabling the southern part of the site to be developed at a lower density, where the impact of development would be greater adjacent to rural surroundings. The density of the outline scheme at the time of consideration was based on 52 dwellings per hectare (dph). The current proposal would provide a density of 34 dph. Whilst this would be lower than that required under Proposal H2 it would still be comparable with the previous approved phases.

Phase 1 = 30- 45 dph
Phase 2a = 30-40 dph
Phase 2b = 30-40 dph

The LAAP requires a minimum target of 1450 dwellings in Longbridge overall this also includes the provision of housing required in the Birmingham administration area. At the time of the outline scheme, Officers at Birmingham City Council confirmed that permissions granted for housing in the LAAP would be in excess of 1450 dwellings, and that whilst there would be a shortfall on the East Works site, the overall delivery of housing in Longbridge would be expected to be more than the 1450 originally envisaged in the LAAP. Birmingham City Council have not expressed any objection to the proposed number of dwellings in this application and an update on the LAAP figures in Birmingham is anticipated.

Although the scheme provides less housing than that anticipated in the outline approval, the scheme addresses the main concerns raised as a result of the withdrawn schemes. In addition to providing adequate off street car parking provision, and ensuring the scheme complies with spacing requirements, the scheme is of a density closer to the previous

phases and the surrounding area, resulting in an improved development for this area of Cofton Hackett. The dwellings fronting Groveley Lane at street level further enhances the development overall.

Proposal H2 of the LAAP requires 35% of dwellings to be affordable. The scheme provides 10% affordable housing totalling 11 units, comprising 2 No. 1 bed and 4 No. 2 bed maisonettes, and 2 No. 2 and 3 No. 3 bed dwellings. The design of these properties are similar to those within the scheme. The affordable housing in this application would be located together towards the north east of the site.

The provision of affordable housing in this application is lower than that required under Proposal H2 of the LAAP. Affordable housing provision sought under Proposal H2 of the LAAP is more than what would generally be sought under policy BDP8 of the Bromsgrove District Plan (BDP) (30% on a brownfield site). However, 10% affordable housing is proposed for this scheme and a Viability Statement has been submitted to justify the reduced provision of affordable housing. Strategic Housing note that there is a Viability Statement in respect to the reduced provision of affordable housing and accept the findings should the Council's Viability Advisor consider it to be satisfactory. Strategic Housing refer to the positioning of the units, however, the positions of the units concerned are similar to those that were indicated on the withdrawn applications.

Policy BDP2 of the Bromsgrove District Plan encourages the delivery of housing on previously developed land. This site was formerly part of the MG Rover Works; therefore, redevelopment of this site for housing would comply with this policy.

Policy BDP1 of the District Plan encourages sustainable development with emphasis on accessibility of public transport options, compatibility with adjoining uses, visual amenity, quality of natural environment, and economic benefits for the District. The site is close to good public transport links and is within an area that is currently being regenerated to create improved local facilities / job opportunities as well as enhancing / creating new open space facilities. It is considered that the scheme would comply with this policy, as well as core planning principles set out in the NPPF.

In respect to the Blackwell and Lickey Hills and Cofton Hackett Neighbourhood Plan, the Plan acknowledges the anticipated number of units proposed to be built on the East Works site. Policy BD2 of the Neighbourhood Plan encourages new development to respond sympathetically to the settlement concerned. New development should respond positively to its setting through detailing, appropriate use of materials, scale, height and massing. Schemes should demonstrate how they enhance and add visual interest to the local area. This proposal would be in scale and in keeping with the surrounding development and would not have an adverse impact on local residential amenity and as such would comply with policies BD2 and H1 of the Neighbourhood Plan.

The overall scheme accords with paragraph 50 of the NPPF that encourages a wide choice of high quality homes, wider opportunities for home ownership and create sustainable, inclusive and mixed communities. The principle of residential development would comply with the NPPF, the LAAP, District Plan, Neighbourhood Plan and is acceptable.

Layout and Scale

The layout comprises of a combination of 2 and 3 storey dwellings. House types have dual aspect particularly those located on corner locations in order to enhance the streetscene. Following on from concerns raised under the previous withdrawn applications, it is considered that the overall scheme addresses concerns raised by residents as well as Members. The provision of dwellings fronting Groveley Lane at street level enables the properties to form part of the streetscene and enables valuable pedestrian/cycle links

Given that the site is adjacent to the railway line, an acoustic condition is recommended to reduce any potential noise for plots close to the railway line.

The layout generally complies with the spacing requirements set out in the Bromsgrove District Council High Quality Design SPD.

Urban designer comments

The Urban Designer notes that the scheme has been amended considerably since the withdrawn applications which included a large apartment building fronting onto Groveley Road. This element has now been removed and replaced with more traditional lower density housing with the scheme providing 109 units. The central road running east / west has been given a central alignment and is more in keeping with the original outline consent and will help the legibility of the scheme.

A pedestrian/ cycle link is provided north/ south adjacent to a private drive which does improve connectivity over the original scheme which did not have a connection at this point and its width and overlooking of houses helps with visual security.

With regard to the storey height plan, the higher elements around the square in the centre of the site are logically positioned and will serve to terminate vistas.

Highways and access

Members will recall that the withdrawn applications showed a vehicular access flowing between the two schemes. This was encouraged to provide improved connectivity overall. Following on from concerns raised by local residents and Members, the vehicular link has now been omitted from the current scheme, but cycle and pedestrian access (active travel route) is still maintained. In addition, improved pedestrian access is now proposed at Groveley Lane which enhances connectivity within the site.

A Transport Assessment has been submitted to support the current scheme. During the consultation process, County Highways have requested technical amendments to the layout of the scheme but note that the current application would have less housing than that approved under the outline permission, and will generate fewer trips in both the AM and PM peak periods, when compared to the outline permission. Subsequently, this will result in a lower impact on the highway network than the previous permission. The Highway Authority has undertaken a robust assessment of the planning application and the submitted documents and raises no objection to the proposal subject to conditions. Part of the site will rely on vehicular access from the administration area of Birmingham City Council. Birmingham Highways raise no objection to the scheme.

Whilst access arrangements for the East Works site overall have been designed and built with the anticipation that 700 units and communal facilities would be served off East Works Drive, given that there is likely to be an overall shortfall of 136 units on site means that the access arrangements for the scheme would not be at capacity. Given the access arrangements show 11 units to be served off Groveley Lane would further reduce vehicular traffic using East Works Drive.

The general redevelopment of the Longbridge area has enabled investment in sustainable travel with contributions going towards Centro Park and Ride and improvements to Longbridge Railway Station. Improved facilities in public transport are giving new occupiers more choice, and less reliance on their own car. In addition, wider strategic highway improvements have also been part of the Longbridge redevelopment works such as traffic lights at the junction of Lowhill Lane and Lickey Road as well as other improvements to the A38. Adequate accessibility and connectivity would be provided in this scheme and it is considered that the access arrangements are acceptable providing a sustainable development.

A comment has been made to the scheme regarding Groveley Lane and the request for road junction improvements and traffic calming measures around Cofton Park. However, highway improvements have been carried out in the local vicinity as a result of a financial contribution paid under Phase 1. Worcestershire Highways are not seeking any further contributions as result of these subsequent phases. In addition, as part of County Highways comments, Collision data was obtained within the vicinity of the site from Transport for West Midlands (TfWM). This data covered the most recent five-year period (01/03/2016-28/02/2021). Only three incidents were recorded between this period, two of which were classified as 'slight' with the remaining accident identified as a 'fatal' collision. It should be noted that the fatal collision was a result of the driver being impaired by alcohol. Therefore, following a review of the data, the Highway Authority are satisfied that this does not constitute a serious safety issue and that none of the above accidents were seen to occur due to highway design and/or safety issues.

Noise and contaminated land

No objections and recommend conditions.

Neighbour Comments

Compared to the withdrawn schemes the number of objections are minimal for the current scheme. Comments relate to road safety, and also density of housing which are addressed above. There is also a letter of support for the current scheme. The number of comments submitted overall from local residents does reflect some level of contentment to the current scheme given that the apartment building that provided 57 units has now been omitted and a more traditional housing scheme has been applied instead.

Open Space

A provision of open space is required for the scale of the development. Members will be aware that under the Phase 1 scheme, on site open space has been provided (Arrow Park). Members will be aware under the Phase 2b application (ref 17/1087) two areas of onsite open space facilities have been provided and comply with Proposal OS.6 of the LAAP and suitably link in with the existing Arrow Park to provide a quality landscaped area suitable for formal and informal recreational use, complying with Proposal OS4b of the LAAP.

However, taking into consideration the total number of units proposed for the East Works site and the existing and proposed provision of onsite open space, there would still be a shortfall of open space facilities, and no on site provision is proposed under this phase. Therefore, a financial contribution to enhance an existing open space facility nearby would be a way of addressing this shortfall. Due to the scale of the development the provision of open space is necessary to make the development acceptable, and is directly and reasonably related in scale and kind to the development.

It is accepted that the site is very close to Cofton Park and as such would be the most obvious site for open space enhancements. Bromsgrove Leisure Services have been consulted on this application and refer to the possibility of enhancing Cofton Park as it is adjacent to the site, but officers note that this falls within the administration area of Birmingham and as such would be guided by what Birmingham Leisure Services would recommend. Officers consider that a contribution to provide a new facility/enhance existing facilities at Cofton Park would address the shortfall of open space and would be in accordance with BDP25 of the BDP which encourages the enhancing of existing sport, recreational and amenity assets and acknowledges that existing facilities be enhanced if it is impractical to provide open space typologies on site. The LAAP refers to improvements to Lickey Hills as well as Cofton Park. Given that the Lickey Hills are located within Bromsgrove's administration area and is near to the proposed site it is considered appropriate to enhance this 'amenity asset' too.

It is intended that a contribution will be used to enhance the following:-

- Cofton Park - improvements to access, signage and security and outdoor fitness equipment including additional maintenance costs.
- Lickey Hills Country Park - contribution towards refurbishment of the toposcope (the folly) and car park at Beacon Hill also general refurbishment of paths and improvements to accessibility inclusive of additional maintenance costs to other key areas especially: Warren Lane, Upper Car Park and Visitor Centre car park.

Members will be aware that the Lickey Hills and Cofton Park are managed by Birmingham City Council (BCC). It is envisaged that whilst a S106 Agreement will be drafted in respect to this application. A separate 'Agreement' is proposed to be drafted between BDC and BCC such as a Service Level Agreement or Conditions of Grant Aid Agreement. This would be a legal agreement between the two authorities to ensure BCC be reimbursed once work has taken place on the ground. BCC could provide BDC with a copy of reports that include a cost breakdown showing expenditure and funding sources.

Cofton Hackett Enhancements

As there would be a shortfall of open space for the overall scheme, a financial contribution will be sought to provide enhancements to communal facilities in the local area such as improvements to the local allotments and refurbishment of the play area off Chestnut Drive. Improvements to the local car park at Lickey Road as well as incidental works such as planters and benches / cycle signage in and around Cofton Hackett would be included in this contribution. This would be in accordance with policy BDP25 of the BDP which encourages enhancements to existing recreational and amenity assets. As mentioned above, due to the scale of the development the provision of open space is

necessary to make the development acceptable, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

Planning Obligations

Due to the scale of the development a legal agreement would be required to cover the following matters:-

As mentioned above, a financial contribution will be sought to cover open space enhancements in Cofton Park and Lickey Hills. A financial contribution will also be sought to cover enhancements to Cofton Hackett area.

Under the Worcestershire County's Waste Strategy, a financial contribution will be sought to cover the provision of wheelie bins for each unit.

The site lies within the practice areas of two Worcestershire GP surgeries (Cornhill Surgery, Rubery, and New Road Surgery, Rubery). They are fully utilising all of their clinical rooms and would therefore have no capacity to provide services to the cumulative number of residents that will move into the houses planned to be built in their practice area. Therefore, a financial contribution will be sought to enable the extension of one/both surgeries concerned.

Worcestershire Acute Hospitals NHS Trust has requested a contribution to enable the body to provide services needed by the occupants of the new homes and the community at large. The Trust has made representations in relation to this application. It is considered that the request made by WAHT is compliant with guidance in the NPPG, the three tests in Regulation 122 of Community Infrastructure Levy Regulations and paragraph 56 of the NPPF (2019).

Affordable Housing Provision. To ensure that 11 units (7 social rent and 4 shared ownership) are provided on site and retained as such in perpetuity.

Section 106 monitoring fee, as of 1 September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met.

Viability Statement

The applicant has submitted a Viability Statement in respect to this application. The Statement makes reference to the District Plan and Policy BDP8 Affordable Housing where it states that 30% affordable housing on brownfield sites is sought after, but a lower amount of affordable can be accepted in certain circumstances if the applicant can demonstrate that a 30% target cannot be achieved. Proposal H2 of the LAAP requires 35% of affordable housing as mentioned above. However, the Viability Statement refers to Part D of the LAAP - Delivery and Implementation. The challenges of delivery of the LAAP proposals across the Longbridge area raise obvious issues in terms of site remediation, demolition and new infrastructure requirements, which are well documented in the LAAP and have meant that the viability of the proposals have been a feature of many of the planning applications at Longbridge.

Reference is made in the Statement that the withdrawn reserved matters application and full application would have been policy compliant of affordable housing of 35% along with

other planning contributions. Changing the scheme to a lower density of traditional housing in response to the debate on the previous applications has had a significant impact on the density achievable and viability of the scheme. As such a policy compliant level of affordable housing and planning contributions can no longer be provided at the lower density.

The Statement makes reference to the hybrid application which included full permission of the community centre as well as the outline approval for upto 150 dwellings. Reference is made to the fact that the community centre of the hybrid application has been fully implemented on site and that the mix of development in the current scheme is more focused towards the delivery of traditional housing, at a lower density, rather than apartments. In addition, the following works would still be required to be provided on site to enable the development: -

- Abnormal foundations to each of the dwellings and the garages proposed on site.
- Ground Works and Earth Works – there will need to be a significant ‘cut and fill’ works to the current ground across the site, and fill material will be required to be imported to the site. There will also need to be a piling mat and clean cover membrane to each of the rear gardens to the properties.
- Drainage – there will be a requirement for over-sized drainage due to the fill material being imported for clean cover.
- Externals (Extra-Over Costs) – there will be a requirement for permeable paving to all drives (which is an extra over cost).
- Retaining Structures – there will be works required to an existing retaining structure to Groveley Lane and the associated footpath, along with a Gabion retaining wall along the railway boundary. There will also be a requirement for retaining walls throughout the remainder of the site.
- Abnormal Superstructure Requirements – there will be a requirement for ‘over build’ to the foundations of each dwelling, along with the requirement for acoustic windows for dwellings along the railway line.
- Services – Existing services will be required to be diverted and a substation will also be required on site.
- Landscaping – a noise impact fence and landscaping area will be required, along with a slope and buffer zone being required near to the tunnels under Groveley Lane.
- Specification – the proposals also include for Electric Vehicle Charging Points (EVCPs) to all of the market dwellings, and sheds to all dwellings without garages along with other specification upgrades.

In respect to assessing the level of developers’ return on a development, the Planning Practice Guidance promotes the use of ‘standardised inputs’ to viability assessment, and suggests levels of developer’s return ranging from 15% to 20% for market housing, and a lower level of return for affordable housing, as appropriate appraisal benchmarks.

In respect to development costs, the following has been taken into account:-

- The land value,
- Professional fees,
- Stamp duty,

- Construction costs for the current scheme including contingency,
- Site costs to date including Section 278 (highway) works
- Village hall/community centre costs
- Abnormal costs and fees (as mentioned above), and contingency on abnormal costs.

The findings set out in the Viability Statement states that the developer's return for risk (i.e. profit) of +10.09% is produced for the revised scheme where 10% affordable housing and no other planning obligations are provided. This indicates that the scheme with 10% affordable housing produces a profit below the target level of developer's return that we would anticipate of 20% on the market housing and 6% on the affordable housing (which generates a blended profit return of approximately 19.5%. Hence, there is no surplus for Section 106 contributions and no further scope to provide affordable housing in addition to the 10% assumed in the appraisal.

The Council's Viability Advisor has considered the findings of the Viability Statement and acknowledges that a significant amount of costs have been incurred in connection with the site to date given the demolition of the existing buildings and some of the remediation works required to be undertaken.

There has also been a range of Section 278 works that have already been undertaken by the applicant to facilitate the development of the site, the adjacent community centre and adjacent phases of residential development. Whilst these costs have been incurred they benefit other sites and a pro rata figure has been applied on a land area basis. The Council's Viability Advisor has applied a slightly higher sales value for some of the housetypes.

The investment in the site to date and abnormal costs have been fully substantiated with detailed breakdowns of quantities and costs, relevant supporting information and site surveys. Whilst the assessment is very subjective and whilst it is clear that the applicant has invested significantly in promoting and bringing the site forward for redevelopment, some works would be required in order to use the site for other purposes. The community centre was delivered as part of the wider Longbridge East development in accordance with the hybrid permission. Accordingly, the output of the Council's appraisal on the basis of 10% affordable housing and with the inclusion of Section 106 contributions totalling £196,343 provides a profit of 19.35%. The Council's Viability Advisor considers this to be broadly consistent with market expectations for a development of this nature having regard to the overall complexity and risk in bringing the site forward.

To conclude, the Council's Viability Advisor is of the opinion that the provision of 10% on-site affordable housing on the basis of the unit types and tenure mix, and total Section 106 contributions of £196,343 is considered appropriate.

Following on from the dialogue between the Viability Advisors, the applicant is agreeable to the Heads of Terms and a Section 106 Agreement is in the process of being drafted.

Conclusion

The principle of residential development is acceptable. The means of access to the site enables improved connectivity for this area of the East Works site. The proposal would not conflict with the Proposals set out in the LAAP, and complies with policies in the

adopted Bromsgrove District Plan and guidance set out in the Council's High Quality Design SPD. The principle of residential development would also be compliant with the NPPF.

RECOMMENDATION:

- (a) MINDED to GRANT full planning permission
- (b) That DELEGATED POWERS be granted 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) £5,694.00 as a contribution towards the provision of wheelie bins for the scheme.
 - (ii) £41,262.00 as a contribution towards the extension of New Road Surgery, Rubery and/or Cornhill Surgery, Rubery.
 - (iii) £21,203.00 as a contribution to be paid to the Worcestershire Acute Hospitals NHS Trust (WAHT) to be used to provide services needed by the occupants of the new homes and the community at large.
 - (iv) The securing of 10% provision (11 units) of on-site affordable housing.
 - (v) £33,572.00 Cofton Park - contribution towards improvements to access, signage and security and outdoor fitness equipment including additional maintenance costs.
 - (vi) £67,144.00 Lickey Hills Country Park - contribution to be applied towards the refurbishment of the toposcope (the folly) and car park at Beacon Hill also general refurbishment of paths and improvements to accessibility inclusive of additional maintenance costs to other key areas such as Warren Lane, Upper Car Park and Visitor Centre car park.
 - (vii) £27,468.00 Cofton Hackett open space enhancements - general access improvements and refurbishment works to the existing allotment gardens and refurbishment of the local play area off Chestnut Drive, improvements to the car park at Lickey Road, and incidental enhancements including benches and planters in and around Cofton Hackett.
 - (viii) 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 must be begun not later than the expiration of three years beginning with the date of this permission.

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

- 2) The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings/ Documents listed in this notice: (to be finalised).

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

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

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

- 4) The Development hereby permitted shall not be first occupied until each dwelling have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance. REASON: To encourage sustainable travel and healthy communities.

- 5) Secure cycle parking shall be provided in garages and sheds in rear gardens in accordance with the Site Layout Plan (ref. 21010_P101 B) and shall be kept available for the parking of bicycles only.

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

- 6) 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 Worcestershire County Councils Travel plan co-ordinator and thereafter implemented as updated.

REASON: To reduce vehicle movements and promote sustainable access.

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

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

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

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

- 8) The landscaping details including proposed fencing, screen walls etc. shown on Dwg. No.s (to be finalised) shall be implemented within 12 months from the date when any of the building(s) hereby permitted are first occupied or in accordance with a phased implementation plan to be agreed in writing with the Local Planning Authority. Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

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

- 9) All trees to be retained within the development are afforded full protection in accordance with BS5837:2012 throughout any ground or construction works on site.

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

- 10) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 5 have been complied with:
1. A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
 2. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.
 3. Where the site investigation identified remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

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

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

REASON

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

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

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

Reason

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

- 12) A scheme of groundwater monitoring and any further remediation requirement shall be carried out and undertaken in accordance with the PJA Report; "St. Modwen Developments Ltd. East Works, Longbridge Ongoing Monitoring Strategy" dated October 2019. Document Ref: 03787-OUT-0007, including the following component parts:

1. Physical and Chemical monitoring of the aquifer and reporting of the results shall be undertaken in accordance with the PJA Report; "St. Modwen

Developments Ltd. East Works, Longbridge Ongoing Monitoring Strategy”, dated October 2019. Document Ref: 03787-OUT-0007.

2. If monitoring in 1 identifies a deterioration in groundwater or surface water indicators, then further risk assessment will be undertaken in accordance with the PJA Report; “Technical Note; East Works, Longbridge, Remediation Strategy. St. Modwen Developments Ltd. Version: A”. Doc Ref: 03787-OUT-0009, Dated October 2019.

3. If the further assessment of risks in 2 identifies the plume is no longer in a stable condition or if the modelling predicts levels of contaminant migration away from the Site that may put the identified receptors at significant risk then a ‘remediation options appraisal’ will be undertaken in accordance with the PJA Report; “Technical Note; East Works, Longbridge, Remediation Strategy. St. Modwen Developments Ltd. Version: A”. Doc Ref: 03787-OUT-0009, Dated October 2019.

4. (a) The most effective remediation option developed from 3 shall be agreed in writing with the Local Planning Authority (LPA) in consultation with the Environment Agency. Once agreed a detailed remediation strategy (including a ‘verification plan’) for this option will be submitted to the LPA for approval, in consultation with the Environment Agency.

(b) Any ‘verification plan’ shall provide details of the data that will be collected in order to demonstrate that the works set out in (4a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

5. A verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (part 4). The report shall include results of any sampling and monitoring. It shall also include any plan (a “long-term monitoring and maintenance plan”) for any 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, in consultation with the Environment Agency. The scheme shall be implemented as approved.

REASON: To ensure groundwater monitoring and implementation, where necessary, of a remediation strategy to protect ground and surface waters (‘controlled waters’ as defined under the Water Resources Act 1991).

- 13) 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).

- 14) The proposed acoustic fencing as indicated on Dwg. No. (to be finalised) to be provided on plots (to be finalised) shall be implemented before any of these plots are first brought into use and retained as such in perpetuity.

Reason: In the interests of residential amenities.

- 15) The development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority documentation detailing the proposed implementation of the noise mitigation recommendations of the Hoare Lea Noise Assessment R2 (dated 31/10/2016) with respect to glazing and ventilation for the proposed residential dwellings. These measures shall be implemented as approved.

Reason: In the interests of residential amenities.

- 16) No works or development above foundation level shall take place until a finalised scheme for foul and surface water drainage, along with a maintenance plan for this drainage scheme, has been submitted to, and approved in writing by the Local Planning Authority. This should include the following details :-
- o A for construction drainage plan detailing :-
 - o private connections
 - o All finalised porous paving areas
 - o Relevant underdrains which connect to the main surface water drainage system
 - o Calculations indicating the offsite discharge rate and any flooded volumes indicated.

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.

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

21/01666/S73

Longbridge East And River Arrow Development Site,
Groveley Lane, Cofton Hackett

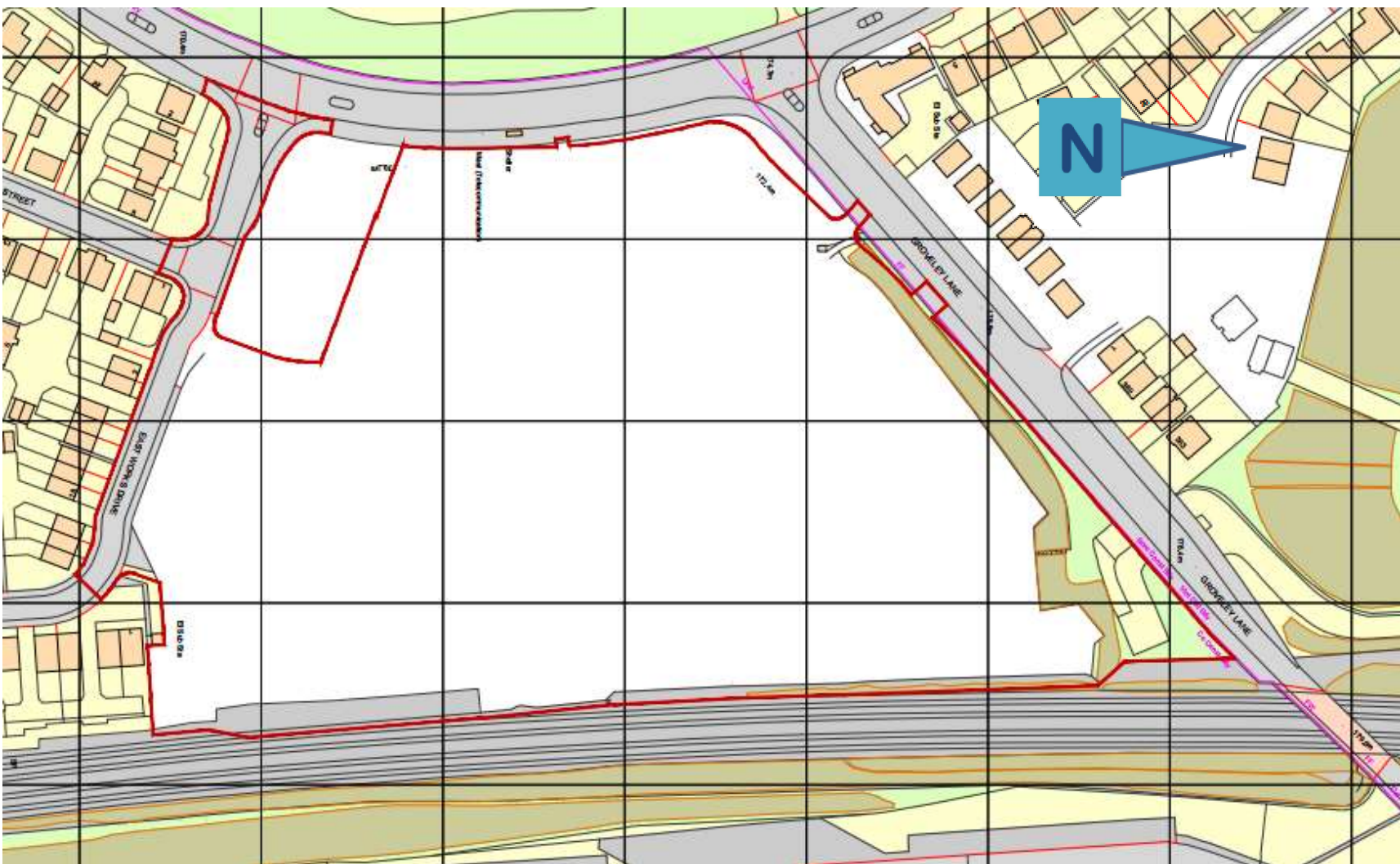
App Ref: No. 21/00778/FUL

Date of Decision: 13/10/2021

Variation of condition 2 (plans approved) and 8
(wording of Construction Environmental Management
Plan)

Recommendation: GRANT planning permission
subject to conditions

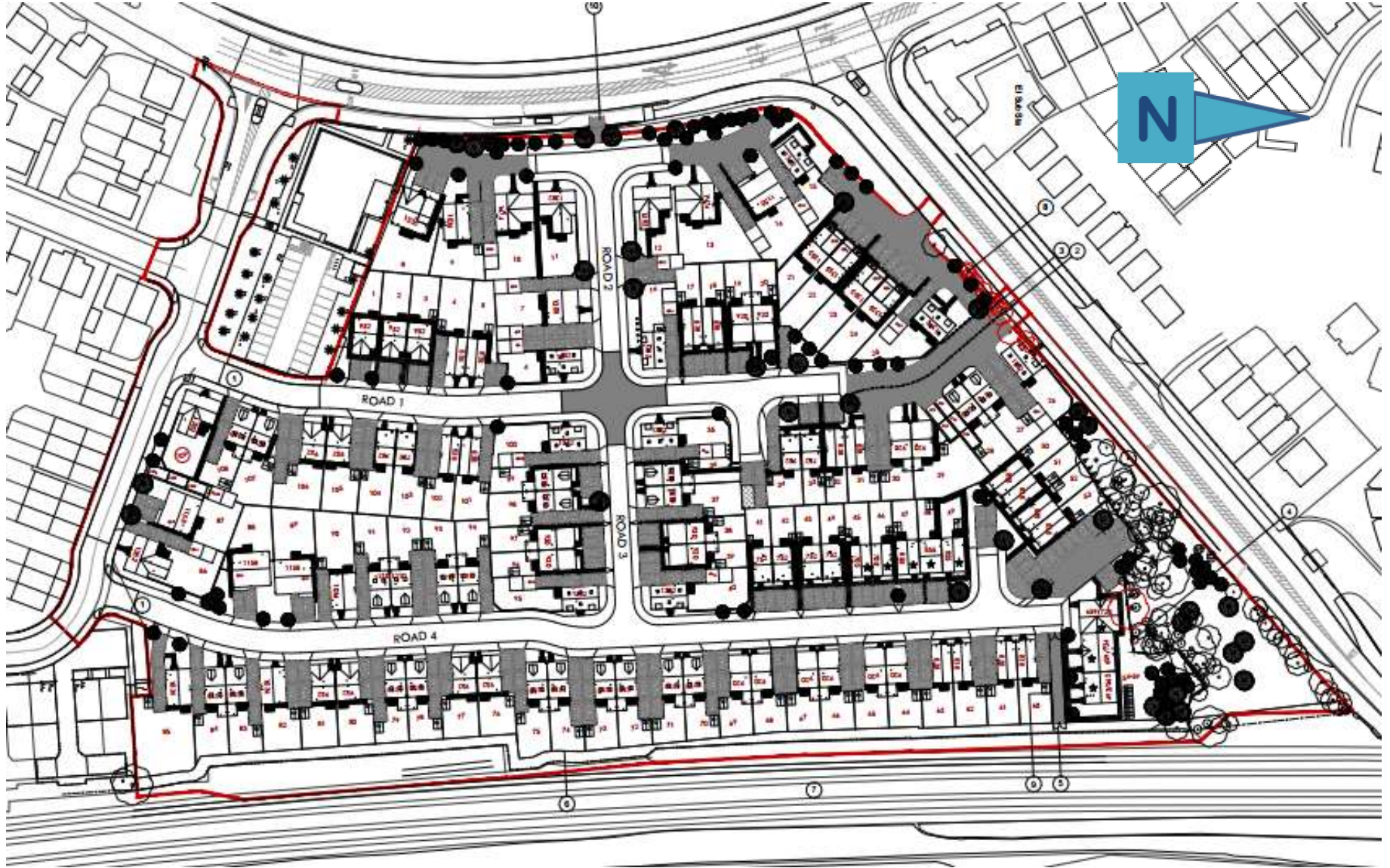
Site location plan



21/00778/FUL Site layout plan



21/01666/S73 Site layout plan



Direct comparison of plots 1-3



Approved layout



Proposed Section 73 layout

Approved housetype for plots 1-3 (Ref 21/00778/FUL)

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FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION

SIDE ELEVATION



GROUND FLOOR
GIA - 274sq. ft. (34.27sqm)



FIRST FLOOR
GIA - 274sq. ft. (34.27sqm)
TOTAL = 548 sq. ft.

PROJECT NO	SCALE	DATE	NO. OF FLOORS
21010	1:100	APRIL 2021	2
CLIENT NO	CLIENT NAME	CLIENT TYPE	CLIENT ADDRESS
F200	ARMSTRONG BURTON ARCHITECTS	RESIDENTIAL	100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200
CLIENT	CLIENT NAME	CLIENT TYPE	CLIENT ADDRESS
A	ARMSTRONG BURTON ARCHITECTS	RESIDENTIAL	100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200

CLIENT: ST MODWEN HOMES
PROJECT: LONGBRIDGE EAST, PHASE 3
BRIEFING: 2020
DRAWING NO: F200
DATE: APRIL 2021
SCALE: 1:100
NO. OF FLOORS: 2
CLIENT ADDRESS: 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200



Agenda Item 7

S73 Housetype for plots 1-3



FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION

SIDE ELEVATION



GROUND FLOOR
GIA - 476sq. ft / 44.29m²



FIRST FLOOR
GIA - 476sq. ft / 44.29m²
TOTAL = 952sq. ft.



REV	DATE	DESCRIPTION	ISSUED BY	CHECKED BY
		PROJECT NO: 21010	SCALE:	DATE:
		DRAWING NO: P201	SCALE: 1/50	DATE: 11/20/2021
		REVISION:	APP: JAL	CHK: JAL

ST. MODWEN HOMES
 PROJECT:
 LONGBRIDGE EASE, PHASE 3
 BROWSGROVE.
 DRAWING TITLE:
 S121 HOUSE TYPE,
 5 BED
ARMSTRONGBURTONARCHITECTS
 11, BUCKINGHAM SQUARE, LONDON, W1M 0BB
 TEL: 020 7318 2000 WWW.ARMSTRONGBURTONARCHITECTS.CO.UK

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr B Das	First floor side extension to provide en-suite bathroom and single storey side extension to provide ground floor utility area 10 Monument Lane, Lickey, Birmingham, Worcestershire, B45 9QQ	22.10.2021	21/01354/FUL

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

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Worcestershire Highways

No objection

Lickey And Blackwell Parish Council

Lickey and Blackwell Parish Council have no objection to this application

Publicity

2 letters sent 13.10.21 (expire 6.11.21)

No response received

Councillor Deeming

I would like the Committee to look at this with a more sympathetic view, especially on Mr Daz's medical condition

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2021)

Bromsgrove High Quality Design SPD

Lickey and Blackwell and Cofton Hackett Neighbourhood Plan

Relevant Planning History

17/00833/FUL	To extend the Ground Floor to provide a Utility Room to the existing Kitchen and extend above this and the existing Ground Floor W.C. to provide a First Floor En-Suite to the existing Master	Refused	08.09.2017
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	Bedroom		
17/0043	To extend the Ground Floor to provide a Utility Room to the existing Kitchen and extend above this and the existing Ground Floor W.C. to provide a First Floor En-Suite and Dressing Area to the existing Master Bedroom.	Withdrawn	15.02.2017
16/0024	Replacement 'verandah' at the rear of the property.	Approved	09.03.2016
B/2008/0096	Erection of two storey extension to side of existing dwelling to include accommodation for elderly relative.	Approved	03.04.2008
B/2004/0355	Extension.	Refused	14.05.2004
01/00035/COL	The erection of a detached garage.	Approved	26.09.2001
B/2001/0512	Two storey side extension, 10 Monument Lane, Rednal.	Approved	07.06.2001

Assessment of Proposal

1. Site Description

1.1 The property is a substantial detached dwelling, located in the Green Belt. The site is well enclosed by mature boundary vegetation and is situated well back from the road, being on the north-eastern side of Monument Lane. The site appears level from the road frontage, however it slopes down towards the rear of the plot in more of a substantive manner. This allows for basement access below the rear conservatory and raised decking.

1.2 Monument Lane itself is elevated and commands views over the Lickey Hill towards the conurbation.

2. Proposal

2.1 The application comprises two elements:

- a single storey side extension with a pitched, hipped roof, in the same position as a current area of raised decking to provide a utility area off the kitchen breakfast area.
- a first floor side extension, again with a pitched hipped roof, above an existing ground floor shower room/cloakroom. This proposes an-ensuite shower room for what will become the master bedroom.

3. Relevant Planning History

3.1 This application follows refusal by Planning Committee in September 2017 of a previous application, 17/00833/FUL for a similar development, comprising a ground floor utility and first floor en-suite. The current scheme differs principally in that the utility room layout is at 90 degrees to that of the previous application. However, the scale remains broadly the same.

4. Principle of Development

4.1 Policy is not supportive of residential development in the Green Belt unless it amounts to proportionate additions to existing dwellings and does not impact significantly on the openness of the Green Belt. Furthermore, extensions should respect the character and appearance of the host building, its surroundings, and not impinge on the residential amenities enjoyed by occupiers of existing nearby development.

4.2 Indeed, in terms of Green Belt principles, the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan, which was made as part of the Development Plan in 2020 recognises at Paragraph 6.16 that 'Green Belt is one of the strongest forms of protection against inappropriate development in UK planning'.

5. Green Belt

5.1 A key point to consider is whether the proposal represents inappropriate development in the Green Belt. Paragraph 137 of the National Planning Policy Framework makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, those being openness and permanence. Paragraph 147 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances. New buildings are to be regarded as inappropriate development, subject to the express exceptions outlined in Paragraph 149.

5.2 One such exception is the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building. Policy BDP4 of the Bromsgrove Local Plan further clarifies this point under criterion (c) that support is given to extensions to existing dwellings up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140m² (original dwelling plus extensions), provided that the scale of development has no adverse impact on the openness of the Green Belt. Extensions which exceed 40% are considered disproportionate. Disproportionate additions in the Green Belt represent inappropriate development, and inappropriate development is, by definition, considered harmful to the openness of the Green Belt.

5.3 In this instance, the proposal would be contrary to Policy BDP4 of the Bromsgrove District Plan, as it is calculated that the original floor area is 219 square metres, previous extensions amount to 229.5 square metres and the current proposals comprise an additional 19 square metres, so the cumulative floor space would amount to 248.5 square metres, representing a 113.5% increase, over and above the original floorspace. This represents inappropriate development in the Green Belt and causes significant harm to the openness of the Green Belt. (These figures take into account the detached triple garage constructed in 2008 which is within 5 metres of the dwelling).

5.4 In addition to whether the scale proposed is appropriate, impact on the visual openness of the Green Belt is a further material consideration, as stated in Policy BDP4.4 of the Local Plan, which adds the proviso that even if an extension does not exceed the 40% maximum allowance that assessment should be made as to whether the scale would have an adverse impact on openness.

5.5 In this case, there are concerns about the impact on visual openness of the Green Belt, particularly in relation to the first floor en-suite extension, which would create additional physical massing, and would impact on the existing open 'skyline'.

6. Very Special Circumstances

6.1 The 2021 NPPF states at Paragraph 148 that "'very special circumstances' (VSC's) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

6.2 In this instance, as per the previously-refused 2017 scheme, the applicant has put forward the same VSC, comprising personal circumstances relating to a medical requirement for the extensions proposed.

6.3 A confidential letter from the applicant's GP, dated October 2020 has been submitted, and is made available to all Committee Members. It is noted that there is no reference in this recent correspondence to the applicant's symptoms having worsened since the last application in 2017. The GP references the addition of a bathroom as being of assistance going forward. No mention is made with regard to the need for a utility room.

6.4 Whilst mindful of, and sympathetic to the personal circumstances and medical condition of the applicant, individual personal circumstances should not outweigh the harm by way of inappropriateness, particularly in this instance.

6.5 Furthermore, given that a very similar application for a utility space of the same scale (but in a slightly different position), plus an identical en-suite to the current proposal was refused by Planning Committee in 2017 (Reference 17/00833/FUL), it is not considered that planning policy has changed materially since the previous refusal, and therefore I am still unable to support these proposals, for the reasons set out above.

6.6 Members will also appreciate that the previous extension, under Reference B/2008/0096 which approved the current size of the building (including an annex), evidenced an internal layout inclusive of an en-suite in the main bedroom area, which is now shown on the Existing Floor Plans as having been implemented since the previous refusal in 2017. In addition, I note that the existing bed-sitting room approved in 2008 as a 'Granny Flat' although shown as a single room on the submitted plans, appears large enough to comfortably house a double, or even a king-sized bed, with the en-suite remaining as it is. Furthermore, I consider that the existing ground floor kitchen area could be adapted to provide a separate utility space at ground level, without the need for further extensions.

6.7 As regards Permitted Development Rights, it is noted that there is no realistic 'fall-back' position in this instance, as the currently proposed extensions relate to a part of the

dwelling which has already undergone a sizeable two storey side extension. The proposed first floor en-suite would not be Permitted Development (PD), as two storey side extensions are not allowable under PD rules. Furthermore, Permitted Development Rights would only enable a single storey extension to the side of a dwelling if it did not exceed half the width of the original dwelling, and in this case, previous extensions already exceed this limit, so there is no fall-back.

6.8 Furthermore, in terms of recent Case Law, it is noted that Inspectors have not generally accepted personal circumstances alone as sufficient justification to outweigh Green Belt harm. And in this instance, no additional VSC's have been put forward as part of this application.

6.9 In addition the extension would be a permanent development, which would endure beyond the current applicant's occupation of the dwelling, unlike a temporary building for instance, which could be suitably controlled once the need ceases.

6.10 In conclusion, it is not considered that sufficient VSC's, by way of significant evidence of personal medical needs have been demonstrated, to outweigh the substantial weight given to the harm arising by reason of inappropriateness.

7. Character and Appearance/ Impact on the Street Scene

7.1 It is noted that the property is in a large plot and set well back from the road, and that the existing detached garage would partially screen the extensions from public view. Therefore it is considered that there would not be a significant detrimental impact on the street scene.

7.2 However, there are concerns in terms of character and appearance. Whilst it is noted that the proposed extensions may in their own right accord with current design guidance in terms of employing matching materials, having similar architectural details, and being subordinate in height and footprint to the host dwelling, the cumulative extent of the previously-approved extensions coupled with the currently-proposed additions would be harmful and would become visually dominant over the host dwelling. This consequently does not contribute positively to the character of the property or location and is therefore contrary to Policy BDP1 and BDP19 of the adopted Local Plan. Furthermore it does not comply with the guidance in the Bromsgrove High Quality Design SPD.

7.3 In addition, the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan encourages high quality design as one of its key principles. Policy BD2 sets out Building Guidelines under BD2, point 6 which states that 'new development should respond positively to its setting and where possible include references to the local context through detailing, appropriate use of materials, scale, height and massing.' It is considered that due to the scale, height and massing, that the proposals do not accord with Policy BD2 of the Neighbourhood Plan.

8. Amenity

8.1 Given the context of the site and the location of the extensions there would be no significant impact to occupiers of neighbouring houses by way of overlooking or loss of

amenity and therefore this is considered acceptable in this instance. No objections have been received from neighbours or other interested parties.

9. Highways

9.1 Access to the site is currently gained via Monument Lane. There would be no change to this as a result of the proposed application.

9.2 No direct impact on existing parking or access is assessed, since the proposed extension is set within the existing amenity space. Given that the proposals comprise additional utility space and bathroom facilities there are no parking implications in terms of additional bed spaces.

9.3 No objections have been received from County Highways Officers.

10. Conclusion

10.1 The proposal would result in a disproportionate addition which represents inappropriate development in the Green Belt. In this instance the VSC circumstances put forward and the lack of harm to residential amenity clearly do not outweigh the significant harm to the openness of the Green Belt this proposal would cause. No new or substantive evidence has been put forward to demonstrate that personal circumstances have changed sufficiently since the decision made by Members in 2017 to outweigh current Green Belt policies. Members will note that there has been no fundamental change to planning policy since this decision (with particular emphasis on Green Belt policy set out in the 2021 version of the NPPF). Members are assessing this application on the same Development Plan as the 2017 proposals given the Bromsgrove District Plan was adopted on 25 January 2017.

10.2 The resulting cumulative impact of the proposed extensions would visually overwhelm the original /host dwelling and do not positively contribute to the character of the property or in fact the location.

RECOMMENDATION: That planning permission be **REFUSED**

- 1) The extension represents a disproportionate addition in the Green Belt. Disproportionate additions represent 'inappropriate development in the Green Belt' and 'inappropriate development' is by definition fundamentally harmful to the openness of the Green Belt. Whilst there is no perceived harm to residential amenity, the personal circumstances as outlined by the applicant do not amount to very special circumstances sufficient enough to overcome the harm of the development to the openness of the Green Belt. The proposal is therefore considered contrary to Policy BDP4 of the Bromsgrove District Plan 2011-2030, Section 6 Natural Environment of the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan 2020 and the advice and guidance contained in the NPPF (Paragraphs 147 - 149).
- 2) The resulting cumulative impact of the extensions now visually overwhelm the original/host dwelling and do not positively contribute to the character of the dwelling or in fact the location and therefore the proposal is considered contrary to

Plan reference

Policies BDP1 and BDP19 of the Bromsgrove District Plan 2011-2030, the guidance contained in the Bromsgrove High Quality Design SPD and Policy BD2 of the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan 2020.

Case Officer: Jane Fray Tel: 01527 881263
Email: jane.fray@bromsgroveandredditch.gov.uk

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21/01354/FUL

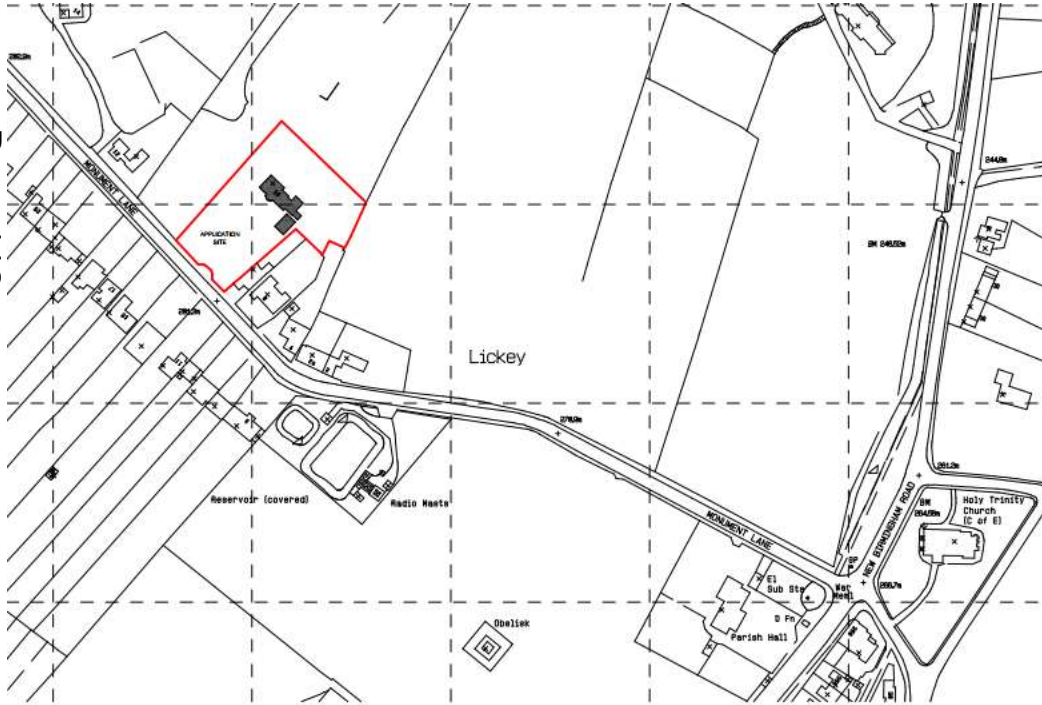
10 Monument Lane, Lickey, Worcestershire,
B45 9QQ

First Floor Side Extension to Provide En-suite
Bathroom and Single Storey Side Extension to
Provide Ground Floor Utility Area

Recommendation: **Refuse** Planning Permission

Location Plan and Aerial View

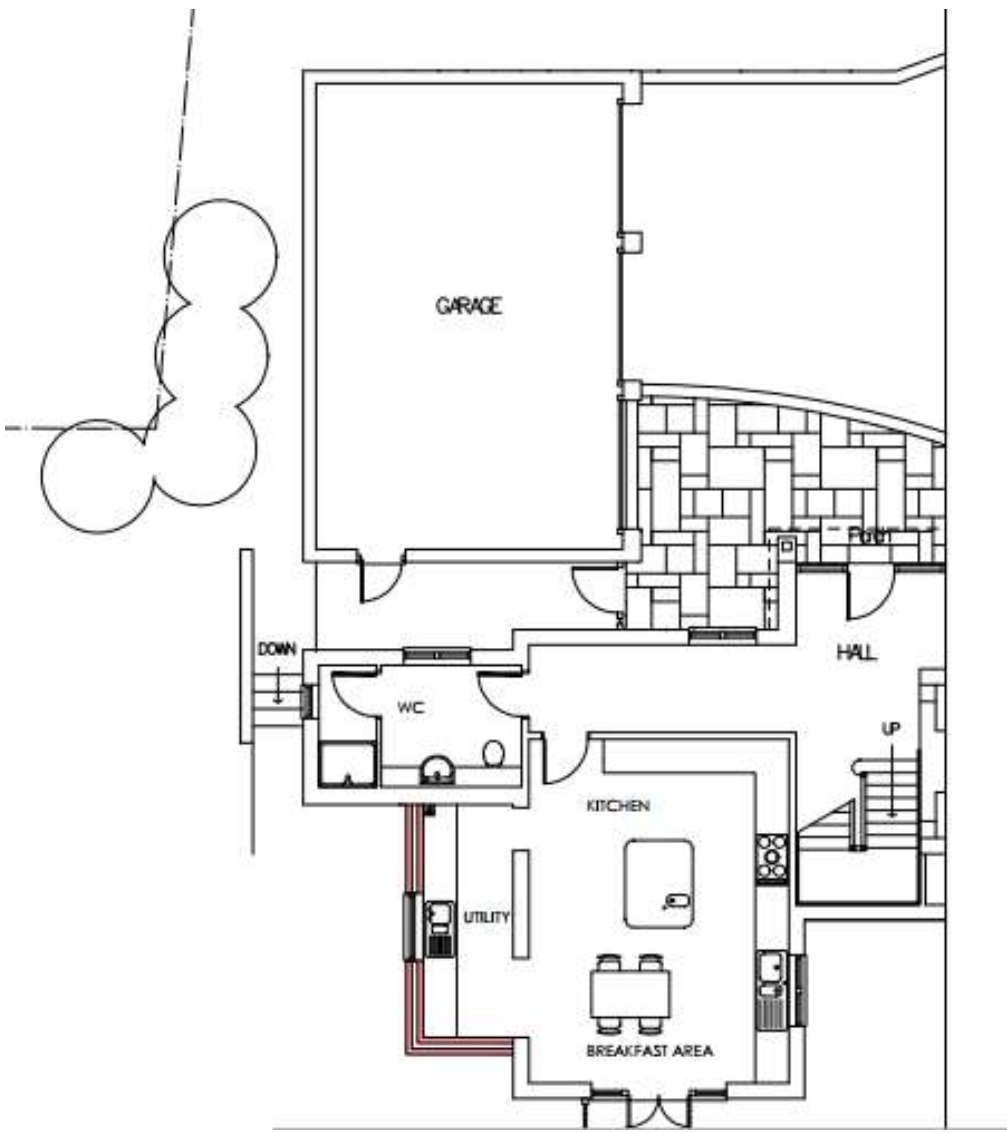
Page 112



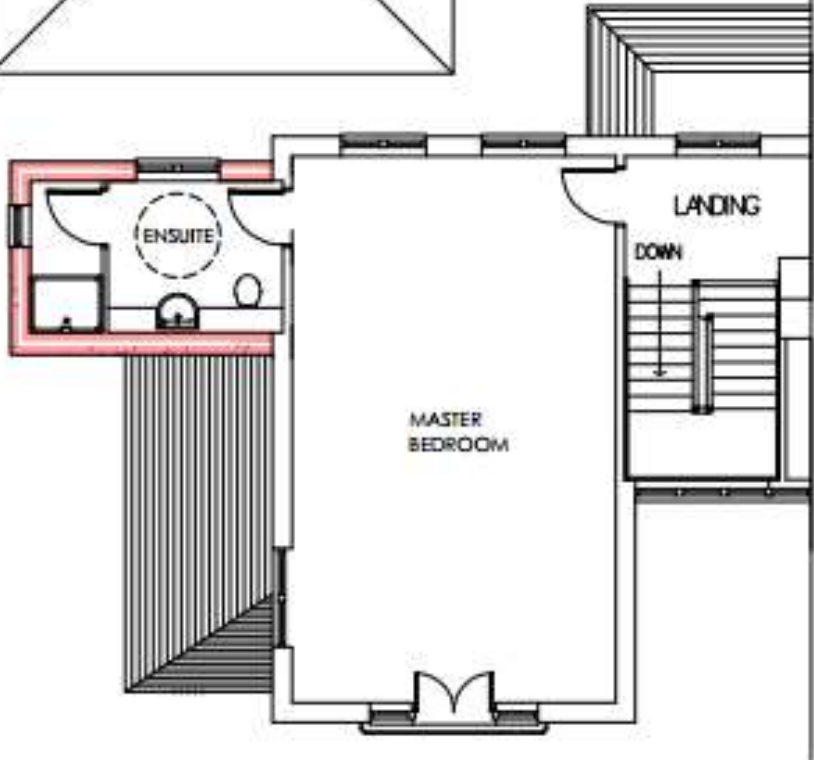
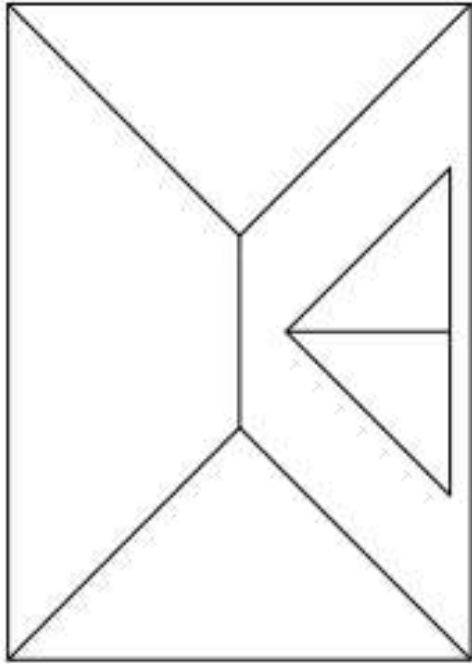
Proposed Block Plan



Proposed Ground Floor Plan



Proposed First Floor Plan



Existing Elevations

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FRONT / SOUTH ELEVATION



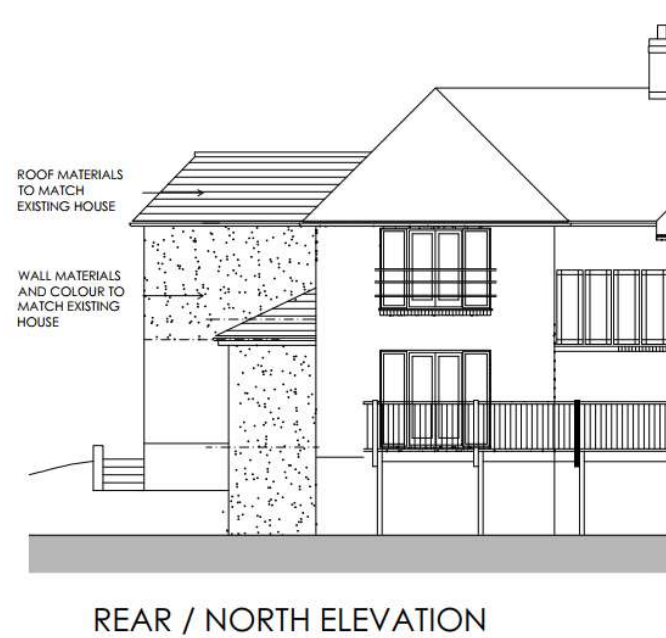
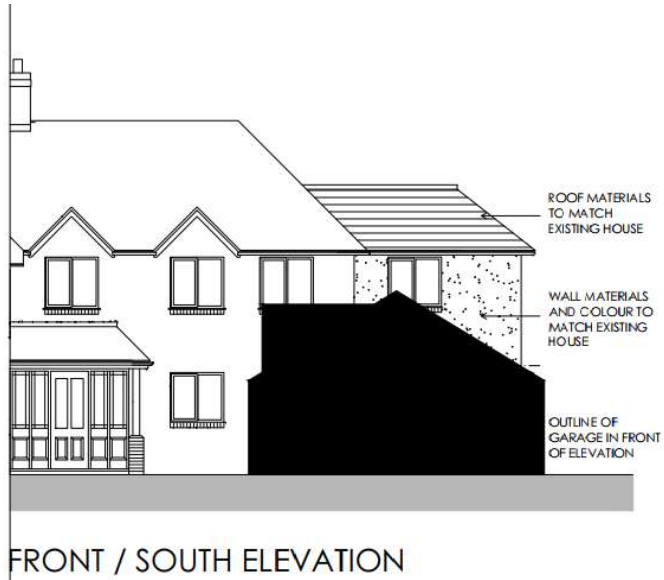
REAR / NORTH ELEVATION



SIDE / EAST ELEVATION

Agenda Item 8

Proposed Elevations



Street View



Front View



Rear View

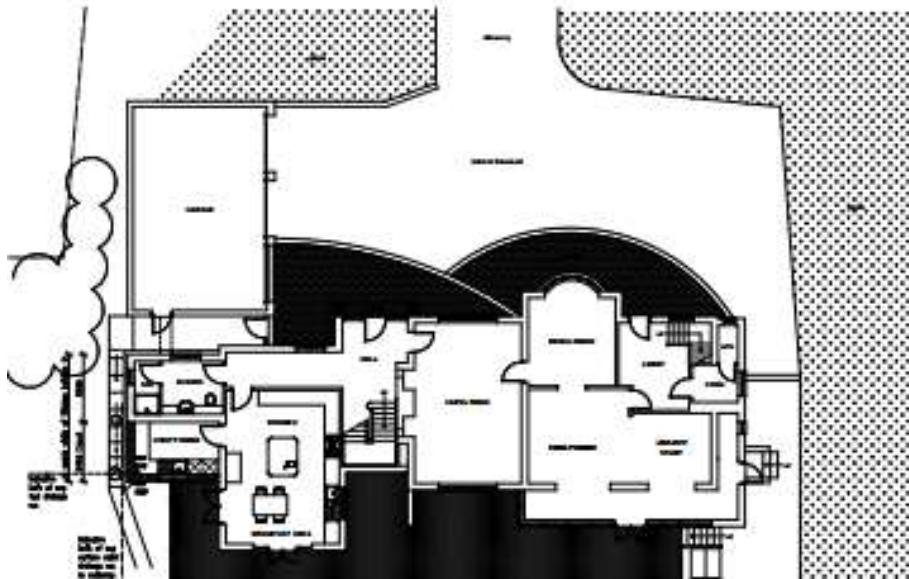
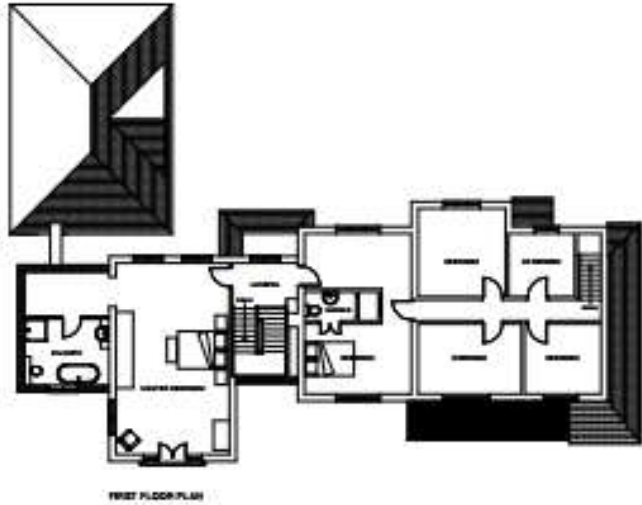


Side View



Extension Refused by Committee Ref: 17/00833/FUL

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Agenda Item 8

Agenda Item 9

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Michael Gardiner	Demolition of existing garages and replacement with a portacabin to house toilet facilities Victoria Ground, Birmingham Road, Bromsgrove, Worcestershire, B61 0DR	18.03.2022	21/01819/FUL

This application is being reported to members because it is situated on Council owned land.

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

Consultations

Sport England Consulted 28.01.2022

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England does not wish to raise an objection to this application.

Conservation Officer Consulted 09.02.2022

No conservation comments to make in respect of this application.

Public Consultation

4 neighbour notification letters sent 31.01.2022 Expires 24.02.2022

Site Notice posted 03.02.2022 Expires 27.02.2022

No comments received to date.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP12 Sustainable Communities

BDP17 Town Centre Regeneration

BDP19 High Quality Design

BDP20 Managing the Historic Environment

BDP21 Natural Environment

BDP25 Health and Well Being

Others

National Design Guide

Bromsgrove High Quality Design SPD

NPPF National Planning Policy Framework (2021)

Plan reference

NPPG National Planning Practice Guidance

Relevant Planning History

None

Assessment of Proposal

Site Description

The application site is situated along the eastern boundary of the Victoria Ground football stadium, adjacent to the rear gardens of No. 35 and 37 Birmingham Road and to the South of the existing club house and to the north of the entrance turnstiles and club shop. There are currently two dilapidated concrete garages situated on the site.

The site is situated within an urban area of Bromsgrove that falls into the Town Centre Zone designated on the Bromsgrove District Plan policies map.

Proposal

The proposal is to demolish the existing garages and replace them with a structure to house additional male and disabled toilet facilities for the ground. The structure would be formed of 1.6mm corrugated steel panels on a steel frame, which would then have a painted finish. It would be approximately 8 metres by 3 metres with have a height of approximately 2.5metres, which would be the same as the exiting garages. The building would be portable in nature; however, it would be plumbed into the mains drainage, water and connected to the mains power.

Information submitted in support of the application sets out that this development would provide much-needed disabled toilet facilities within the ground. Currently there is only one disabled toilet which is situated in the club house which can be difficult to access whilst a game is being played. The development would also provide additional male toilet facilities which do not currently exist in this area of the ground. The development would also provide the required facilities when home and away crowd segregation is mandated for health and safety reasons.

Principle of Development

The proposed development is sited within the urban area of Bromsgrove and would provide additional facilities to help support the existing football ground. Given this, it is considered that in principle the proposal could be acceptable.

Sports England have raised no objection to the proposal. They have noted that the proposed toilet block would not affect the existing football pitch, and that the proposal would provide much needed additional facilities for male and disabled toilet provision for spectators.

Sports England have consulted the Football Foundation who have also provided their comments on the proposal. They have set out that the new toilets are welcomed given the site is difficult to manage based on the structure of the buildings and stands. They have set out that spectator toilets should be separate from player toilets, so players and spectators are not mixed in communal areas for welfare reasons. Externally accessed

toilets are also useful to stop dirt ingress into buildings. As such they have no issue with layout of the proposal.

Overall, Sport England are satisfied that the proposed development meets exception 2 of their playing fields policy, in that: 'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

Character and appearance

The proposed building would be a metal structure, which would stand on the existing concrete slab on jack legs. The building would have a level of permeance due to its connection to the mains sewer and drainage system. This type of structure is not normally considered to be appropriate on a permanent basis, due to its design and portable nature.

In this case, it is recognised that similar metal buildings are already situated within the football ground. These buildings are understood to provide similar toilet facilities to that being proposed and have been used as such for some time. Also, due to the size and siting of the proposed building within the football ground, it is not considered that it would be visible from within the street scene.

Given this, it is considered in this case that the proposed building would be in keeping with the general character and appearance of the wider football ground. It is also considered that as it would not be visible from within the street scene it would not impact the character and appearance of the area. In replacing the dilapidated concrete garages, the proposed building would also enhance the appearance of the existing football ground.

Due to this it is considered that the proposed building would be acceptable on a permanent basis. It is however deemed necessary to attach a condition to the permission to seek for the removal of the building should its use cease.

Although the site is not situated in the setting of a listed building, there are listed buildings near to the football ground. The Councils Conservation Officer was consulted on this application. No conservation comments have been put forward.

Amenity

The proposed building would be sited adjacent to the rear gardens of 2 of the neighbouring residential dwellings. However, due to the sitting and design of the proposed structure and that it would be situated in the same area as the existing garage block that is to be demolished, it is not considered that the proposed building would adversely affect the existing amenities of the occupiers of the neighbouring residential properties.

Conclusion

Overall, it is considered that the proposed development would accord with the policies in the Bromsgrove District Plan, High Quality Design SPD and the NPPF.

RECOMMENDATION: That planning permission be **GRANTED**

Conditions:

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

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

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

Victoria Ground, Bromsgrove 1:1250 dated 21.01.2022
Bromsgrove Sporting 1:500 Map dated 21.01.2022
Bromsgrove Sporting DC Sheet No. 6 of 6- General Arrangement of Toilet Block
Bromsgrove Sporting Proposed Toilet Block Sheet 5 of 6
Bromsgrove Sporting FC Sheet 4 of 6

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

3. The building hereby approved shall be finished in a colour that matches the existing structures within the wider football ground.

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

4. The building hereby approved shall be removed from site in its entirety as soon as reasonably practicable when no longer in use.

Reason: In order to safeguard the character and appearance of the area and amenity of the neighbouring occupiers.

Case Officer: Claire Gilbert Tel: 01527 881655
Email: claire.gilbert@bromsgroveandredditch.gov.uk

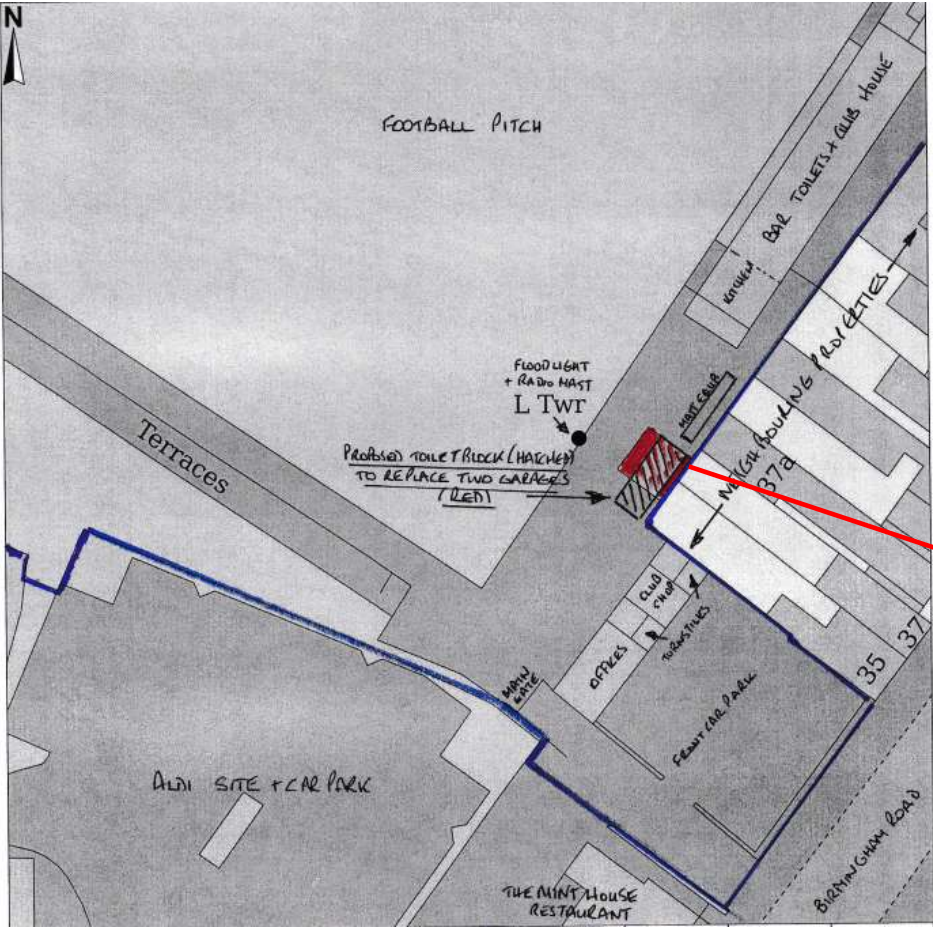
21/01819/FUL

Victoria Ground, Birmingham Road
Bromsgrove, B61 0DR

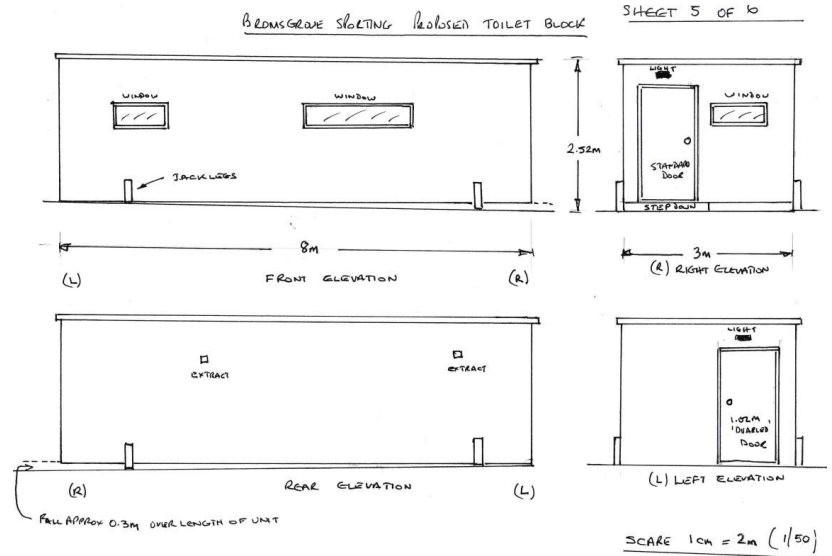
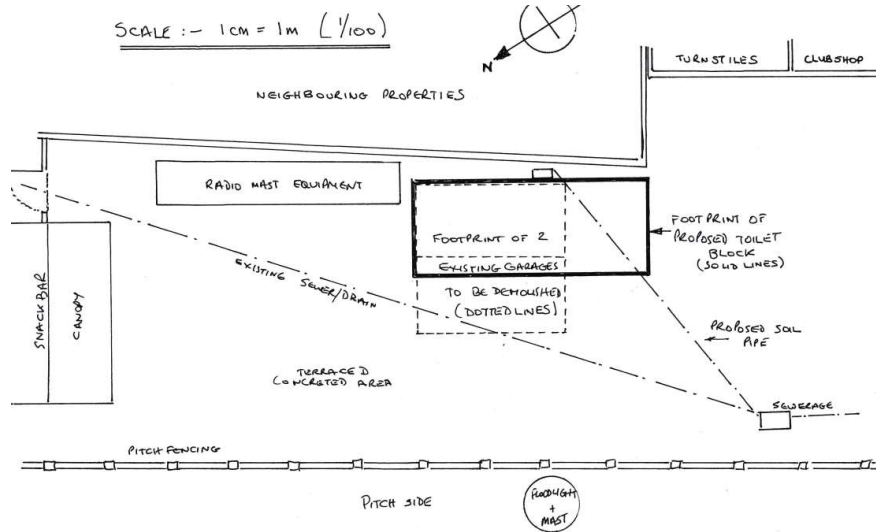
Demolition of existing garages and replacement with
a PortaCabin to house toilet facilities

Recommendation:
Grant subject to conditions

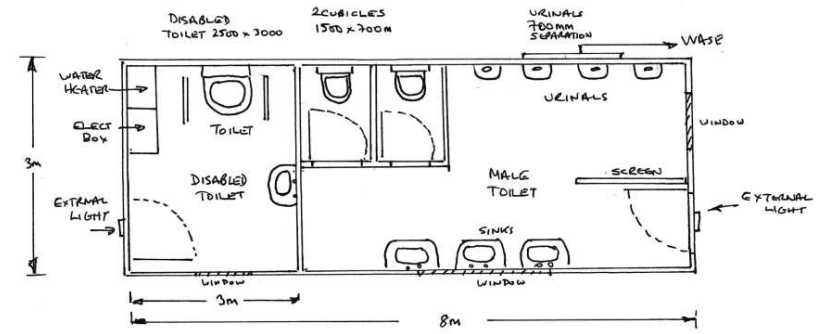
Site Location



Proposed site plan, floor plan and elevations



MAG 20.01.22



DISABLED TOILET TO MEET CURRENT BS + BEST PRACTICE STANDARDS



Site Photos



Above and below mages show the existing site with garages

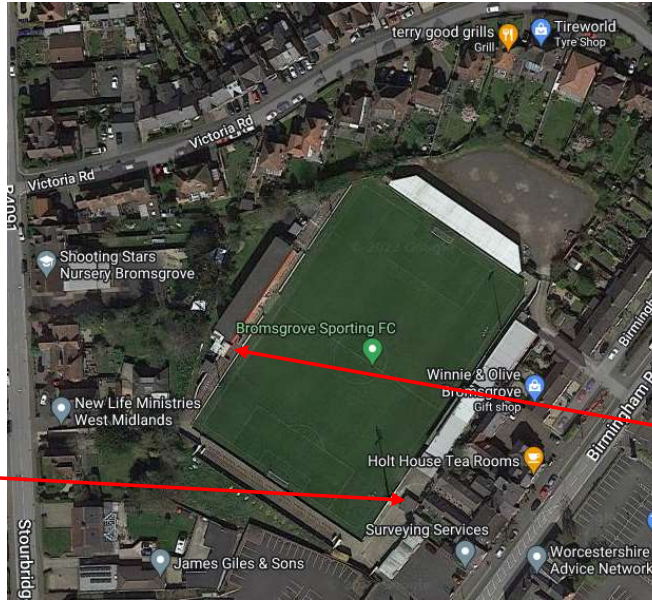


Image taken from google.com showing entrance to football ground from Birmingham Road



Figure 1: Existing 'portable' toilet block at football ground. Approx 3m x 5m Installed as second-hand unit approx 10 years ago. This unit comprises of a single female toilet one end and 3 cubicle male toilet plus 5 urinals at other end.



Name of Applicant	Proposal	Expiry Date	Plan Ref.
Dan Rickett	Development of 22 dwellings, associated landscaping and siteworks and construction of new access from existing highway roundabout. Land To Rear Of 1-6 Smedley Crooke Place, Redditch Road, Hopwood, Worcestershire		21/00873/FUL

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

WRS - Noise

No objection subject to conditions

Noise mitigation conditions relating to glazing, ventilation and solid boundary fencing,
Prior to post completion noise testing
Construction Environmental Management Plan

Noise: The submitted noise assessment appears satisfactory although Extrium Noise maps indicate higher road noise levels than those presented in the assessment. The recommended noise mitigation measures relating to within Section 8 of the assessment, should be implemented. Additionally, I would recommend that post completion noise testing is carried out to demonstrate that both internal and external noise levels will meet the recommendation of BS8233:2014 as predicted by the assessment. Prior to post completion noise testing the applicant should submit a post completion noise testing methodology for comment and approval.

Construction Phase Nuisance: In order to ensure that nearby sensitive receptors are not adversely impacted by noise, vibration and dust emissions during the construction phase the applicant should submit a (CEMP) for comment and approval.

North Worcestershire Water Management

No objection subject to proposed drainage scheme condition .

Housing Strategy

No objection, Rentplus product as a proposal to replace the intermediate affordable housing provision at a proportion of 3 units for RentPlus and 4 units for social rent.

Worcestershire Archive and Archaeological Service

No archaeological condition required.

Highways England

No objection subject to construction management condition

21/00873/FUL

Highways - Bromsgrove

No objection subject to conditions and Planning Obligations

Approved Plans

Construction Management Plan

Residential Welcome Pack

Travel Plan

Cycle Parking

EVCP

A financial contribution of £350,000.00 for Public Transport improvements.

A financial contribution of £16,100.00 for necessary School Transport Services.

A financial contribution £6,800.00 for necessary Community Transport Services

Bromsgrove Strategic Planning and Conservation

Object as the application represents development that is:

- Contrary to key NPPF considerations (presumption in favour of sustainable development and Green Belt),
- Contrary to BDP policy,
- Contrary to Alvechurch Neighbourhood Plan policy.

WRS - Contaminated Land

No objection subject to conditions

- Import of soil and soil forming materials
- Reporting of Unexpected Contamination

Trees

No objections to the scheme following amendments, subject to conditions

- Tree Protection measures in place prior to commencement
- An Arboricultural method statement and protection plan
- A full landscape plan and specification should be submitted.

Education Department at Worcestershire

In response to the planning application it is calculated that a contribution will be required towards First, Middle and High School phases of education. The S106 contribution required is outlined below in line with the Worcestershire County Council Policy on S106 Education Contributions.

There are 7 dwellings proposed on this application that would be exempt from an education contribution.

First School Contribution required: £72,248

To provide additional education facilities at Crown Meadow First School

Middle School Contribution required: £66,344

To provide additional education facilities at Alvechurch C of E Middle School

High School Contribution required: £74,889

To provide additional education facilities at South and North Bromsgrove High Schools.

Total education infrastructure contribution required: £249,605

NHS/Medical Infrastructure Consultations

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 directly relating to the number of dwellings to be £ £8,350.

NHS Acute Hospitals Worcestershire

As its evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. The contribution is being sought not to support a public body but rather to enable that body (i.e. the Trust) to provide services needed by the occupants of the new homes. The development directly affects the Trust's ability to provide the health services to those who live in the development and the community at large. Without contributions to maintain the delivery of health care services at the required quality standard, and to secure adequate health care for the locality, the proposed development will strain services, putting people at significant risk of receiving substandard care, leading to poorer health outcomes and prolonged health problems. A developer contribution of £8,231.58 is required.

Alvechurch Parish Council

Alvechurch Parish Council object to the aforementioned application on the following grounds:

- The proposed development is outside of the Village Envelope, on Green Belt land and does not therefore conform to APC's NDP/relevant, statutory policies contained therein and there is no justifiable exceptional circumstances.
- Highways Lack of infrastructure/; concern over site access/proximity to RAB/visibility splay.
- Sustainability Lack of amenities; no local shops, no school/GP/Dentist spaces locally, not on a bus route.
- Flooding area is subject to localised flooding; any build will increase flood risk (SUDs).
- Site contamination It is reported that the land has been used for land-fill purposes and possibly therefore contaminated with all manner of material, including 'white goods' - concern over the redevelopment of this site and the requirement to remove from site contamination.

Objection following reconsultation

Alvechurch Parish Council 'stand on' and wish to once again reiterate its objection to the aforementioned Application on the following grounds:

- The proposed development is outside of the Village Envelope, on Green Belt land and does not therefore conform to APC's NDP/relevant, statutory policies contained therein and there is no justifiable exceptional circumstances.
- Highways ' Lack of infrastructure/ concern over site access/proximity to RAB/visibility splay.
- Sustainability - Lack of amenities; no local shops, no school/GP/Dentist spaces locally, not on a bus route.
- Flooding ' area is subject to localised flooding; any build will increase flood risk (SUDs).
- Site contamination ' It is reported that the land has been used for land-fill purposes and possibly therefore contaminated with all manner of material, including 'white goods' -

concern over the redevelopment of this site and the requirement to remove site contamination.

Note: APC recently supplied you with a copy of APC's letter of 5th November 2018 to Mr P Lester Planning & Regeneration Bromsgrove District Council, this correspondence demonstrated that the site has never been previously developed, and arguably has been manipulated through illegal dumping and earth moving procedures to give it a 'brownfield' appearance.

Though granted a Licence of Lawfulness for storage, the site is a field within the Green Belt, clearly outside the Hopwood settlement envelope, and so falls under the constraints of rural exceptions especially those within paragraph 89 of the NPPF. We are aware that statements have been made by authorities regarding the site having a 'PDL' status; however we vigorously contest these and believe such statements were made in error and are now being exploited by the applicant and given far too much credence.

Further references to its alleged 'brownfield' character do not, through repetition in the planning statement, make the case that it is previously developed land. The series of photographs supplied previously, and neighbours accounts of how the land has been treated, support our contention that the site has a manufactured brownfield appearance.

Public comments

61 letters were originally sent to neighbours 16.06.2021 expired 10.07.2021

Press advert 25.06.2021 expired 12.07.2021.

Site notice displayed 25.06.2021 expired 19.07.2021

A further consultation period ended on 01.10.2021

40 objections have been received as a result of both consultations, these comments are summarised as follows:

Green Belt

Harm to openness and visual amenity, the site is not brownfield. Previous applications have been refused, no very special circumstances

Highway matters

Safety of access/egress onto the site in the context of prevailing traffic speed

Capacity of the existing roundabout to take additional demand

Lack of public transport

Lack of safe pedestrian crossings

Other matters

Lack of school/healthcare capacity

Impact on wildlife/biodiversity

Noise, smell, and pollution.

Construction noise

Flooding/Drainage

No regard to climate change

Loss of privacy

21/00873/FUL

Contrary to neighbourhood plan
Cumulative impact, if this scheme is approved alongside the other nearby Hopwood Scheme, for the construction of 15 affordable (Discounted Market Sales Housing) dwellings on land between the Croft and Hopwood Garden Centre, Ash Lane (21/00872/FUL)

Other issues which are not material planning considerations have been raised but are not reported here as they cannot be considered in the determination of this application.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP4 Green Belt
BDP7 Housing Mix and Density
BDP8 Affordable Housing
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP21 Natural Environment

Others

NPPF National Planning Policy Framework (2021)
NPPG National Planning Practice Guidance
ALVNP Alvechurch Neighbourhood Plan
APDS Alvechurch Parish Design Statement
High Quality Design SPD

Relevant Planning History

17/01290/OUT	Outline application (matters of access and scale to be considered) for the development of up to 10 two storey dwellings and alterations of existing access	Refused Dismissed at Appeal	05.02.2019 16.12.2019
12/1040	Residential development of 21 dwellings (outline)	Refused Dismissed at Appeal	10.01.2014 14.10.2014
08/1038	Nursing home and associated offices - OUTLINE	Refused	26.08.2011
B/2007/0261	Office development (outline)	Withdrawn	30.11.2007

21/00873/FUL

B/2006/0080	Office development (outline)	Withdrawn	10.05.2006
B/1995/0862	Erection of public house and associated Parking and area for social housing and /or public open space	Refused	15.01.1996
B/1991/0966	Proposed B1 development comprising 2 No. blocks of 15,000sq ft each	Withdrawn	09.12.1991
COU/1/85	Established Use Certificate relating to the storage of plant	Granted	06.02.1995

Assessment of Proposal

Site Description

The application site relates to a 0.8ha parcel of land located to the east side of the A441 Redditch Road adjacent to the roundabout junction with the B4120. The site is predominantly open scrubland although some areas are covered with a thin layer of crushed stone and discarded rubble. The site is bounded by some semi mature tree specimens. The rear gardens of residential dwellings located in Smedley Croke Place back onto the northern site boundary and the Woodpecker Close development (B/2007/0495) adjoins the site to the north east. An existing vehicular access is located to the north-west corner of the site leading off Redditch Road. The site is in the Green Belt as defined in the BDP, is within the Alvechurch Parish Neighbourhood Plan area and is located adjacent to but outside of the defined Village Envelope of Hopwood.

Proposal

The full planning application is for the development of 22 dwellings, associated landscaping and siteworks and construction of a new access (fourth arm) from the A441/B4120 roundabout. The development would close off the existing site access from A441 Birmingham Road and include removal of all materials pertaining to the current use of the site.

The application proposes a range of market and affordable homes, the breakdown of market and affordable dwellings are set out in the tables below.

Market Housing
3 x 3 bed dwellings
12 x 4 bed dwellings
Total 15 dwellings

Affordable Housing (Rentplus and Social Rent)
3 x 2 bed dwellings
4x 3 bed dwellings
Total 7 dwellings

Assessment

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

The main issues are therefore considered to be:

- Housing Land Supply
- Green Belt
- Alvechurch Neighbourhood Plan
- Prematurity
- Existing Use/Fall-Back
- Design
- Residential Amenity
- Provision of affordable housing
- Highways
- Flooding and Drainage
- Ecology
- Tree and landscaping
- Planning Obligations

Five Year Housing Land Supply

Paragraph 74 of the National Planning Policy Framework (NPPF) requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition, there must be a buffer of between 5% and 20%, depending on the circumstances of the LPA.

The Council has identified that (inclusive of the 5% buffer required by the Framework) it can currently demonstrate a housing land supply of 4.6 years. Therefore, despite progress which has been made in identifying sites and granting planning permissions the Council still considers that it cannot demonstrate a five year housing land supply.

Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the Framework is engaged. Paragraph 11 requires that decisions on planning applications apply a presumption in favour of sustainable development. 11 (d) goes on to state that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

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

Footnote 8 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of

deliverable housing sites with the appropriate buffer, as set out in paragraph 74. Footnote 7 states these policies include land designated as Green Belts.

Green Belt

Paragraph 137 of the Framework identifies that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm. The Framework also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Paragraphs 149 and 150 of the NPPF allow for some exceptions to inappropriate development, one of which is:

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

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

The starting point is to consider whether the site constitutes previously developed land, which is defined by the NPPF Annex 2 as: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

The operation of the site and whether it is previously developed land has been contentious, in relation to this specific issue the conclusion made by two previous Inspector's decisions on this site are helpful.

12/1040 Appeal Decision – para 12: ... Although the site does not contain any buildings at the moment, the actual land itself displays the characteristics of having being previously developed even if that use did not involve buildings or permanent structures.

17/01290 Appeal Decision – para 10: The definition of PDL is set out in the NPPF's Annex 2 and includes land which is or was occupied by a permanent structure and any associated fixed surface infrastructure. In the present case, the Council considers that the areas of tarmac and crushed stone surfacing within the appeal site are fixed surface infrastructure, within the terms of this definition, and therefore that these parts of the site are PDL... I see no obvious flaw in the way the Council has applied the NPPF's definition in respect of these hard surfaced areas.

Given the above, the Council does not dispute that the site constitutes previously developed land. It therefore needs to be assessed as to whether the proposal complies with either part of paragraph 149 (g).

It is acknowledged that the existing storage of portable cabins and associated paraphernalia does have an impact on the openness of the site. However, there are no permanent structures on the site and any other structure including the portable cabins are moveable and not permanent. By the nature of the use of the site for storage purposes these are transient structures stored at the site for temporary periods only and then moved off. As such they do not have the same level of impact on the openness of the Green Belt as permanent structures.

This view is supported by a legal case of *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466, where it was concluded that there is a difference between permanent and temporary structures and their impact on the Green Belt cannot necessarily be compared.

The applicant acknowledges in its Planning Statement (paragraph 4.1) that the 'contents' on the site are not permanent and indeed can be moved around:

"4.1 The application site has an established use for the open storage of plant and equipment. This use was confirmed on 6th February 1985 and is unrestricted both in terms of its nature and operating hours. As such it can be used for the open storage of large items, and the movement thereof [my emphasis], on a 24/7 basis."

The first part of paragraph 149(g) refers to the redevelopment of previously developed land that does not have a greater impact on the openness of the Green Belt than the existing development.

The second part of paragraph 149(g) refers to the redevelopment of previously developed land that does not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. This is a lesser test of harm than under the first part of para. 149(g) accepting that some harm can be caused to the openness of the Green Belt.

This application proposes a level of affordable housing that meets that required by the local plan, proposing 30% affordable housing (7 dwellings in total). The redevelopment of previously developed land, which provides policy compliant affordable housing is appropriate development under paragraph 149(g) if it does not cause substantial harm to the openness of the Green Belt.

As such the proposal needs to be assessed whether it would cause substantial harm to the openness of the Green Belt compared to the existing situation having regard to Para 149(g) of the NPPF.

Openness

The NPPG sets out what characteristics can be considered when assessing the impact of a development upon openness. It sets out that assessing the impact of a proposal on the

openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness;
- and - the degree of activity likely to be generated, such as traffic generation.

The proposal would result in the erection of dwellings across the entire site as well as the associated works such as garages, the introduction of other domestic paraphernalia, new access junction, internal access roads and boundary treatments.

This proposal would result in a permanent volume and floor space across the site. Whilst the site is currently covered by structures these are transient and not permanent.

Following a recent site visit in January 2022, the tallest items being stored is estimated to be in the region of 4 metres in height and no element has been double stacked. Whilst it is noted that the extent of planning control on this site is limited, taking account of health and safety, internal site circulation needs, storage at this height is unlikely to occur across the site. It is considered that there is an inherent self-control for such uses on such sites in terms of the height of storage and not all storage uses are capable of being stored at height, for example plant equipment, vehicles, and machinery. In no location are the existing site coverage, footprints and heights comparable to that of permanent dwellings formed by 22 two storey buildings with pitched roofs and their associated hard elements such as patios, gardens, fencing and parking areas.

Based on the existing development on the site, it is considered that there would clearly be a significant and substantive increase in the number of permanent buildings on the site, together with an increase of the sprawl of buildings across the whole site. Although the site is screened by landscaping across the front of the site, the proposed new access point would open the site up and it is considered it would be substantially more visible.

The applicant contends there would be an intensification of storage operation were permission to be refused. It may be that anyone with a commercial interest may look to intensify the use of the site. The aerial images since 2008 show that some areas have undergone intensification at certain times but there is a clear transient nature to storage on this site. It fluctuates within the plot as items are hired out and returned or users and their needs change. Overall, I am satisfied the site would remain broadly consistent in terms of its low-key presence and intensity of storage and the likelihood of any significant intensification by comparison with the existing use is not borne out in the evidence.

It is noted that the applicant has made specific reference to the assessment and conclusions made by the Planning Inspector in relation to the consideration of the 2017 proposal. The Inspector concluded in paragraph 19 that:

“As set out above, the appeal site constitutes PDL, and the appeal scheme would involve no greater impacts on either the GB’s openness or purposes than the existing use. The proposed scheme would therefore not constitute ‘inappropriate development’ in terms of GB policies, under either Policy BDP4.4 or the NPPF. As such, the development would not be in conflict with GB policy”.

However, this was based upon a scheme for up to 10 dwellings which would provide a large area of the site for open space and landscaping. On this basis the previous planning application is simply not comparable with the current planning application for 22 dwellings. The assessment of the Planning Inspector for the 2012 application for 21 dwellings is more pertinent, in this the Inspector concludes in paragraph 24 that:

“...I consider that the housing development proposed would have a fundamentally different built character in comparison and this would materially harm the ‘openness’ of the Green Belt. As such, the proposal does not constitute an exceptional case in accordance with paragraph 89 of the Framework but conflicts with it and substantial weight has to be given to this harm”.

By comparison with the existing site, the proposed development would be markedly taller and comprise of permanent buildings and spread across the whole of the area of the application site. Taking everything together, the application would give rise to an intensely developed site, with a considerably different and greater coverage, footprint, floorspace, height and overall extent of built form compared to the existing situation.

It is considered that based on the submitted information that the redevelopment of this site to provide 22 dwellings would have a greater impact upon the openness of the Green Belt than existing and would result in substantive harm to the openness of the Green Belt.

For these reasons, the proposal would result in substantial harm to the openness of the Green Belt. It would not therefore constitute an exception as specified within Paragraph 149g of the Framework and would be inappropriate development.

Purposes of the Green Belt

Paragraph 138 of the Framework sets out the purposes of the Green Belt. These include (amongst other things) to assist in safeguarding the countryside from encroachment.

The effect of development as encroachment on the countryside may also be in the form of loss of openness or intrusion and through that loss of openness, there can also be an intrusion or encroachment into the countryside.

Given its existing use and brownfield nature, some encroachment of development into the countryside has already taken place at the site. Even so, in introducing permanent built residential development, and impinging more on openness, it is considered that the proposal would not be consistent with the site’s role in assisting in safeguarding the countryside from encroachment.

The site forms part of the countryside and the proposal would result in physical encroachment of development into and onto parts of the site that are currently free from development, other than hardstanding and temporary storage.

It would result in vertical and permanent encroachment of larger built form overall (with some dwellings being approximately 9m in height) and across a large area of the site. Although this would be within the confines of this previously developed site, nevertheless the proposal would have a significantly greater urbanising effect. The current predominance of openness, trees and vegetation with some intervening storage would be replaced by closely spaced permanent built form. In this location the proposal would not safeguard the countryside from encroachment, it is considered that this would cause moderate harm to the Green Belt.

Thus, the proposal would cause substantial harm in terms of loss of openness and modest harm to one of the purposes of including land in the Green Belt. In accordance with the Framework (Paragraph 148) substantial weight is given to this harm to the Green Belt.

Alvechurch Neighbourhood Plan

Policy H2: Housing for Hopwood and Rowney Green of the Alvechurch Parish Neighbourhood Plan (APNP) is relevant in the consideration of this application, Policy H2 supports housing developments, subject to several detailed criteria as to their location. This policy states the following:

New housing developments that are well designed will be supported if they show consideration for the Alvechurch Parish Design Statement, meet the other requirements set out in the APNP and the Bromsgrove DP and where development:

- a) Is limited to small residential infill development and maintains the continuity of existing frontage buildings, or is on brownfield land within the built up area of the village where the site is closely surrounded by existing buildings
- b) Is not considered to be back garden development
- c) Is consistent with the character of the locality as outlined in the Alvechurch Parish Design Statement on its pages 29-32
- d) Provides at least one small home with two or fewer bedrooms for every one large dwelling with three or more bedrooms
- e) Is in suitable locations, on small infill plots giving opportunities for some well-designed self-build homes
- f) Is within the built up area and does not involve the outward extension of the village envelope as shown on the adopted Bromsgrove District Plan policies map.

In relation to criterion (a) as outlined above the site also abuts existing housing on its northern side, at Smedley Crooke Place, and on a short part of its eastern boundary, where it meets one of the houses at Woodpecker Close. To the west, the houses on the opposite side of Redditch Road are separated from the site by the main road and roundabout, plus a service road and a broad verge. To the south of the roundabout there is only sporadic development, and on its two remaining boundaries, the appeal site is adjoined by open land. On the site itself, although the land is in commercial use, there are

no permanent structures. The site is therefore not closely surrounded by existing buildings, and nor does it form part of the existing built-up area, as criterion (a) requires.

In terms of criterion (d), the scheme proposes three 2 bed dwellings compared to 18 3 bed and above dwellings. Therefore, as proposed the application is deficit in relation to 2 bedroom units and is therefore contrary to criterion (d).

In relation to criterion (f), the village envelope as defined in the BDP excludes the application site and therefore fails criterion (f). I accept that the boundary as currently drawn does not reflect some more recent developments, including Woodpecker Close, but that development is largely peripheral to the application site. I also appreciate that both the BDP and APNP anticipate a need for some settlement boundaries to be adjusted, and that this process is now expected to form part of the BDP Review process that is now under way. However, none of these matters changes the factual position, that as things stand, the appeal site is outside the envelope. The appeal site therefore fails criterion (f).

The boundaries of diverse rural settlements such as Hopwood can in many instances be subjective. The applicant has outlined a Court of Appeal decision which it considers relevant. The Court found that the Inspector was required to consider whether, as a matter of fact on the ground, the site appeared to be in the village; further, that he misdirected himself by accepting the Local Plan as being conclusive as to whether or not the site appeared to be in the village (*Julian Wood v. The Secretary of State for Communities and Local Government and Gravesham Borough Council* [2015]). In this case the boundaries of diverse rural settlements such as Hopwood are in many instances subjective.

However, after visiting the site, neighbouring properties and surrounding fields, it is considered that the site does not appear to be in the village envelope.

This conclusion is further reinforced by the Planning Inspector for 2017 appeal, who concluded in paragraph 23 that

“... I do not consider that the appeal site currently lies within the built up area, even if that area were to be based on perception rather than the defined boundaries.”

Policy H6: Providing a Mix of Housing Types and Sizes, outlines that proposal for 10 or more dwellings should seek to achieve the following mix unless viability, market requirements at that time or other material considerations show a robust justification for a different mix:

- a. Overall up to 10% of new dwellings should aim to have 1 bedroom
- b. 40% should aim to have 2 bedrooms with an element of ground floor single level dwellings to meet the needs of the elderly and people with disabilities
- c. 40% should aim to have 3 bedrooms
- d. Up to 10% should aim to have 4 or more bedrooms.

The development mix is as proposed in the table below.

Number of bedrooms	Proposed Number of Dwellings	Percentage	Percentage Required under Policy H6
1 bed	0	0%	10%
2 bed	3	13.6%	40%
3 bed	7	31.8%	40%
4 bed	12	54.5%	10%

It is evident from this table that the mix fails to meet the mix as outlined in Policy H6. No viability report has been submitted to the Council for independent examination. Therefore, it can be concluded that the proposed housing mix is not acceptable.

It is worthwhile to note that Policy H6 is different to Policy BDP 7 Housing mix and density in the Bromsgrove District Plan. That policy requires development proposals to focus on 2 and 3 bedroom dwellings but outlines that on schemes of 10 or more a wider mix of dwelling types may be required. At a split of 45% to 55% between 2/3 bedrooms compared to 4 bedrooms, it would be considered too broadly comply with this policy.

Prematurity

As part of the consultation response from Strategic Planning they have raised the ongoing District Plan Review. Outlining that the Framework (paragraph 15), states that the planning system should be genuinely plan-led. It is acknowledged that the Framework (paragraph 50), goes on to outline that refusal of planning permission on grounds of prematurity will seldom be justified.

Whilst prematurity should not be considered as a primary reason to refuse a planning application, it should be considered alongside other more pertinent matters which are contrary to the NPPF, especially when taken as a whole.

Work is currently underway to review and update the current adopted BDP. The applicant's site has been submitted to the Council as part of the Call for Sites process, which will inform the revised Plan as it emerges.

Site allocations will be identified, informed by an ever increasing and robust evidence base. Evidence currently being collated includes:

A Housing and Economic Development Needs Assessment (HEDNA), which will guide the quantum of development needed and where that need has arisen in order for the Plan to address it. The applicant's Planning Statement (para 7.13) references a particularly acute housing requirement in Hopwood but provides no evidence to support this assumption.

A Housing and Economic Land Availability Assessment (HELAA), which will assess sites submitted through (amongst other things) the Call for Sites process to determine their appropriateness to be allocated for development, based on a robust method of assessment, consistently applied to all submitted sites.

A Green Belt Review, which will comprehensively assess the most appropriate places to make alterations to current Green Belt boundaries. As Policy BDP2 (para 2.3) identifies,

this will also be the mechanism to consider the extent of current village envelope boundaries.

It is noted that this site has been submitted as part of the Call for Site submissions under site reference 87- Land to the east of Redditch Road.

The Preferred Option Plan of which the Green Belt review and call for sites are only one element of and is still due to be published in July 2022, but no formal decision or assessment of this site has been formally published at this time.

Existing Use/Fall-Back

For a fallback position to be a relevant consideration, the basic principle is that it must be a real prospect. It does not have to be probable or likely, as a possibility would suffice¹. For the prospect to be real, there must be a greater than theoretical possibility that the development might take place.

As indicated in the planning history, there have been planning applications on this site dating back to 2006 (albeit not by this applicant) and most recently an application for 10 dwellings in 2017 and subsequent appeal (by this applicant). Therefore, it is evident that there has been a clear aspiration to redevelop the site through the erection of dwellings or other development for well over 14 years. The applicant has actively sought other uses, including the proposals that have come forward. Therefore, while the intensification of the site is a material consideration, the likelihood of the fall back occurring and to the extent described by the applicant is considered unlikely, and therefore the weight this can be given is low.

Design

Paragraphs 126-136 of the Framework deal with high quality design and in particular states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

BDP19 of the Bromsgrove District Plan sets a series of criteria by which high quality people focussed space will be achieved. The development proposes two storey dwellings, which are detached, semi detached and terraced. The final palette of external materials is to be controlled by conditions.

This layout and the overall quantum of development is appropriate for the site, resulting in plot sizes and spacing which reflects and sits comfortably within the quite varied pattern and grain of development in the village and surrounding area. The development will result in a density of approximately 27.5 dwellings per hectare.

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

In terms of scale and height, the proposed dwellings would be two storeys of varying heights. The scale, massing and form of the proposed dwellings are considered to

¹ Mansell v Tonbridge and Malling BC & others [2017]EWCA Civ 1314

respond appropriately to that of nearby properties, creating a coherent street scene. They would provide a mixture of terraced, semi-detached pairs and detached dwellings which is acceptable and reflective of the character of the area.

The design of the individual house-types is in line with Alvechurch Parish Design Statement and subject to securing suitable materials, it is considered the proposals would have sufficient regard to the character of the area.

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

Residential Amenity

The proposed dwellings are positioned in an arrangement that would create ample space for external landscaping and private amenity space. The properties are situated such that they would not be overbearing upon one another, nor cause significant losses of daylight or sunlight.

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

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

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

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

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

In relation to noise, the submitted noise assessment has been reviewed by WRS and appears satisfactory. The recommended noise mitigation measures relating to glazing, ventilation, and solid boundary fencing, within Section 8 of the Noise assessment, should be implemented. WRS have also recommended that post completion noise testing is carried out to demonstrate that both internal and external noise levels will meet the required standards.

It is noted that several objectors are concerned with any construction phase of development, it is considered that this could be adequately controlled by a construction management condition.

Affordable Housing

Policy BDP8 relates to affordable housing and requires 30% affordable housing provision on brownfield sites over a threshold of 11 dwellings. The Framework states at paragraph 63 that:

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

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

As outlined in the Green Belt section of this report, the application site is a previously developed/brownfield site and therefore a 30% affordable housing provision would be required to comply with the policy. The requirement for affordable housing calculated as 30% of 22 dwellings would equate to 7 dwellings. The application proposes 7 of the 22 dwellings to be affordable. Therefore, the number of units proposed is considered to meet this policy requirement of BDP8.

In terms of the affordable units, 3 units have been identified for rent to buy and 4 units for social rent. This split is supported by Housing Strategy. Rent to buy falls under Other affordable routes to home ownership identified in the Framework.

Given the NPPF priority to significantly boost the supply of housing, the additional dwellings to be provided must carry significant weight in this balance. In April 2016, 10.5% of the dwellings in the District were affordable housing stock. This is lower than both the affordable housing provision in Worcestershire (15%) and England (17.3%).

The affordable dwellings have all been designed to have the same style and materials as the market housing.

Highways

The A441 Redditch Road is a single carriageway, principal distributor route which provides frontage access to residential properties and businesses. To the south, the A441 Redditch Road links with the M42 Junction 2.

The A441 Redditch Road joins the B4120 Redditch Road at a roundabout from which the Applicant proposes to provide access to the proposed site. Both the A441 and B4120 are subject to a 40mph speed limit. All three existing arms on the A441/ B4120 roundabout have two entry and exit lanes, separated by a splitter island.

The applicant proposes to gain vehicle access to the development site via the creation of a fourth arm from the A441/ B4120 roundabout as shown on 210456-01 Rev D. Site Access Arrangements Sheet 1 of 14. A supporting GG104 Safety Risk Assessment has been produced by the Applicant which considered the appropriate design standards for

the roundabout and the approach roads. Access arrangements have also been subject to a Road Safety Audit (RSA) Stage 1.

County Highways has assessed this element and conclude that in terms of the form, scale, operation efficiency and footprint of the junction, the roundabout satisfies the requirement of the NPPF to ensure safe and suitable access.

The following enhancements are proposed to the local highway network:

- Uncontrolled pedestrian crossing with dropped kerbs and tactile paving along the Smedley Crooke Place junction with Redditch Road;
- Where the existing T-junction is to cease use, the dropped kerbs will be lifted and footway resurfaced;
- Uncontrolled pedestrian crossing with dropped kerbs and tactile paving across the roundabout's splitter island; and
- Footway provision from the internal layout will tie in with sufficient, existing provision for disabled road users.

Existing public transport services within the limited local area (this is noted in the supporting Transport Assessment and Addendum Report). The Highway Authority advised, in the previous observations, that there is scope to enhance the public transport services. On this basis, to enhance the peak time services and provide a link to the high frequency rail network offering the new residents a genuine choice of travel mode, a contribution of £350,000.00 is advised and will be secured within a s106.

The application has been evaluated by the Highway Authority. The Highway Authority determines that residual cumulative impacts would not be severe based on the evidence supplied, and hence has no objection subject to conditions and requirements, in accordance with paragraph 111 of the Framework.

Flooding and Drainage

The site is located within the River Arrow catchment, Environment Agency fluvial mapping indicates that the site is located within Flood Zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Based on the surface water flood maps there is also minimal surface water pooling to the site even at the 1 in 1000 year return period.

NWWM have raised no objection subject to a drainage condition.

Ecology

The application includes a Preliminary Ecological Appraisal Report prepared by Seed. This concluded that there are no protected species constraints including negligible bat roosting opportunities but identified opportunities to increase biodiversity.

Trees and landscaping

The site is presently dominated by built form and hardstanding with relatively little arboricultural interest or landscaping within the site. The tree officer considers the revised

layout removed any conflict with existing hedges and tree lines around the perimeter of the site.

Full details of the landscaping and planting proposals will be secured through condition. Accordingly subject to conditions, the proposal would not have an undue impact on existing trees and would secure enhancements to the landscape character and visual amenity of the site.

Planning Obligations

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

The obligation in this case would cover:

- The provision of 7 affordable dwellings on the site
- A financial contribution of £350,000.00 for Public Transport improvements.
- A financial contribution of £16,100.00 for necessary School Transport Services.
- A financial contribution £6,800.00 for necessary Community Transport Services
- Education Contribution of £249,605
- A financial contribution of £5,681 towards Herefordshire and Worcestershire CCG
- A financial contribution of towards £8,231.58 NHS Worcestershire Acute Hospitals Trust
- £52.24 contribution for refuse and re-cycling bins per dwelling
- A section 106 monitoring fee

Applicants Case

The applicant has submitted a planning statement, a response to Policy comments, a further appeal decision and recent as a recent High Court case as justification of the proposal. Their case can be summarised as follows.

The Council cannot identify a 5 year supply of deliverable housing land it is clear that housing policies in the Bromsgrove Local Plan are out of date and, therefore, that Para 11(d) of the NPPF is engaged.

The Green Belt conclusion from 2017 Inspector indicates that the proposal has no greater impacts on either the Green Belt openness or purposes than the existing use. The proposed scheme would therefore not constitute 'inappropriate development' in terms of GB policies, under either Policy BDP4.4 or the NPPF.

The Council has accepted that such land outside a defined settlement boundary complies to the principle of redevelopment set out in (what is now) paragraph 149(g) of the NPPF. One such example is Kiln Court (PA Ref: 16/1190).

Extinguishment of the existing unsatisfactory access and its replacement with a new and preferable access together with additional pedestrian safety improvements that are a benefit for existing and new residents;

The Highways Authority has found the site to be sustainable in principle and overall acceptable subject to contributions and conditions.

The existing use is unconstrained in terms of hours of operation etc and, as such, its extinguishment would be of direct and real benefit to adjoining residential uses;

The site's redevelopment presents the opportunity for major visual enhancement which must be afforded 'substantial positive weight'

There is at present a woeful deficiency in terms of the supply of deliverable housing sites. This site will make a meaningful contribution to the supply of housing, including affordable housing. The accepted shortfall is now less than the previous Inspector found to be sufficient for the delivery of housing to 'add significant weight' in favour of residential redevelopment;

This site will secure the redevelopment of PDL as opposed to greenfield sites which the Council is increasingly having to rely upon. The redevelopment of PDL must be afforded substantial weight.

The site is of a scale that renders it easily deliverable – indeed the application is based upon the specific requirements of the housebuilder which will build out the scheme;

The scale of the proposed development accords with paragraph 60 and 69 of the NPPF in that it will deliver a small/medium sized site which is critical to assisting Small and Medium Enterprise (SME) housebuilders. Such sites are specifically identified as making an important contribution to meeting the housing requirement of an area and have the benefit of being built out quickly (paragraph 69) – both factors are key to the Council's requirements under the Housing Delivery Test (HDT).

In addition, the proposed development will remove an inappropriate development from a residential area, it will deliver housing of a scale, form and mix appropriate to the area and will bring with it economic benefits through construction, the use of brownfield land and council tax/s106 monies.

Planning Balance

In terms of the weight to the housing land supply situation, the greater the shortfall the greater the weight². Bromsgrove District Council can only demonstrate a 4.6 year supply. and in such a context, mindful that the Framework seeks to significantly boost the supply of housing land, for this number of dwellings I afford significant weight to the contribution to housing land supply. The proposed affordable housing units is a public benefit that attracts significant weight in favour.

Economic benefits arising primarily relate to direct and indirect jobs, and the longer-term boost to local spending power. This could arise from any similar development but that does not detract from the fact that this development would offer such benefits, some of which would be temporary and short term, but others would be longer lasting and permanent.

² Langton Homes Ltd v Secretary of State for Communities and Local Government [2014] EWHC 487 (Admin)

While several planning obligations have been agreed, these are mitigation for the impacts of the development. The absence of harm in terms of other normal development management matters weighs neutrally in the planning balance.

The appellant put a further benefit that the extinguishment of the uncontrolled use would be of direct benefit of adjoining neighbours. In relation to this matter if implemented, the unregulated use and its user(s) are likely to be forced to relocate elsewhere. There is nothing substantive to indicate there are more suitable sites for such uses that would allow for planning controls to better mitigate their effects. It has already been concluded that it is not the bad neighbour and further non-planning controls are also available albeit they have never had to be used on this site. Therefore, this consideration carries little weight.

In relation to environmental benefits, this site has been in operation for several years, with very few complaints. Moreover, while there is significant level of local interest in relation to this site, there is no support for it to be redeveloped which could have been reasonably expected if the site was indeed a bad neighbour. Although this is a further benefit of the proposal, I have seen nothing to demonstrate what problems the existing site is causing in terms of this matter. I am mindful that any such risks to health could be controlled via other legislation.

The proposal would utilise brownfield land, which itself could help to protect other greenfield sites and this is a benefit which counts in its favour. Paragraph 117 of the Framework advises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. It also states that strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or brownfield land.

However, footnote 47 clarifies that this is except where this would conflict with other policies in the Framework. In this case, it has been found that the proposal would conflict with the Green Belt policies.

The site itself is of negligible ecological value and some enhancement measures could occur through some limited enhanced connectivity with other wildlife and ecology resources. However, given the site's density and likely layout, I see no reason why some small biodiversity enhancement measures could not be secured to which I give a small amount of weight.

Conclusion

The Framework and Policy BDP4, is clear that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In considering such a proposal, the Framework is clear that substantial weight should be given to any harm to the Green Belt.

The proposal would be inappropriate development in the Green Belt, causing substantial harm to openness. I have also identified harm to one of the purposes of the Green Belt

and non-Green Belt harm in terms of the scheme being contrary to the Alvechurch Neighbourhood plan which add further weight against the proposal.

In this case there are clearly considerations that push and pull in both directions. In this case there are considerations that weigh heavily in favour of this proposal in terms of the Government's objective of 'significantly' boosting the supply of housing and providing affordable housing and there would also be other less significant economic and environmental benefits as set out above. Set against this, the Government also attaches great importance to Green Belt and the Framework requires substantial weight to be given to any Green Belt harm.

However, for very special circumstances to exist, the other considerations would need to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness, openness, and purposes of the Green Belt, along with the other very limited harm to character and appearance. In other words, for the application to succeed, the overall balance would have to favour the applicant's case, not just marginally, but decisively.

Overall, it is judged that the other considerations do not clearly outweigh the totality and permanence of harm to the Green Belt, by reason of inappropriateness, through its substantial harm to openness, conflict with 1 of the 5 purposes of including land in the Green Belt and non-Green Belt harm. Consequently, the very special circumstances necessary to justify the development do not exist.

As the Council cannot demonstrate a 5 year housing land supply, Paragraph 11 (d) of the Framework indicates that permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. The application of Green Belt policy provides that to be the case here. As such, the proposal would not be the sustainable development for which Paragraph 11 of the Framework indicates a presumption in favour.

In summary therefore, in this case the other material considerations, including the identified benefits to the supply of housing in the area and the provision of affordable housing as part of the scheme and the other benefits raised do not justify allowing the application given the harm that has been identified and the resulting conflict with the development plan when taken as a whole.

Having considered all other matters raised, I therefore conclude that the application should be refused.

RECOMMENDATION: That planning permission be **Refused**

Reasons for Refusal

1. The site is located outside a defined village envelope within an area identified within the Development Plan as falling within the Green Belt where there is a presumption against inappropriate development. In such an area, development is limited to that which is not inappropriate to a Green Belt and which would preserve its openness. The proposal does not meet any of the policy criteria specified at Policy BDP4 of the Bromsgrove District Plan (BDP) or at Paragraph 149 of the National Planning Policy Framework 2021 (NPPF) and as such the proposal would amount to inappropriate

development, which by definition, is harmful to the Green Belt. The proposal would also result in a detrimental impact on openness of the Green Belt due to its scale and location and conflict with the Green Belt's purposes, as identified in FRAMEWORK paragraph 138. No very special circumstances exist or have been put forward to clearly outweigh the significant harm caused to the Green Belt. As such the proposal is contrary to Policy BDP4 of the Bromsgrove District Plan and the provisions of the Alvechurch Neighbourhood Plan and the National Planning Policy Framework.

2. The proposed development is neither in the built up area of the village of Hopwood where it is closely surrounded by existing buildings and is outside the current settlement limit boundaries of the village of Hopwood. A development in this location of the size proposed would therefore be contrary to Alvechurch Neighbourhood Plan Policy H2 criteria a and f.
3. The proposed would fail to provide an appropriate mix of dwellings sizes within the development. It would not comply with the requirements of Policy H2 criteria d and Policy H6 of Alvechurch Neighbourhood Plan and would be contrary to Paragraph 8 and 130 of the National Planning Policy Framework.
4. The lack of a formal agreement to contribute towards the various financial contributions required to mitigate the impacts of the development is contrary to the requirements of Policies BDP6 of the Bromsgrove District Plan. The proposed development would result in an increase in the demand on local facilities with no compensation or enhancement of existing facilities, thus resulting in harm to the wider community around the site. Contrary to Paragraph 57 of the National Planning Policy Framework the applicant has failed to enter into a S106 agreement to mitigate these impacts.

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

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21/00873/FUL

Land To Rear Of 1-6 Smedley Crooke Place Redditch
Road Hopwood Worcestershire

Development of 22 dwellings, associated landscaping
and siteworks and construction of new access from
existing highway roundabout.

Recommendation: Refuse

Site Location Plan



District Plan Map



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-  Village Envelopes BDP4
-  Green Belt BDP4

Satellite View



View of site from Birmingham Road



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Existing Access



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View of existing cross over at roundabout



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View of site








Proposed Layout



Floor Area			
Plot	Household	sqft	date
1	Type A	4	
2	Type B	4	
3	Type C	3	
4	Type D	3	
5	Type D	3	
6	Type E	4	
7	Type B	4	
8	Type F	4	
9	Type E	4	
10	Type A2	3	
11	Type A2	3	
12	Type A2	3	
13	Type A2	3	
14	Type A2	3	
15	Type A2	3	
16	Type A2	3	
17	Type C	4	
18	Type A	4	2008
19	Type A	4	
20	Type H	4	
21	Type E	4	
22	Type G	4	
Total			
Housing Units			
1 Unit			
2 Unit			
3 Unit			
4 Unit			

Proposed Mix of Dwellings



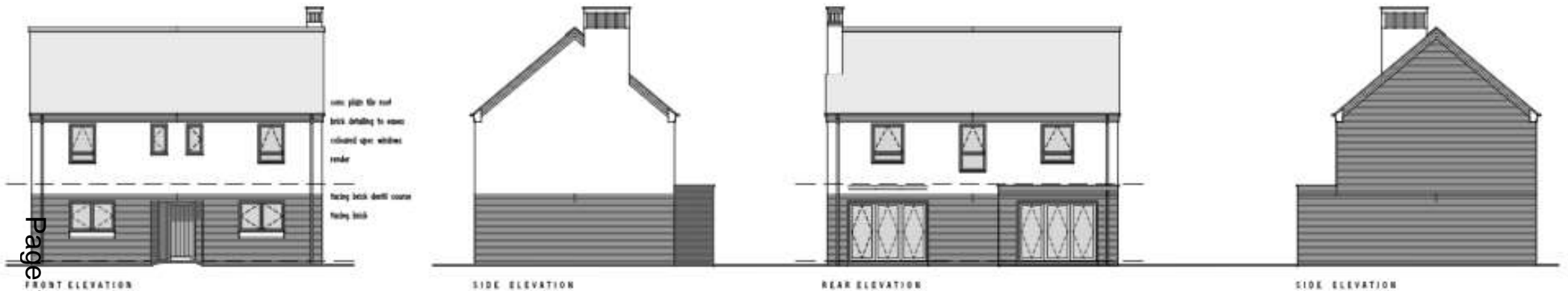
	2 bed terrace (affordable)
	3 bed semi (affordable)
	3 bed semi
	3 bed detached
	4 bed detached

Landscaping Plan

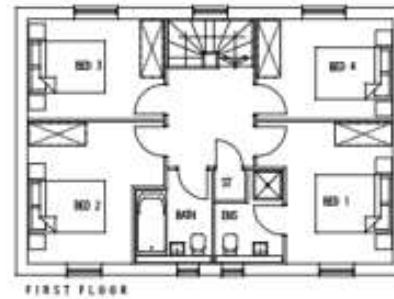


Examples of House Types

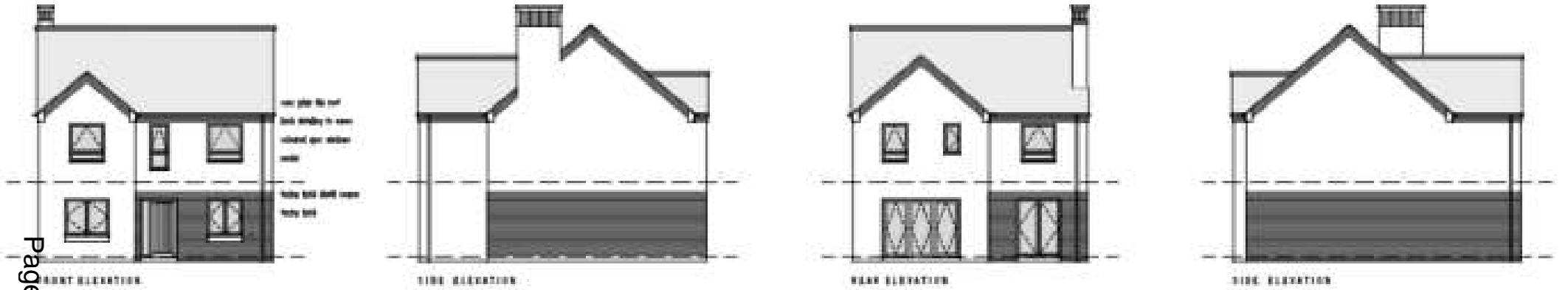
4 bed Detached



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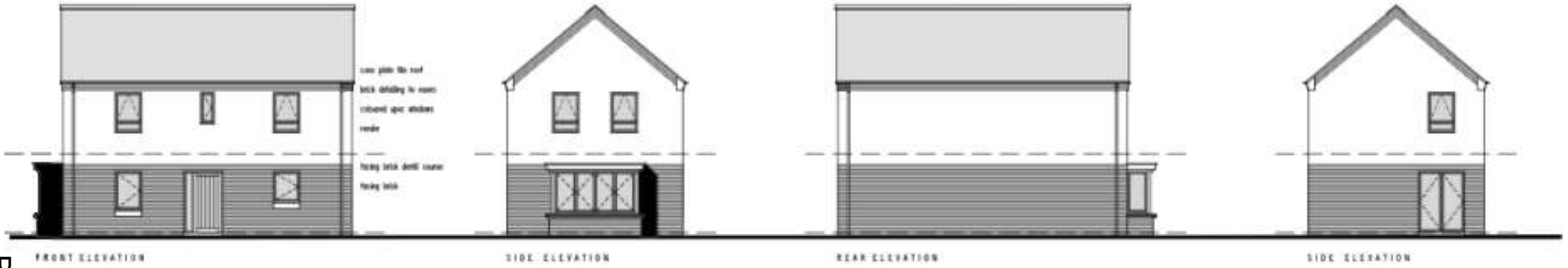
4 bed Detached



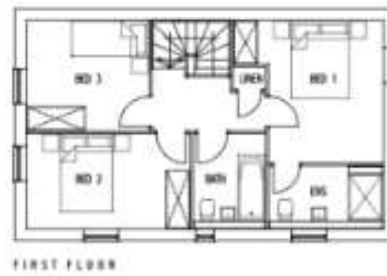
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3 bed Detached



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3 bed Semi Detached



FRONT ELEVATION

rows plain tile roof
brick detailing to eaves
coloured spec. windows
render
facing brick dentil course
facing brick



SIDE ELEVATION



REAR ELEVATION

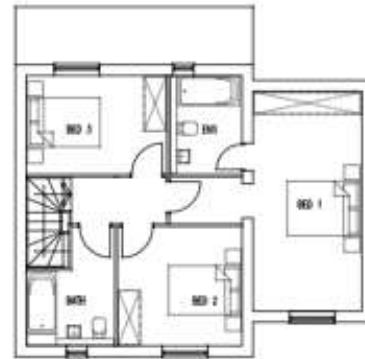


SIDE ELEVATION

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GROUND FLOOR

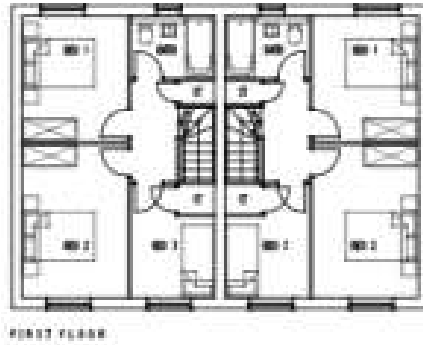
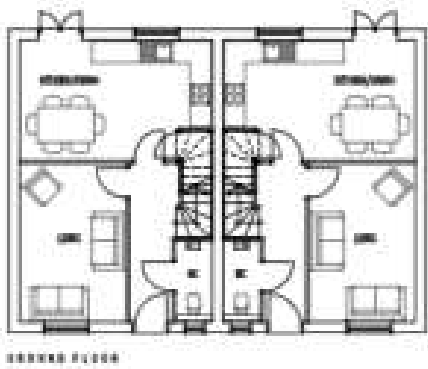


FIRST FLOOR

3 bed semi (affordable)



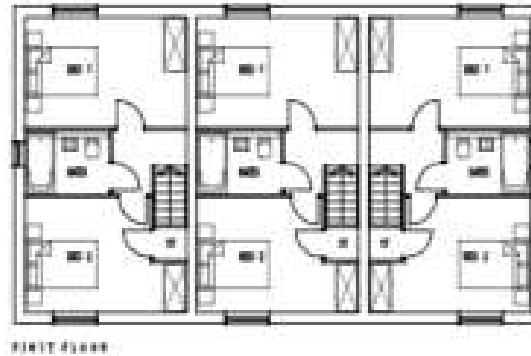
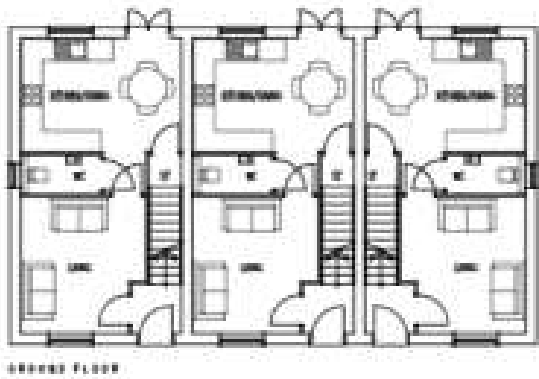
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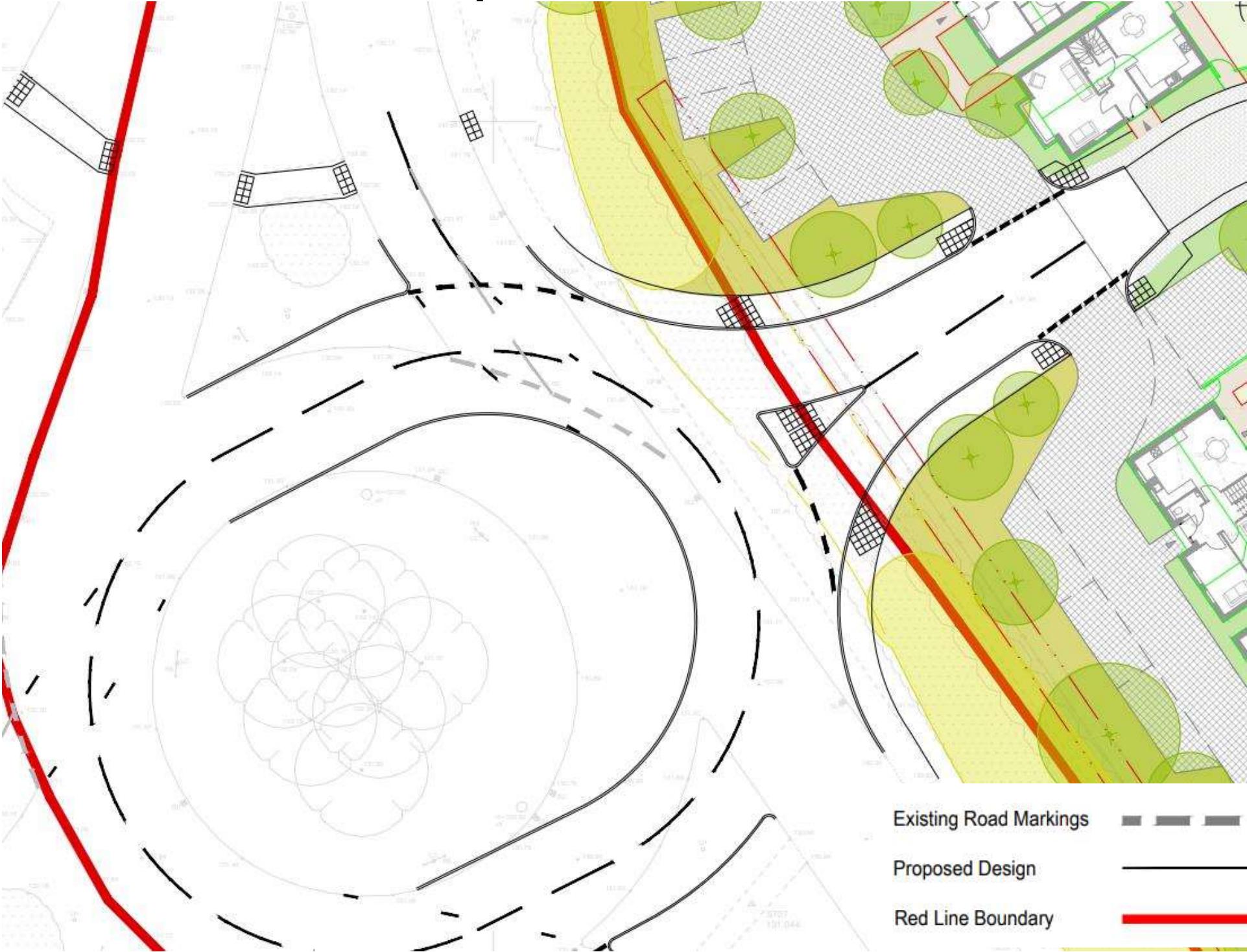
2 bed terrace (affordable)



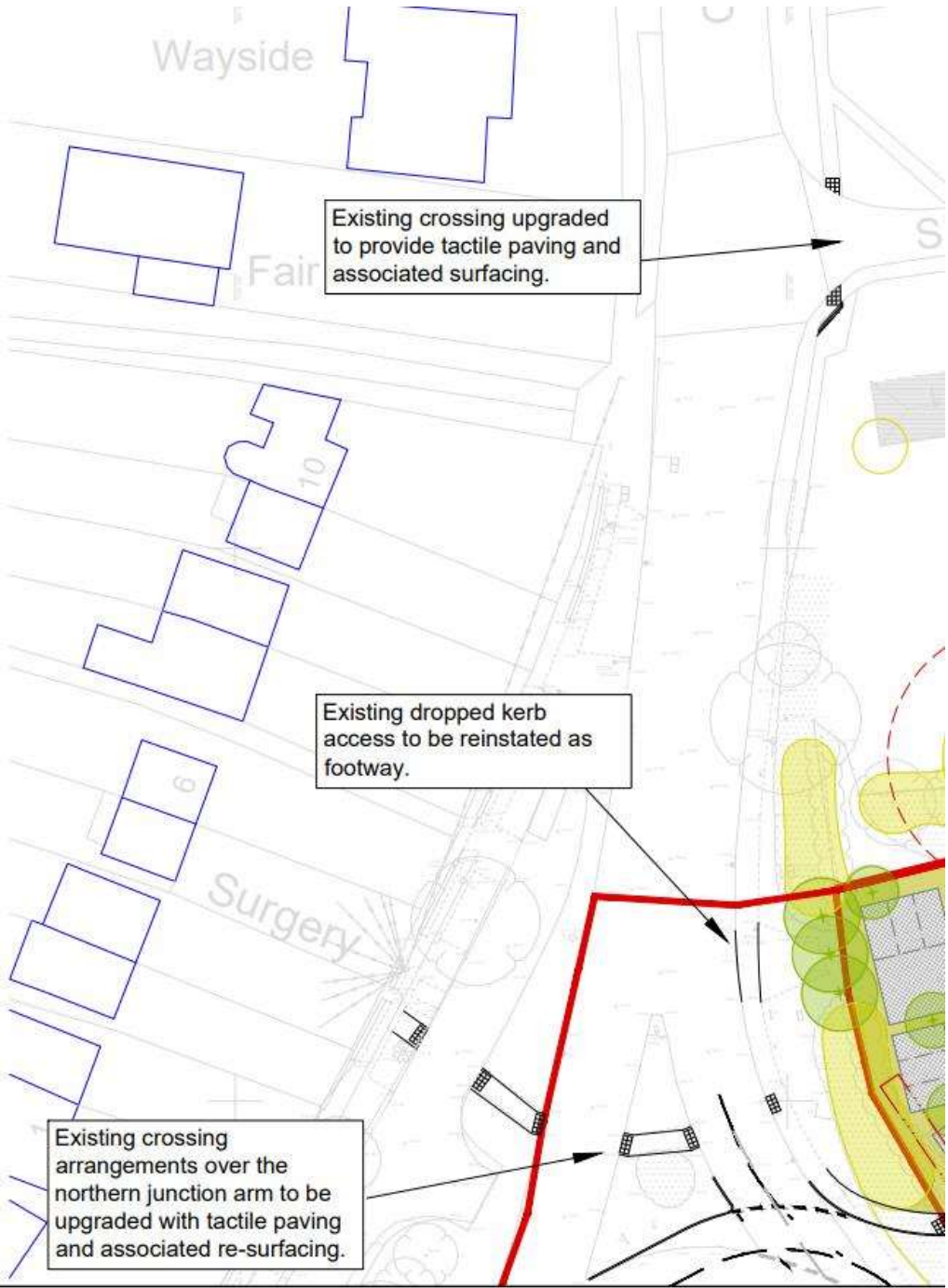
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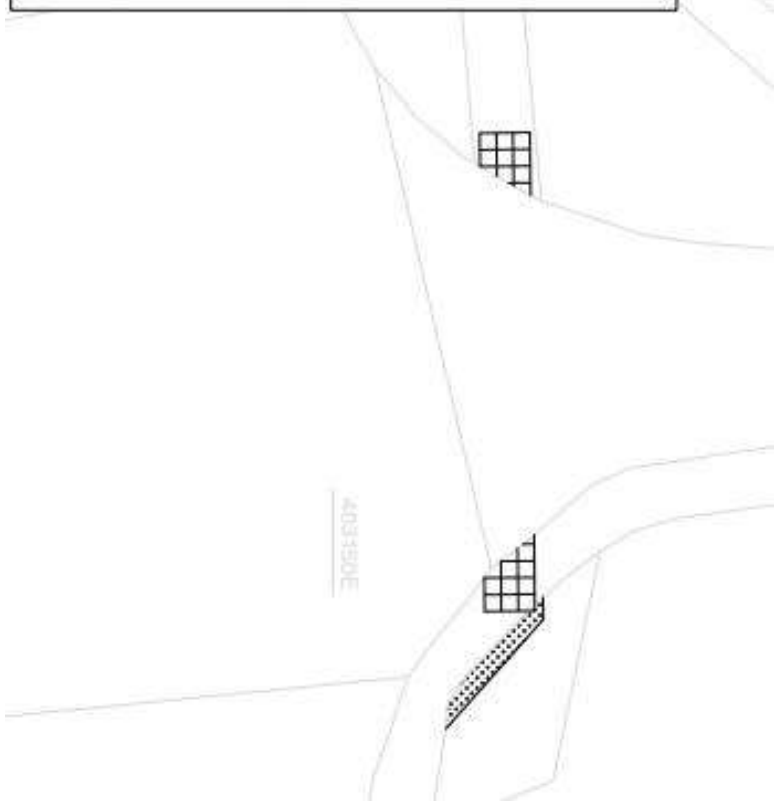
Proposed Access




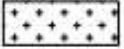


Pedestrian Crossings



Proposed Smedley Crook Place Crossing



- Existing Road Markings 
- Proposed Design 
- Red Line Boundary 
- Surfacing 

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr E Stringfellow	<p>Timber hit and miss cedar fence, rear double gate and UPVC corrugated roof sheeting to provide shelter to existing external seating area. Partial conversion of car park to permanent use of external seating area with canopy awning and proposed clad shipping container to be used as dry store. Retaining 2No. existing parking spaces.</p> <p>Cup & Bean, 121 Worcester Road, Hagley, Worcestershire, DY9 0NG</p>	27.05.2021	21/00324/FUL

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

RECOMMENDATION: That planning permission be **GRANTED**

Consultations

Highways - Bromsgrove

No objection

The site is located within a highly sustainable location, parking restrictions and parking bays (with time restrictions) are located in the vicinity, the increase for parking associated with the proposed development would be negligible.

Hagley Parish Council

Councillor Steve Colella (Bromsgrove District Councillor for Hagley West and Chairman of HPC) brought to council the issues raised by residents of Church Street directly with him. Whilst HPC has not formally drawn a conclusion in respect of this application the planning officer is cordially asked to consider the points below in deciding on this application:

- The application is submitted by the business address 121 Worcester Road, but the
- impact of the application will be most acute on Church Street.
- Church Street is at the rear of 121 Worcester Rd.
- Church Street is a residential area and as such the impacts of the business application should be considered in the context of a business proposal in a residential area. As such, planning policies should reflect the protection of residential properties and impacts on resident's health and wellbeing as well as affording due protection to a dwelling amenity from a business application.
- During Covid lockdown 2 and 3 the applicant has benefited from and operated within emergency legislation designed to support business continuity during and because of government guidance.
- Therefore, the residents of Church Street, neighbouring businesses and the local amenities have been experiencing, during this time, the impact that is likely from the trading that would be allowed if this application is approved.

- The issues below have already been experienced first-hand by the residents and as such there are reasons to suspect that these will reoccur if the application is approved.
- During this period Worcestershire Regulatory Services have been involved addressing the complaints and impacts on the neighbouring households.
- This application is being objected to by all residents of Church Street.
- Church street is already adversely affected by the lack of 'multi-directional' access/exit at the Summervale Road/A456/B4187 junction.
- Traffic accessing Summervale Road, Milestone Drive and Cavendish Rd et.al. (several hundred houses) use Church Street at least once every journey and so any additional pressure caused as a result of granting this application would result in this road experiencing excessive congestion and at certain times of day probably complete blockage.
- Church street has pavement only on one side of the road and is effectively a single carriage when legitimately parked cars are considered.
- Adhoc, drop and shop parking would compound these problems especially outside parking enforcement hours during evening trading hours.
- The applicant has tailored the application so that when the emergency Covid legislation is removed the business will continue in this continued fashion.
- Each property will be affected in different ways, but the overall feeling is that this is an unsafe precedent to approve and will result in the blighting of the road.

The matters that should be considered are as follows:

- Noise pollution caused by general activities undertaken in the rear premises, both in the seated area and kitchen space.
- Disturbance will be intrusive and uncontrollable during trading hours as well as non-trading hours when cleaning, restocking, and organising the rear space is carried out.
- Access in and out of this area of Hagley has already been discussed above. Vehicular access already causes major problems. There is record of at least 2 occasions where emergency vehicles were restricted and unable to get close enough to treat an emergency case that arose in Church St. If this application is approved there would be a high risk that emergency vehicles will not be able to get to or get through at all imposing a safety issue.
- There is also record of a fire engine that could not access the area and each property had to be contacted to move legitimately parked vehicles. Approval of this application will compound this problem.
- Light and smell nuisance were experienced during lockdown trading and will be repeated should this application be approved.
- Inappropriate parking – this will increase especially after normal trading hours during early evening and late-night trading and whilst there is no parking enforcement.
- There is no control where vehicles will just stop and wait whilst buying take-away food.
- The carpark amenity will be vastly reduced therefore forcing business personnel to park offsite.
- Parking is already inadequate in Hagley and so loss of parking spaces here will further hinder shopper parking.
- There will be an overspill of drinkers/smokers onto the adjoining private parking, roads and pavements.

- Littering has already been an unpleasant consequence of the additional trade and is likely to be a reoccurring and uncontrolled problem.

WRS - Noise

Updated comments: no objection to the revised application in terms of any noise / nuisance issues.

WRS- Licensing (Food and Drink)

A premises licence was granted in November 2019. No application has been received to vary that licence since it was granted.

Public Consultations

22 objections have been received raising the following concerns:

- Noise causing disturbance to residents, including impact on bedrooms and affecting ability to sleep.
- Noise from use of external seating area
- Noise from patrons as they arrive/leave/queue/walk down Church Street
- Anti-social behaviour - made worse by effects of alcohol
- Late night drinking hours
- bar inappropriate on a residential street
- Invasion of privacy
- Increase in traffic /speeds
- Inconsiderate parking on double yellow line/close to junction/pavement
- Deliveries cause problem
- blocks junction and access for emergency vehicles and pedestrians
- some residents do not have off-street parking and park on Church Street. Fewer spaces available for residents.
- Odour
- Litter
- Loud music
- Church Street is a residential street but suffers the effects of noise/smells/parking and traffic problems linked to proposal.

Councillor Colella

I write in respect of the above application and would urge the case officer to refuse the application based on the material reasons below.

I am the ward councillor for Hagley West and have been made aware of the impacts of this business during lockdown 2 and 3 when trading under emergency legislation designed to support businesses during lockdowns. I have been contacted by several residents of Church Street acting on behalf of the whole residential street. I have seen the petition raised objecting to the impacts of this business during the lockdown period which has the support of every household in the street.

- The application is submitted by the business address 121 Worcester Road, but the impact of the application will be most acute on Church Street
- Church Street is at the rear of 121 Worcester Rd
- Church Street is a residential area and as such the impacts of the business application should be considered in the context of a business proposal in a residential area. As such planning policies should reflect the protection of residential properties

and impacts on resident's health and wellbeing as well as affording due protection to a dwelling amenity from a business application.

- During Covid lockdown 2 and 3 the applicant has benefited from and operated in emergency legislation designed to support businesses continuity during and because of government covid guidance.
- Therefore, the residents of Church Street, neighbouring businesses and generally local amenities have experienced the likely impact of trading similarity to this application.
- The issues below have already been experienced first-hand by the residents and as such there are reason to suspect that these will reoccur if the application is approved.
- During this period Worcestershire Regulatory Services have been involved addressing the complaints and impacts on the neighbouring households.
- This application is being objected to by all residents of Church Street
- Church street is already adversely affected by the lack of 'multi-directional' access/exit at the Summervale Roan/A456/B4187 junction.
- Traffic accessing Summervale Road, Milestone Drive and Cavendish Rd (several hundred houses) use Church Street at least once every journey and so any additional pressure that would be because of this application would result in this road experiencing congestion and at certain times of day probably complete blockage.
- Church Street has pavement only on one side of the road and is effectively a single carriage when legitimately parked cars are considered.
- Adhoc, drop and shop parking would compound these problems especially outside parking enforcement hours/evening trading hours.
- The applicant has tailored the application so that when the emergency Covid legislation is removed the business will continue in this fashion.
- Each property will be affected in different ways, but the overall feeling is that this is an unsafe president to approve and will result in the blighting of the road.

The matters that should be considered are as follows.

- Noise pollution caused by general activities undertaken in the rear premises, both in the seated area and kitchen space.
- Disturbance will be intrusive and uncontrollable in trading hours as well as non-trading hours when cleaning, restocking, and organising the rear space is carried out.
- Access in and out of this area of Hagley has already been discussed above. Vehicular access already causes major problems. There is record that on at least 2 occasions emergency vehicles were restricted and unable to get close enough to treat an emergency case that arose in Church St. If this application is approved there would be a safety and high risk that emergency vehicles will not be able to get to or get through at all.
- There is on record that a fire engine could not access the area and each property had to be contacted to move legitimately parked vehicles. Approval of this application will compound this problem
- Light and smell nuisance were experience during lockdown trading and will be repeated should this application be approved.
- Inappropriate parking – this will increase especially after parking and trading hours early evening and during late night trading.
- There is no control where vehicles will just stop and wait whilst buying take-away food.

- The carpark amenity will be vastly reduced therefore forcing business personnel to park offsite.
- Parking is already inadequate in Hagley and so loss of parking spaces here will further hinder shopper parking.
- There will be an overspill of drinkers/smokers onto the adjoining private parking, roads and pavements.
- Littering as already been an unpleasant consequence of the additional trade and is likely to be a reoccurring and uncontrolled problem.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP16 Sustainable Transport

BDP18 Local Centres

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

Bromsgrove High Quality Design SPD

Relevant Planning History

17/00330/CUP RIO	Change of use of ground floor from hair salon (A1) to Boutique Coffee House (A3).	Prior approval granted	03.05.2017
B/2003/0658	Shower room / utility / kitchen area (as built) to rear of retail premises.	Granted	17.07.2003
B/2003/0198	Tanning Studio/Sunbeds - Change of Use. Augmented by floor plans received 27.03.03.	Granted	10.04.2003

Assessment of Proposal

Background

The business at this site was operating as a boutique coffee house prior to the start of the covid pandemic. In response to lockdown restrictions / social distancing requirements, takeaway facilities were introduced and a hit and miss timber structure plus an external seating area were constructed under temporary permitted development rights that applied to England. These temporary rights are coming to an end on 22nd March 2022.

Application Site

The application site comprises 121 Worcester Road and land to the rear with parking/manoeuvring space beyond. Pedestrian access is gained through the building

from the entrance door off Worcester Road and vehicular access off Church Street across the car parking area located to the rear of 123 Worcester Road. The site is located wholly within Hagley Local Centre as defined on the Bromsgrove District Plan Proposals Map.

The Proposal

The application seeks permission for:

- the retention of a covered hit and miss timber structure with corrugated roof, attached to the rear of the building which is used as a covered seated area/smoking area
- the retention of an external seating area to the rear of the building to include storage facilities.
- proposed canopy over the external seating area
- proposed partial timber clad shipping container to be used as a dry store

Principle of Development

It is important to recognise that the whole of the application site is located within Hagley Local Centre as defined on Bromsgrove District Plan Proposals Map and within the urban area.

Policy BDP18 focusses on the provision of retail development (referred to as Class A Uses) within Local Centres. Reference to Class A is out of date following changes made in 2020 to The Town & Country Planning (Uses Classes) Order 1987. The former Class A is now part of a wider Use Class E (commercial, business and service). The existing unit at 121 Worcester Road falls within Use Class E.

The areas occupied by the external seating/car parking and manoeuvring space do not form part of the planning unit of no. 121 that was previously granted prior approval for change of use to coffee shop. BDP18 states that "...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 centres and their communities." Para 86 of the NPPF states that planning decisions should support the role of town centres at the heart of local communities by taking a positive approach to their growth, management and adaptation. The proposed use / retention of seating falls within the definition of main town centre uses set out in the NPPF and the Glossary makes clear that the definition of 'town centre' also applies to local centres. Therefore, the proposed development is considered acceptable in principle subject to consideration of other relevant policy and planning matters.

High Quality Design and Local Character

The site is visible from the eastern end of Church Street across the open car park area to the rear of 123 Worcester Road. It is set against the backdrop of the large expanse of brickwork that forms the side elevation and rear staircase of the Spar. This abuts the entrance to the rear service area of the Spar where palisade style gates and a wooden clad extension are visible. On the opposite side of Church Street are a block of breezeblock garages and the rear of commercial premises which front onto Worcester Road. Residential properties lie to the west of the local centre with the dwellings at nos 1 and 2 Church Street being located within the defined Local Centre.

There is a mix of materials in the immediate streetscene. Prior to the construction of the external seating area, the rear of no. 121 was marked by a wooden fence and gate.

The hit and miss timber structure, whilst visible from Church Street, is largely screened by the rear wing of 123 Worcester Road. Although the use of such material differs from the brick of the existing building and may not be judged to be high quality in comparison, it is not prominent and does blend into the backdrop of the rear of the adjoining buildings. There is a wooden structure to the rear of the Spar and the covering of the lower roofs on the adjacent no. 123 Worcester Road and breezeblock garages opposite are of a corrugated appearance. Therefore, in the context of the setting, the design and materials of the timber structure are considered to be acceptable.

The external seating is bounded by a horizontal fencing and planters (total height approximately 1.8m high), screening it from external views. It is noted that 2m high fencing could be erected as a means of enclosure without the need for planning permission, and that such boundary treatment was previously in situ along the rear of no. 121. This is a material consideration. In this context the outward appearance of the external seating area is not dissimilar to a similar arrangement that could be erected under permitted development rights. The existing enclosure has been softened by the inclusion of planters and overall, the external appearance of the seating area is considered acceptable.

A retractable awning supported by steel posts is proposed over the external seating area. There are a number of different roof heights and mix of materials in the streetscene; including the breezeblock garage block that is set back from Church Street opposite in a similar relative position to the proposal. In this context the installation of an awning is considered acceptable. A condition is recommended to secure details of the appearance of the awning.

Economic Matters

The NPPF (para 81) requires that significant weight is placed on the need to support economic growth with planning decisions expected to help create the conditions in which business can invest, expand and adapt. The application has been submitted as a result of the changes to the business arising from the covid pandemic. Supporting information submitted with the application, makes it clear that the external seating area has become essential to the business. The economic benefit of the proposal therefore carries significant weight in the determination of the application and supports the grant of planning permission.

Highway Matters

BDP16 (Sustainable Transport) requires developments to comply with 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 existing authorised Class E use of no. 121 is not subject to any requirement to provide off-street car parking. This is a material consideration.

Information submitted by the agent explains that the unit has had use of parking to the rear of the property since 2011 (previously associated with its use as a hairdressers). In this application, the applicant is proposing to provide 2 car parking spaces. The Highway Authority (HA) has raised no objection to the proposal, noting that the site is located in a sustainable location, that public transport and on-street parking bays are available within the local centre.

Concerns have been expressed by local residents regarding inconsiderate parking close to the junction, parking on double yellow lines and on the pavement. Hagley Parish Council and Councillor Colella refer to reports of access difficulties resulting in emergency vehicles being unable to get close enough to treat an emergency case and another incident where each property had to be contacted to move legitimately parked cars. It is not clear that this was a result of inappropriate parking by users of the structures that are proposed for permanent retention in this application or by anyone associated with the pre-existing and authorised use of the premises as a Class E unit at all. Several comments received point out that Church Street is relatively narrow and as a result of existing on-street parking along one side is sufficiently wide enough only for 1 lane of traffic to pass at a time. It is not considered that the refusal of the application would protect the public highway along Church Street from unauthorised, inconsiderate parking or ensure access by emergency vehicles would be safeguarded. This would be achieved by the enforcement of existing parking restrictions, (which can be reviewed as necessary by the Highway Authority) and the police are able to deal with illegal parking, if a vehicle is parked dangerously or in a way that would prevent emergency vehicles from accessing.

Other comments refer to the increased use of existing on-street parking along Church Street which has been attributed to customers of the application site and it has been pointed out that not all the houses here benefit from off-street parking, parking on-street instead. It is acknowledged that some customers of the application site or other businesses along Worcester Road may choose to park along Church Street. The available on-street parking along Church Street is not subject to any residents-only parking restrictions. Whilst its occupation by non-residents may cause inconvenience to those who would otherwise park their cars here, the lack of existing parking facilities associated with the existing houses is not a matter to be considered in the determination of this planning application. Whilst the concerns of residents are acknowledged, the planning assessment of these is that it is not considered reasonable to refuse the application due to matters of parking or highway concerns. Furthermore, these matters have not resulted in an objection from the Highway Authority.

The Highway Authority has raised no objection to the application and advised that the additional parking requirement attributable to this application would be negligible. No. 121 is not subject to any requirement to provide off-street parking at present. Therefore, parking aspects of the application do not raise planning concerns.

The HA has expressed concern that the car park is surfaced in an unbound material. However, this is an existing surfacing and no change is proposed to the surfacing of the car park as part of the application. Historic images of the site show an unbound surfacing in 2009. Although this may have been added to more recently the use of unbound material is not a new feature on this site. With regards to the tests for planning conditions, it is not considered necessary or reasonable to require the resurfacing of that part which is within the red line in order to facilitate the grant of planning permission.

Impact on Residential Amenity

The majority of comments express concern at the impact of the proposal on residential amenity, particularly with regard to matters of noise and odours. This is mainly a result of experiences during lockdown when the business changed its operational model by working with food vans to provide an amended food offer at the site. During this time

planning restrictions were relaxed in England to enable outdoor seating and takeaway facilities. A number of residents raised complaints and these were investigated by Worcestershire Regulatory Services (WRS). WRS has advised that it gave advice to the business owner and as a result the management of the operation was found to have improved. WRS advised that no further complaints had been received.

The planning application originally sought permission for a new kitchen to the rear of the site located within a timber clad shipping container. Following discussions regarding the management of odours/flues/extraction equipment, the application has been amended. Permission is no longer sought for a kitchen; instead a dry store is now proposed. The agent has explained that the applicant intends to provide kitchen facilities within the existing building (NB. that does not form part of the current application). In updated comments, WRS has raised no objection with regard to odours or noise.

In response to the amended planning application, some neighbours have acknowledged that the nuisance has reduced compared to the earlier experiences during lockdown but noise and smells are still a concern. The proposal no longer includes a kitchen therefore any odour would be limited to the smell from any food consumed. As information has been submitted advising that food counts for only 15% of the business and the external seating area would hold approx. 20 covers, it is not considered that the resultant odour would be significant. Therefore, the impact of odour associated with this planning application is considered to be acceptable.

Noise/anti-social behaviour has been linked in some comments from residents of Church Street, Hagley Parish Council and Councillor Colella in part to the sale of alcohol at the site. The agent has questioned this. Given that there are a number of businesses selling alcohol in the vicinity, it is unclear that any nuisance suffered is or is solely from patrons of this site. The use of no. 121 falls within planning Use Class E (commercial, business and service) and this use will not be amended as a result of the current application. A drinking establishment or drinking establishment with expanded food offer would be a sui generis use and would require a planning permission for a change of use. The application is not seeking a change of use. Supporting information submitted with the application explains that the sale of coffee is the primary business. Approximately 15% of sales are attributed to food and 5% to alcohol. This is not considered to fall outside of Class E and on the basis of this information would not require a change of use.

Other concerns have been expressed that the application will result in people spilling out of the site onto the spaces to the rear to no. 123 Worcester Road to drink/smoke. The hit and miss timber structure has been so designed to provide a smoking facility. The plans show that the layout of the site would not include any direct access between the external seating area and neighbouring land. This will be gated, locked and for staff only. Customers would access and exit the site via the building entrance along Worcester Road (as annotated on the submitted plans), reducing the likelihood of customers leaving the premise to walk round the corner to the neighbour's car park. Suitable planning conditions are recommended to secure the access/egress arrangements. It is acknowledged that the parking area to the rear of no.123 Worcester Road is not gated and therefore access is possible by anyone who seeks to do so, though it would not be directly accessible from the seating area such that patrons could spill out onto it.

Littering is another concern that has been raised. During lockdown, cafes were allowed to operate as takeaways. This right was not subject to any conditions regarding disposal of litter. Some of the comments received state that once they had bought takeaway food, customers perched on garden walls and discarded the containers in the street. The right for cafés to operate as takeaways expires after 23rd March 2022. Takeaways are now a sui generis use and planning permission would be required to change the use of no. 121. This application is not seeking to change the use of the premises. Bin storage is shown within the confines of the site and given the screening of the seating areas, it is not considered likely that any litter such as paper serviettes would be blown out of the site.

The site does benefit from a premises licence. It is understood that the consumption of alcohol is not a licensable activity so long as the point of sale was within the area shown on the licence plan. Thus, it is possible to consume alcohol within the external seating area. It can be expected that there will be some noise that would emit from the external area. It is considered that when living in close proximity to a local centre, including within the boundary of the centre itself some noise and disturbance has to be expected. The NPPF advises that planning decisions take account of the likely effects on living conditions (para 185) and should mitigate and reduce the potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life. Noise nuisance can be addressed by non-planning legislation that is within the remit of Worcestershire Regulatory Services.

Neighbours have raised concern regarding loud music. The agent has advised that there is no intention to play loud music. As noted above, matters of noise nuisance can be addressed by non-planning legislation enforced by WRS.

Concerns have also been expressed that site servicing and deliveries could cause rise to noise and disturbance for residents. This is an existing Class E unit and has no restrictions on its delivery arrangements. In amending the Use Classes Order, no restrictions were attached to deal with delivery arrangements. It is not considered reasonable to seek to attach such conditions as part of this application. In terms of opening hours, No. 121 itself is not currently subject to any hours condition and it is not considered reasonable to seek to control the hours of operation.

Conclusion on Planning Balance

This is an accessible site, within a designated Local Centre within the urban area. There is a bus route immediately adjacent to the site, and parking bays available within the Local Centre. Although some parking arrangements may result in some inconvenience at certain times, the proposal would not lead to unacceptable harm.

The design and appearance of the development is considered acceptable in the context of the position of the development, its setting and taking account of permitted development options.

It is considered that the impact on neighbouring residents can be satisfactorily mitigated by the planning conditions recommended.

The application represents a positive and effective use of the site and the economic benefits weigh significantly in favour of the development.

Overall, the proposal is considered to accord with the development plan, NPPF, High Quality Design SPD and subject to the conditions recommended is considered acceptable with regard to material planning matters.

RECOMMENDATION: That planning permission be **GRANTED**

- 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:

Location plan - drawing no 02 Rev A

Block plan - drawing no. 03 Rev A

Proposed plans & elevations dry store drawing no. 05 Rev B

Proposed side elevation (facing Church Street). Proposed ground Floor Plan, Existing Ground floor plan, Car parking layout and access arrangements - drawing no. 04 Rev C

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

- 3) Prior to installation, full details of the design of the awning hereby approved, including materials, shall be submitted to and be approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and impact on the streetscene

- 4) The external seating area shall be used solely in connection with 121 Worcester Road.

Reason: To control access from Church Street and safeguard the residential amenities of neighbouring properties. To safeguard neighbouring residential properties from unacceptable noise and disturbance.

- 5) Access/egress to the external seating area by customers shall only be gained through the building at 121 Worcester Road as shown on the approved plans. For the avoidance of doubt the gate leading from the external seating area/dry store shall not be used by customers other than in an emergency.

Reason: To control access from Church Street and safeguard the residential amenities of neighbouring properties. To safeguard neighbouring residential properties from unacceptable noise and disturbance.

- 6) The clad container shall be used only as a dry store for storage as described in the design and access statement and shall not be used at any time by customers or for the purposes of providing direct serving of customers.

Reason: To safeguard the residential amenity of neighbouring properties. To safeguard neighbouring residential properties from unacceptable noise and disturbance.

- 7) The external surfaces of the container hereby permitted shall be treated in accordance with the materials specified on the application form (cedar batten cladding over black painted walls) and as shown on the approved plans prior to being brought onto site and the cladding shall be thereafter retained as shown.

Reason: To ensure the satisfactory appearance of the development and impact on the site and surroundings.

- 8) No storage shall take place on the parking or manoeuvring areas and the parking and manoeuvring space shall be kept available at all times for those purposes. No means of enclosure shall be erected within any part of the parking or manoeuvring area.

Reason: To ensure the retention and availability of the 2 parking spaces and manoeuvring space and to ensure the satisfactory functioning of the development. To ensure the satisfactory appearance of the site and streetscene.

Case Officer: Jo Chambers Tel: 01527 881408
Email: jo.chambers@bromsgroveandredditch.gov.uk

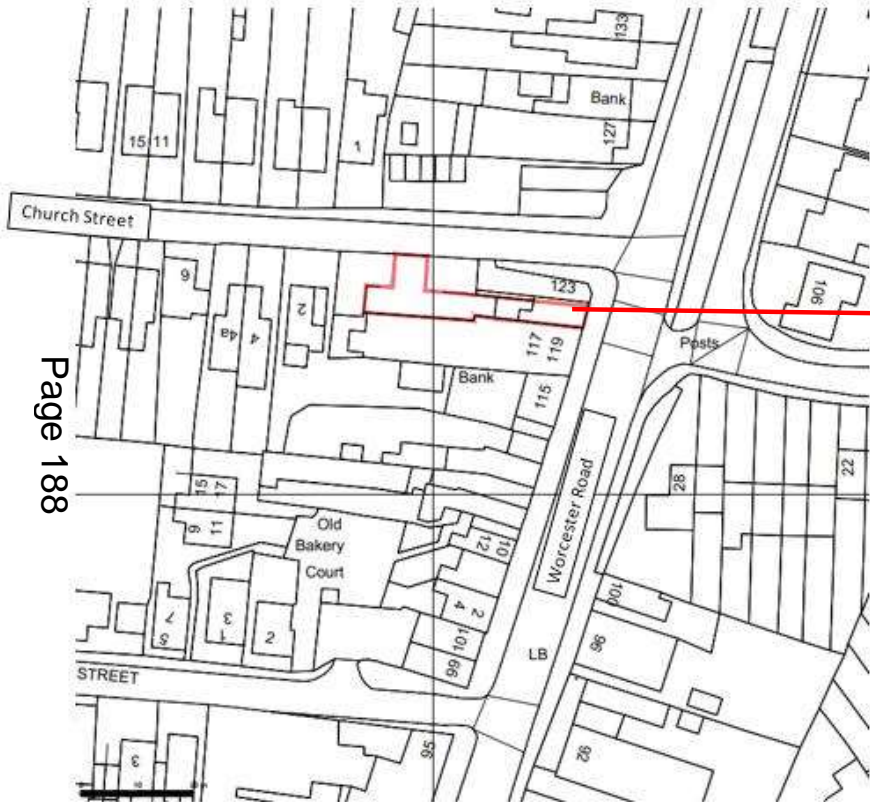
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Cup & Bean, 121 Worcester Road
Hagley DY9 0NG

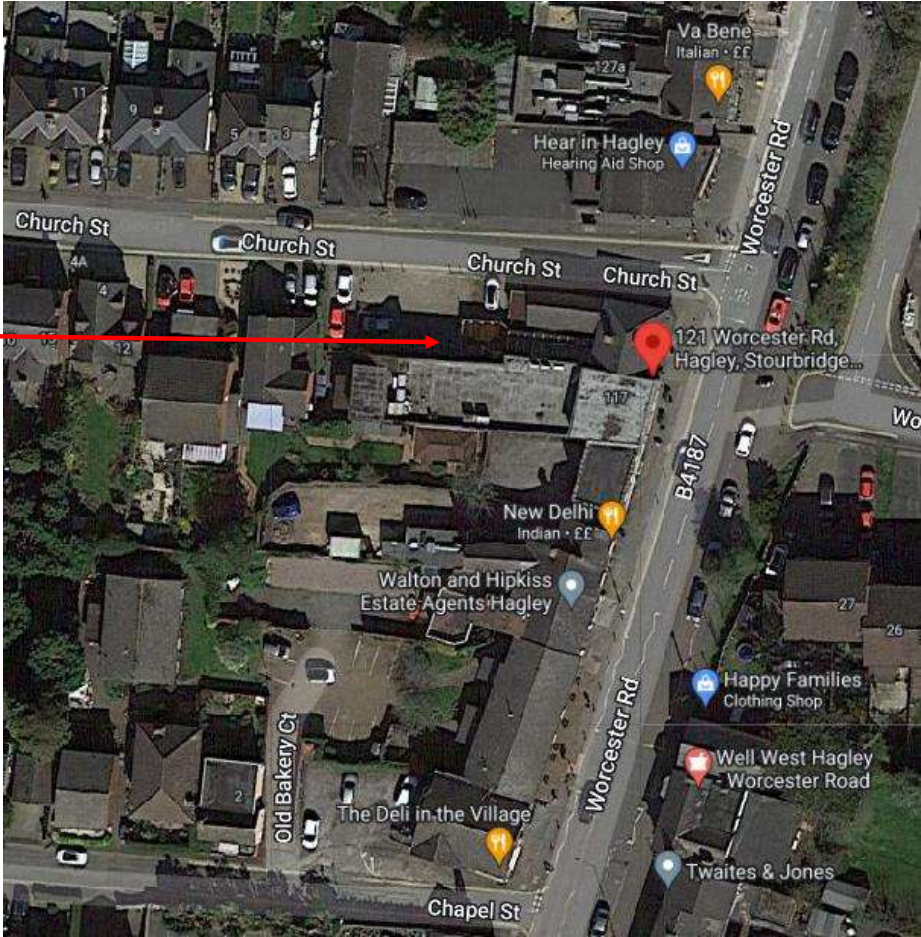
Timber hit and miss cedar fence, rear double gate and UPVC corrugated roof sheeting to provide shelter to existing external seating area. Partial conversion of car park to permanent use of external seating area with canopy awning and proposed clad shipping container to be used as dry store. Retaining 2No. existing parking spaces.

Recommendation: Grant subject to conditions

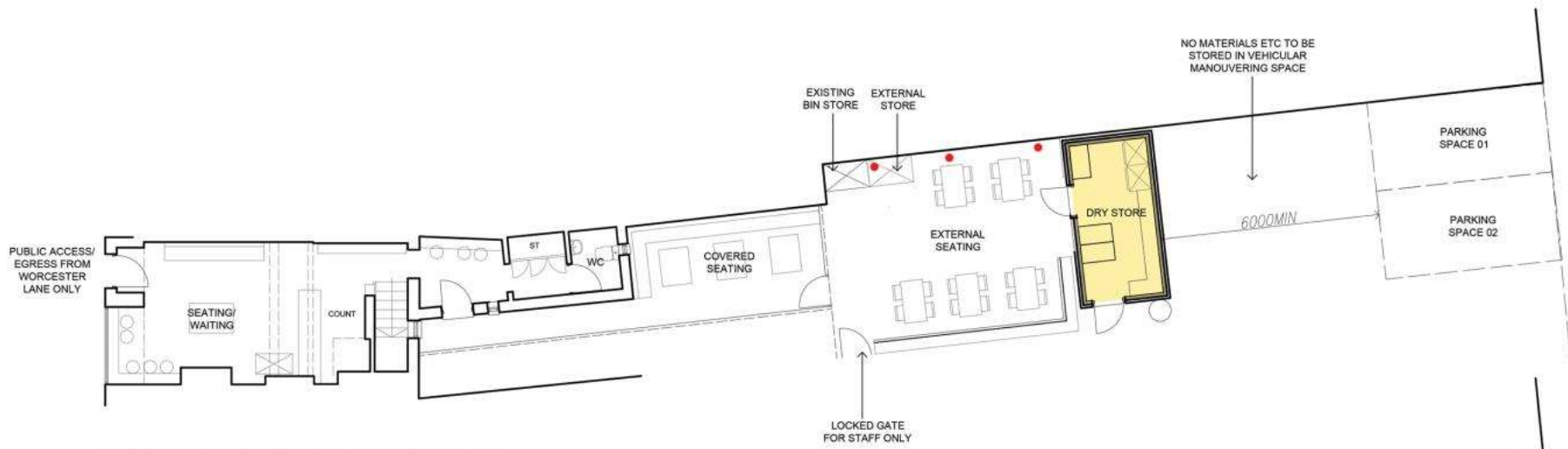
Site Location



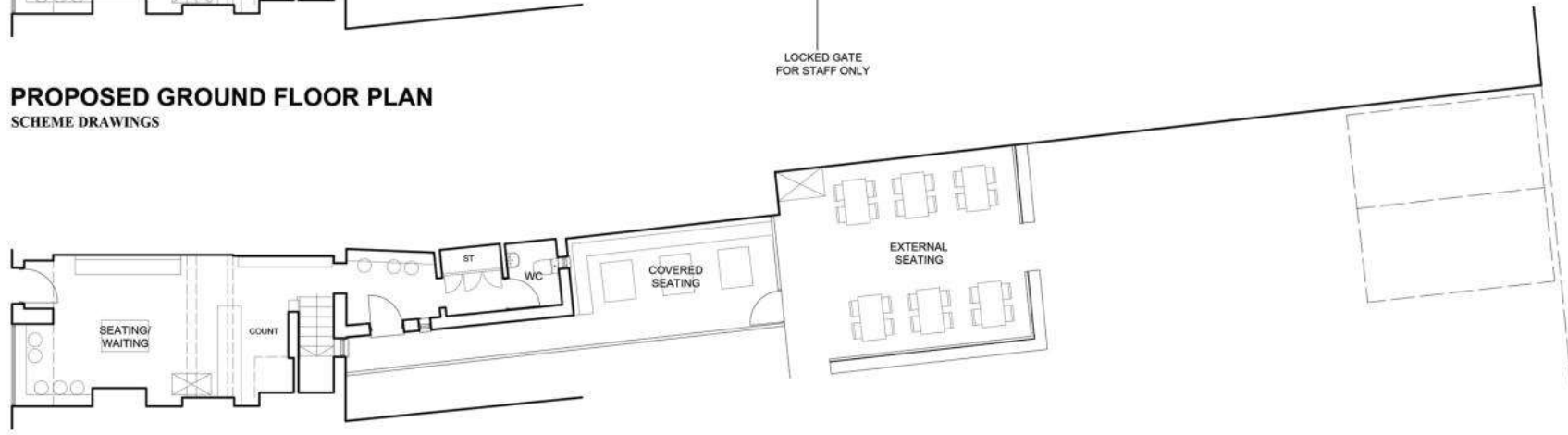
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Proposed site plan and layout

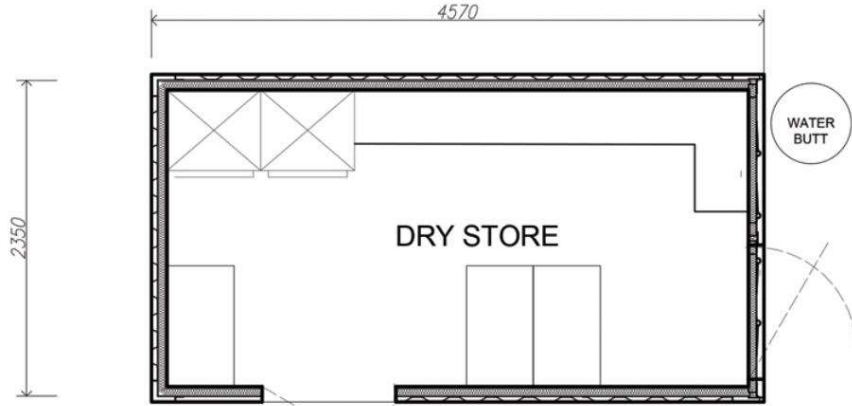


PROPOSED GROUND FLOOR PLAN
SCHEME DRAWINGS



EXISTING GROUND FLOOR PLAN
SURVEY DRAWINGS

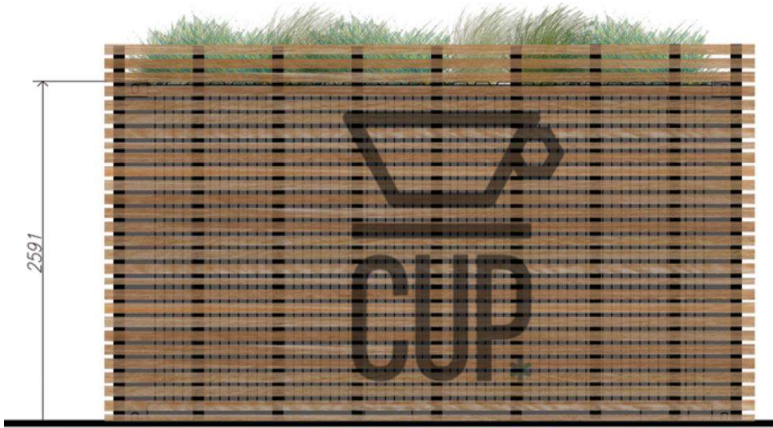
Proposed dry store



PROPOSED GROUND FLOOR PLAN



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



SIDE ELEVATION

Proposed elevation

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RETRACTABLE AWNING OVER SEATING
AREA FIXED TO INDEPENDENT STEEL
POSTS WITHIN SITE BOUNDARY

PROPOSED SIDE ELEVATION (FACING CHURCH STREET)

Site Photos

