



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 6TH FEBRUARY 2023

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 5th December 2022 (Pages 7 - 14)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 22/00978/FUL - New dwelling on the site of a previously approved dwelling (ref 21/00312/FUL) using a previously approved access drive - 32 Lickey Square, Lickey, Birmingham, Worcestershire, B45 8HB - Mr. D. Jones (Pages 15 - 46)
6. 22/01066/OUT - Outline planning application (with all matters reserved except access) for the erection of up to 78 dwellings and a flexible commercial/community use building with associated access, infrastructure,

landscaping, and open space provision - Land at Little Intall Fields Farm, Stoke Pound Lane, Stoke Prior, Worcestershire - Mr. B. Little (Pages 47 - 88)

7. 22/01146/FUL - Demolition of the former Prince of Wales public house and the erection of a 72 bedroom care home facility with frontage parking together with the change of use of former agricultural land at the rear to ancillary amenity space for residents including the provision of Green Care Farming with landscaping, and associated works. (Cross boundary application - Solihull and Bromsgrove), - Prince Of Wales Public House, High Street, Solihull, B90 1JW - GNM Developments Ltd (Pages 89 - 104)
8. 22/01220/FUL - Demolition of one existing agricultural building; repair of three further agricultural buildings (retrospective) - Former Poultry Houses, Rose Cottage Farm, Seafeld Lane, Portway, Worcestershire B48 7HN - A E Beckett & Sons Ltd (Pages 105 - 118)
9. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting.

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

27th January 2023

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

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

GUIDANCE ON FACE-TO-FACE MEETINGS

At the current time, seating at the meeting will be placed in such a way as to achieve as much space as possible for social distancing to help protect meeting participants.

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

Members and Officers who still have access to lateral flow tests (LFTs) are encouraged to take a test on the day of the meeting. Meeting attendees who do not have access to LFTs are encouraged not to attend a Committee if they have common cold symptoms or any of the following common symptoms of Covid-19 on the day of the meeting; a high temperature, a new and continuous cough or a loss of smell and / or taste.

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 2nd February 2023.

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 2nd February 2023.

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

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- 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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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 5TH DECEMBER 2022, AT 6.03 P.M.

PRESENT: Councillors H. J. Jones (Chairman), A. D. Kriss (Vice-Chairman), A. J. B. Beaumont, G. N. Denaro, A. B. L. English, J. E. King and C. J. Spencer

Officers: Mr. R. Keyte, Mr. D. M. Birch, Mr. P. Lester, Ms. J. Chambers, Mr. D. Kelly and Mrs. P. Ross

25/22

TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were received from Councillors S. P. Douglas, M. Glass, P. M. McDonald and M. A. Sherrey.

26/22

DECLARATIONS OF INTEREST

Councillor A. B. L. English declared in relation to Agenda Item No.8 - (Planning Application – 22/01241/S73 - Attwell Farm Park, Seafield Farm, Seafield Lane, Portway, Redditch, Worcestershire, B98 9DB), in that she would be addressing the Committee for this item as Ward Councillor under the Council's public speaking rules. Prior to the consideration of this item Councillor A. B. L. English was asked to leave the meeting room.

Councillor J. E. King declared in relation to Agenda Item No.5 - (Planning Application – 22/00803/FUL – The Keepers, 6A St. Catherine's Road, Blackwell, Worcestershire, B60 1BN), in that she would be addressing the Committee for this item as Ward Councillor under the Council's public speaking rules. Prior to the consideration of this item Councillor J. E. King was asked to leave the meeting room.

Councillor A. J. B. Beaumont declared in relation to Agenda Item No.7 - (Planning Application – 22/01137/S73 – The Barn, Woodman Lane, Clent, Stourbridge, Worcestershire, DY9 9PX), in that he knew the applicant. Councillor A. J. B. Beaumont left the meeting room prior to the consideration of this item.

It was noted that all Members present at the meeting declared Other Disclosable Interests in Agenda Item 7 (Planning Application 22/01137/S73 - The Barn, Woodman Lane, Clent, Stourbridge,

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Worcestershire, DY9 9PX), in that they were all aware that the Applicant, Ms J. Willetts was the partner of a District Councillor.

27/22

MINUTES

The minutes of the Planning Committee meeting held on 10th October 2022 were received.

That the minutes be amended at Minute No. 20/22, in that Councillor A. B. L. English was asked to leave the meeting room prior to the Officer's report and presentation commencing, for Planning Application 22/00801/FUL – Seafield Farm, Seafield Lane, Portway, Redditch, Worcestershire, B98 9DB.

RESOLVED that, subject to the amendment as detailed in the preamble, that the minutes of the Planning Committee meeting held on 10th October 2022, be approved as a correct record.

28/22

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)

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

All Members agreed that they had received and read the Committee Update.

29/22

22/00803/FUL - AMENDMENTS TO PREVIOUSLY APPROVED DWELLING HOUSE (21/01086/FUL) INCLUDING AN ATTACHED GARAGE, A REAR ORANGERY, INTERNAL ALTERATIONS INCLUDING THE CREATION OF A 2ND FLOOR AND CHANGES TO THE FRONT AND REAR FENESTRATION - THE KEEPERS, 6A ST CATHERINE'S ROAD, BLACKWELL, WORCESTERSHIRE, B60 1BN - MR. A. KEAY

Officers drew Members' attention to the Committee Update, which referred to the appeal for this Application (APP/P1805/W/22/3290354) which was allowed on 7th November 2022; and that following the publication of the Planning Committee agenda on 25th November 2022, one further comment was received as follows:-

"This comment relates to the level of illumination from the central void windows of the dwelling in the front elevation and indicates that this has had a detrimental impact on the residents residing at 6 St. Catherine's Road".

Copies of the Committee Update were provided to Members and published on the Council's website prior to the commencement of the meeting.

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

Officers presented the report and presentation slides, as detailed on pages 15 to 26 of the main agenda report; and in doing so, highlighted that this was a retrospective planning application for amendments to the previously approved dwelling house (Planning Application 21/01086/FUL), and included an attached garage, a rear orangery, internal alterations, including the creation of a 2nd floor and changes to the front and rear fenestration.

The application related to a dwelling to the rear of 6 St. Catherine's Road, located on the eastern side of the road in the residential area of Blackwell. The plot of land historically formed part of the garden at number 6 but was subdivided some years ago. An existing access road runs along the northern boundary of number 6 to serve the application site. The site was bound to the north by the rear garden of number 8 and to the south by the rear gardens of numbers 4 and, in part, 4a. To the east was a field understood to be in the ownership of number 10, and to the west was the rear garden of number 6. An area Tree Preservation Order ((26) 2003) covered the site. Most of the plot was enclosed by a high concrete wall. The dwelling had now been completed and was occupied.

Officers drew Members' attention to the residential amenity issues, as detailed on page 11 of the main agenda report, and in doing so highlighted that; objections had been received in respect of overlooking, overbearing, loss of light, and outlook. It was noted that objections regarding the loss of amenity had been raised throughout the application. Ultimately, the applicant's approach to building the dwelling through retrospective planning applications had not assisted in reducing residents' concerns regarding this matter.

Officers further highlighted the background information, as detailed on pages 9 and 10 of the main agenda report; with particular reference to the disputed condition regarding the permitted development rights being removed and the comments made by the Planning Inspector in their assessment.

Following reassessment officers were now satisfied that the previous reason for refusal could not be substantiated. The dwelling as built was acceptable in character and appearance and was not out of scale when compared to other dwellings. The application should therefore be approved.

At the invitation of the Chairman, the Council's Legal Advisor read out a written speech on behalf of Mr. and Mrs. N. Suggett, in objection to the application. Councillor J. E. King, Ward Councillor, also addressed the Committee in objection to the application.

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Members then considered the application, which officers had recommended that planning permission be granted.

Members referred to the comments received from the Planning Inspectorate, as detailed on page 10 of the main agenda report, in relation to character and appearance, the Inspector had indicated that

“The enlargement of the property, through the erection of extensions and outbuildings allowed by permitted development rights would not give rise to an overly large development in relation to the plot or harm the character and appearance of the area through loss of openness”.

Officers responded to a question from Members with regard to drainage and in doing so referred the Committee to Condition 3, as detailed on page 13 of the main agenda report.

In response to further questions from the Committee and in order to clarify queries with regard to the gable end, officers referred to the Dwelling Layout, Comparison Plans and both Approved Scheme presentation slides.

With regard to questions from Members about site visits, officers confirmed that they had visited the site with Enforcement officers, Worcestershire Regulatory Services; and that the evidence received from the agent on site levels was correct.

Members commented that whilst they sympathised with residents and the comments made by the Ward Councillor; they also had to be mindful of the comments received from the Planning Inspectorate.

Members were therefore minded to approve the application and on being put to the vote it was

RESOLVED that Planning Permission be granted, subject to the Conditions as detailed on pages 12 and 13 of the main agenda report.

30/22

22/01114/FUL - DEMOLITION OF A WAREHOUSE AND REPLACEMENT WITH AN AGRICULTURAL BUILDING FOR VERTICAL FARMING - UNITS 2B TO 2D, OAKLAND, SEAFIELD LANE, PORTWAY, WORCESTERSHIRE, B98 9DB - GREEN CLOVER DEVELOPMENTS LIMITED

Officers presented the report and presentation slides, as detailed on pages 37 to 45 of the main agenda report; and in doing so, informed the Committee that the application sought the demolition of a warehouse and replacement with an agricultural building for vertical farming.

The application site (Oakland International) was located on the east side of Seafield Lane approximately 650m north of the junction of Seafield Lane with the B4101 Beoley Lane leading onto the A435. The Oakland

site comprised of a number of categories of buildings ranging from modern purpose built storage and distribution buildings to the immediate north and south of the application site.

Members questioned officers in relation to whether the proposed building would have regeneration facilities. Officers explained that there were other cold store facilities available at the Oakland site but that the building subject to the application would have a controlled ambient temperature to ensure optimum growing conditions.

RESOLVED that Planning Permission be granted, subject to the Conditions as detailed on pages 33 to 35 of the main agenda report.

31/22

22/01137/S73 - REMOVAL OF CONDITION 3 (PERMITTED DEVELOPMENT RIGHTS) AND VARIATION OF CONDITION 6 (CONSERVATION ROOFLIGHTS) OF PLANNING APPROVAL 21/01248/FUL SINGLE STOREY SIDE EXTENSION - THE BARN, WOODMAN LANE, CLENT, STOURBRIDGE, WORCESTERSHIRE DY9 9PX - MS. J. WILLETTS

Prior to the consideration of this item, the meeting stood adjourned from 18:35 pm. to 18:37 p.m. whilst Councillor A. D. Kriss took a comfort break.

Officers presented the report and presentation slides, as detailed on pages 61 to 71 of the main agenda report; and in doing so, highlighted that this was an application for the removal of Condition 3, Permitted Development Rights and a variation of Condition 6, Conservation Rooflights of Planning Application 21/01248/FUL single storey side extension.

Officers provided additional slides (photographs) at the request of the Applicant.

Officers drew Members' attention to the Location Plan and Aerial View slide, as detailed on page 62 of the main agenda report.

Officers highlighted that the Barn was originally granted permission for conversion into a dwelling in 1975. At this stage, Permitted Development Rights were not removed.

After the initial conversion an application for a bedroom and bathroom extension was subsequently approved in 1981, but again this pre-dated the current guidance and therefore PD Rights remained intact. This was followed by approval in November 2021 under reference 21/01248/FUL for a single storey side extension, whereby it was considered that in order for the extension to be acceptable in planning terms, certain permitted development rights needed to be removed and that in accordance with Paragraph 54 of the NPPF, there was a clear reason to do so.

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Whilst the applicant had suggested that the removal of permitted development rights was unreasonable, as detailed on page 49 of the main agenda report, the LPA considered that the site-specific circumstances in this case warranted the condition to be retained. The implementation of these permitted development rights, without careful control, could harm the visual amenity of the area. Furthermore, it could harm the openness of the Green Belt.

Officers drew Members' attention to the comments received from the Conservation Officer, as detailed on page 47 of the main agenda report.

At the invitation of the Chairman, Ms. J. Willetts, the Applicant, addressed the Committee.

Members then considered the application, which officers had recommended that planning permission be refused.

Members referred to the comments received from the Conservation Officer with regard to the rooflights and that top hung rooflights were more suitable to preserving the appearance of a converted agricultural building. Members commented that the barn was well set back from Woodman Lane and that no representations had been received from any nearby neighbours.

At the request of the Committee, officers referred to the Rooflight Images slide, as detailed on page 71 of the main agenda report.

Some Members further commented that they were in agreement with the Applicant, that the new rooflights should match the existing rooflights. Councillor A. D. Kriss further added that he had conducted a site visit and had noticed that you could see all the rooflights which were quite predominate, so he could see why different rooflights would look odd. He was aware that the barn was a Non-Designated Heritage Asset; but felt that it should be seen to be in keeping with the existing building. He would agree with the Conservation Officer if the building was a Grade II listed building.

In response to questions from Members with regard to voting on each Condition separately, Officers clarified that the application required Members to make one decision only.

Members further debated the removal of Condition 3, Permitted Development Rights. Officers further reiterated that by reinstating permitted development rights further work could be carried out. Officers reminded the Committee that, currently the Barn had reached its upper limit of proportionate additions in an overall percentage increase of 33.63% over and above the original, which was close to the 40% upper limit in the Green Belt.

Councillor G. N. Denaro proposed an Alternative Recommendation, seconded by Councillor A. D. Kriss, that planning permission be granted.

On being put to the vote it was

RESOLVED that planning permission be granted subject to the Conditions which must be complied with, to be set out in the Grant of Section 73 Planning Permission Decision Notice.

32/22

22/01241/S73 - VARIATION OF CONDITION 8 PLANNING PERMISSION
19/01544/FUL - VARIATION OF OPENING HOURS TO VISITING
MEMBERS OF THE PUBLIC - ATTWELL FARM PARK, SEAFIELD
FARM, SEAFIELD LANE, PORTWAY, REDDITCH WORCESTERSHIRE -
MR. M. ATTWELL

Officers presented the report and presentation slides, as detailed on pages 83 to 85 of the main agenda report; and in doing so informed Members that the application sought the variation of Condition 8 planning permission 19/01544/FUL – Variation of opening hours to visiting members of the public.

The application sought to amend condition 8 attached to 19/01544/FUL to the following:

- 9:00am and 5:00pm school term time
- 9:00am and 6:00pm weekends and school holidays
- Special occasions hours to suit the requirements of various seasonal events for example:

Halloween
Easter
Christmas
and other national events that may be applicable e.g.
Jubilee

An appropriate revision to Condition 8 was considered to be:

Visiting members of the public shall be limited to between:
9:00am and 5:00pm Monday – Friday on non-official school holidays authorised by the Local Education Authority in the Bromsgrove District Council area (currently Worcestershire County Council).

9:00am and 6:00pm Saturday and Sunday and official school holidays authorised by the Local Education Authority in the Bromsgrove District Council area (currently Worcestershire County Council) which officers felt were acceptable and proportionate.

Officers referred to the Planning Balance, as detailed on page 78, and material planning considerations, as detailed on pages 76 and 77 of the main agenda report.

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Officers drew Members' attention to the comments received from Councillor A. B. L. English, Ward Councillor, as detailed on page 74 of the main agenda report.

At the invitation of the Chairman, Councillor A. B. L. English addressed the Committee in objection to the proposed hours.

Councillor A. D. Kriss questioned if the hours as suggested by Councillor A. B. L. English, as detailed on page 74 of the main agenda report, could be implemented?

Officers commented that it would be for Members to decide.

In response to a query with regard to Condition 10, as detailed on page 81 of the main agenda report, the officer, Highways, Worcestershire County Council; responded and informed the Committee that highways had requested the secure motorcycle parking spaces in order to ensure that there was secure facilities.

Members were in agreement that this was a small business which needed to be supported, therefore Members were minded to grant the application.

RESOLVED that planning permission be granted, subject to the Conditions as detailed on pages 79 to 81 of the main agenda report.

The meeting closed at 7.08 p.m.

Chairman

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr David Jones	New dwelling on the site of a previously approved dwelling (ref 21/00312/FUL) using a previously approved access drive 32 Lickey Square, Lickey, Birmingham, Worcestershire, B45 8HB	09.12.2022	22/00978/FUL

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

RECOMMENDATION: That planning permission be Granted

Consultations

Cllr J. E. King Consulted 17.11.2022

Comments summarised as follows:

Revised app. 22/00978 fails to address my concerns about the previous application and does not comply with the Bromsgrove District Plan nor the NPPF on a number of important issues.

Accessibility from the highway.

Concerns that the visibility splay required cannot be achieved

Height, mass and form

The extant permission on this site is for a two-storey house similar to the other two houses next to it. This application is for a larger three storey house.

No other house in The Badgers, Stretton Drive nor Lickey Square has three storeys. This means that it is not characteristic of this area as stated by the applicant.

Separation distance

The proposed house is on higher ground than those on The Badgers. This makes the separation distance between it and 16 The Badgers (and other Badgers properties) unacceptable as proposed by the applicant. BDC SPD para 4.2.52 states that `Where new dwellings are of sufficient height and mass to dominate neighbouring dwellings this will not be acceptable.`

Paragraph 4.2.31 of the BDC SPD states that 21 metres will be required between rear dwelling windows directly facing each other. However, there is a difference in the gradient between the houses which requires a greater separation distance which has been ignored in this application. Screening from the trees between the two properties will not compensate for this overbearing proximity and because most of the trees are deciduous and there is currently no protection for shrubs and hedging, which may well not be retained.

In Summary

Height and mass of the property is non-compliant with the BDC Local Plan and Neighbourhood Development Plan as it is out of character with neighbouring properties. The separation distance from 16 The Badgers is non-compliant with national and local policies and the house would be overbearing.

The new application is for a larger dwelling than any previous application except one which was refused by BDC planning committee as being too large for the site.

Lickey And Blackwell Parish Council Consulted 17.11.2022

Comments summarised as follows:

The Parish council strongly objects to this application for the following reasons:

This application has been resubmitted based on previously approved dwelling (Ref 21/00312/FUL) which has been modified from the application submitted in July 2022 to which Lickey and Blackwell Parish Council objected.

Although the proposed site plan submitted shows reduced size, the characteristics remain the same.

The dwelling remains a three-storey dwelling rather than a two-storey dwelling as approved. The three-storey dwelling would contrast to the neighbouring houses in Lickey Square, Stretton Road and Badgers, which are two storey houses. Floor area would be significantly increased.

The applicant has added a basement consisting of a pool, gymnasium, entertainment, sauna, steam, and cinema. We are concerned about the water disposal from the swimming pool which is in the basement.

The proposed house would be overbearing and would overlook neighbouring properties having regard to stated separation distance set out within the Councils SPD.

There are a number of Juliet balconies on this new proposal which contravenes SPD 4.2.32 which comments that balconies will only be acceptable when there is no direct overlooking of windows, or at close quarters, the rear garden of adjacent properties.

We are concerned that the visibility splay required cannot be achieved which could increase the possibility of accidents.

Worcestershire County Highways Consulted 08.08.2022

No objections, subject to conditions

Comments summarised as follows:

I have no highway objections to the proposed detached dwelling subject to the recommended visibility splay condition applied to the earlier consent, and conditions requiring the first 5 metres of access road being surfaced in a bound material; the provision of an Electric Vehicle charging point and sheltered and secure cycle parking provision.

I have noted that the site has had outline permission for 5 dwellings, a separate full planning permission for two dwellings, ref 19/01388/FUL and a full planning permission for a single dwelling ref 19/00477/FUL.

Consents, granted on appeal by the planning inspectorate did not raise any concerns on the ability to deliver the visibility splay subject to a condition. The inspector will have

considered the reasonableness of any conditions and clearly has judged that the visibility splay condition meets the relevant tests.

The applicant has provided 4 car parking spaces which are in accordance with WCC car parking standards.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained.

North Worcestershire Water Management Consulted 08.08.2022

Comments summarised as follows:

The site falls within flood zone 1 (low risk of fluvial flooding) and is not shown to be an area susceptible to surface water flooding. Should you be minded to grant permission I would request that a surface water drainage strategy for the proposed development be submitted (via condition)

Arboricultural Officer Consulted 08.08.2022

No objections, subject to conditions

Comments summarised as follows:

There is a mature Douglas Fir tree (T903) and Oak tree standing within the grounds of 34 Lickey Square which the driveway access passes between. These trees are subject to protection under Bromsgrove District Council Tree Preservation Order (4) 2011. Due to the size and proximity of these trees to the access driveway and associated parking bays the footprint of these features causes an incursion into the BS5837:2012 recommended Root Protection Area (RPA) of both trees. Therefore, the access driveway should be installed by use of a No Dig method of construction over the existing ground levels to ensure that the development does not affect the health or stability of these trees.

No objections are raised to the slight re-positioning of the hedge line to the front of No.36 in order to achieve the sightline splay required. I agree with the reasoning and comments of the Planning Inspector on earlier cases in that there should be no need to remove any of the TPO protected trees on the site in order to achieve the visibility splay required at the entrance to the site.

Recommended conditions:

1. Any section of the proposed access driveway and parking bays that fall within the BS5837:2012 should be installed by use of a suitable grade of No Dig construction. A plan showing the area to be constructed by the use of No Dig construction and specification of the material to be used should be supplied.
2. All trees to be retained should be afforded protection in accordance with BS5837:2012 recommendations throughout any ground or development work on the site.
3. An Arboricultural Method statement and protection plan should be submitted.

Publicity

34 Neighbour notifications sent 08.08.2022

Re-consultation on amended plans 17.11.2022

Site Notice displayed 07.08.2022

Neighbour Responses

18 letters of objection received

2 letters received in support of the application

Objection summary:

- The proposed development represents 'garden grabbing', contrary to the Lickey and Blackwell and Cofton Hackett Neighbourhood Development Plan and the Bromsgrove District Plan.
- The development would be detrimental to the character and quality of the area
- Detrimental impact on trees
- The proposed dwelling is too large for the plot
- Over-development of the site
- Proposal would overshadow neighbouring dwellings resulting in a loss of light
- The site is elevated from 'The Badgers'. Overlooking would occur resulting in a loss of privacy to existing occupiers
- Proposal would be overbearing, overwhelming and be visually intimidating in nature
- Separation distances between existing dwellings and the proposed dwelling are insufficient having regard to level differences
- Increased traffic to and from the site would be prejudicial to highway safety
- Drainage and flooding concerns due to elevated, steeply sloping nature of the site
- Harm to wildlife would occur
- Noise and light pollution concerns
- Smaller houses are required in this area not large 5 bed roomed detached houses
- Inadequate bin storage facilities

Support summary:

- The development would be in keeping with the previously approved applications and would respect the character of the area
- Plenty of tree and other foliage cover exists to ensure that the property does not impinge on other properties.
- The dwelling will enhance the area

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP7 Housing Mix and Density

BDP19 High Quality Design

BDP21 Natural Environment
BDP23 Water Management

Others

Lickey and Blackwell Village Design Statement
Lickey and Blackwell and Cofton Hackett Neighbourhood Plan
Bromsgrove High Quality Design SPD
NPPF National Planning Policy Framework (2021)

Relevant Planning History

14/0166: 1 detached dwelling: rear garden of No.32 Lickey Square. Refused by BDC 11.04.2014

16/0190: 5 detached dwellings on land to the rear of No's 32, 34, and 36 Lickey Square. Refused by BDC, 19.08.2016. Allowed at appeal subject to conditions 06.07.2017. The outline planning permission reserved all matters apart from the proposed access point leading to a private drive between no. 34 and 36 Lickey Square which was allowed

18/01322/FUL: 1 detached dwelling: rear garden of No.34 Lickey Square. Refused by BDC 20.02.2019

19/00477/FUL: 1 detached dwelling: rear garden of No.34 Lickey Square. Granted by BDC 07.08.2019

19/01388/FUL: 2 detached dwellings rear of 34 to 36 Lickey Square. Appeal against the non-determination of the application within prescribed timeframes. Appeal allowed 30.07.2020

20/00759/REM: Reserved Matters Application for five detached dwellings seeking consent for appearance, landscaping, layout and scale following outline consent through appeal (ref 16/0190)
Appeal against the non-determination of the application within prescribed timeframes.
Appeal dismissed 18.12.2020

21/00312/FUL: 1 detached dwelling using previously approved access driveway: rear garden of No.32 Lickey Square. Granted by BDC 06.07.20

Assessment of Proposal

Background

Planning permission was granted for a two-storey dwelling at this site under reference 21/00312/FUL on 06.07.2021. The elevations of the dwelling as approved are included within the presentation pack which accompanies this report. The footprint of the dwelling as approved is indicated by a red dashed line on the submitted site layout plan. The extant scheme proposed a single storey flat roofed 'orangery' to the rear which is not proposed under the current application. Members will note that the footprint of the proposed dwelling would occupy the same part of the site which was to be developed

under the extant consent. As such, if planning permission were to be granted for the current proposal and this permission were to be implemented, application 21/00312/FUL could not also be implemented. The principle of the development including its means of access from Lickey Square has therefore been established and it is only necessary to compare the respective detailed changes between the proposal and the extant approval in terms of its siting and appearance in considering whether the current application is acceptable or not.

The site and its surroundings

The site is located within the settlement of Lickey Hills within a residential area. The site is not within the Green Belt.

The property fronting the application site to the north (No.32 Lickey Square) is a large two storey detached dwelling, facing the southern side of the road. It is set within large grounds containing many mature trees to both the front and rear gardens many of which are protected by Tree Preservation Orders (TPO's). This part of Lickey Square is fronted by other individually designed, large, detached houses set within substantial plots. The site falls steeply from front to back (north to south).

Adjacent to the rear (south) of the site is an end of a cul-de-sac 'The Badgers' a more recent development of detached two storey dwellings with smaller gardens than numbers 32 to 36 Lickey Square. The plot would be accessed via an unclassified road, Lickey Square and benefits from a footpath and street lighting on the opposite (the northern side) of the road. There are no parking restrictions in force in the vicinity. The site is located approximately 340 metres from Lickey Hills Primary School and approximately 140 metres from a bus route and a bus stop.

The proposed development

It is proposed to construct a three-storey dwelling which, from the rear, would be 13 metres in overall height (including the basement) and 9.1 metres high to eaves. The dwelling would be a maximum of 14 metres wide and a maximum of 11.6 metres deep. Due to the slope across the site, the front (north facing) elevation would be two-storey measuring 9.8 metres to ridge and 6.2 metres to eaves.

The front elevation would be articulated with three gables, whilst the rear elevation would contain two gables. Walls would be finished in facing brick with the exception of the upper parts to the gables where rendered panels between treated timber panels are proposed. This feature is present on the existing dwelling, 32 Lickey Square.

The design of the development is not dissimilar to that of the two dwellings allowed at appeal under reference 19/01388/FUL and that of the extant consent 21/00312/FUL.

Assessment

Character and appearance

The underlying character of the locality is one of large detached, two storey houses of varying ages and styles. Many are set within substantial and maturely landscaped, verdant plots. However, there is also a clear pattern of rear gardens having been developed along Lickey Square and surrounding streets. There are also several

examples of higher density developments than that of the application site as can be seen on the cul-de-sac estates of Cleveland Drive and Stretton Drive to the east of the site, and The Badgers, a gated two-armed cul-de-sac to the south of the site.

The Lickey and Blackwell Village Design Statement (SPD) states that new housing should generally reflect the character, setting and style of housing in the immediate vicinity. Given the variety of densities and surrounding layouts it is considered that the application would accord with the mixture and pattern of development in the area and would form a natural extension to the layout of development allowed by the Planning Inspectorate under reference 19/01388/FUL.

The dwelling has been designed to complement the dwellings approved under reference 19/01388/FUL and is not dissimilar to that of extant consent 21/00312/FUL. The gap between the proposed dwelling and the nearest dwelling approved under 19/01388/FUL, (being approximately 30 metres) is considered to be ample and would provide visual relief, avoiding cumulative harm.

As noted by the Inspector when considering application 19/01388/FUL, the sloped characteristics of the site limit public views of the development from the Lickey Square street scene. Further, the proposed positioning of the dwelling together with the location of existing trees to be retained would provide adequate screening.

In allowing the appeal under appeal ref APP/P1805/W/20/3245957 (19/01388/FUL), the Inspector noted that five trees, subject to a Tree Preservation Order (TPO), lining the boundary between Nos 34 and 36 would be removed. Whilst contributing to the verdant character of the site and its surroundings the Inspector noted that there were only limited views of the five trees in question along Lickey Square and from other public vantage points. He noted that most views of the subject trees, from both public and private land, were layered by the other protected trees lining the outer boundaries of the site and along Lickey Square more generally. As such, the Inspector concluded that the removal of the proposed trees would not in itself detrimentally harm the verdant characteristics of the site, nor the visible treelined backdrop along Lickey Square or the surrounding area.

The Councils Tree Officer has raised no objections to this application.

The appeal Inspector under APP/P1805/W/20/3245957 concluded that the risk of future occupiers wanting to prune the protected trees to improve the degree of light experienced to the dwellings was low. Whilst the boundary trees would cause some overshadowing at select times of the day and year, this would not be dissimilar to the levels experienced by existing occupants in the area given the surrounding verdant character.

Under consideration of application 20/00759/REM (Reserved Matters Application for 5 dwellings to the rear of 32 to 36 Lickey Square, the density of development on the site as a whole (5 rather than the 3 which would occur if planning permission were to be granted under this application) was much higher, with gardens serving the dwellings being relatively modest by comparison. Here, occupiers would benefit from a garden area measuring approximately 400 square metres in area which would greatly exceed the Councils minimum requirement as set out in the High-Quality Design SPD which is 70 Square metres and a 10.5m garden length. I am therefore satisfied that the proposed

dwelling would experience acceptable access to light and would not put remaining trees at undue risk of pruning in the future.

Many representations received object to the fact that the proposed dwelling would accommodate a basement and would therefore have accommodation over three storeys. The developer comments that the proposals would make better use of what is a sizeable plot, utilising the potential afforded by the naturally sloping nature of the site. As stated above, the proposed dwelling would appear as a two-storey dwelling from the north (Lickey Square), only appearing as a three storey dwelling from 'The Badgers' to the south.

Whilst floor to eaves heights would be greater to the rear, the roof pitch to the dwelling as proposed would be shallower than that approved under the extant consent which had a steeper pitched roof, and overall, the proposed new dwelling would not be taller than that of the dwelling approved under reference 21/00312/FUL.

In this context, the proposed development would deliver acceptable design and would not harm the overall character and appearance of the surrounding area. It would comply with Policy BDP19 of the Bromsgrove District Plan (adopted January 2017), Policies BD2, BD3 and NE3 of the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan (LBCHNP) (adopted January 2020) and Paragraph 130 of the National Planning Policy Framework (the Framework). Collectively, these policies seek, amongst other things, to deliver high quality development that is in keeping with the character and quality of the local environment.

Residential amenity considerations

It has been suggested by a number of occupiers from 'The Badgers', notably nos 15, 16, 17, and 18 that the siting and scale of the dwelling proposed would have an unacceptable impact on existing living conditions enjoyed by those occupiers, principally by way of loss of privacy.

The proposed dwellings' three storey rear wall would be located in an identical location to that of the two-storey rear wall serving the dwelling approved under application 21/00312/FUL. Originally submitted plans did show that the three-storey rear wall would be nearer to the southern boundary compared to the two-storey element serving the extant consent, but these plans have now been superseded by amended plans.

The Council's High Quality Design Supplementary Planning Document (SPD) (adopted June 2019) serves as a guide to calculate the appropriate separation distance between habitable windows of properties that directly face each other. It specifies that a minimum separation distance of 21 metres is required where existing and proposed rear habitable room windows directly face each other, and that where there is a gradient difference, further distance may be required, with an additional two metres added for each metre difference in ground level as specified on Figure 4 of the SPD. In this case a cross section has been submitted showing a 4m difference in levels between the rear wall of the proposed dwelling and that of 16 The Badgers. This shows that there would be a 21 metre distance between the proposed rear wall and the rear boundary fence. A separation distance of 23.5 metres would exist between the first-floor rear wall of the proposed dwelling and the existing wall serving the side elevation to No.16 The Badgers.

Importantly, the proposed rear face of the dwelling would not face towards the rear face of No.16 The Badgers nor, directly to any other rear facing habitable windows serving 15, 17 or 18 The Badgers. Rather, the rear wall to the dwelling would face directly towards the garden serving 16 The Badgers, not directly towards habitable room windows.

As such, the 21m (or greater) distance set out within Figure 4 of the SPD does not apply in this case because the minimum distance only applies between rear dwelling windows that directly face each other. This minimum distance DID apply under consideration of appeal ref APP/P1805/W/20/3245957 where the rear face of those proposed dwellings faced directly towards habitable room windows serving, in particular, No's 17 and 18 The Badgers. In the appeal case the separation distances were greater, at approximately 37 metres from the ground floor level and 40 metres from the first-floor level between the proposed dwellings and the nearest extent of No's 17 and 18.

Whilst the minimum separation distance of 21 metres did apply in this case, even here, the Inspector noted, in finding the appeal to be acceptable that neither of the two proposed dwellings directly align with either Nos 17 or 18 The Badgers, creating a more acute line of site between the respective sets of properties by reason of their offset positioning.

It is noted that a (north facing) ground floor side window serves number 16 The Badgers. However, as a side window, this is neither a rear window nor a window which would directly face the windows serving the new dwelling. Views from the ground floor side window in question are largely obscured by the presence of the existing close boarded fence separating the two plots, but also by significant, largely evergreen planting (primarily laurel), which, having regard to natural ground levels provides a good natural screen.

The Inspector also considered that existing vegetation screening between the properties would further obscure any perceived views between the habitable rooms of the dwellings.

Photographs within the presentation pack show the southern boundary both in summertime (with deciduous trees in leaf) and also during winter (January this year). These images demonstrate that whilst many of the taller trees to this boundary are indeed deciduous, the lower lying screening, which would be retained in the event that planning permission is granted, is largely evergreen.

With respect to 'balconies', the Parish Council have commented that there are a number of Juliet balconies to the rear elevation in contravention of the Councils SPD 4.2.32 which comments that balconies will only be acceptable when there is no direct overlooking of windows, or at close quarters, the rear garden of adjacent properties. Whilst Juliet balconies are proposed, a 'true' balcony includes a platform where people can stand. A Juliet balcony has no such platform and acts just as a guard rail. Submitted floor plans show that no platforms are proposed and as such, these are not 'balconies' as far as SPD 4.2.32 is concerned. True balconies (with a raised platform) always require separate planning consent. Notwithstanding this, the applicants attention has been drawn to this matter via recommended Condition 7 below which also seeks to remove householder permitted development rights which would otherwise allow future occupiers from carrying out works without needing to apply for planning permission.

To conclude on the matter of privacy, the proposal is considered to comply with the Councils SPD in terms of separation having regard to amenity considerations. The proposed dwelling would not directly face habitable room windows serving existing dwellings at The Badgers. Only partial views of No.16's garden would be viewed from upper floor windows serving the dwelling. There is not considered to be anything particularly unusual or out of the ordinary with such a (90 degree) relationship and views from one property's habitable room window into a neighbouring properties rear garden are commonplace in many residential environments. It is for the decision maker to determine whether a material loss of amenity would occur based on the individual circumstances of the case. I have taken into consideration the existing screening which exists (and which would be retained) to the southern boundary of the site (much of which is evergreen), and consider that this, together with any additional planting in this area which could be introduced by means of a separate planning condition, would safeguard privacy.

It is not considered that the proposed development would result in a material loss of light to existing dwellings, taking into consideration the orientation of the dwelling, to the north of the nearest existing residential dwelling and separation distances which exist. Accordingly, the proposed development would not be considered to harm the living conditions of neighbouring occupants in The Badgers. The proposal is therefore considered to comply with the Councils High Quality Design SPD, which seeks to deliver development of a high-quality design which does not adversely affect the living conditions of neighbouring occupiers.

Other matters

The Council cannot currently demonstrate a five-year housing land supply. The presumption in favour of sustainable development therefore applies in accordance with Paragraph 11(d) of the Framework and therefore significant weight should be attributed to the positive contribution the proposal would make towards addressing this current significant shortfall.

Concerns raised by neighbouring occupiers with respect to the potential increase of flooding and drainage water from the site as a result of the proposed development are noted. However, the site is at low risk of fluvial flooding and drainage can be appropriately dealt with under building regulations. The Councils Drainage Engineer (NWWM) has raised no objection subject to an appropriately worded site drainage strategy condition (as set out below).

Concerns regarding traffic generated by the proposal and the safety of the proposed access to Lickey Square are also noted. However, the Inspectorate have assessed the suitability of the access for a new development utilising the same access and serving 5 dwellings under an earlier application and have found access arrangements to be acceptable. The Inspector in considering APP/P1805/W/20/3245957 similarly raised no concerns on the matter.

The County Highway Authority have again reviewed the proposed development and have raised no objection to the proposal subject to the same conditions applied to earlier

consents and I have concluded that a single dwelling would likely generate a small amount of additional traffic and as such I am similarly satisfied that the proposal would not amount to any harmful effects to the highway network, subject to conditions.

There are no protected species concerns arising from the development although Paragraph 180 of the NPPF comments that opportunities to incorporate biodiversity in and around developments should be encouraged. To enhance ecological biodiversity, permanent bat and bird nesting opportunities should be integrated within the scheme. An appropriately worded planning condition is recommended to be imposed.

Conclusion

The proposed development would not cause unacceptable harm in respect of the main issues: the character and appearance of the area, or the living conditions of existing and future occupants. Moreover, the proposals are acceptable in terms of the other issues which include drainage considerations and highway safety. The proposal would make a contribution to the Councils housing land supply where a 5-year supply cannot be demonstrated, and the application is supported.

RECOMMENDATION: That planning permission be **GRANTED**

Conditions:

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

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

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

Location plan dated 13 July 2022

Site Plan (amended) dated 17 November 2022

Proposed basement, ground and first floor Plan (amended) 17 November 2022

Proposed Elevations (amended) 17 November 2022

Ecological report dated 13 July 2022

Tree report dated 13 July 2022

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

- 3) Prior to their first installation, details of the form, colour, and finish of the materials to be used externally on the walls and roofs, shown on proposed elevation drawings, shall be submitted to and approved, in writing, by the Local Planning

Authority. The development shall then be carried out in accordance with the approved details.

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

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

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

- 5) All trees to be retained within the site shall be given full protection in accordance BS5837:2012 recommendations throughout any ground or development work on the site

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

- 6) Any section of the proposed access driveway and parking bays that fall within the BS5837:2012 should be installed by use of a suitable grade of No Dig construction. A plan showing the area to be constructed by the use of No Dig construction and specification of the material to be used should be supplied and any works shall be carried out in accordance with the approved document.

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

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A to E including any alterations at roof level, and including the creating of balconies shall be carried out without express planning permission first being obtained from the Local Planning Authority.

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

- 8) No development above foundation level of the scheme hereby approved shall take place until a site drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff attenuation and treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

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

- 9) No development above foundation level of the scheme hereby approved shall take place until a scheme of landscaping, including details of proposed tree and shrub planting and boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the sizes, numbers, species and grade of all proposed trees/plants; and specifications to ensure successful establishment and survival of new planting.

The approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and in accordance with the approved details.

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

- 10) No trees, hedges or boundary planting on the application site, shall be topped, lopped, felled or uprooted without the specific written permission of the Local Planning Authority.

Reason: In the interests of visual and residential amenity

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

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

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

Reason: In the interests of highway safety.

- 13) Prior to the construction of the vehicular access, visibility splays shall be provided 43 metres from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway. No shrubs, trees or other vegetation shall be allowed to grow above 0.6 metres in height, and no structure or erection exceeding 0.6m in height shall be placed, within the visibility splays.

Reason: In the interests of highway safety.

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

Reason: To encourage sustainable travel and healthy communities

- 15) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards

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

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

- 17) Construction work on the dwelling hereby approved shall not be commenced until details of the existing ground levels, proposed finished floor levels of the dwelling hereby approved and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the details as approved and retained as such thereafter

Reason: To ensure that residential amenities are not compromised

Case Officer: Steven Edden Tel: 01527 548474
Email: steve.edden@bromsgroveandredditch.gov.uk

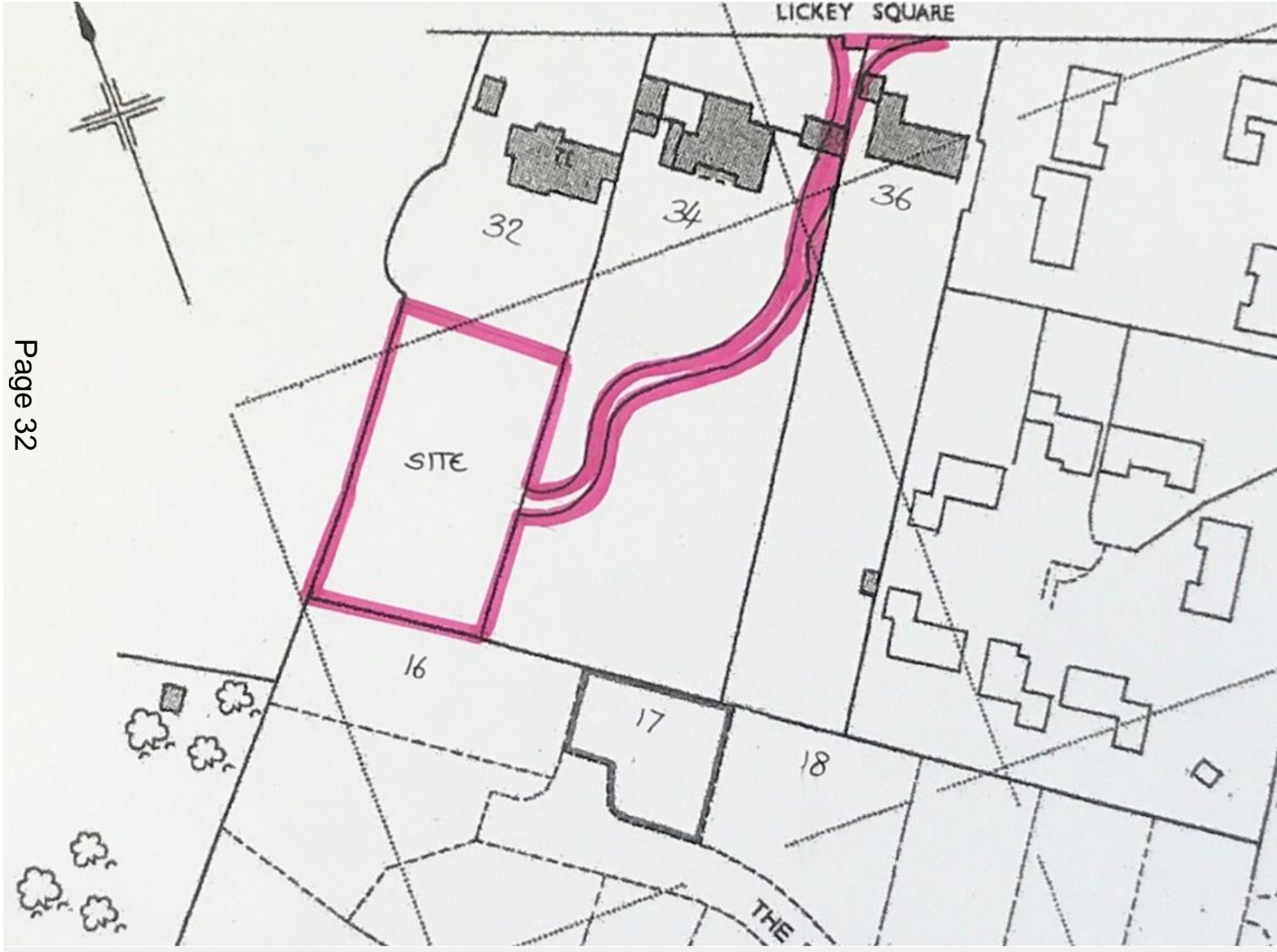
22/00978/FUL

32 Lickey Square, Lickey, B45 8HB

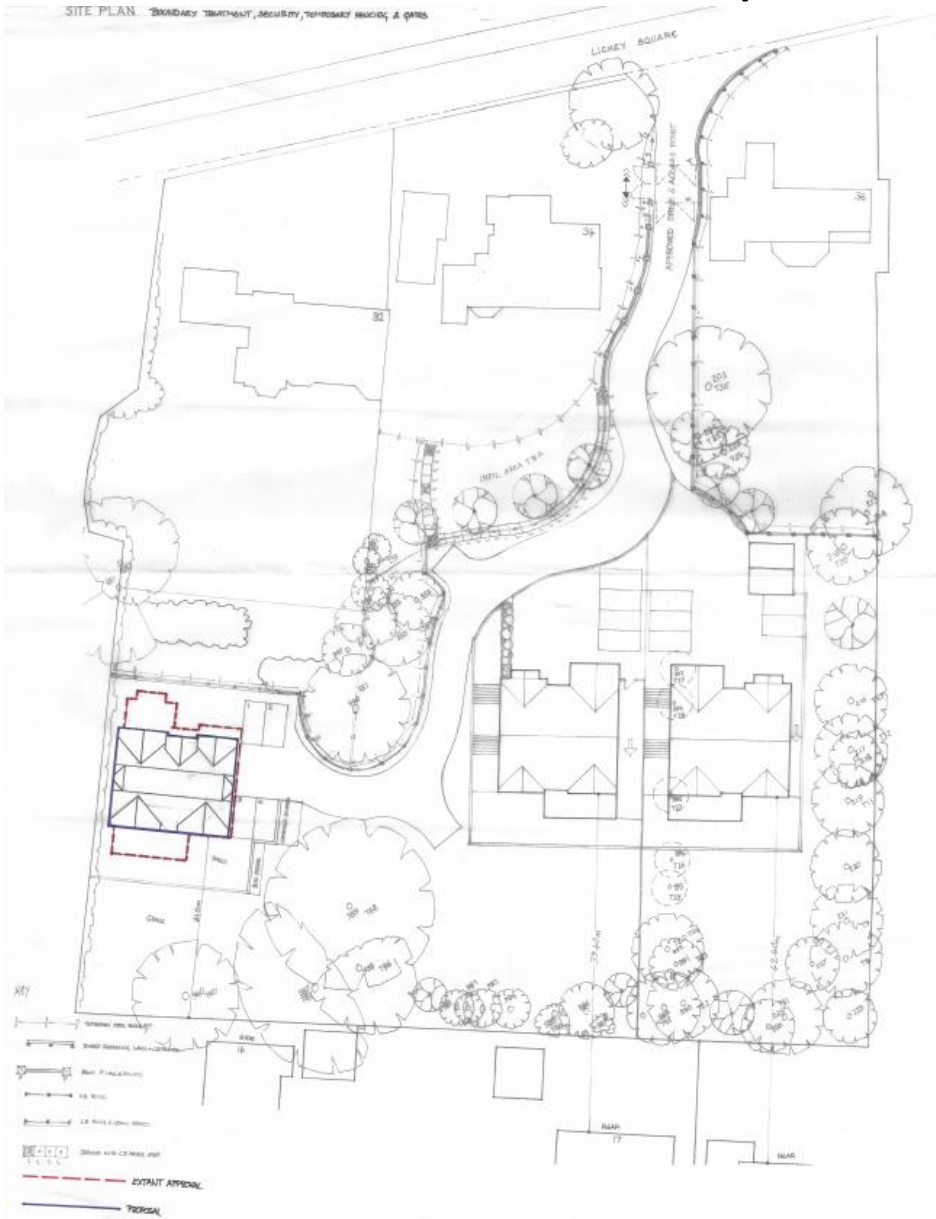
New dwelling on the site of a previously approved dwelling (ref 21/00312/FUL) using a previously approved access drive

Recommendation: Approve

Site Location



Site layout



Site layout further detail

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View of site in direction of 16 The Badgers (Summer)



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View of site in direction of 16 The Badgers (January 2023)



Boundary to 16 The Badgers (January 2023)



Boundary to 16 The Badgers (January 2023)

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View of site looking south to north (January 2023)



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View of site looking west to east (January 2023)



Satellite View



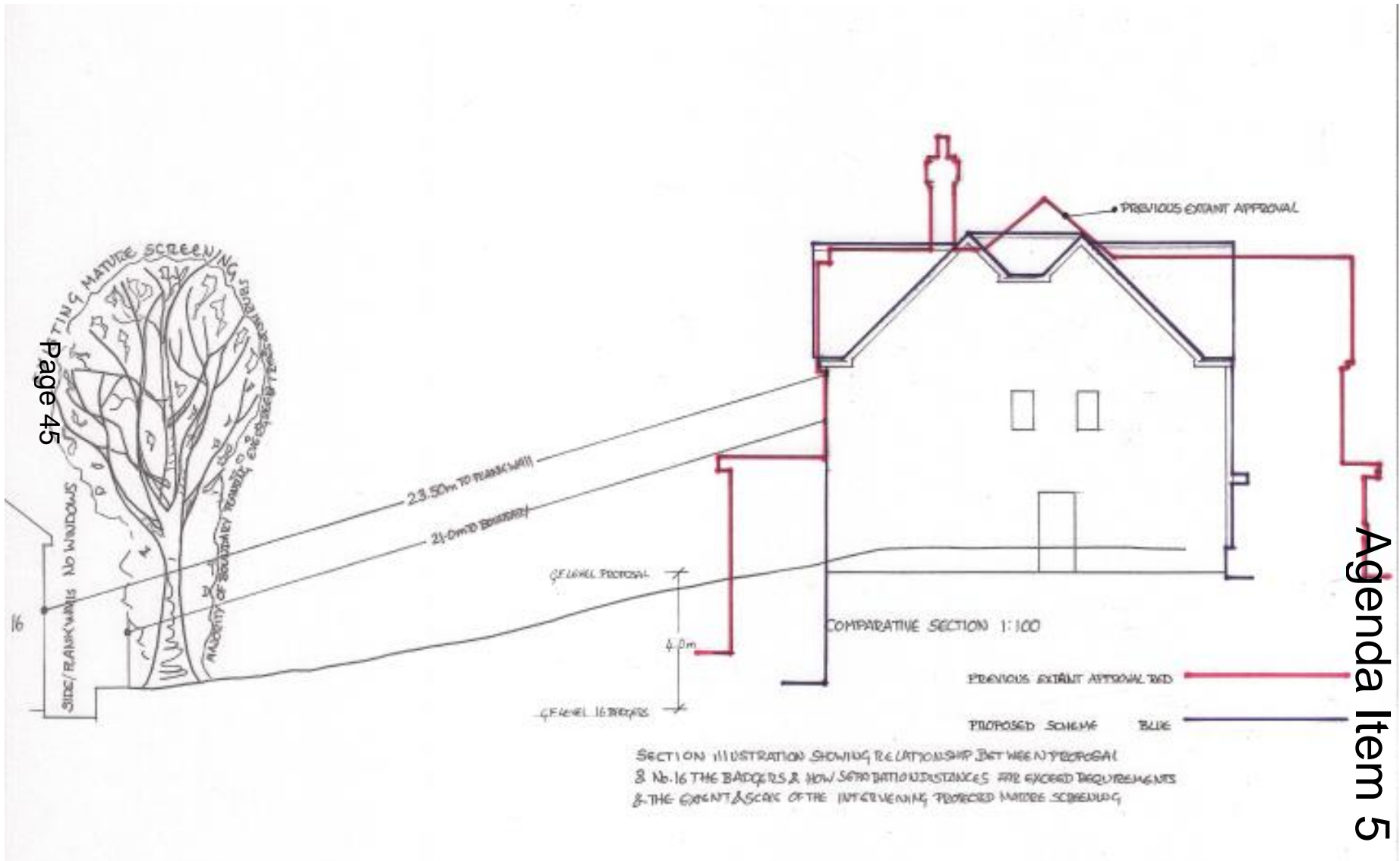
Birds eye view 1



Birds eye view 2

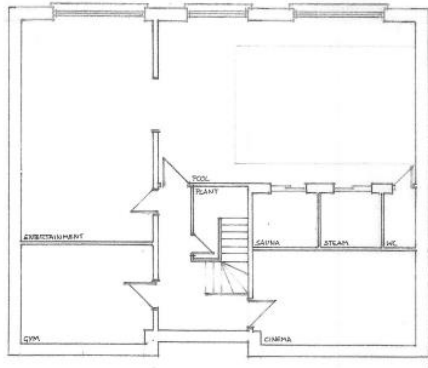


Section

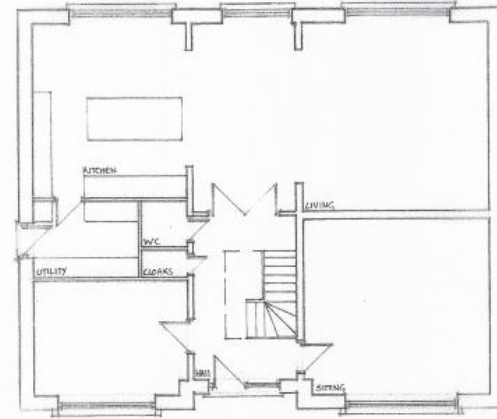


Proposed floor plans

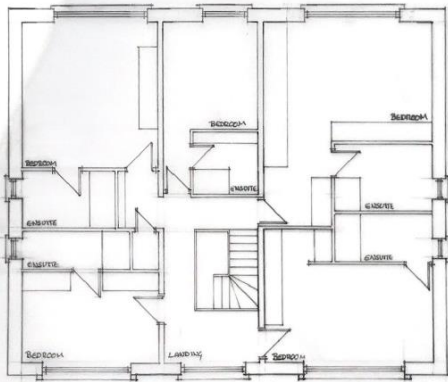
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BASEMENT 1:100



GROUND FLOOR 1:100



FIRST FLOOR PLAN 1:100

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Elevations as approved under ref 21/00312/FUL



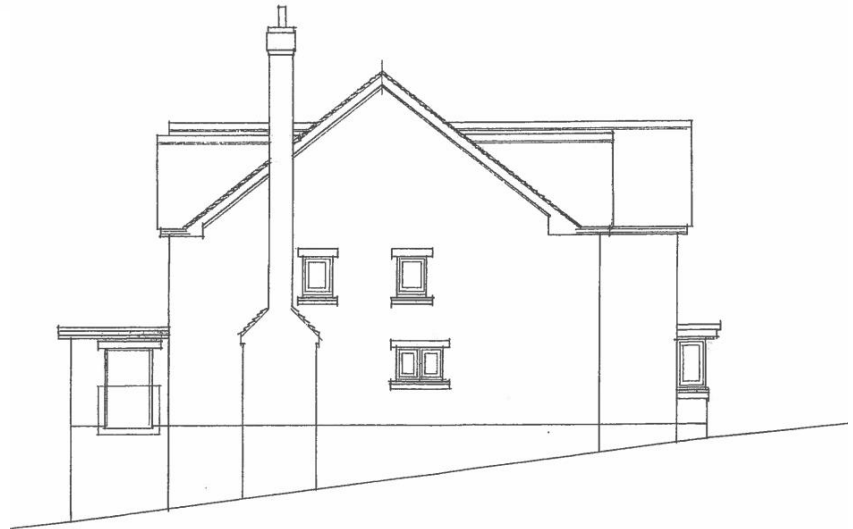
FRONT 1:100



SIDE 1:100



REAR 1:100

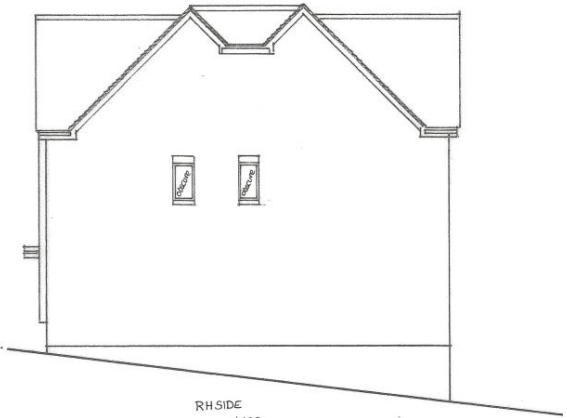


SIDE 1:100

Proposed elevations



FRONT

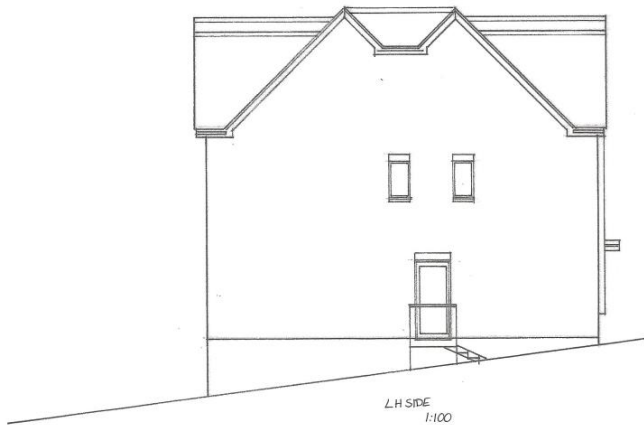


RHSIDE

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PROPOSED REAR 1:100



LH SIDE
1:100

Agenda Item 5

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Brynley Little	Outline planning application (with all matters reserved except access) for the erection of up to 78 dwellings and a flexible commercial/community use building with associated access, infrastructure, landscaping, and open space provision. Land At Little Intall Fields Farm, Stoke Pound Lane, Stoke Prior, Worcestershire,		22/01066/OUT

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

Consultations

WRS - Contaminated Land

No objection

Arboricultural Officer

No objections subject to conditions

- All hedge line and tree features to be retained are protected in accordance with BS5837:2012 throughout any demolition, ground or development work on the site.
- A hedge and tree protection method statement and plan should be provided.
- A landscape specification a plan should be provided.

Worcestershire Archive and Archaeological Service

No objection subject to conditions

- Programme of archaeological work
- The development shall not be occupied until the site investigation and post investigation assessment has been completed

Conservation Officer

The proposals, although only presented in outline form, are therefore unlikely to satisfy the requirements of s. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraph's 195 and 199 of the NPPF, and Policies BDP20.3 and BDP20.9 of the Bromsgrove District Plan due to the various harms identified. Great weight must be given to the harm caused to designated heritage assets when considering the balance of harm against the public benefits of the proposals.

North Worcestershire Water Management

Following submission of further information, NWWM have no objection subject to SUDS condition.

WRS - Noise

No objection subjects to conditions

- Details of glazing and ventilation products
- Details of any external plant / equipment associated with the proposed community unit
- Construction Environmental Management Plan

WRS - Air Quality

No objection subjects to conditions

- Secure cycle parking,
- Electrical vehicle charging points
- Low emission boilers

Housing Strategy

Housing Strategy note that the applicant is offering 39 Affordable housing units on this site (50%). Which based upon the proposed number of dwellings would be an over provision (31 dwellings at 40%).

Housing Strategy requirements of these units would be:

2/3 social rent

1/3 Share Ownership/First Homes/Alternative Home Ownership product - eg Rentplus/Rent to Buy

The Government requires that 25% of the AH provision should be First Homes and any remaining percentage should be shared ownership.

So - 25% First Homes

66.66% Social Rent

8.33% Shared ownership

The Council's priority is for 3 bed properties.

50% 3 beds

30% 2 Bed

10% one bed

10% 4 bed

Shared Ownership/First Homes should be a 50:50 split between two and three beds.

For one bed flats we require them to have their own entrances so that there are no communal areas.

Highways - Bromsgrove

No objection subject to conditions

- Conformity with Submitted Details Hanbury Road
- Vehicular Visibility Splays Hanbury Road
- Conformity with Submitted Details Stoke Pound Lane
- Vehicular visibility splays Stoke Pound Lane
- Internal Layout
- Cycle Parking
- Car Parking
- Electric Vehicle Charging Points
- Refuse and Servicing Strategy
- Off-site Highway Improvements
- Hanbury Road Traffic Calming
- Pedestrian Connection
- Road Safety Audit – Stage 1/2

- Road Safety Audit – Stage 3
- Residential Travel Plan
- Residential Travel Welcome Pack
- Personalised Travel Planning
- Health Impact Assessment
- Street Lighting Assessment
- Construction Environmental Management Plan

Planning Obligations

As part of this consented planning application or in association with any subsequent Reserved Matters Consent, the Applicant shall provide the following planning obligations through a suitable legal mechanism (S106).

Active Travel Infrastructure Improvements

The proposals will generate additional pedestrian movements in this locality, including students walking to and from school sites. To encourage more school trips by walking and to ensure they can be undertaken safely, it would be desirable to install a number of dropped kerb pedestrian crossing points at the Hanbury Road/Redditch Road junction.

Contribution – We would seek a contribution of £10,000 towards this provision.

Community Transport

There is a need for a Community Transport service to meet the transport needs of the elderly and disabled. The County Council has specific duties, under the 1985 Transport Act, to take account of the transport needs of elderly and disabled residents and further duties to residents' protected characteristics that include the elderly and disabled, under the Equalities Act 2010. There will be residents with mobility impairments who are unable to access conventional public transport, it is this group that will require access to a door-to-door transport service such as that provided by Community Transport.

Contribution - £3,472 contribution to be paid prior to first occupation

Open Space

Given the proposed level of open space is more than the Councils requirement. No objections, subject to sufficient details submitted at reserved matters stage.

Network Rail- Town Planning Team LNW

When designing proposals, the developer and Council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

- Risk Assessment and Method Statement
- Fencing
- Scaffolding

- Vibro-Impact Machinery
- Drainage proposals and Network Rail land
- Excavation and Earthworks and Network Rail land:
- Parking / Hard Standing Area

NHS/Medical Infrastructure Consultations

A developer contribution will be required to mitigate the impacts of this proposal. Herefordshire and Worcestershire CCG calculate the level of contribution required in this instance directly relating to the number of dwellings to be £30,360. This housing development falls within the boundary of a practice which is a member of the Bromsgrove and District Primary Care Network (PCN) and, as such, a number of services for these patients may be provided elsewhere within the PCN.

NHS Acute Hospitals Worcestershire

No Comments Received To Date

Education Department at Worcestershire

The Local Authority has a statutory duty to secure, as far as is possible, sufficient places for children aged 2,3 and 4 to claim their entitlement to funded nursery education. In addition, the Local Authority should secure sufficient childcare for working parents. The proposed development is located within the ward of Avoncroft and forecast to yield 8 children who may need childcare places at an early year setting. Updated sufficiency figures for 2022 show there is a sufficient level of childcare places in this ward to support additional pupils. Therefore, no contribution towards early years provision will be sought.

The proposed development will generate 17 first school aged pupils which equates to approximately 4 pupil per year group, and as seen above the catchment school, Stoke Prior First, does not have sufficient places to accommodate these pupils. Therefore, to accommodate the children generated from this proposed development a contribution is required for First Phase of education.

The proposed development will generate 12 middle school aged pupils which equates to approximately 3 pupil per year group, and as seen above the catchment schools, Aston Fields Middle and St John's Middle, do not have sufficient places to accommodate these pupils. Therefore, to accommodate the children generated from this proposed development a contribution is required for Middle Phase of education.

The proposed development will generate 11 high school aged pupils which equates to approximately 3 pupil per year group, and as seen above the catchment school, South Bromsgrove High and Sixth Form Centre, does not have sufficient places to accommodate these pupils. The related school North Bromsgrove High and Sixth Form has places currently within the school, however, as shown above, these places have been decreasing each year as more extant developments are built out. From next academic year 2023/24 it is forecast that there will be no available space across the are to accommodate new pupils. Therefore, to accommodate the children generated from this proposed development a contribution is required for High Phase of education.

Worcestershire has insufficient places available across the county to accommodate any new pupils within it's special schools, therefore a contribution towards SEND is also required.

First School Phase Contribution £307,054
Total Middle Contribution £276,212
High Contribution £274,593
SEND Contribution £72,248

Total Contribution £930,107

Waste Management

No objection subject to satisfactory reserved matters submission.

Stoke Parish Council

The Parish Council vehemently oppose this application and fully support all of the objections raised by the local community. They fully support the view that the proposed site is part of the Green Belt and is not a brown field site as claimed by the applicants. In addition the Parish Council would like to state the following in support of the objections:-

1. The development would create unwanted additional traffic along Stoke Pound Lane and more particularly Hanbury Road especially as it would appear from the drawings that the main entrance to the site is proposed to be on that road. That section of Hanbury Road is dangerous at the best of times given the blind bends and has been the site of a number of accidents over recent years including a fatality. The road is also heavily used by HGVs which often find that they cannot pass under the nearby railway bridge and have to back up to find a suitable point to turn around. The proposed new access road would be used in this way and provide additional safety issues. Speeding is another issue on this road. With this development you are talking about at least 150 additional vehicles in the area.
2. Green Belt land should be protected at all times for the benefit of the local community.
3. The importance of the area for its biodiversity should also be stressed as it provides a number of important habitats for birds, mammals and insects which need protection.
4. There are insufficient footpaths and street lighting in the whole area to make it safe for pedestrians including young children.
5. The local infrastructure i.e., shops, school, doctors etc is already overstretched and cannot cope with another development of this size. The local school is a first school and is already full to capacity. No public transport is another issue.
6. Hanbury Road already has some flooding issues and this development is likely to enhance that problem.

Public comments

85 letters were originally sent to neighbours 24.08.2022 expired 17.09.2022

Press advert 26.08.2022 expired 12.09.2022

Site notice displayed 30.08.2022 expired 12.09.2022

130 objections have been received summarised as follows:

Green Belt

Harm to openness and visual amenity, contrary to the purposes of the Green Belt, the site is not brownfield, no very special circumstances

Highway matters

Safety of access/egress onto the site in the context of prevailing traffic speed
Increase in vehicle journeys and traffic congestion
Lack of public transport
Lack of safe pedestrian crossings
Insufficient footpaths
Lack of street lighting
Distance to facilities

Heritage Matters

Impact on listed buildings, conservation area and non-designated heritage assets

Other matters

Impact on landscape and views
Lack of school/healthcare capacity and future pressure on these facilities
Impact on wildlife/biodiversity
Noise, smell, and pollution.
Air pollution
Construction noise
Flooding/Drainage on site and on Hanbury Road
No regard to climate change
Loss of privacy/impact on neighbour amenity
Increase in noise
Loss of agricultural field
Community use building not required
Lack of public consultation/inadequate public consultation that did take place

The Bromsgrove Society

Further to the Outline Application for the above property, it seems that the overwhelming number of public objections to the scheme (130) on the basis of yet another Green Field site being used up in an area where there is no provision for the extra school places that will be generated by the new houses, no doctors facilities, local facilities and on an already congested road where there have been fatalities would give the Council the impetus to refuse this application.

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
BDP6 Infrastructure Contributions
BDP7 Housing Mix and Density
BDP8 Affordable Housing
BDP12 Sustainable Communities
BDP16 Sustainable Transport

- BDP19 High Quality Design
- BDP20 Managing the Historic Environment
- BDP21 Natural Environment
- BDP22 Climate Change
- BDP23 Water Management
- BDP24 Green Infrastructure
- BDP25 Health and Well Being

Others

- NPPF National Planning Policy Framework (2021)
- NPPG National Planning Practice Guidance
- High Quality Design SPD

Relevant Planning History

18/01383/CUP RIO	Notification for Prior Approval for a proposed change of use of existing buildings to 5 dwellings	Withdrawn	02.01.2019
17/0176	Installation of boilers and flues and erection of boilers and flues and change of use of units from agriculture to B2 and B8 and external storage including operation of log splitting and log sales business from yard (flog-a-log)	Appeal dismissed	26.10.2017
16/0866	A certificate of lawful existing use for the use of Building 1 (pt), Building 2 and Unit 4 for B2 and B8 use, Units 3 and 5 as B2 use and the yard as a contractor's depot and plant yard including the storage and maintenance of plant and machinery. All having been continuously used without interruption for the stated uses for in excess of 10 years.	Refused	10.10.2016
16/0845	Change of use of parts of existing buildings to house biomass boilers and installation of flues. (Retrospective).	Refused	10.10.2016
15/0978	A certificate of lawful existing use for the use of the buildings and yard as shown edged in red at Appendix 2, having been continuously used without interruption for mixed commercial use including activities falling within classes B1, B2, B8 and A1 for in excess of ten years.	Withdrawn	03.03.2106
B/2002/0734	Demolition of buildings to contractors yard and livestock area; Erection of dwelling on yard area and incorporation	Refused	07.08.2002

of rear building area into pasture land.

LDC 11/01 – A certificate of lawful use was granted for an area in front of the buildings as a contractor’s depot and plant yard, the storage, maintenance and repairing of plant and machinery and other equipment. The certificate confirms that part of the area at front of the site is still used for agriculture and includes the erection of 2 sets of gates. Granted 22.03.2001

Assessment of Proposal

Site Description

The application site relates to a 3.5-hectare plot situated between Stoke Pound Lane to the north, Hanbury Road to the west, and the railway line to the south/west. The main body of the site consists of an agricultural field, with a set of primarily agricultural buildings in the northern section.

Proposal

Outline planning permission is sought (all matters reserved but access) for the erection of 78 new dwellings and a flexible commercial/community use building with associated access, infrastructure, landscaping and open space provision; considering access into the site only and with all other matters reserved.

The applicant has provided an indicative breakdown of the proposed 78 dwellings, which is outlined in the following table. The 78 dwellings include 5 self-build dwellings.

Dwelling Type	Total Number	Sq m of each dwelling type
1-Bed 2 Person Flat	12	50
2-Bed 3 Person Bungalow	4	62
2-Bed 3 Person Terrace House	12	70
2-Bed 3 Person Semi-detached House	10	70
2-Bed 4 Person Semi-detached House	8	80
3-Bed 4 Person Semi-detached House	20	88
3-Bed 6 Person Detached House	7	103.5
4-Bed 8 Person Detached House (Type A)	2	150
4-Bed 8 Person Detached House (Type B)	3	144

The application proposes site-wide Passive House certification for the development. The benefits of this type of development are outlined in the Planning Statement and Sustainability and Passive House Statement. Some of the benefits can be summarised as follows:

- More cost-effective, lower energy bills;
- Reduced demand for energy;
- Reliability in terms of known level of energy consumption, giving the ability to more accurately know need/cost of energy;
- Enhanced level of insulation and ventilation, creating a constant optimal climate and higher level of comfort;
- Built to last, more durable and resistant to moisture build-up; and
- Rigorous quality checks, reducing chances of defect and poorer builds.

Vehicular access to the main site is proposed via a new priority junction with Hanbury Road to the west of the site which will serve 73 dwellings. The new junction would be located approximately 175m south of the existing Hanbury Road/Stoke Pound Lane junction. A second vehicular access is proposed via Stoke Pound Lane, utilising an existing private access that serves the agricultural/commercial development. This would be upgraded as a private priority junction to serve five new dwellings only.

Assessment

The site is situated within the West Midlands Green Belt, outside the settlement boundary of Stoke Prior, as defined in the Bromsgrove District Local Plan.

The main issues are therefore considered to be:

- Housing Land Supply
- Green Belt
- Provision of affordable housing
- Highways and Accessibility
- Heritage Matters
- Character and Appearance
- Open Space
- Residential Amenity
- Ecology
- Flooding and Drainage
- Agricultural Land
- Trees
- Planning Obligations

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 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 application site is located within the Green Belt. Proposals within the Green Belt are assessed against the guidance set out in Section 13 of the NPPF in addition to the Council's own Green Belt policies. The NPPF states that 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. There is a strong emphasis on the presumption against inappropriate development in the Green Belt, which is by definition harmful. Any identified harm will be given substantial weight.

BDP Policy BDP4: Green Belt reiterates this national policy stance at a local level. It also sets out that a district wide Green Belt review will be carried out as part of the next plan review process.

It should be noted that any grant of outline planning permission would not remove the application site from the Green Belt. Green Belt boundaries can only be altered through the local plan process.

The application proposes the construction of up to 78 dwellings, including 50% affordable housing and 5 self-build plots, plus associated landscaping open space and a community building. As the application is in outline, the design and site layout are indicative only, though it is suggested that a range of dwelling sizes would be proposed between 1-2 storeys in height.

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 NPPF and as such, the proposal would amount to inappropriate development, which by definition, is harmful to the Green Belt.

In accordance with Paragraph 148, substantial weight should be 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 resulting from the proposal is clearly outweighed by other considerations.

The onus is on the applicant to demonstrate what very special circumstances would make this proposal acceptable in a Green Belt location, which is not supported by national or development plan policies.

Impact on openness

Openness has both a spatial and a visual aspect, and it is believed that the development's location would harm openness due to its scale and massing, as well as the introduction of a built form in a primarily undeveloped site.

It is argued by the applicant that the application site is well contained; bounded by railway and roads on all sides, and immediately adjacent to the settlement boundary. It therefore cannot expand at any point in the future and would not result in any notable sprawl or encroachment into the Green Belt (or countryside).

The applicant concludes that given the findings of the Landscape Visual Appraisal (LVA) and the lack of encroachment and the self-contained nature of the site (which is enclosed on all sides by defensible barriers such as Hanbury Road, Stoke Pound Lane and the railway line), the site is not considered to make a valuable contribution to Green Belt openness in comparison to other Green Belt sites within the District.

The applicant also argues that the northern section of the application site constitutes previously developed land, as it contains several commercial buildings and uses. On that basis its development would not be inappropriate in the Green Belt because this would not have a greater impact on the openness of the Green Belt, and the purposes of inducing land within it, than the existing development. The applicant also goes on to state that the site is rather unsightly and contains large, uncomplimentary designed buildings.

As outlined in the planning history section, the site has a long and complicated history. However, a useful starting point is the most recent unsuccessful Class Q application. The after various enforcement matters, is now in agricultural use, although due to the use of the buildings/site on 20th March 2013, it is not considered that this element could be converted under Class Q requirements as the proposal would not fall within the limitations of Class Q.1(a). The site has a small element of Class B8 use.

As to whether the site includes previously developed land (PDL). The NPPF's definition for PDL specifically excludes land that is occupied by agricultural buildings. As the site accommodates agricultural buildings and the vast majority of the site does not represent PDL as defined under the NPPF. For the above reasons, the proposal would not be the redevelopment of PDL. In relation to the appearance of the buildings, these are typical agricultural buildings in a rural location.

The northern section of the site is an integral part of the proposed development, nevertheless the site is largely undeveloped, agricultural nature and the open land beyond clearly have the credentials of countryside as opposed to transitional land. The site, while reasonably well-contained, is considered similar in terms of character and

appearance to the wider extent of the Green Belt. Despite the nearby development along Hanbury Road, these attributes contribute significantly to openness.

The application proposal would introduce residential development and associated works, the introduction of other domestic paraphernalia, new access junctions, internal access roads, and boundary treatments onto a large proportion of this open site. Despite the proposed public open space and landscaping the application proposal would still result in a considerable loss of openness. The application proposal would cause a permanent change which, because of the site's location and appearance coupled with the proposal's built nature and scale, would be both spatially and visually apparent. Paragraph 138 of the NPPF states that the essential characteristics of Green Belts are their openness and permanence.

The applicant's claim that this development is justified by such defensible barriers is contradicted by the fact that development beyond Hanbury Road would erode the boundary of this part of Stoke Prior, which is defined in the local plan as a natural boundary and would not result in any notable sprawl or encroachment.

The applicants reasoning that this is a contained and enclosed site is thus flawed because, if the Hanbury Road were to be expanded as a defensible boundary, the same could be said for the wider land holding beyond the railway line and other features, thereby devaluing the Green Belt boundary and policy approach to Green Belt.

The Hanbury Road's rural lane aesthetic would be entirely lost if the present hedgerows, which are necessary to obtain visibility splays, were lost. This would result in a more intense and urbanised environment, which would be detrimental to the Green Belt.

I conclude that this permanent reduction in openness would impact the integrity of the wider Green Belt. Overall, this amounts to substantial harm which would be in addition to the harm incurred by reason of inappropriateness.

Purposes of the Green Belt

Paragraph 8.18 of the Bromsgrove District Plan (BDP) explains that approximately 90% of the District is currently designated as Green Belt (19,301 ha of a total land area of 21,714 ha). This forms an integral part of the West Midlands Green Belt, which was established to prevent the outward expansion of the conurbation.

At the time that the BDP was published in January 2017, the Council acknowledged that it could not deliver its full housing requirement without alterations to the existing Green Belt boundaries. The BDP therefore set out a commitment to undertaking a Green Belt Review in advance of 2023 and indicated that, through a Local Plan Review, sufficient land would be removed from the Green Belt to deliver the remaining 2,300 homes in the period up to 2030 and address longer term development needs.

Progress with the Local Plan Review is currently delayed because of the need to undertake further work to provide certainty for residents and businesses regarding the likely infrastructure required to undertake the Plan's delivery. At this stage, the Council has undertaken the first part of a two-part Green Belt Review.

The first part of the Green Belt Review, which was published In August 2019, is entitled Green Belt Purposes Assessment: Part 1. This report splits the District's Green Belt land into 60 parcels and assesses each parcel's contribution to the function of the Green Belt. Part 2 of the Green Belt Purposes Assessment will consider a range of more detailed sites against the Green Belt purposes in a more localised and focused manner but is yet to be published.

In Part 1 of the Purposes Assessment, the application site falls within Parcel S6 South of Bromsgrove, North of Stoke Prior, which measures 417ha.

In assessing the area against the purposes of the Green Belt, the assessment concludes that the area is strong in relation to its strength of contribution, in respect of the following Green Belt purposes: a) to check the unrestricted sprawl of large built-up areas. b) to prevent neighbouring towns from merging into one another. In terms of protecting the countryside from encroachment this is classified as moderate.

It should be noted that the applicant claims that no distinction is made between individual parts of the assessment parcel and the entire parcel, and that while the land may score well in meeting the three purposes of Green Belt designation, the application site, which is only a small part of the overall area, would be assessed very differently.

While it is correct that no detailed assessment has been provided in the Purposes Assessment. It is contended that this makes a distinction between the northern and southern sections of the land parcel. Therefore, the assessment makes it clear that this parcel of land, together with its wider landscape, forms an integral part of the rural countryside/Green Belt and is distinct from that of the northern parcel of land.

The NPPF states "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". It defines the five purposes of the Green Belt as follows –

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Development of the site is deemed to be incompatible with the purposes of the Green Belt as stated in the NPPF for the following reasons.

The site is agricultural land outside of the settlement boundary. The site has a hedgerow that runs parallel to Hanbury Road and Stoke Pound Lane; there is no footpath on this side of the road, and the land beyond is open and agricultural. The development proposed would equate to urban sprawl, encroaching into the countryside. It is thought that it would extend the built envelope of Stoke Prior further out into the undeveloped, open countryside.

The proposed development of 78 dwellings and associated infrastructure would lead to a loss of countryside in this location of Stoke Prior. Furthermore, as highlighted previously, the enlargement of the developed area would result in the encroachment of the undeveloped countryside that surrounds the application site. The proposal therefore fails to align with this purpose of the Green Belt.

Taking the above into account, the proposed development would result in harm to openness in terms of spatial and visual aspects, and the proposals conflict with 2 of the 5 purposes of including land in the Green Belt. As such, the proposal is contrary to policies in the Development Plan and Framework.

Affordable Housing

The NPPF states that the provision of affordable housing should not be sought for residential developments that are not major developments. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. Policy BDP8 seeks the provision of 40% affordable housing on qualifying sites. This scheme comprises a major development, and as such, affordable housing would be required in line with this policy.

The application proposes the provision of 78 dwellings in total, with 39 of these being affordable (50%). This exceeds the policy requirement of 40%. As outlined in the planning statement, this is an outline application (with the precise mix and tenure split to be secured at the Reserved Matters stage). The applicant has provided an indicative affordable housing mix that is proposed to be 27 dwellings split under different affordable tenures and 12 dwellings as First Homes.

Highways and Accessibility

Policy BDP16: Sustainable Transport taken from the Bromsgrove District Plan requires that *'Development should comply with the Worcestershire County Council's Transport policies, design guide and car parking standards, incorporate safe and convenient access and be well related to the wider transport network'*.

The Highway Authority is generally satisfied with the proposed vehicular access onto Hanbury Road, which generally complies with the WCC Streetscape Design Guide (SDG), in terms of its geometry and horizontal alignment. However, as there is frontage development on the south side, a 2.0m footway should be provided on the south side of the carriageway, which would be addressed through the S38 Agreement process. The proposed visibility splay dimensions are also generally acceptable. If consented, the applicant would need to ensure that the existing boundary hedging and vegetation is removed from within the visibility splays and, thereafter, maintained free of obstruction.

Traffic Calming on Hanbury Road

The TS proposes the introduction of a single traffic calming feature, in the form of a build-out, on Hanbury Road, north of the site access. The Highway Authority previously considered the provision of traffic calming needs to be justified and that a single feature might not be appropriate. The TS Addendum has responded there is an issue with

vehicular traffic exceeding the 30mph speed limit along Hanbury Road and the feature was proposed with the aim to address this. The Highway Authority consider the issue of speeding vehicles on Hanbury Road and how best to address the issue requires further consideration and discussion with WCC officers and other relevant stakeholders. Appropriate solutions and options need to be considered before a final decision can be made. This can be addressed by a suitable condition for a reserved matters application.

Pedestrian Access

The TS advises the main site access will provide 2m wide footways connecting with the existing footway network on Hanbury Road. A new section of footway is to be provided on the east side of Hanbury Road, running north from the site access, together with an uncontrolled pedestrian crossing point. Additionally, a pedestrian / cycle only access will be provided in the south-west corner of the site, also linking with Hanbury Road and having an associated uncontrolled pedestrian crossing, which should also act as an off/on cycle ramp. The Highway Authority notes these proposed pedestrian facilities, which are considered acceptable.

The outline layout shows pedestrian access from the main site would also let residents and visitors walk via the private access on Stoke Pound Lane, but no new formal pedestrian infrastructure facilities are provided. At the private vehicular access, there is no existing footway on Stoke Pound Lane. The Highway Authority is concerned this will form a route for some pedestrians walking to and from the development going northwards. The lack of a footway raises highway safety concerns, given the presence of the National Speed Limit near the access and the alignment of the road having restricted forward visibility.

Public Transport

The TS advises there are two bus stops located west of the site on Shaw Lane, approximately 550m walking distance from the centre of the proposed development. Both bus stops have lay-bys and bus shelters. The TS advises the bus stops are served by two bus services running every two hours Monday to Saturday, but with no evening or Sunday services. The Highway Authority notes existing bus stops are located further than the recommended 400m maximum walking distance, but this not considered sufficient reason alone to justify a refusal. A finalised Travel Plan should set out how residents can be encouraged to use the bus services.

The Highway Authority considers it reasonable to request a contribution to develop a Community Transport service in the area, given the development could have residents who cannot easily access bus services. WCC would require a financial contribution of £3,472 if planning consent is granted. The site is within acceptable walking distance of the catchment schools for the site and, therefore, school transport costs would not be payable. However, the Highway Authority is of the opinion the existing Hanbury Road/Redditch Road junction should be provided with improved pedestrian crossing facilities, as it is a walking route to school.

Traffic Generation

The TS concluded that 78 units would generate 37 two-way vehicle trips in the AM peak hour and 35 two-way vehicle trips in the PM peak hour. Given the low forecast trip generation and existing highway infrastructure, the Highway Authority agrees with the conclusion in the TS that the level of traffic generated is unlikely to have any significant impact on the operation of the local highway network.

It is noted that a large of objectors have raised concerns regarding highways related matters and the application. However, the Highway Authority have evaluated the scheme. 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 financial requirements, in accordance with paragraph 111 of the Framework. A reason for refusal on highways grounds cannot be substantiated.

Heritage Matters

The site is within the setting of the following heritage assets:

Listed Buildings: The Grade I listed St Michael's Church is located approximately 250m northwest of the site, along with its associated Grade II listed Lych Gate and Stoke Prior War Memorial. Little Intall Fields Farmhouse, a Grade II listed structure, is approximately 110m east of the site's eastern tip.

Conservation Area: Worcester and Birmingham Canal Conservation Area is located just over 200m from the southern boundary of the site.

Non-designated Heritage Assets (NDHAs): A range of NDHAs, including those identified in the Heritage Statement, are in the vicinity of the site: Intall Fields Farm, with its Summerfields villa, immediately adjacent to the northwest corner of the site; The Navigation Inn and Navigation Row Cottages, Hanbury Road, around 180m south of the site's southern tip; Bridge 45 & Locks 24-26, on the Worcester and Birmingham Canal; and Nos. 116-120 Hanbury Road, 50m south of the site; and No. 124 Hanbury Road 150m south of the site. In addition, it is considered that The Mount (shown as "Mount Pleasant" on 1884 OS Map), Stoke Pound Lane, a brick villa of ca. 1840 (Pevsner), is a NDHA, located immediately north of Intall Fields Farm, across Stoke Pound Lane.

Under s. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to preserving a listed building or its setting. Section 16 of the NPPF sets out guidance on conserving and enhancing the historic environment. Paragraph 199 of the NPPF provides when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the

public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policies BDP20.3 and BDP20.9 of the Bromsgrove District Plan advise that development affecting the setting of heritage assets should not have a detrimental impact on the character, appearance or significance of them and, when within or adjacent to a conservation area, it should preserve or enhance the character or appearance of the area.

Paragraph 202 of the NPPF advises that impact amounting to *less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal*. Paragraph 203 of the NPPF also includes non-designated heritage assets in this consideration, where any effects must be considered in a balanced judgement. Policy BDP20.14 of the Bromsgrove District Plan supports both requirements.

Paragraph 4.3.1-3 of BDC's High Quality Design SPD advises that new residential development in the setting of heritage assets must preserve or enhance the character of the area, with great care required to ensure the assets' settings are sustained and enhanced.

Various conservation documents have been submitted in support of the application and these have been fully assessed by the Conservation officer. The proposed development will cause less than substantial harm to the significance of several heritage assets, through impact upon their settings. The Conservation officer's assessment is outlined below.

St Michael's Church setting: views of the church are limited from the site environs; however, the tower can be glimpsed from places along the canal and along Stoke Pound Lane, more so during winter months when vegetation is more sparse. In each case the application site is co-visible within the view. The development will not restrict the visibility of the tower in such views, but it will change the views' characters from open and rural contexts, becoming more intensively developed. The setting of the church is large and accommodates small pockets of development, however it is rural. The impact is therefore considered to sit between Negligible and Minor (higher than the applicant's assessment), cross referenced with a Very High significance (also higher than the applicant's assessment), resulting in a Slight/Moderate level of harm to the church's significance as a beacon of Stoke Prior's medieval past, set within a rural environment.

Little Intall Fields Farm setting: there are reasonably available views from and to the farmhouse, to and from the site respectively, in addition to views from the canal conservation area containing both the farmhouse and site, which are open and rural in character. Tree screening to the west of the house is moderate but seasonal, the view becoming very open in winter months. The presence of the railway line to the west of the farmhouse disrupts the open setting, however extensive built form only appears at Hanbury Road. The proposals would bring this development line forward, diminishing the openness of the farmhouse's rural setting to the west and impacting its significance as a well-preserved 18th century yeoman's farmhouse with largely intact setting. The impact is agreed sit between Minor and Moderate, cross referenced with a High significance, resulting in a Moderate level of harm.

The Conservation Area setting, including Bridge 45 & Locks 24-26: the section of the CA covered by Map 5A in the Conservation Area Appraisal (Bridge 47-45), which includes the bridge and locks noted, indicates important views towards the northwest from the area, noting the rural landscape and sparse development. This character has been consistent since the canal's construction. Views of the site are had within this section, where the existing group of buildings around Intall Fields Farm are visible, with open land between. New development in this intervening space will interrupt the open, rural setting of the conservation area, bringing the existing development line closer to the canal. This is likely to be exacerbated by the introduction of a necessary acoustic fence along the southern edge of the site. This will cause harm to the Conservation Area's significance through the disruption and diminishing of its open, rural setting to the northwest along this stretch of the canal. The impact is agreed to sit between Minor and Moderate, cross referenced with a High significance, resulting in a Moderate level of harm.

Intall Fields Farm, including Summerfields villa: the setting of the farmstead and villa is open and rural across the site. This openness contributes strongly to the group's significance as a collection of mid-19th century farm buildings and the development of the site will severely diminish their legibility as such. The impact is considered to be High/Major (higher than the applicant's assessment), cross referenced with a Medium significance, resulting in a Moderate/Large level of harm.

The Mount: the setting of this villa is slightly removed and reasonably well screened from the site when compared to Intall Fields Farm. It is also not clear whether the villa is historically associated with farming, however if it was it is likely its land was to the north of Stoke Pound Lane. Nevertheless its open, rural setting to the south still contributes to its significance as a mid-19th century rural villa, and the development of the site will effectively remove this contribution. The impact is considered to sit between Minor and Moderate, cross referenced with a Low to Medium significance, resulting in a Slight level of harm.

The Navigation Inn and Navigation Row Cottages: the inn and cottages have a strong relationship to the canal and are mentioned in the corresponding conservation area appraisal. The site lies within their setting to the north, although the inn's outbuildings interrupt a strong connection between the cottages and the site. The raised level of the railway towards the south of the site also interrupts the inn's connection to the site, nevertheless the land beyond this continues to rise and so in wider views from the inn's curtilage the land is open and rural, a factor that reinforces its significance in connection with the canal; it clearly served the canal and associated development to its south, as opposed to the undeveloped land to its north. This contribution to its significance will be diminished through the development of the site and the impact is agreed to be Minor to Moderate, cross referenced with a Medium significance, resulting in a Slight to Moderate level of harm.

Nos. 116-120 Hanbury Road: these houses are agreed to have a low significance due to the level of alteration they have endured. Their setting to the northeast, towards the site, is also interrupted by other development along the east side of Hanbury Road and is screened by existing high hedging, such that it contributes in a limited manner to their significance. The impact of the development within this setting is agreed to be Minor, cross referenced with a Low significance, resulting in a Slight level of harm.

No. 124 Hanbury Road: this house has an increased level of significance due to its prominence and better level of preservation, however its setting to the northeast is largely severed by the railway, with only distant views of the northeast corner of the site visible from the asset. The contribution of the site to its significance as part of its setting is therefore minimal. The impact of the development is considered to sit between Negligible and Minor (lower than the applicant's assessment), cross referenced with a Low to Medium significance, resulting in a Neutral to Slight level of harm.

The submitted heritage statement identifies most of these impacts, albeit with a slightly lower overall level of harm. In general terms the assessment proposes robust landscape screening as mitigation. However, the idea that robust landscaping alone may achieve sufficient mitigation is unconvincing as dense screening, even if it manages to successfully screen development, will of itself erode the sense of openness in the area which is a key aspect of the setting contribution for most of the assets.

The conservation officer concludes that the proposals, although only presented in outline form, are therefore unlikely to satisfy the requirements of s. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraph's 195 and 199 of the NPPF, and Policies BDP20.3 and BDP20.9 of the Bromsgrove District Plan due to the various harms identified. Great weight must be given to the harm caused to designated heritage assets when considering the balance of harm against the public benefits of the proposals.

Character and appearance

It is noted that the site layout and design are reserved matters, though the indicative plans submitted allow for an assessment of the scheme that may come forward were outline permission to be granted. The NPPF places great importance on design quality, noting that good design is a key aspect of sustainable development; Paragraph 134 states that development that is not well-designed should be refused. Developments should add to the overall quality of the area, be visually attractive because of good architecture, layout and appropriate and effective landscaping, and should be sympathetic to local character and history including the surrounding built environment.

This is echoed within Bromsgrove's own policies BDP19 of the Bromsgrove District Plan sets a series of criteria by which high quality people focussed space will be achieved. For a development to be of high-quality design it must respect, enhance and improve the visual amenity of the area by virtue of its scale, mass, bulk, height and urban form.

It is considered that the site is highly visible from various directions, including the nearby Worcestershire and Birmingham Canal Conservation Area and Stoke Pound Lane (more detail regarding this element is outlined in the heritage section of the report). Furthermore, many adjoining areas, such as along Hanbury Road, Happy Bank Farm and Little Intall Fields Farm, are strongly rural in character.

The open and undeveloped character of the site is therefore critical in providing a soft edge to the settlement and an appropriate transition between the built-up area and the wider countryside.

The proposed development would be of a size, scale, form and intensity that would fundamentally erode the form, character and setting of Stoke Prior in the wider landscape are considered to be more urban than rural in character.

While it is acknowledged that the gross density based upon 78 dwellings would be around 22 dwelling per hectare (DPH). It is important to recognise that based upon to the net density (total residential units/total residential land excluding roads, open spaces and community), the density increases significantly to approximately 43 dph.

Policy BDP2 sets out a Spatial Strategy for focusing new development in the most sustainable of locations throughout the district. Whilst policies relating to the supply of housing may be considered out of date, due to the Council's lack of a 5-year housing land supply position, the NPPF has at its core, the principle of a Presumption in Favour of Sustainable Development.

Stoke Prior is identified as a Small Settlement within Policy BDP2 and considered appropriate for small-scale, infill development only. In contrary, this development comprises a large-scale development located outside the defined village boundary. Such a development is, therefore, not proportionate to the scale of the adjacent settlement, or appropriate in this rural location.

Overall, the proposed form of the development is considered incompatible with the countryside setting and would if implemented would result in visual harm. Acknowledging that this is an outline application, nonetheless the absence of any indicative plan showing an acceptable layout amount to additional harm to be weighed in the planning balance. The indicative design of the scheme at present is not considered to accord with policies, BDP2, BDP19 and the NPPF.

Open space

The indicative layout plan shows the provision of over 4,000 square metres of public open space located throughout the site. This accords with the requirement for on-site open space provision as set out in SPG11.

Residential amenity

The matters of design and layout are reserved for future determination. However, it is evident from the proposed plans could achieve an adequate separation from the existing dwellings in the area (in line with the High Quality Design SPD). It is not considered that the proposal would result in a loss of residential amenity with respect to these adjoining properties.

The development will change the outlook for numerous nearby residential properties and alter the way that they experience the site. It will increase the level of noise in the area and light this is not considered to be at a level that would lead to any significant harm to the residential amenity of these nearby neighbouring occupiers. It is noted that WRS noise do not have any objections to the outline phase.

Overall, the development is not considered to result in significant harm to the residential amenity of the neighbouring occupiers.

Ecology

A preliminary Ecological Appraisal, Biodiversity Net Gain Report and Habitat Map Plan have been prepared by Elite Ecology. This has all assessed the likely effects of the proposed development in terms of Ecology and Wildlife, in the context of the site and surrounding area.

No statutory or non-statutory designated sites occur within the site boundary. One Sites of Special Scientific Interest (SSSI) Upton Warren Pools and four non statutory locally designated sites Local Wildlife Site (LWS) were identified in 2km of the site.

The Biodiversity Net Gain Report, outlines detailed, and significant habitat enhancements are proposed and biodiversity net gain will be achieved.

Worcestershire Wildlife Trust (WWT) have raised no objection to the scheme, subject to the imposition of suitable conditions relating to the ecological mitigation and enhancement.

Subject to implementation of appropriate mitigation measures, the proposed development would comply with Policy BDP21 and BDP24.

Flood Risk and Drainage

The site is located within Flood Zone 1, which has a low probability of flooding. A Flood Risk Assessment and Drainage Strategy were submitted with the application.

North Worcestershire Water Management have been consulted. They have raised no objection, subject to a condition. Full details fall to be determined at reserved matters stage, though it is noted that the site is generally at low risk of flooding and no objections have been raised at this stage. The development would not therefore raise concerns the grounds of flood risk or drainage

Agricultural Land

The NPPF, at paragraph 174 b) notes the benefits of protecting the best and most versatile agricultural land (BMV). The footnote to paragraph 171 also states "where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality". The glossary of the NPPF gives the following definition. "Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification." In assessing the effects of the development on agricultural land it is necessary to have given consideration to the Agricultural Land Classification (ALC). This is the standard method used for determining the quality of agricultural land.

Policy BDP15 Rural Renaissance specifies that rural areas within Bromsgrove are rich in environmental and landscape quality and protecting and enhancing these characteristics is paramount to retaining the District's local character, distinctiveness and value.

The existing use of the site is agricultural (Grade 2). The proposed development will result in the permanent loss of existing agricultural land. it is considered that the

development would result in loss of BMV agricultural land which would be afforded negative weight as the permanent loss of agricultural land cannot be mitigated. The proposals would be contrary to the NPPF and BDP15.

Trees

The application is supported by an Indigo Surveys Tree Survey dated March 2022. The main body of the site contains no tree stock worthy of note consisting of grass land pasture.

Sections of the boundary of the site are defined by mixed species hedge lines or groups of small trees. The proposed layout as shown on Site Layout plan provided would require the removal of approximately half the length of conifer hedge to which the tree officer would have no objection as this could easily be replaced by native hedge line planting and it provides no screening value to any neighbouring property. It would also require the removal of a large section of hedge to achieve the required highway visibility splay at the new proposed site entrance off the Hanbury Road. This hedge line affects the outlook from properties opposite the site and therefore would need to be replaced with suitably robust planting on an appropriate new line within the scheme. The proposed layout will allow the retention of all other boundary hedge lines and groups of trees within only minor formative pruning required.

There is no objection to the proposal subject to conditions.

Planning obligations

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

The obligation in this case would cover:

- The provision of affordable dwellings on the site
- 5 self build dwellings.
- £10,000 towards active travel
- £3,472 towards community transport
- £52.24 contribution for refuse and re-cycling bins per dwelling
- A financial contribution of £30,360 towards Herefordshire and Worcestershire CCG
- A financial contribution of £930,107 towards education
- The provision, management and maintenance of the on-site open space for 25 years
- Net gain for biodiversity
- The provision and future maintenance in perpetuity of the SuDs facilities
- Community Facility
- A Section 106 monitoring fee

Applicants Case and Very Special Circumstances (VSC)

The applicant in their planning statement considers that the site is unconstrained in terms of other designations (other than Green Belt) and is not, for example, considered to make a significant contribution to landscape character and the visual setting of the village. That

the site would inevitably result in some loss of openness within the Green Belt and subsequent level of harm, which would be unavoidable for any given development.

Given the findings of the LVA and the lack of encroachment and the self-contained nature of the site (which is enclosed on all sides by defensible barriers such as Hanbury Road, Stoke Pound Lane and the railway line) the site is not considered to make a valuable contribution to Green Belt openness, in comparison to other Green Belt sites within the District.

The very special circumstances case is outlined in detail in the Planning Statement, however a summary of these and the weight the applicant has given these is outlined below.

Delivery of 78 new homes in the short-medium term, where there is a critical shortfall in housing given the Council is only able to demonstrate a 3.18 year's housing land supply. Furthermore, the Council is underdelivering on housing such that its housing delivery test figure is only 69%. The Council's Housing Team has also recently confirmed that 3,147 people are on the housing waiting list as of June 2022. This VSC should be afforded substantial weight.

Overprovision of affordable housing (50% provision, more than the 40% provision required by Local Plan BDP8) including the delivery of 39 no much needed affordable homes whereby there is an acute shortage of affordable housing and 3,147 people are currently on the Council's housing waiting list. This VSC should be afforded substantial weight.

Provision of 5 self or custom build homes, whereby there is no framework in place within the Local Plan to deliver this type of housing and the Council have acknowledged that they are not meeting the need identified in their Self Build Register. This VSC should be afforded substantial weight.

The proposed housing is designed to achieve sitewide Passive House certification; delivering the highest standard of low energy and sustainable homes. There are only 3 other site-wide Passive House certified housing schemes of 70+ dwellings in the UK at the moment. This scheme would therefore represent a flagship development of sustainable and low energy housing development, meeting and exceeding the ambition of Local Plan Policies BDP19, BDP22 and BDP23 and the West Midlands Design Charter and Zero Carbon Homes Charter. This VSC should be afforded substantial weight.

Off site highways improvements in the form of traffic calming measures along Hanbury Road and provision of new pedestrian crossings, which will also have the effect of reducing vehicle speeds on Hanbury Road (identified through the engagement exercise as being of local concern). This VSC should be afforded moderate weight.

Biodiversity, landscaping and drainage enhancements across the site, including the creation of new habitat areas, sustainable drainage systems, planting, and the delivery of a biodiversity net gain in excess of 10% across the site (as high as 60% subject to the detail of the Reserved Matters submission). This VSC should be afforded moderate weight.

Provision of public open space, including children's play area, which will also benefit neighbouring properties given the new pedestrian linkages which will open the facilities to a larger catchment. This VSC should be afforded some weight.

Provision of a new flexible commercial building for community use, which will provide a valuable community facility for local residents. It is intended to be considered for such uses as: employment (start up incubator units for small businesses), a multi purpose community use (local hall, space for local clubs) or medical (GP surgery, medical facility, creche). This VSC should be afforded moderate weight.

The applicant has also provided an appeal decision at Roundhouse Farm in Colney Heath (APP/B1930/W/20/3265925 and APP/C1950/W/20/3265926) which was a cross boundary planning application in St Albans City & District Council and Welwyn Hatfield Borough Council to justify their approach in seeking to demonstrate 'very special circumstances', indicating that the same outcome applies to this development.

As a Local Authority we are not bound by other decisions. I have had regard to this decision in assessing this application. However, I find that the circumstances and material considerations set out in this decision are different from those at the example cited, for example in terms of contextual and physical characteristics, as well as the position taken by the planning policy, the developments differ. More significantly, the balancing exercise that must be performed is fundamentally different because of these variations, the appeal decision relates to a site in a different district and so is subject to a different development plans. I have therefore afforded it little weight in this application.

Planning Balance

Given that the Council cannot demonstrate a five year housing land supply, the presumption in favour of sustainable development is engaged. Accordingly, planning permission should be granted unless the application of policies within the NPPF that protect areas or assets of particular importance provides a clear reason for refusal. In line with footnote 7 of the NPPF, land designated as Green Belt falls within the definition of 'areas or assets of particular importance'. The case for VSCs set out by the applicant above is now addressed.

The factors considered above individually do not represent very special circumstances and the question for the decision taker is whether collectively those factors combine with sufficient weight to represent the very special circumstances that would overcome the harm to the green belt by reason of the openness.

In terms of the weight to the housing land supply situation, the greater the shortfall the greater the weight. Bromsgrove District Council can only demonstrate a 3.23 year supply. and in such a context, mindful that the NPPF seeks to significantly boost the supply of housing land, for this number of dwellings I afford significant positive weight to the contribution to housing land supply. The proposed affordable housing units is a public benefit that attracts significant positive weight in favour.

The provision of five self-build homes is a noted benefit of the scheme, particularly given that the Development Plan does not currently have any policies for the delivery of self-build housing. This benefit would therefore carry moderate positive weight.

The proposed development results in 'less than substantial harm' to the setting of heritage assets. NPPF paragraph 202 states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The cumulative harm to the setting of these heritage assets is considered to be at the higher end of 'less than substantial harm' and the benefits of the scheme would be insufficient to outweigh the significant (less than substantial) harm, this finding that carries considerable importance and weight in my decision.

The submitted Planning Statement and Sustainability Statement sets out how the proposed Passive Haus development meets the sustainability and energy requirements of relevant Development Plan policies as well as the three overarching sustainability objectives of the planning system as outlined in NPPF paragraph 8 (economic, social and environmental) as well as other elements of the NPPF. However, these are policies against which all applications for development are assessed as part of the decision-making process. Compliance with sustainability objectives is a requirement and not considered to be a significant consideration that outweighs the harm to the Green Belt (including environmental harm) caused by the development itself. It is also noted that under current building regulations and planning policy, energy efficient homes would be created. It is considered that this is a benefit that can be attributed limited positive weight in the planning balance.

The provision of a flexible commercial building for community uses. However, the community building lies adjacent to the railway line and is as far away from the existing built-up area of Stoke Prior and this location will discourage walking to it. It has not been demonstrated that the proposed community facility will relate positively to Stoke Prior and the wider rural area and not just to new residents within the development. On that basis it is considered that this is a benefit that can be attributed limited positive weight in the planning balance.

The potential biodiversity enhancements attract moderate positive weight.

The applicant has also advanced that moderate weight should be given to off-site highways improvements and some weight for the provision of public open space. There are no conflicts with local and national planning policies in these regards, subject to the imposition of the planning conditions or a legal agreement. However, the application submission does not convince me that any of these would constitute benefits of the scheme over and above securing a satisfactory development in line with policy.

While the applicant has not put forward an economic or social benefits case these are potential benefits that would be considered but are afforded moderate positive weight in the planning balance.

The proposed development would be of a size, scale, form, and intensity that would fundamentally erode the form, character and setting of Stoke Prior in the wider landscape, this attracts moderate negative weight.

The proposal would result in loss of agricultural land including 'best and most versatile' (BMV) land. The proposals would be contrary to paragraph 174 of the National Planning Policy Framework (2021), this attracts moderate negative weight.

I therefore conclude that the benefits of the scheme are moderate. The principal benefit is the provision of housing (including affordable housing and self-build plots). The delivery of market housing alone would carry moderate weight as outlined above, though the delivery of affordable housing more than policy requirements is a significant benefit. Furthermore, the provision of five self-build plots is considered to carry moderate weight. The delivery of housing overall is therefore considered to carry significant weight.

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.

Conclusion

The NPPF reiterates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 confirms that when considering any planning application, local planning authorities 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 resulting from the proposal, is clearly outweighed by other considerations.

The Planning balance section has set out all of the harms on one side and all of the benefits and other material considerations on the other side of the balance and officers have concluded that all of the harms are not clearly outweighed by all of the benefits. 'Very Special Circumstances' do not exist in this case.

It is considered that the application of policies in the National Planning Policy Framework provides a "clear reason for refusing" the development proposal under NPPF paragraph 11(d)(i). It is concluded that the proposals are in conflict with the development plan policies in so far as they relate to the Green Belt, character and the built and historic environment. There are no other material considerations that have a bearing on the balance.

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

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

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 the 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 NPPF 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 BDP1, Policy BDP4 of the Bromsgrove District Plan and the National Planning Policy Framework.

2. The proposed form of the development is considered incompatible with the countryside setting, and that of existing built development in the locality of the site. The proposal would compromise the setting of the countryside, where rural development should be supported where it needs to be in that location. The proposed development would be of a size that would fundamentally erode the form, character and setting of Stoke Prior in the wider landscape. As such the proposal is contrary to Policy BDP2, BDP19, and the National Planning Policy Framework.
3. The proposal would have an adverse impact upon the setting of several designated and non-designated heritage assets, by way of its impacts upon the wider character adjacent to Stoke Prior. The proposals would result in less than substantial harm to a number of designated and non-designated heritage assets, situated in close proximity to the site. Whilst it is acknowledged that there are some public benefits these do not outweigh the harm that has been identified. The proposal is therefore contrary to Policy BDP20 of the Bromsgrove District Plan and Section 16 of the National Planning Policy Framework.
4. The proposal would result in loss of agricultural land including 'best and most versatile' (BMV) land. The proposals would be contrary to Policy BDP15 of the Bromsgrove District Plan and paragraph 174 of the National Planning Policy Framework (2021).

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

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22/01066/OUT

Land At Little Intall Fields Farm, Stoke Pound Lane,
Stoke Prior, Worcestershire

Outline planning application (with all matters reserved except access) for the erection of up to 78 dwellings and a flexible commercial/community use building with associated access, infrastructure, landscaping, and open space provision.

Recommendation: Refuse

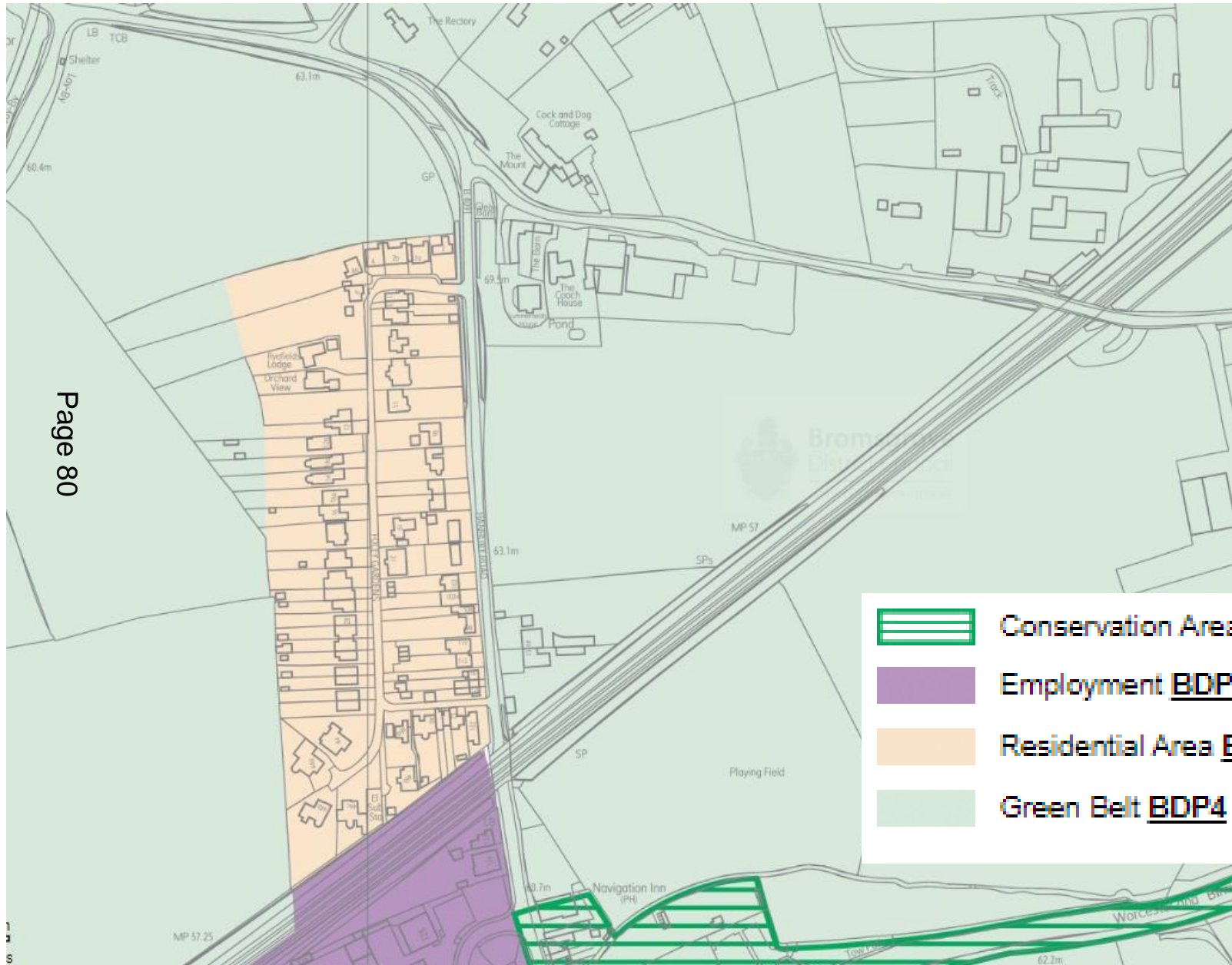
Site Location Plan



Satellite View



Bromsgrove DC Local Plan Map



Site Photographs



Buildings on northern section of the site

View of Summerfield House from site



Existing access on Stoke Pound Lane



View of 49 Hanbury Road from site



View of Hanbury Road from site



View of trainline from site



Gibbs overbridge



Hanbury Rd, approximate location of proposed access (opposite 92 Hanbury Rd)

Proposed Parameters Plan (illustrative)



- Site boundary
- Residential development area
- Proposed open space/landscaping
- Existing tree to be retained
- Existing hedge to be retained
- Proposed pedestrian path
- Proposed cycle path
- Proposed main vehicle access
- Proposed secondary vehicle access points
- Site access point
- Proposed fence

Proposed Layout (illustrative)



- Site boundary line
- Existing buildings to be demolition
- 1B2P Flat
- 2B3P Semi Detached Bungalow
- 2B3P Terrace
- 2B3P Semi Detached
- 2B4P Semi Detached
- 3B4P Semi Detached
- 3B6P Detached
- 4B8P Detached Custom Build

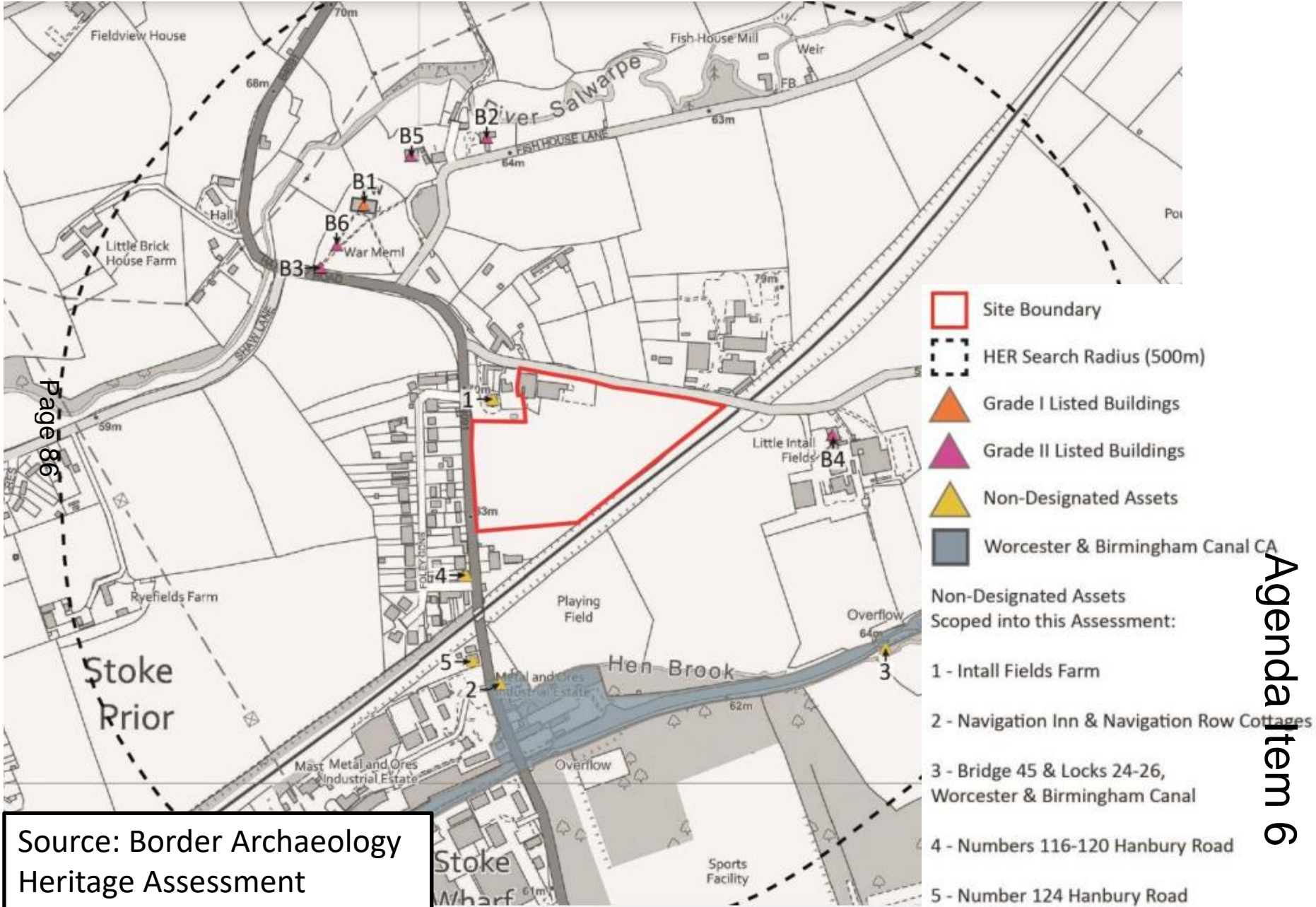
Landscape Strategy Plan (illustrative)



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Heritage Assets

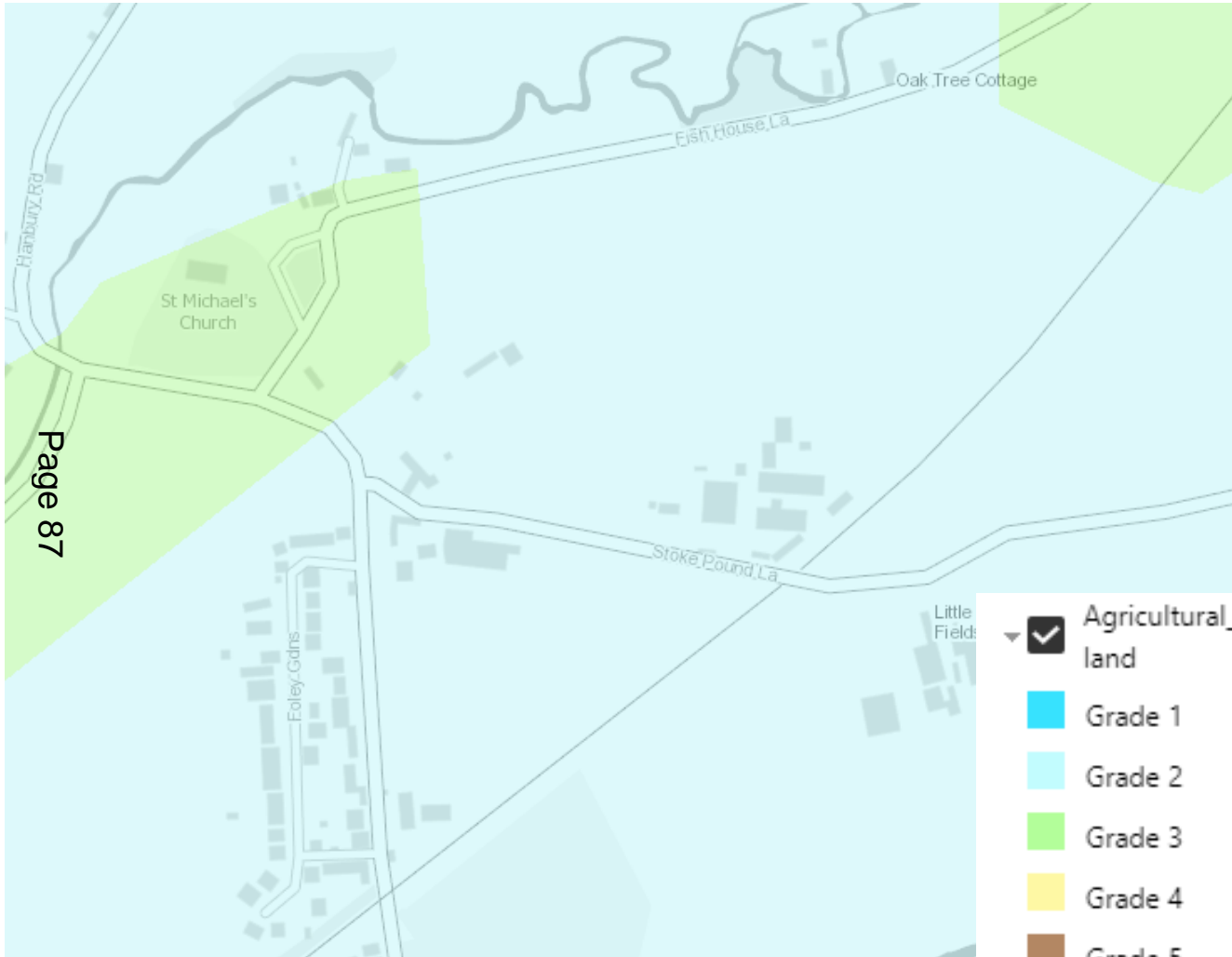


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Source: Border Archaeology
Heritage Assessment

Agricultural Land



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Source: Defra Spatial Data Download

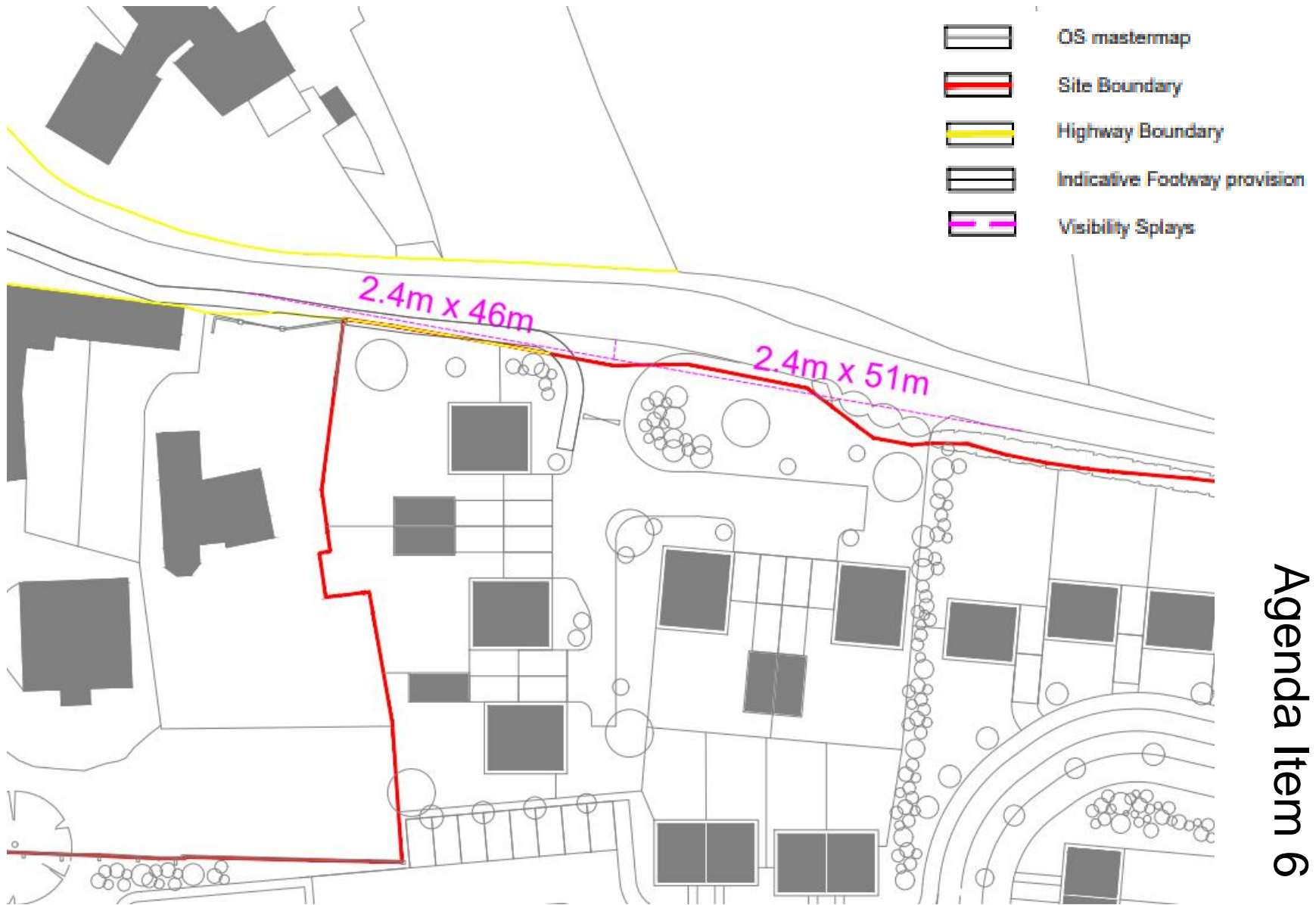
<https://environment.data.gov.uk/DefraDataDownload/?mapService=NE/AgriculturalLandClassificationProvisionalEngland&Mode=spatial>

Agenda Item 6

Proposed Access Hanbury Road



Proposed Access Stoke Pound Lane



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Name of Applicant	Proposal	Expiry Date	Plan Ref.
GNM Developments Ltd	Demolition of the former Prince of Wales public house and the erection of a 72 bedroom care home facility with frontage parking together with the change of use of former agricultural land at the rear to ancillary amenity space for residents including the provision of Green Care Farming with landscaping, and associated works. (Cross boundary application - Solihull and Bromsgrove). Prince Of Wales Public House, High Street, Solihull, B90 1JW	18.11.2022	22/01146/FUL

RECOMMENDATION:

(a) MINDED to **GRANT** full planning permission

(b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the application following the receipt of a suitable and satisfactory legal mechanism to ensure that the development of both elements of the site (the care home and open space) are constructed and that neither element can be developed in isolation.

Consultations

Community Safety

Concerns raised regarding the design of the building and wider site

Arboricultural Officer

I have visited the site this morning and confirm that I believe T18 of the Apex AIA to be T55 of Bromsgrove District Council TPO (14) 2022 which is a multi-stem Sycamore. Even accepting that this is a TPO protected tree it has no great prominence in the street scene of the High Street / Maypole Lane and is only majorly visible from the track to the Western side of the site. The layout plans also show an intention to plant around 49 new trees within the landscaping of the site which will help mitigate the loss of any existing trees.

Therefore I would be agreeable to the loss of T18 of the Apex AIA in view of the level of mitigation tree planting proposed within the scheme.

Wythall Parish Council

Objection, it is considered to be inappropriate development of Green Belt land

Highways - Bromsgrove

Worcestershire County Council (WCC) has no jurisdiction over the highway immediately fronting the application site nor over the pedestrian and vehicle access to the site. In

Plan reference

addition, the proposal is unlikely to lead to an increase in traffic on nearby roads within Worcestershire.

In light of this clarification Worcestershire County Council, as adjacent Highway Authority, have no comment to make regarding the application.

North Worcestershire Water Management

No objections subject to conditions

Solihull Metropolitan Borough Council

No comments received to date

Public Consultation

A site notice was displayed at the site 21.09.22 (expired 15.10.22)

The application was advertised in the Press 30.09.22 (expired 17.10.22)

No representations have been received.

Relevant Policies

BDP4 Green Belt

NPPF National Planning Policy Framework

Relevant Planning History

Solihull Metropolitan Borough Council reference PL/2022/01784/PPFL:

Demolition of the former Prince of Wales public house and the erection of a 72 bedroom care home facility with frontage parking together with the change of use of former agricultural land at the rear to ancillary amenity space for residents including the provision of Green Care Farming with landscaping, and associated works (Cross boundary application - Solihull and Bromsgrove).

Procedural Matters

This application is a cross boundary application with Solihull Metropolitan Borough Council (SMBC). The site is dissected by the District/Metropolitan Borough Council boundary such that approximately half of the site lies within Bromsgrove District Council's (BDC) jurisdiction.

As a matter of principle, the site is considered appropriate for its intended use as a care home. The application is recommended for approval by SMBC and will be considered at a meeting of their Planning Committee on 1st February. The outcome of this meeting will be reported to Members by way of an update.

Given that the site crosses an administrative boundary it is considered necessary for the application to be subject to a s106 legal agreement to ensure that both the care home and the associated open space are provided across the site.

Proposal Description

The development comprises the demolition of the Prince of Wales Public House and its replacement with a three-storey care home providing 72 bedrooms. Access is provided off High Street with vehicular parking to the front of the site.

The building takes a relatively modern form, comprising a mixture of pitched and flat roof elements and proposes the use of a varied palette of materials including metal profile roofing, cladding and brickwork. All of the proposed building lies within SMBC.

To the rear of the site, ancillary amenity space is proposed for the residents of the care home which comprises large scale tree planting/landscaping and the provision of a Green Care Farm. It is this land which lies within BDC.

Assessment of Proposal

Green Belt

The rear of the site which comprises the element within BDC lies within the Green Belt. It is therefore necessary to consider whether the development comprises inappropriate development in the Green Belt.

Policy BDP 4 of the Bromsgrove District Plan does not outline development which is considered inappropriate in the Green Belt except where it concerns the provision of new buildings. Therefore, guidance is found in the National Planning Policy Framework (NPPF). Paragraph 147 explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to confirm that when considering any planning application, local planning authorities 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 resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 150 of the NPPF states that certain other forms of development (those not comprising the construction of new buildings) are not inappropriate, providing they preserve openness and do not conflict with the purposes of including land within the green belt. These exceptions include at e) material changes of use of land. Outdoor sport and recreation, cemeteries and burial grounds are cited as examples of changes of use of land, but these are preceded by the words "such as...". The list is therefore clearly not intended to be exhaustive. As such it is considered that the proposal to change the use of land to the rear of the public house to ancillary amenity space for the residents of the care home can fall within this category of development.

The site plan indicates that the amenity area will be subject to significant landscaping, including tree planting, the formation of woodland paths, raised planters and large areas of grasses and herbaceous perennials. Part of the site will be in agricultural use as a green care farm. Around the perimeter of the site a substantial buffer area is shown, described as 'defensive planting'. No buildings are proposed on this area and care homes do not benefit from permitted development rights for the construction of incidental building

therefore any proposal for such structures would require a separate application for planning permission.

The existing land is semi derelict and unmanaged. Whilst described as former agricultural land it appears to have historically been associated with the public house and its wider land holding. Given the landscaping proposals shown on the submitted plans, including the large scale tree planting proposed it is considered that the proposal will preserve the openness of the Green Belt.

It is also necessary, in accordance with paragraph 150 of the NPPF to consider whether any conflict would arise with the Green Belt purposes, which are set out in NPPF paragraph 138, and include safeguarding the countryside from encroachment. As set out above, the land in question appears to have historically been associated with the wider use of the site as a public house. Whilst it does not appear to have been maintained as a formal 'beer garden' it likely that the public house could have chosen to put the land to this use without the need for planning permission. Furthermore, as referenced above, this area will be heavily landscaped and in part used for agricultural purposes which is broadly considered an appropriate use in the Green Belt. A more formal amenity area for residents will be provided adjacent to the proposed building, however this will lie outside of the Green Belt. Taking all these matters in to account it is considered that the proposal will not encroach into the countryside and therefore no conflict with paragraph 138 of the NPPF will arise.

Japanese Knotweed

The land to the rear of the site suffers from a significant invasion of Japanese Knotweed. Treatment of this is underway and about to go into the 3rd of 5 years with a view to removing this in its entirety during demolition of the public house. Members will note that Japanese Knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981.

A survey has been submitted with the application with respect to Japanese Knotweed which include details of a proposed treatment and monitoring schedule. It is considered necessary to attach a condition to this permission to ensure that the works are undertaken and further ensure that the landscaping to the amenity area can be achieved in order to create a satisfactory form of development.

Trees

The scheme requires the removal of one tree subject to a tree preservation order on the western boundary of the site. The tree officer has been consulted on the proposal and as members will note from earlier in this report no objection is raised to the removal. A condition is recommended which includes the submission of soft landscaping proposals for consideration including replacement tree planting which will mitigate for the loss.

Conclusion

The principle of developing the wider site as a care home is considered acceptable. The rear portion of the site which lies within BDC is within the Green Belt, however it is considered that the proposal will not represent inappropriate development. Other matters relating to the land within the control of BDC can be adequately controlled by condition.

No representations have been received in relation to the application and the Parish Council concerns with respect to the development being inappropriate in the Green Belt have been dealt with above.

RECOMMENDATION:

(a) MINDED to **GRANT** full planning permission

(b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the application following the receipt of a suitable and satisfactory legal mechanism to ensure that the development of both elements of the site (the care home and open space) are constructed and that neither element can be developed in isolation

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the following plans and drawings:

DR-A-02-101 Rev P4 - Proposed Layout Site Block Plan
DR-A-02-102 Rev P4 - Proposed Layout Site Plan
DR-A-03-100 Rev P2 - Proposed Layout Lower Ground Floor
DR-A-03-101 Rev P4 - Proposed Layout Ground Floor Plan
DR-A-03-102 Rev P4 - Proposed Layout First Floor Plan
DR-A-03-103 Rev P4 - Proposed Layout Second Floor Plan
DR-A-04-100 Rev P3 - Proposed Layout Section AA and BB
DR-A-05-100 Rev P4 - Proposed Layout Street Elevation AA and BB
DR-A-05-101 Rev P4 - Proposed Layout Street Elevations CC and DD
DR-A-05-102 Rev P4 - Proposed Layout Elevations AA and BB
DR-A-05-103 Rev P4 - Proposed Layout Elevations CC and DD

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

3. No works in connection with site drainage shall commence until a scheme for a surface water drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include details of surface water drainage measures, including for all hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015). If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

Reason: To allow proper consideration of the proposed foul and surface water drainage systems and to ensure that the development is provided with a satisfactory means of drainage.

4. The permeable paving areas shall be maintained to facilitate the optimal functionality and performance of the surface water drainage scheme. Permeable surfaces shall not be replaced by impermeable surfaces without prior written approval from the Local Planning Authority.

Reason: To ensure the long term effectiveness of the surface water drainage at the site.

5. The development hereby approved shall be carried out in complete accordance with the Arboricultural Impact Assessment submitted in support of the application, reference Arboricultural Impact Assessment BS5837:2012 AEL-18561-AIA Rev B dated 30th November 2022 by Apex Environmental Ltd unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise the impact of the development on trees and hedgerows of significance.

6. The development hereby approved shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, lighting etc.); retained historic landscape features and proposals for restoration. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason: To minimise the effect and enhance the character of the development.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of 5 years from the date of planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season (October-March), unless the Local Planning Authority gives its written consent to any variation.

Any tree, hedge or shrub scheduled for retention which is lost for any reason during development works, shall be replaced with a tree, hedge or shrub of a size and species to be agreed in writing with the Local Planning Authority and planted during the first planting season after its loss.

Reason: To retain the character of the landscape.

8. The development hereby approved shall not be first used or occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied. Development shall be carried out in accordance with the approved details.

Reason: To minimise the effect and enhance the character of the development.

9. No development works, other than demolition, clearance of demolition waste, and site compound set up, shall proceed until the methodology for eradicating Japanese Knotweed from the site has been completed in full and complete accordance with the submitted document reference "Japanese Knotweed Survey dated 11th March 2021 job number PROJ587 by Knotweed Service (UK) Ltd". Upon completion of the measures set out therein, a report, prepared by a suitably qualified person, shall be submitted evidencing and confirming that the specified eradication measures have been fully and appropriately implemented. No built development works shall proceed until and unless that completion report has been approved in writing by the local planning authority. Any long-term mitigation and monitoring set out in those reports, shall be carried out in accordance with the approved details.

Reason: To prevent the spread of Japanese Knotweed which is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981.

Case Officer: Sarah Hazlewood Tel: 01527 881720
Email: sarah.hazlewood@bromsgroveandredditch.gov.uk

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22/01146/FUL

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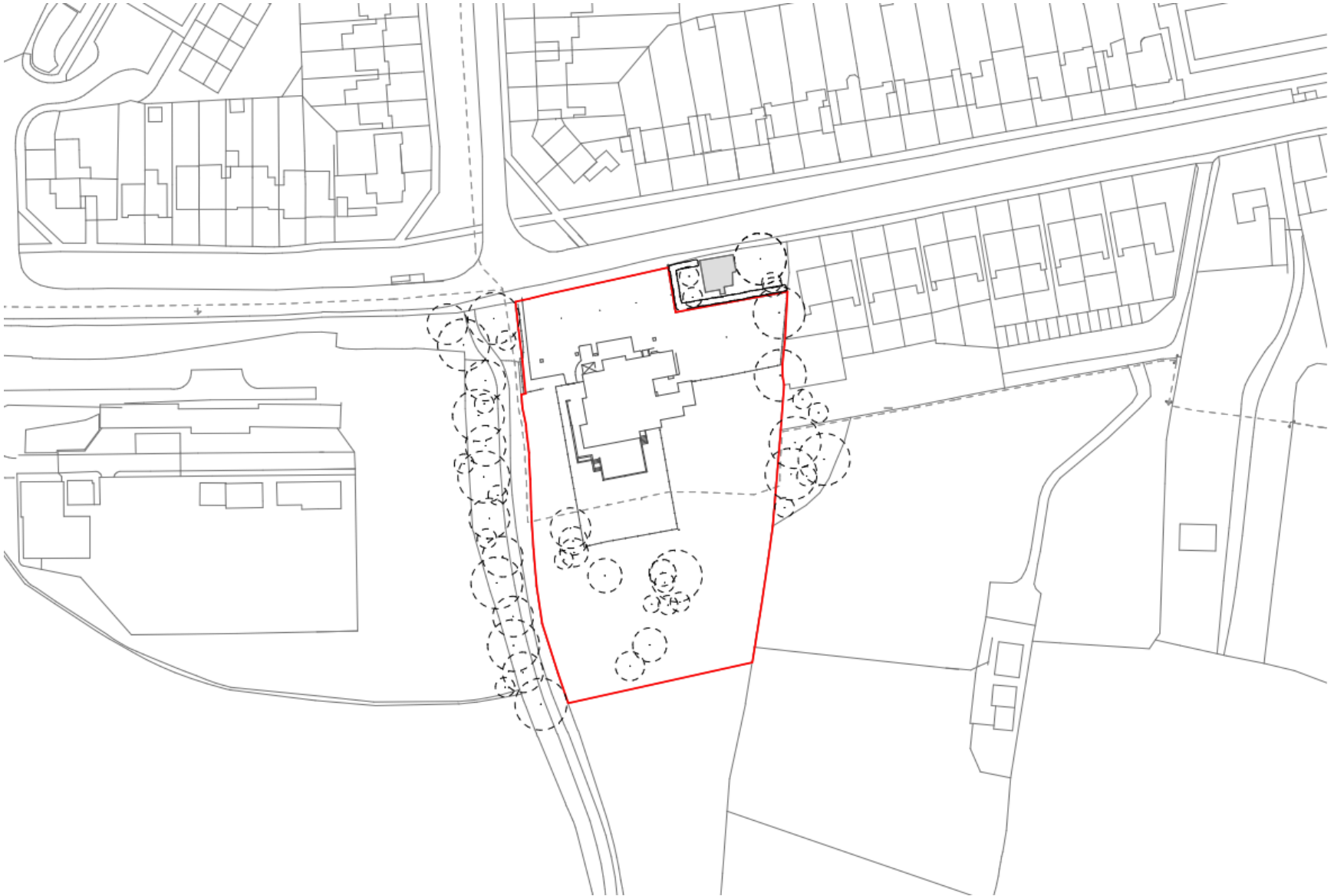
Demolition of the former Prince of Wales public house and the erection of a 72 bedroom care home facility with frontage parking together with the change of use of former agricultural land at the rear to ancillary amenity space for residents including the provision of Green Care Farming with landscaping, and associated works. (Cross boundary application - Solihull and Bromsgrove).

Prince Of Wales Public House, High Street, Solihull, B90 1JW

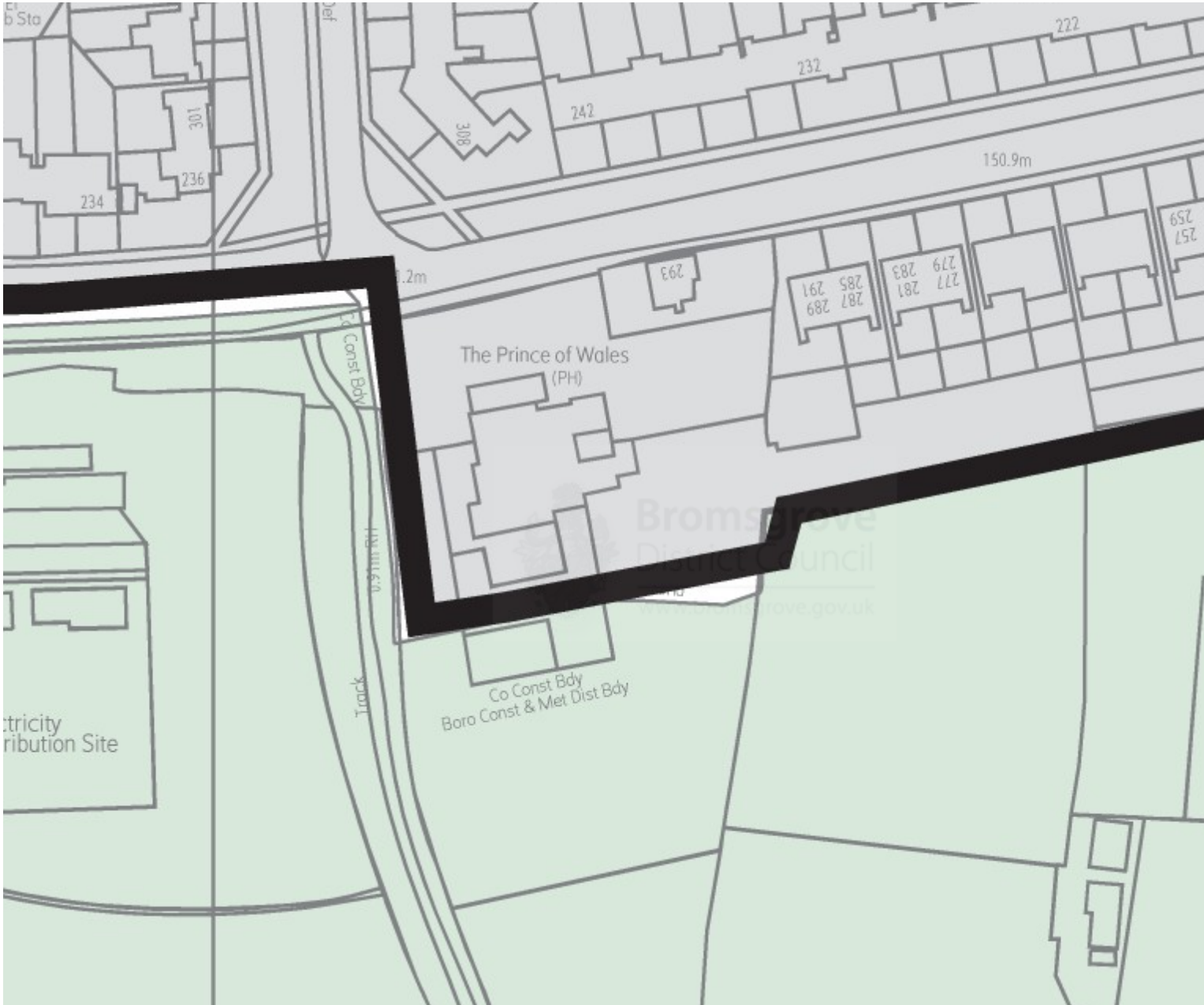
Recommendation: Grant subject to s106

Agenda Item 7

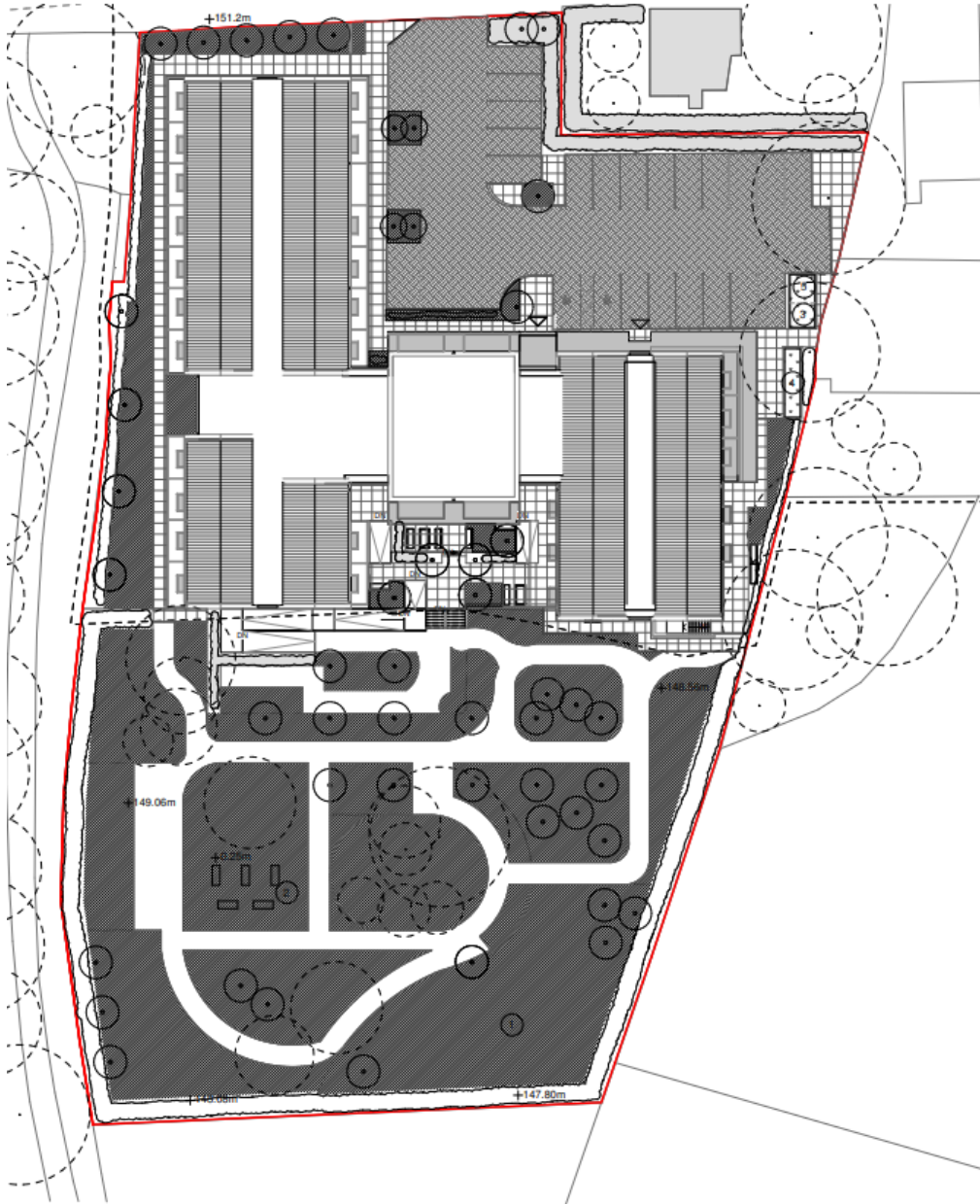
Site Location Plan



BDP Proposals Map



Proposed Site Plan



Aerial Photograph of Site



Proposed front and rear elevations



Proposed side elevations



Street Elevation AA
Scale 1 : 200



Street Elevation BB
Scale 1 : 200

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Agenda Item 8

Name of Applicant	Proposal	Expiry Date	Plan Ref.
A E Beckett & Sons Ltd	Demolition of one existing agricultural building; repair of three further agricultural buildings (retrospective) Former Poultry Houses, Rose Cottage Farm, Seafeld Lane, Portway, Worcestershire B48 7HN	09.12.2022	22/01220/FUL

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

Consultations

Cadent Gas Ltd Consulted 05.10.2022

We have no objection to your proposal from a planning perspective.

Kernon Countryside Consulted 27.10.2022

No objections

Beoley Parish Council Consulted 30.09.2022

We at Beoley Parish Council have no objection toward this application. Although the development has already happened we would like to point out that we only support the application if it is for agricultural purposes only.

North Worcestershire Water Management Consulted 30.09.2022

No objections to the proposals

Highways - Bromsgrove Consulted 30.09.2022

I have no highway objections to the proposed demolition of one existing agricultural building; repair of three further agricultural buildings (retrospective). The applicant has highlighted the machinery that will be stored within their statement and also that the existing vehicular access will be used. There will be an initial increase in trips during the day during the storage of the machinery which will be a minimal increase and not have a severe impact on the existing highway network.

Public Consultation

6 letters sent to nearby dwellings 10th October 2022, expired 3rd November 2022

Site notice displayed 7th October 2022, expired 31st October 2022

Press advert published 7th October 2022, expired 24th October 2022

As a result of the publicity, two representations have been received both making comments objecting to the proposal. The material planning matters raised in the representations relate to:

- The site history

- Highway matters including: Increase in vehicle movements, the size and speed of vehicles using the proposed buildings, accidents near to the application site, the nature of the highway in the vicinity of the application site and the risks posed to all highway users.
- Green Belt policy
- The proposed use of the buildings

Relevant Policies

Bromsgrove District Plan:

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP15 Rural Renaissance

BDP19 High Quality Design

Others:

NPPF National Planning Policy Framework

Relevant Planning History

16/0115	Change of Use of Poultry Sheds into Storage Use (Class B8)	Refused	08.06.2016
12/00326	Demolition of two chicken sheds; conversion of the remaining two chicken sheds to provide 10 dwellings; creation of new access; creation of car parking area; provision of play area and other associated works.	Refused	29.06.2012
11/0025	Demolition of two chicken sheds; conversion of the remaining two chicken sheds to provide 14 dwellings; creation of new access; creation of car parking area; provision of play area and other associated works (As augmented by plans received 06th April 2011).	Refused	21.04.2011
B/2007/0101	Conversion of former chicken shed/barn to enable storage of historic/preserved vehicles relating to a registered educational trust.	Withdrawn	02.04.2007
B/2002/1363	Demolition of two existing egg farm buildings and conversion of remaining two to create 12 dwellings, new vehicular access, covered parking areas and landscaping.	Withdrawn	22.01.2003
B/1999/0515	Change of use to class B8.	Withdrawn	27.10.2005

Background Information

The council received an allegation of unauthorised works being undertaken to the buildings subject to this application in March 2022. Following investigation, it is the council's view that the extent of works undertaken at the site constitute a replacement of three poultry sheds and the demolition of one. Whilst the applicant disagrees with this assertion with respect to the replacement, it was nevertheless agreed to submit a retrospective application to seek to regularise the works undertaken.

Proposal Description

The proposal seeks retrospective permission for the demolition of one poultry shed and works to the remaining three. The most southerly of the four original poultry sheds, adjacent to the residential dwellings known as The Dairy, Rose Cottage and Rose Cottage Farmhouse, has been demolished.

The works to the remaining three poultry sheds comprise the replacement of asbestos roofs with metal sheeting, recladding of the buildings in metal cladding having retained blockwork to 2 metres in height and internal works to remove the poultry cages and strengthen the buildings. The gable ends of the buildings are now formed from metal sheeting and include a roller shutter and pedestrian access door. The site lies in open countryside and within the Green Belt.

Assessment of Proposal

Green Belt

Policy BDP4.4 of the Bromsgrove District Plan 2017 (BDP) is generally consistent with paragraph 149 of the Framework in stating that, apart from specific exceptions, the construction of new buildings is inappropriate development in the Green Belt. The stated exceptions set out in the Framework include at 149a) buildings for agricultural and forestry and 149d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. These exceptions are repeated in policy BDP4.4 of the BDP.

It is not necessary for a proposal to meet with all the exceptions within paragraph 149, as long as it meets with one of them, this is sufficient for the development to not represent inappropriate development.

The three remaining buildings on the site are in use for fertiliser and bale storage which is considered to represent an agricultural use. However, it is also necessary to ensure that the need for the buildings is justified and that the design of the proposed buildings is appropriate for the intended use.

Agricultural need

Policy BDP15.1a) of the BDP encourages development which contributes to diverse and sustainable rural enterprises in the District. Furthermore, paragraph 84 a) of the NPPF similarly supports the sustainable growth and expansion of all types of businesses in rural areas through well-designed new buildings.

The application has been appraised by the council's external agricultural consultant. The use, design, size, siting and availability of other buildings for the proposed use was considered. All of these matters were considered acceptable with the exception of the design of the proposal and overall, no objection was raised with respect to the development.

In relation to design, given that the proposal is to use two of the buildings for fertiliser storage and that fertiliser is combustible, it is considered necessary for ventilation to be incorporated into the buildings. As the application is retrospective any such scheme of ventilation would and could be secured via an appropriately worded planning condition.

Openness

Paragraph 137 of the NPPF explains that the fundamental aim of Green Belt policy is to keep land permanently open with the essential characteristics of Green Belts being their openness and their permanence.

The proposal seeks the removal of one of the four poultry sheds. The removal of any built form with the Green Belt will inherently improved the openness of the Green Belt. The remainder of the buildings are no larger than the original buildings following the works undertaken, which maintains the status quo in terms of their impact on the openness of the Green Belt.

Amenity

Policy BDP19 of the BDP seeks to achieve good design.

Directly to the south of the application site lies a number of residential dwellings. Rose Cottage Farmhouse shares a boundary with the application site, with The Dairy and Orpington Cottage lying close to but not adjoining the site boundary. It is the poultry building which is closest to these dwellings which has been demolished. The result of this is that these residential dwellings are now 27.5 – 32 metres from the poultry sheds at the closest point.

In terms of general outlook the removal of the poultry shed will be an improvement with respect to the dwellings referenced above. The vehicular access to the site has not changed and is situated to the north of the application site, away from any residential dwellings. Given the distances involved and the nature of the proposal to use the buildings for storage it is considered that no adverse amenity impact will arise from the proposed development.

Other matters

A number of the issues raised in the representations received have been addressed above. However a number of concerns have been raised with respect to highway safety. Namely that the existing access is on a blind bend, issues in relation to vehicular accidents, traffic movements to and from the site and the type of vehicles that are likely to be used in association with this proposal.

Policy BDP16.1 requires that development should incorporate safe and convenient access. In addition, paragraph 111 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

The Highway Authority have been consulted on the application and raise no objections to it. The existing access will be used for access and egress to the site which benefits from a wide bell mouth and gates set back from the access so that there would be no waiting within the highway. Furthermore, were it not for the works which have been undertaken to the buildings, they could be put to alternative, agricultural uses without recourse to the council. Whilst it is recognised that there is likely to be an increase in traffic movements to the site when compared with the site prior to the works taking place given the poultry sheds were redundant, taking all the matters listed above in to account it is considered that this increase is not likely to result in a severe impact on the highway network so as to warrant refusal of planning permission.

Reference in the representations received is made to the planning history of the site. Members will note, from earlier in this report, that several attempts have previously been made to secure planning permission for alternative uses for these buildings. Notwithstanding, this proposal needs to be determined on its own merits having regard to current planning policy.

Ordinarily, an application relating to the conversion of a building would be supported by a protected species survey. Given that the works have already been undertaken at the site it is likely that any protected species that were present at the site are no longer present. However, it is considered appropriate to require a scheme of biodiversity enhancement to be submitted to the council for approval and implemented on site. This can be adequately controlled by planning condition.

Conclusion

Whether the proposal is considered as a new agricultural building, as per Policy BDP4.4a) and paragraph 149a) of the NPPF; or the replacement of an existing building as per BPD4.4e) and paragraph 149d) it is considered that the proposal would not represent inappropriate development in the Green Belt. Furthermore the need for the building has been demonstrated and, subject to a condition seeking alterations to the buildings with respect to ventilation, the design of the buildings are appropriate for their intended use. No adverse amenity impact is likely to arise from the proposed development and whilst concerns are raised with respect to highway safety matters, it is considered that the proposal will not breach the high bar set by paragraph 111 of the NPPF which set out when planning permission should be refused on highway safety grounds.

RECOMMENDATION: That planning permission be **GRANTED**

Conditions:

1. The development is hereby approved in accordance with the following plans:

10075-100 – Location Plan

10075-201 – Proposed Site Plan

10075-301 – Proposed Floor Plans and Elevation – Buildings 1, 2 & 3

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

2. Within 2 months of the date of this permission a scheme for ventilating the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be incorporated in to the buildings within 6 months of the date of this permission.

Reason: To ensure that the buildings hereby permitted are appropriately designed for their end use.

3. If the use of the buildings for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed the buildings must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.

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

4. Within 2 months of the date of this permission a specification (including methodology and programme of implementation) for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The works so approved, shall be carried out in accordance with the approved programme of implementation with 6 months of the date of this permission.

Reason: To enhance biodiversity.

Case Officer: Sarah Hazlewood Tel: 01527881720

Email: sarah.hazlewood@bromsgroveandredditch.gov.uk

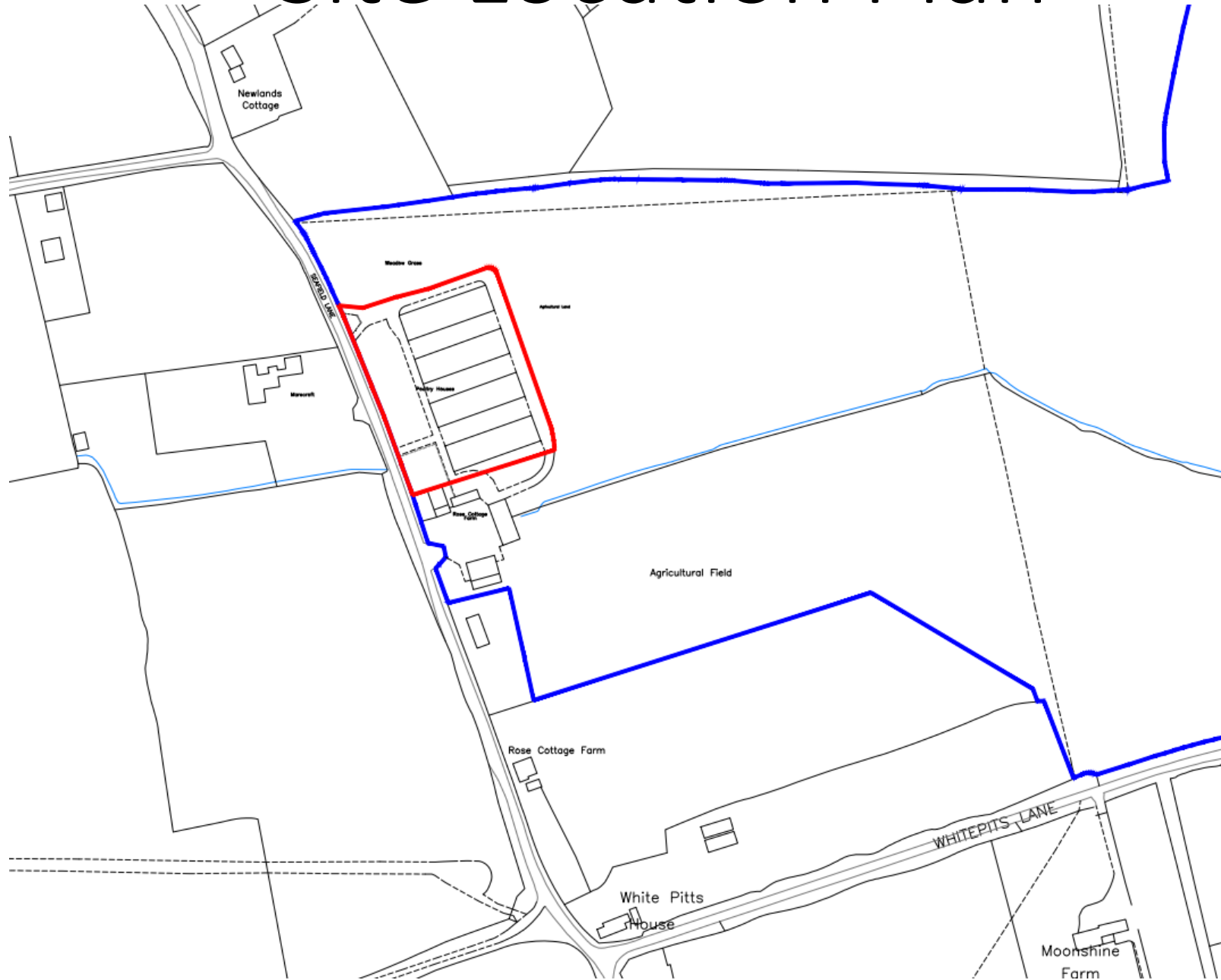
22/01220/FUL

Demolition of one existing agricultural building; repair of three further agricultural buildings (retrospective)

Former Poultry Houses, Rose Cottage Farm, Seafield Lane,
Portway, Worcestershire B48 7HN

Recommendation: Grant

Site Location Plan



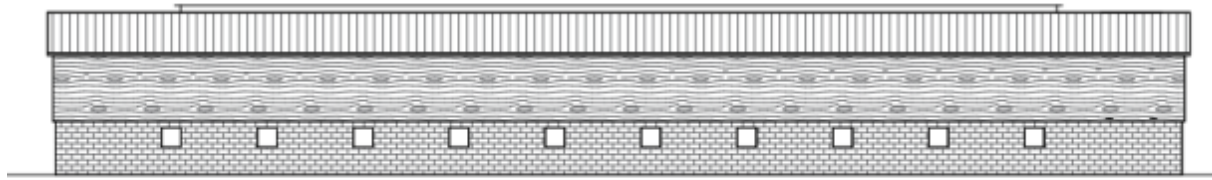
Site Plan



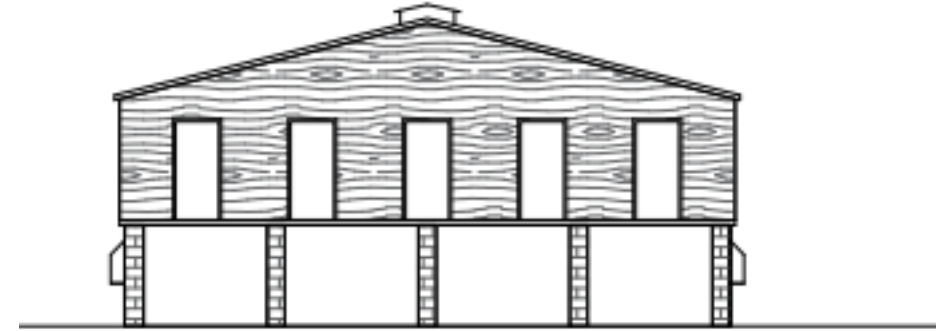
Proposed Site Plan



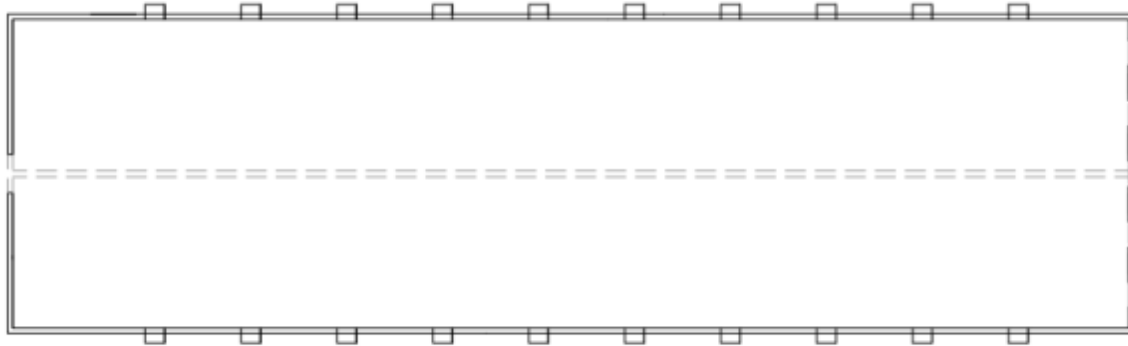
Original Buildings Floorplan and Elevations



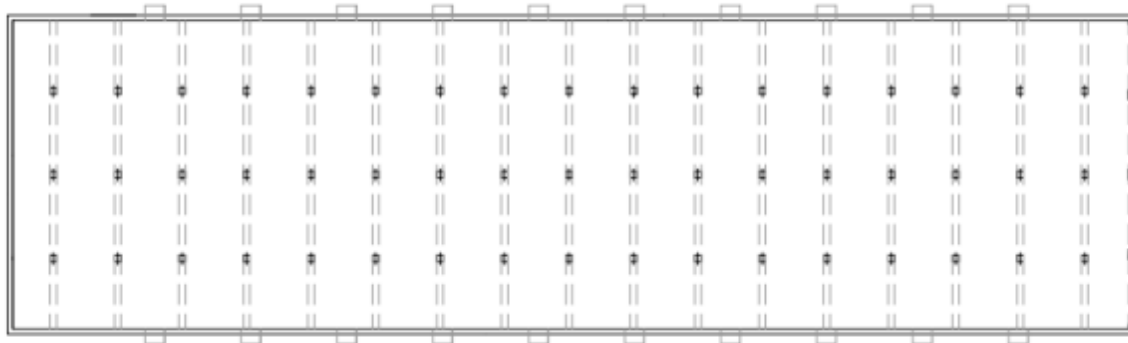
North & South Elevations



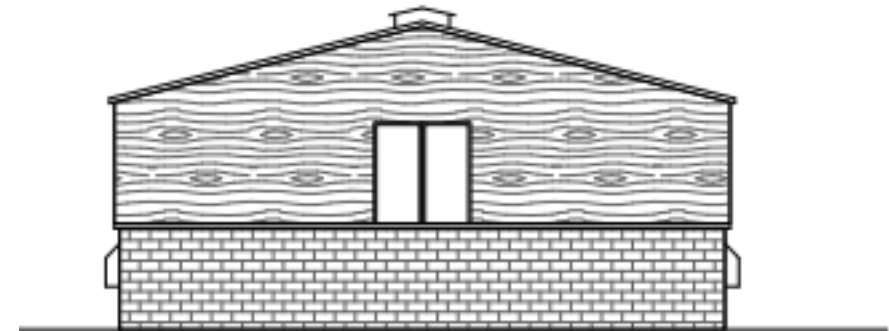
East Elevation



First Floor

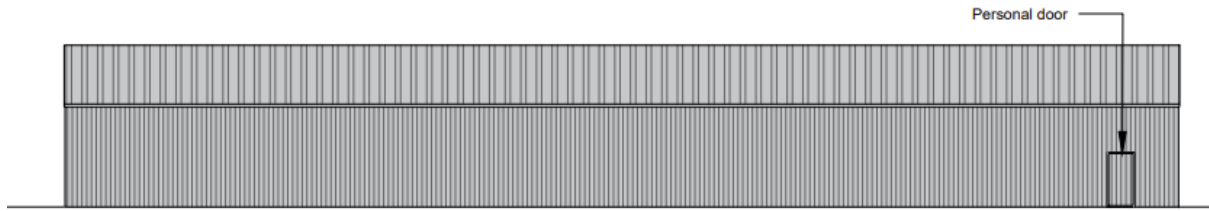


Ground Floor

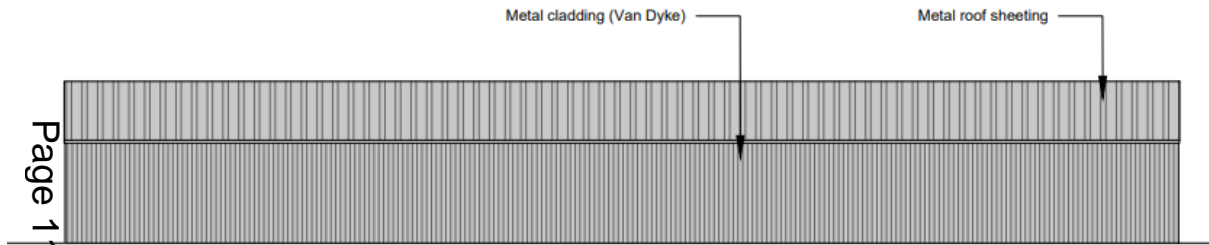


West Elevation

Proposed Floorplan and Elevations

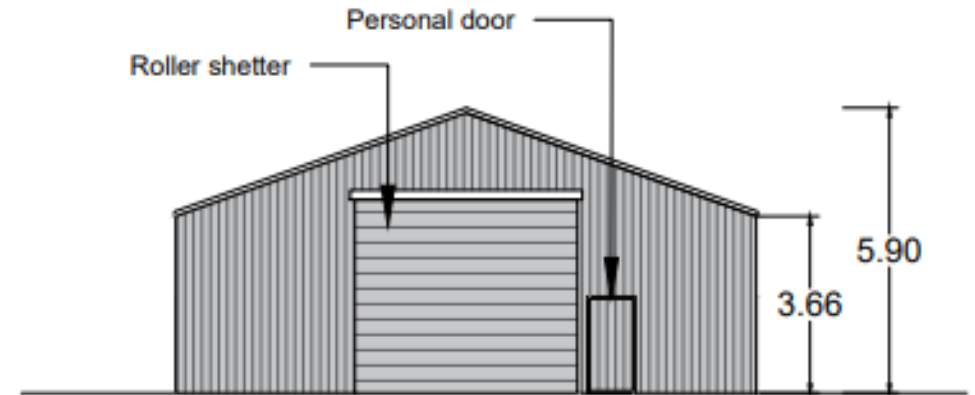


North Elevations

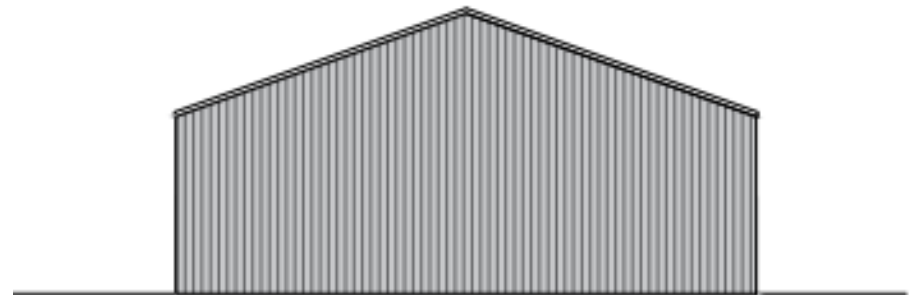


South Elevations

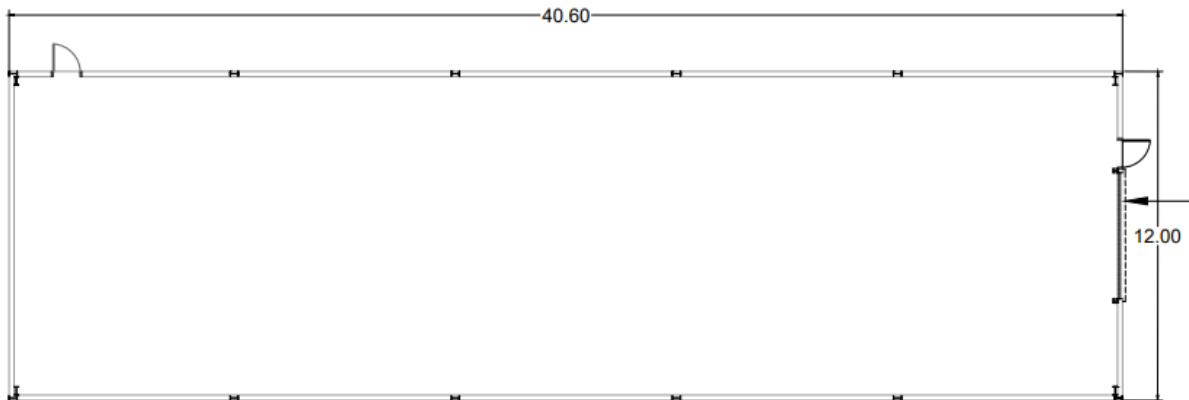
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East Elevation



West Elevation



Ground Floor

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Buildings prior to works taking place



Photographs of completed works

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