



## **BROMSGROVE DISTRICT COUNCIL**

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

**MONDAY 5TH JUNE 2023**

**AT 6.00 P.M.**

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

**MEMBERS:** Councillors A. Bailes, S. J. Baxter, D. J. A. Forsythe,  
E. M. S. Gray, H. J. Jones, R. Lambert, M. Marshall,  
B. McEldowney, J. Robinson, J. D. Stanley and D. G. Stewart

### **AGENDA**

1. Election of Chairman
2. Election of Vice-Chairman
3. To receive apologies for absence and notification of substitutes
4. Declarations of Interest  
  
To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
5. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
6. 22/00469/FUL - Mixed use application for the stationing of caravans for residential use and the keeping of horses, with dayrooms and existing stable ancillary to that, The Stables, Dale Lane, Lickey End, Bromsgrove, Worcestershire, B60 1GZ, Mr. S. Broadley (Pages 7 - 26)
7. 23/00429/FUL - Proposed dwellinghouse, 32 Lickey Square, Lickey, Birmingham, B45 8HB, Mr. D. Jones (Pages 27 - 60)

8. 23/00273/FUL - Erection of industrial unit with storage and offices. Formation of new car park and landscaping, George Road, Bromsgrove Enterprise Park, Bromsgrove, Worcestershire B60 3AL, Mr. R. Jones (Pages 61 - 80)
9. 23/00130/LBC - Installation of solar photovoltaic (PV) panels, Parkside, Market Street, Bromsgrove, Worcestershire, B61 8DA, Bromsgrove District Council (Pages 81 - 84)
10. 23/00435/FUL - Installation of solar photovoltaic (PV) panels, Parkside, Market Street, Bromsgrove, Worcestershire, B61 8DA, Bromsgrove District Council (Pages 85 - 92)
11. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting
12. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item of business containing exempt information:-

**"RESOLVED:** that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Item No.</u>	<u>Paragraphs</u>	
13	1, 2 & 6	"

13. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 3rd April 2023 (Pages 93 - 104)

K. DICKS  
Chief Executive

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

25th May 2023

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

**Parkside, Market Street, Bromsgrove, B61 8DA  
Tel: 01527 881406  
Email: [p.ross@bromsgroveandredditch.gov.uk](mailto:p.ross@bromsgroveandredditch.gov.uk)**

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

### **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](mailto:p.ross@bromsgroveandredditch.gov.uk) by 12 noon on Thursday 1<sup>st</sup> June 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 1<sup>st</sup> June 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](http://www.bromsgrove.gov.uk)**
- 4) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Bromsgrove District Plan (the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the Development Plan and the "environmental factors" (in the broad sense) which affect the site.**
- 5) Although this is a public meeting, there are circumstances when the Committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded.**



## **INFORMATION FOR THE PUBLIC**

### **Access to Information**

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

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

You can access the following documents:

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

at [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Stuart Broadley	Mixed use application for the stationing of caravans for residential use and the keeping of horses, with dayrooms and existing stable ancillary to that use  The Stables, Dale Lane, Lickey End, Bromsgrove, Worcestershire B60 1GZ	29.06.2022	22/00469/FUL

The former District Councillor for the Lickey Hills Ward, Councillor Janet King, requested the application is considered by Planning Committee rather than being determined under delegated powers due to the public interest and the large number of comments from residents.

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

## Consultations

### **Highways - Bromsgrove**

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 a unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained.

### **Bromsgrove Strategic Planning and Conservation**

The 2021 Bromsgrove GTAA Update finds that over the period 2021/22 to 2039/40, there is a need for 14 traveller pitches and 3 travelling showperson plots. As at 1st April 2022, the Council currently has a 4.07 year supply of traveller pitches.

### **Private Sector Housing Team**

Having looked at the application the site if it were to be permitted the site owners would require need to apply for a Mobile Home Site Licence. As part of the site licencing model standards are attached to the licence in order to maintain consistency and fairness across all sites throughout Bromsgrove and Redditch. The only aspect that would need to be considered at the planning stage and prior to the area being developed would be the construction of a Hardstanding beneath the mobile homes.

### **North Worcestershire Water Management**

The site falls within flood zone 1 (low risk of fluvial flooding) and the majority of the site is not shown to be susceptible to surface water flooding. A small watercourse flows along the southern boundary of the site, however the proposals are nor likely to impact upon or be impacted by this. We hold no reports of flooding at this address.

The proposed development will increase the amount of impermeable areas on site, and therefore the amount of surface water runoff. This additional volume should be retained on site in order to ensure no increase in flood risk elsewhere. Where possible, storm water should be disposed via soakaways however the nearby stream may be utilised, subject to appropriate attenuation on site to ensure no increase in flood risk off site.

If you are minded to grant permission, I would be grateful if the following condition could be attached to your decision notice:

- Foul and surface water drainage strategy

## **Lickey And Blackwell Parish Council**

Lickey and Blackwell Parish Council object to this application as we feel that his site is inappropriate for the proposed use for many reasons. From a sustainability perspective, it would have very poor accessibility, residents would depend on cars to access the site as it is so isolated and this would also have an impact on the Highway, which is a narrow country lane. The large areas of hard standing could contribute to the flooding issues already seen in the area. There is a lack of utility access. It is outside the village envelope and it is also in the Green Belt. We would like to encourage the District Council to locate a more suitable site for a traveller camp in the District

## **Publicity**

4 letters sent 10.04.22 (expired 04.05.22)

Site notice displayed 29.04.22 (expired 23.05.22)

Press notice in the Bromsgrove Standard published 22.04.22 (expired 09.05.22)

A total of 93 comments have been received in relation to the application. Of those 87 are recorded as objections and 6 are recorded as support

Some of the comments received raised matters which are not material planning considerations. These matters are not reported here.

In objecting to the application, the material planning issues raised include:

- Highway/traffic issues including the narrowness of the road, volume of traffic, the impact on pedestrians, including children, using the road, additional traffic which would result from the proposal, the lack of footpaths or street lighting and the site access is dangerous
- The impact on protected species/wildlife
- The site is in the Green Belt and should be protected. There are no very special circumstances for the development
- Noise pollution
- The development would be out of character with the area
- There are no local amenities and access to amenities would be reliant on the private car
- Lack of mains sewage locally
- Impact on the landscape
- The land is not designated for residential development
- The large area of hardstanding is unnecessary
- The visual impact of the proposed development

In supporting the application, the material planning issues raised include:

- The lack of gypsy/traveller sites within the District
- The occupation of the site has not caused any excess traffic, trailers, damage to the highway or disturbance to wildlife



Plan reference

- An additional house in the area will not affect congestion

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP11 Accommodation for Gypsies, Travellers and Showpeople

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP20 Managing the Historic Environment

BDP21 Natural Environment

BDP23 Water Management

### **Others**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

PPTS Planning Policy for Traveller Sites

GTAA Worcestershire Gypsy and Travellers Accommodation Assessment 2014

GTAA Gypsy and travellers Accommodation Assessment Addendum 2019

Bromsgrove Gypsy and Traveller Assessment (GTAA) Update – Dec 2021

The House of Commons briefing paper entitled Gypsies and Travellers; Planning Provisions 19 December 2019

High Quality Design SPD

## **Relevant Planning History**

None

## **Site Description and Proposal**

The application seeks permission for the use of the site to facilitate a gypsy lifestyle.

The site is accessed off Dale Lane. The land rises gently to a high point approximately 64 metres into the site, where it then drops away to the south. There is an existing stable building sited along the northern boundary of the site close to Dale Lane.

The plans submitted with the application show that a driveway would be formed in loose bound permeable hardstanding from Dale Lane to an area of flattened land which would be similarly surfaced.

Cross section plans submitted with the application show the extent of the level area which will be formed through cutting into the existing slope and spreading the resultant material on the land to the south. The area covered by hardstanding measures approximately 1116.10 m<sup>2</sup> with the levelled area measuring approximately 2196m<sup>2</sup>.

The plans indicate that two pitches are proposed with each pitch comprising a touring caravan and mobile home. Two dayrooms are proposed, sited adjacent to one another on the southern edge of the levelled area. The existing stable is shown as being retained.

The proposed area of hardstanding is shown as being bound by post and rail fencing, with the land outside of this, shown as being grassed. A bin storage area is shown close to the site access with Dale Lane.

## **Procedural Matter**

The site is currently occupied by the applicant and certain structures are already present on the site. This application does not seek to regularise the works that have been carried out to date and hence why this application is not described as being retrospective. For the avoidance of doubt, permission is sought for a development which is different to that which has been carried out at the site.

## **Assessment of Proposal**

### **Gypsy Traveller Status**

The definition of gypsies and travellers is set out in Annex 1 (Glossary) to the Planning policy for traveller sites 2015 (PPTS) as:

*“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”*

Whilst the application seeks permission for a permanent settled base the application sets out that the proposed occupiers of the pitches continue to travel frequently throughout the year. As such it is considered that the occupiers fall within the above definition as gypsies.

### **Green Belt**

The site lies in the Green Belt. Policy E of the PPTS states that traveller sites, whether temporary or permanent, in the Green Belt are inappropriate development. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

### **Openness and Purposes of the Green Belt**

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open with the essential characteristics of Green Belts being their openness and permanence. There is no definition of openness within the NPPF, however the courts have found that openness has both visual and spatial aspects.

Prior to the unauthorised occupation of the site, the site was laid to grass with the stable building close to Dale Lane being the only built form on the site.

The proposal comprises a substantial engineering operation over a large portion of the site to provide a level surface for the caravans which are proposed to occupy the site.

These works will be publicly visible from the site entrance. Each pitch proposes a mobile home, touring caravan and vehicular parking as well as two dayrooms and the surfacing of the majority of the levelled area with loose bound permeable hardsurfacing. As a matter of fact the introduction of these structures will impact on the spatial openness of the Green Belt. Views of the site and the proposed development will be possible from the vehicular entrance, which the proposed plans indicate will be improved in order to facilitate the proposed development.

As such there will be a visual impact on the Green Belt and taking matters overall, it is considered that the proposed development would have a significant impact on the openness of the Green Belt.

The purposes of the Green Belt are set out in paragraph 138 of the NPPF. One of these purposes is to assist in safeguarding the countryside from encroachment. As stated above, prior to the unauthorised works taking place, the site was largely undeveloped. The proposal introduces development on to the land, substantial engineering works to form a plateau and hardstanding proposed over the whole a large extent of the site. In this regard it is considered that the proposed development will result in encroachment into the countryside and therefore be contrary to the purposes of the Green Belt.

Overall, the development would harm the Green Belt through inappropriateness, there would be spatial and visual harm to the openness of the Green Belt and harm to the purposes of including land within the Green Belt. Paragraph 148 of the NPPF goes on to state that 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. Policy E of the PPTS goes on to state that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

## **Need and Supply of Pitches**

In 2021 the Council commissioned external consultants to update the current supply and future need position for Travellers in the District. The conclusion of this report is that over the period 2021/22 to 2039/40 there is a need for 14 traveller pitches. As at 1<sup>st</sup> April 2021 the Council currently has a supply of 4.07 years for traveller pitches.

Policy H of the PPTS states that if a local authority cannot demonstrate an up to date 5 year supply of deliverable sites, this should be a significant material consideration when considering the grant of temporary planning permission. However, one of the exceptions to this is where the site is located on land designated as Green Belt.

Policy BDP11.3 of the Bromsgrove District Plan (BDP) states that if additional sites are required land will be identified through a Local Plan Review. This review is ongoing and may identify sites for additional pitches which are outside of the Green Belt.

## **Character and Appearance**

Policy H of the PPTS states that a number of matters should be given weight when considering applications for traveller sites. These include, at paragraph 26:

- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness*
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children*
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community*

The site lies in open countryside. To the north of Dale Lane there is a large swathe of undeveloped land running up to the M42 motorway. On the south side of Dale Lane to the west of the application site there are a number of dwellings, however to the east there are largely undeveloped fields, with an equestrian use on the land directly to the east of the application site.

The proposal seeks to introduce an engineered plateau, hardstanding, mobile homes, touring caravans, dayrooms and associated vehicular parking into a site which is currently devoid of development.

Having regard to the list of matters for consideration above, it is considered that the site has not been designed with these matters in mind and therefore is contrary to Policy H of the PPTS. This, in turn, means that the proposed development would detract from the existing character and appearance of the area contrary to policy BDP19 of the BDP.

## **Location of the site**

Policy H of the PPTS sets out a series of issues which should be considered when considering planning applications for traveller sites. Amongst these at d) it states: that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.

Policy BDP11 of the BDP at 11.2, seeks to ensure that sites should be in sustainable locations that provide good access to essential local facilities e.g. health and education. In addition, sites should accord with the sustainable development principles set out in BDP1.

The site lies in open countryside, off Dale Lane which has no footpaths or street lighting. To the south west of the application site lies the village of Blackwell which is defined as a small settlement in Policy BDP2 of the BDP. Within Blackwell there is access to a range of services: Blackwell First School, a park and children's play area, a church, community hall and convenience store. There is also a bus service which provides a limited service from Droitwich to Rubery/Longbridge via Bromsgrove and Blackwell. The edge of Blackwell lies approximately 800 metres from the application site via Dale Lane and Dale Hill. To the west of the application site lies a garden centre, with café, and further along Little Heath Lane is Lickey End. Lickey End is not defined as a village in the BDP, however it is defined as a residential area and provides a number of services: Lickey End First School, Social Club, convenience store including post office, hairdressers and at the

edges of Lickey End a public house/restaurant and petrol filling station with small convenience store. The eastern edge of Lickey End lies approximately 900 metres from the application site via Dale Lane and Little Heath Lane. The garden centre lies slightly closer at approximately 700 metres.

Whilst mindful of the fact that accessing either Lickey End or Blackwell on foot could prove difficult for example when not daylight or during winter months when arriving at either location a reasonable range of services to support day to day living is on offer.

Furthermore, two appeals for gypsy traveller sites elsewhere in the District considered the matter of location in some detail and in both those cases the distance to services was considerably greater and the services available significantly more limited. Both appeals were allowed and objection based on the sustainable location of the development not upheld.

## **Best Interest of Children and Personal Circumstances**

The application is supported by information regarding the occupiers of the proposed pitches and their personal circumstances. It has been requested that this information is kept confidential due to the sensitive nature of the contents.

It is clear from the information submitted that the site is proposed to be occupied by an extended family, with the intention that both pitches will have occupants that include children.

Article 8 of the European Convention on Human Rights states that everyone has the right to respect for their private and family life, home and correspondence. Where the article 8 rights are those of children, they must be seen in the context of article 3 of the United Nations Convention on the Rights of the Child (UNCRC), which requires a child's best interest to be a primary consideration. It is however important to note that a child's best interest is not determinative of the planning issue and may be outweighed by the cumulative effect of other considerations provided that the adverse impact on the child of any decision is proportionate.

The supporting information submitted with the application sets out the occupiers needs for the proposed pitches. The proposed occupiers of pitch one and two previously lived in a house before being evicted two years ago. The proposed occupiers no longer feel comfortable living in housing with their desire to live in a caravan or mobile home. If they were made to vacate the site, they would be forced to travel continuously on the roadside or double up on friends or relatives pitches where this is not permitted.

There is one child which it is proposed would occupy pitch one who is currently not in education. The child works alongside two of the occupiers of pitch one in the family business. Two of the five occupiers of this pitch have medical conditions but are not registered disabled. The occupiers of pitch one rely on the occupiers of pitch two for financial and social support and vice versa. With respect to the proposed occupiers of pitch two there is one child proposed to occupy this pitch who is not currently in education. The second occupier is usually employed but is currently not working due to health issues and is due to receive a blue badge. It is noted that a settled base would be advantageous due to the health issues of the second occupier in particular.

In view of the above, whilst there is a child occupying pitch one, they are in employment such that a settled base for education purposes does not appear to be absolutely necessary. With respect to plot two whilst there is also a child occupying this pitch, the need to provide a settled base for educational, or any other purposes, has not been advanced. Alternatively, the medical needs of one of the occupiers of plot two and two of the occupiers of plot one, means that it is important for their health that they have a settled base with good access to health and care facilities.

## **Highway Safety**

The highway authority has been consulted on the application. Initially an objection was raised to the proposal, however the applicant provided a speed survey and amended plans such that the highway authority no longer raise an objection to the proposal. The Highway Authority are content that subject to conditions, adequate visibility splays in accordance with the speed survey can be achieved at the site. No concerns are raised with respect to the location of the proposed development.

## **Ecology**

The application is supported by a preliminary ecological appraisal (PEA) undertaken by an experienced and qualified ecologist. It is noted that a number of the comments received on the application raise the presence of various forms of wildlife within or in close proximity to the application site. The PEA found that the site has an ecological value at the district level, particularly in respect of: presence of a small area of marshy semi-improved grassland habitat; native species hedgerows providing good connectivity to the wider ecological network; likely value for foraging and commuting bats; and, a favourable surrounding ecological context.

Whilst the proposal would result in the loss of some grassland habitat through the spreading of spoil and the excavation works the PEA considers that the losses could be reasonably mitigated and that net enhancement to biodiversity can be delivered on site. Any mitigation and enhancement could be reasonably controlled through the imposition of planning conditions and as such it is considered that in ecological terms the site could accommodate the development as proposed.

## **Planning Balance**

Policy E of the PPTS sets out that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. Unlikely should not be read to mean that these considerations will never clearly outweigh the harm, and any decision must take account of the weight afforded both the harm and the other considerations.

The proposal represents inappropriate development in the Green Belt by definition, it would harm the openness of the Green Belt and conflict with the purposes of including land within it. Paragraph 148 of the NPPF states that substantial weight should be given to any harm to the Green Belt. In addition, the proposal would harm the character and appearance of the area. This harm is afforded significant weight.

The best interests of the children are a primary consideration in this case, and it is clear that no other consideration must be given greater weight than the interests of the child. The information submitted with the application does not advance that the children proposed to occupy the site require a settled base for education or any other purposes. The personal circumstances of three of the occupiers means that it is important for their health that they have a settled base and good access to health and care facilities. These factors in combination are afforded moderate weight.

By refusing this application the family lives and the best interests of the children involved would be affected, as the refusal of this application could lead to the applicants resorting to roadside camping and travelling. This could undoubtedly represent an interference with their human rights under Article 8. However, this interference and harm must be weighed against the wider planning considerations and public interest, as these factors are not determinative on their own.

It is acknowledged that there is an identified unmet need for Traveller pitches in the District. However Policy BDP11 states that provision for new pitches should be made through the Plan review with could identify appropriate site outside of the Green Belt.

In this case, it is considered that the harm that the proposal would cause to the Green Belt, and any other harm including harm to openness, purposes of Green Belt, character and appearance of area would not be clearly outweighed by the unmet need, lack of supply of sites or the circumstances put forward in this case in terms of the best interests of the children and the personal circumstances of the family.

On balance therefore it is considered that very special circumstances have not been demonstrated in this case, to outweigh the harm to the Green Belt and any other harm to grant planning permission.

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

1. The proposed development would be inappropriate development in the Green Belt which would be harmful by definition. In addition, harm would arise through the impact on the openness of the Green Belt and conflict with purposes of including land within the Green Belt. Further harm is caused to the character and appearance of the area. Circumstances have been advanced including the best interests of children and the personal circumstances of the proposed occupiers, however these are not considered to amount to the very special circumstances required to clearly outweigh the harm to the Green Belt. The proposal is therefore contrary to Policy BDP4 of the Bromsgrove District Plan, Planning Policy for Traveller Sites 2015 and the National Planning Policy Framework.
2. The proposed development would harm the character and appearance of the area through the introduction of a large area of hardstanding and significant engineering operation required to provide a level surface for the proposed pitches, combined with the dayrooms and caravans proposed. The development would not, therefore, enhance the character and appearance of the local area contrary to Policy BDP19 of the Bromsgrove District Plan and the Planning Policy for Traveller Sites 2015.

**Case Officer:** Sarah Hazlewood Tel: 01527881720

Plan reference

Email: [sarah.hazlewood@bromsgroveandredditch.gov.uk](mailto:sarah.hazlewood@bromsgroveandredditch.gov.uk)



22/0469/FUL

The Stables, Dale Lane, Lickey End, B60 1GZ

Proposal: Mixed use application for the stationing of caravans for residential use and the keeping of horses, with dayrooms and existing stable ancillary to that use

Recommendation: Refusal

# Site Location Plan



# Aerial Photograph of site



# Bromsgrove District Plan Proposals Map



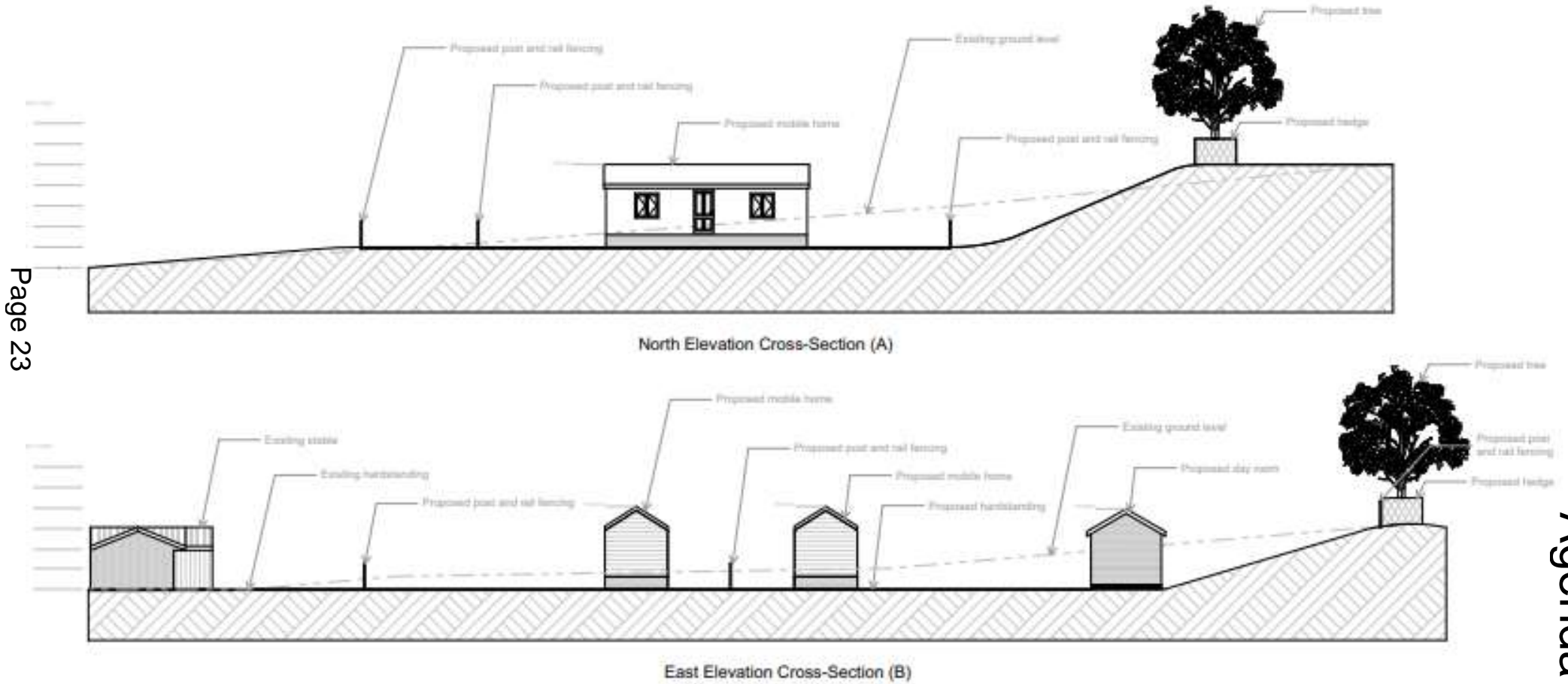
# Existing site plan



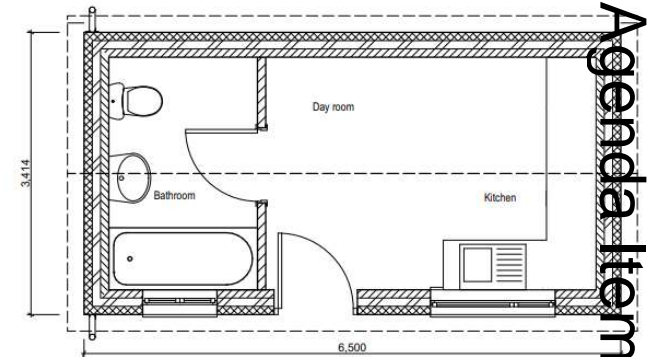
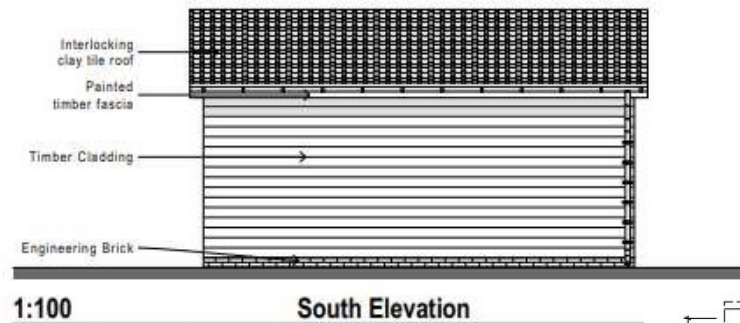
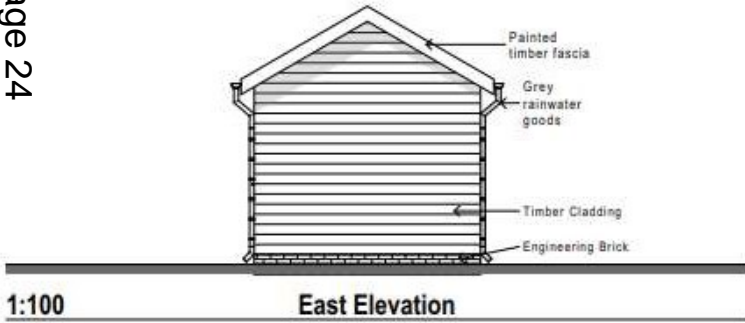
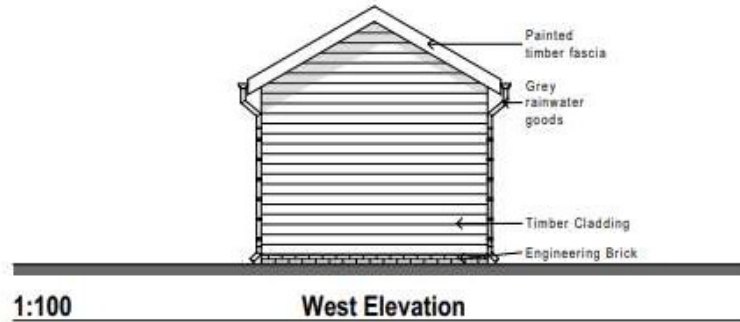
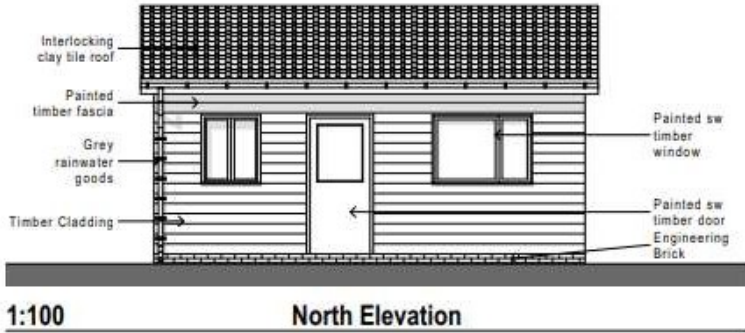
# Proposed site plan



# Existing and proposed cross sections

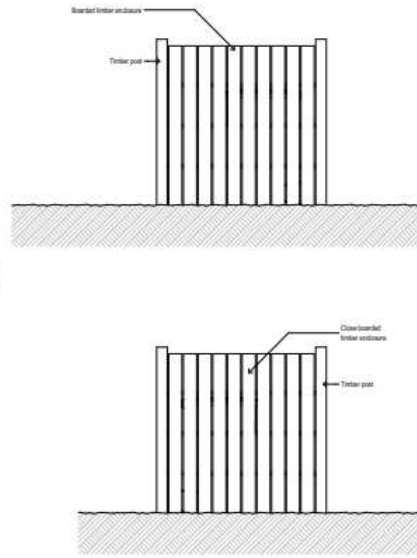
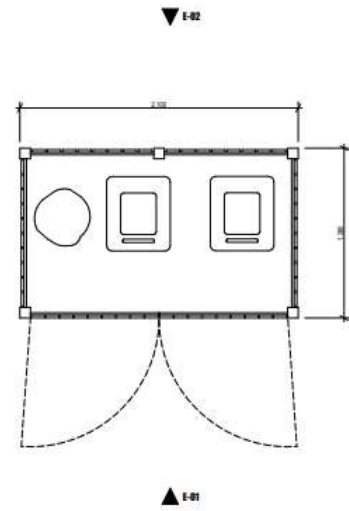
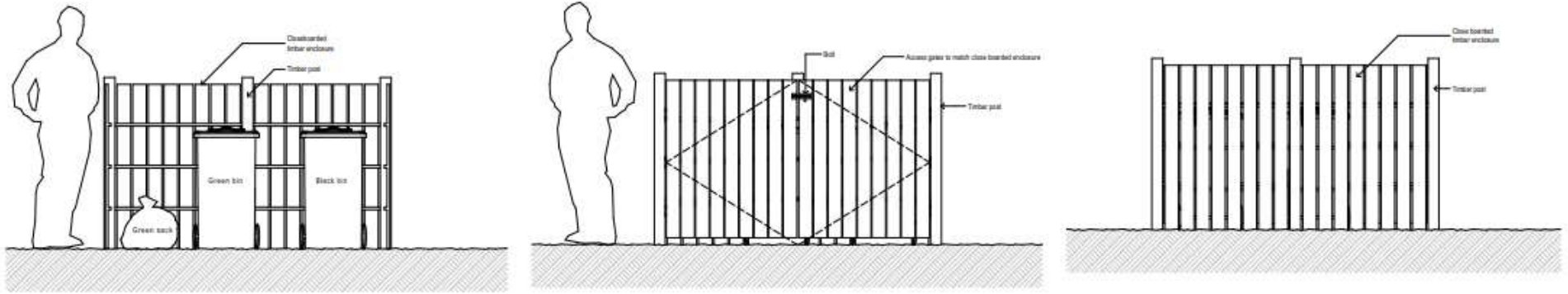


# Proposed day room





# Proposed refuse store



# Site photos



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Agenda Item 6

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr David Jones	Proposed dwellinghouse  32 Lickey Square, Lickey, Birmingham, Worcestershire, B45 8HB	09.06.2023	23/00429/FUL

**This application was validated on 6<sup>th</sup> April 2023. The (then) Lickey Hills Ward Councillor, J. King requested that this application be considered by Planning Committee rather than be determined under delegated powers. The current Ward Member, Councillor Kumar, has similarly requested that the application be considered by the Planning Committee**

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

### Consultations

**Lickey and Blackwell Parish Council** Comments received 04.05.2023

Comments summarised as follows:

Lickey and Blackwell Parish Council objects to this application for the following reasons:

The enlarged house is rotated by 10 degrees from the previously rejected application, which makes this large house to be even closer to 16 The Badgers.

The dwelling is split over three levels, and the Parish considers that the wall of 16 The Badgers facing the proposed new dwelling has habitable rooms, which contravenes SPD 4.2.48 and 4.2.49.

The height, mass and form of this dwelling is out of proportion to the existing houses in Lickey Square, The Badgers and Stretton Drive.

The Parish is concerned regarding visibility and notes that WCC Highways had placed a condition that a stipulated visibility splay should be met.

Rear garden development such as this contravenes Neighbourhood Plan Policy NDP BD3 and District Plan Policy BDP19N.

The plan submitted doesn't closely resemble the extent of the building.

Other public comments echo our belief that this application for a large dwelling is out of proportion and infringes on the privacy of the residents in 16 The Badgers.  
The Ecology report is considered to be out of date

Trees and Wildlife would be affected

Drainage concerns raised with associated impact upon The Badgers

## **Worcestershire County Highways** Comments received 26.04.2023

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.

The site has previously 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 21/00312/FUL and 22/00978/FUL.

A consent, granted on appeal by the planning inspectorate (ref 16/0190) 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.

It is noted that there is space within the site to provide the 3 car parking spaces required 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** Comments received 17.04.2023

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** Comments received 28.04.2023

No objections, subject to conditions regarding tree protection  
Comments summarised as follows:

There is a mature Douglas Fir tree 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 hardstandings the footprint of these features causes a significant incursion into the BS5837:2012 recommended Root Protection Area (RPA) of the trees. Therefore, the access driveway / hardstandings 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 plans showing the intended routes of any utility services have

been provided. Excavation work required to install these services has the potential to cause root damage to trees. Therefore, I request that plans to show the intended route and specification for their installation are provided.

## **Publicity**

28 Neighbour notifications sent 12.04.2023. Expiry date 06.05.2023

Site Notice displayed 13.04.2023. Expiry date 07.05.2023

## **Neighbour Responses**

14 letters of objection received

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

**Cllr B. Kumar** comments received 08.05.2023

Objects to application. I would like to call in this application in view of the size, proximity to 16 The Badgers and not in keeping with the neighbouring dwellings

## **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 06.07.21

22/00978/FUL: New dwelling on the site of a previously approved dwelling (ref:21/00312/FUL) using a previously approved access drive: rear garden of No.32 Lickey Square. Granted by BDC 08.02.2023

## **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. Following this, planning permission was granted for a part two storey, part three storey dwelling at the site under reference 22/00978/FUL on 08.02.2023.

The elevations of the dwelling as approved under reference 22/00978/FUL are included within the presentation pack which accompanies this report.

A 'Composite Site Plan' contained within the presentations pack indicates the footprint of the dwelling as approved under 21/00312/FUL in red and the dwelling as approved under 22/00978/FUL in blue. The dwelling together with attached garage as proposed under the current application is edged in green on the same plan.

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 above earlier (extant) consents. As such, if planning permission were to be granted for the current proposal and this permission were to be implemented, the earlier permissions could not also be implemented.

The principle of the development including its means of access from Lickey Square has been established and it is only necessary to compare the respective detailed changes between the proposal and the extant approvals in terms of its siting and appearance in considering whether the current application is acceptable or not.

As referred to under the planning history above, an appeal was allowed following the refusal of planning application 19/01388/FUL for the erection of 2 detached dwellings on land to the rear of 34 to 36 Lickey Square. The appeal decision remains extant. The location of the two dwellings allowed at appeal relative to the location of the respective consents on land to the rear of 32 Lickey Square is also shown within the presentation pack.

### **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 with an attached double garage which, from the rear, would be 13 metres in overall height (including the basement) and 9.3 metres high to eaves. The dwelling, including the attached garage would be a maximum of 19.8 metres wide and a maximum of 12.5 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 6.5 metres to eaves.

The front elevation would be articulated with two gables with ground floor and upper floor bay windows, whilst the rear elevation would contain two gables. Walls would be finished in facing brick.

The design of the dwelling is not dissimilar to that of extant consent 22/00978/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 design of the dwelling is not dissimilar to that of extant consent 22/00978/FUL.

The gap between the proposed dwelling and the nearest dwelling approved under 19/01388/FUL, (being approximately 24 metres) is considered to be ample and would provide visual relief, avoiding cumulative harm.

As referred to in earlier reports to the Committee and also by the Planning Inspector at appeal, 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.

The Councils Tree Officer has raised no objections to this application subject to the inclusion of necessary tree protection conditions.



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 generously sized garden area 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.

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. The garage would accommodate a room in the roof area, a feature which is not uncommon in the Lickey / Barnt Green residential area.

The overall height of the dwelling would not exceed that of the development granted under reference 22/00978/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**

The current application, unlike extant consents 21/00312/FUL and 22/00978/FUL proposes an attached garage. To minimise the impact the development would have upon the occupiers of number 16 The Badgers having regard to the perception of overlooking / loss of privacy raised during the consideration of earlier applications, the proposed dwelling has been rotated clockwise via its south-west corner by approximately 18 degrees such that the rear elevation would face more towards the south-west, looking less directly towards the side garden serving number 16 The Badgers.

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 comments at 4.2.31 that 21 metres is required between rear dwelling windows that 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.

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 obliquely 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 rear habitable room windows serving, in particular, No's 17 and 18 The Badgers.

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 very good natural screen.

The Inspector in case APP/P1805/W/20/3245957 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 (see recommended Condition 10 below) is largely evergreen.

Representations received comment that balconies to the rear elevation are 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 the plans show that 'Juliet' balconies are proposed to three ground floor windows a 'true' balcony includes a platform where persons 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 has been rotated through 18 degrees to mitigate the perception of loss of privacy and would not directly face towards existing rear habitable room windows.

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 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 (3.23 years at the time of writing). The presumption in favour of sustainable development therefore applies in accordance with Paragraph 11(d) of the Framework. In this case, Paragraph 11 (d) ii comments that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. Significant weight should be attributed to the positive contribution the proposal would make towards addressing this current significant housing 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 commenting that the erection of two dwellings (to the rear of 34 and 36 Lickey Square) would likely generate a small amount of traffic not amounting to

any harmful effects to the highway network. In terms of planning conditions attached to that particular consent, the Inspector went further commenting at Para 25 of the decision letter that: *I am not satisfied that the suggested visibility splays condition is necessary given the nature of traffic along Lickey Square and the access design for similar rear garden development along Lickey Square.*

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:

Site Location Plan dated 06 April 2023  
Site Plan dated 06 April 2023  
Site Sections dated 06 April 2023  
Proposed Plans dated 06 April 2023  
Ecological report dated 06 April 2023  
Tree report dated 06 April 2023

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 areas 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 together with a plan showing the intended route and specification for the installation of all utility services should be provided. All 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 point 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](mailto:steve.edden@bromsgroveandredditch.gov.uk)

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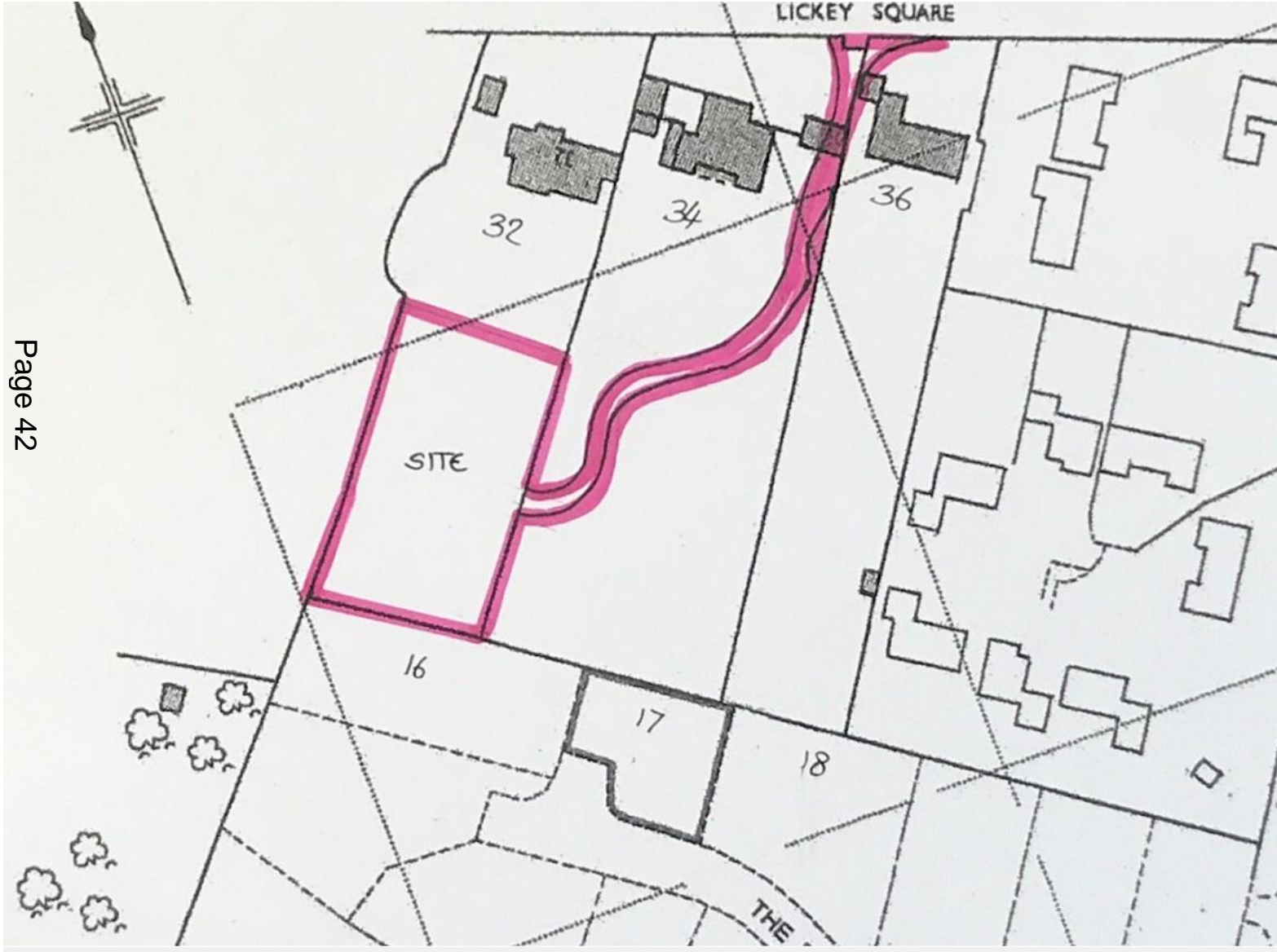
23/00429/FUL

32 Lickey Square, Lickey, B45 8HB

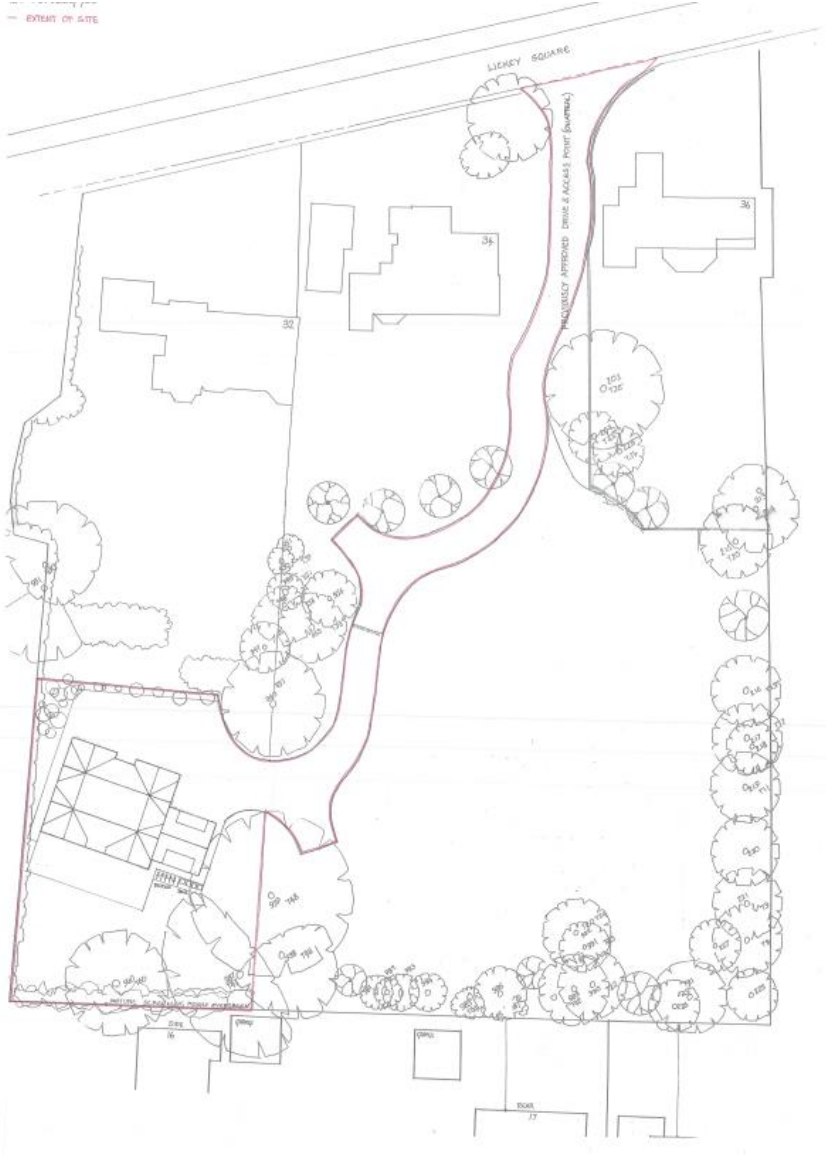
Proposed dwellinghouse using a previously  
approved access drive

Recommendation: Approve

# Site Location



# Site layout

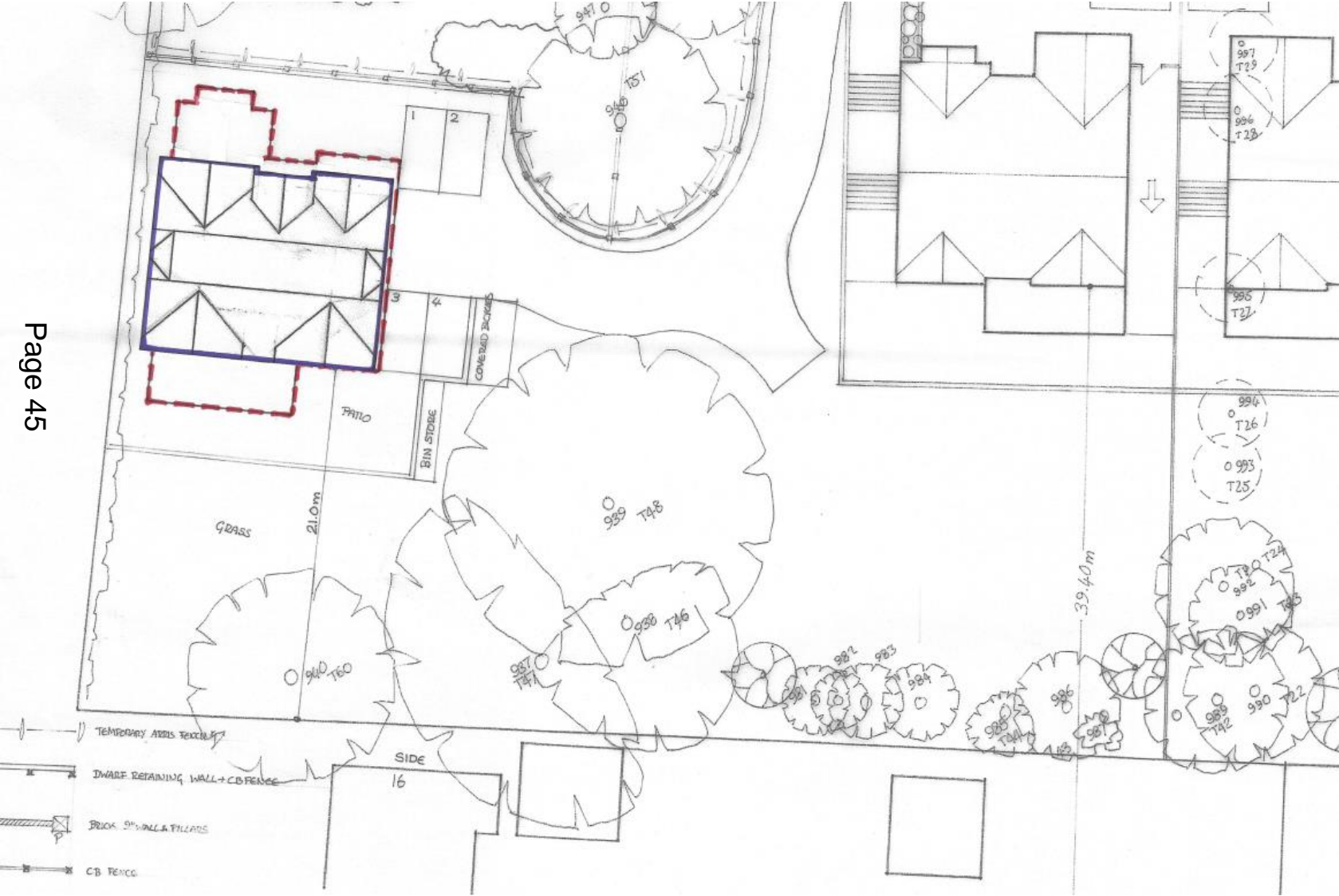


# Site layout detail



# Site layout as approved under applications 21/00312/FUL and 22/00978/FUL

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



# 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



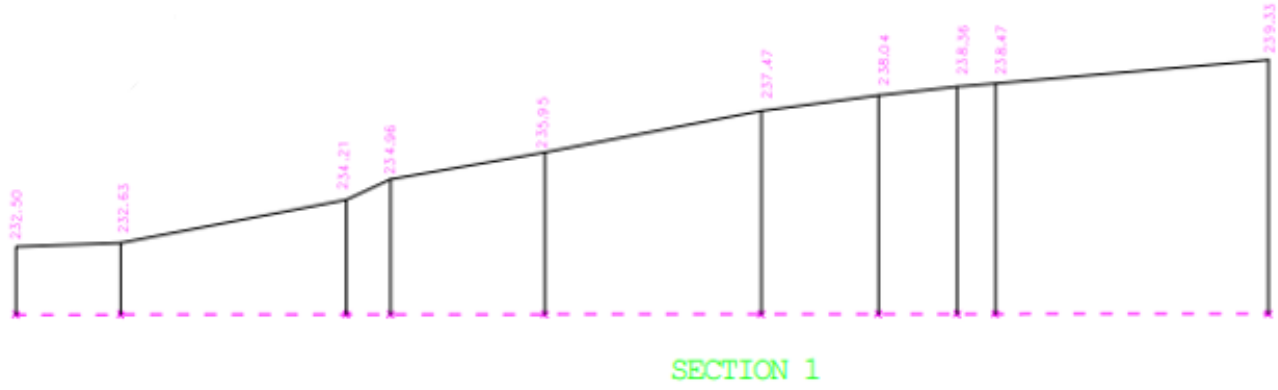
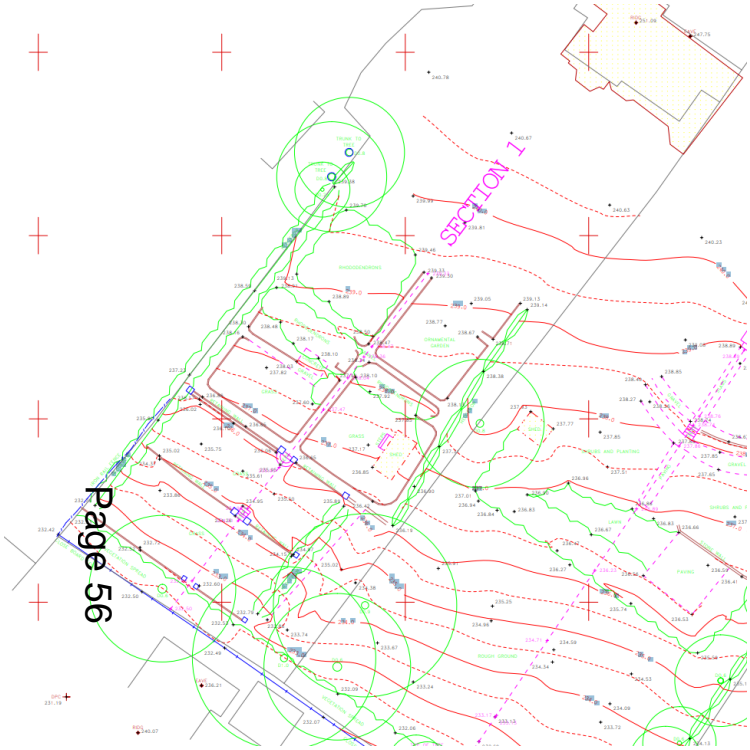
# Birds eye view 1



## Birds eye view 2



# Section



Agenda Item 7

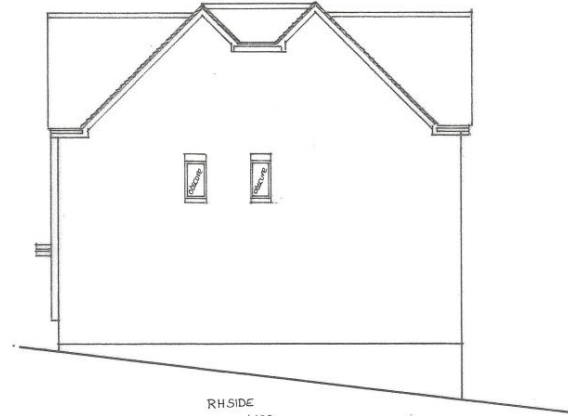




# Elevations as approved under ref 22/00978/FUL



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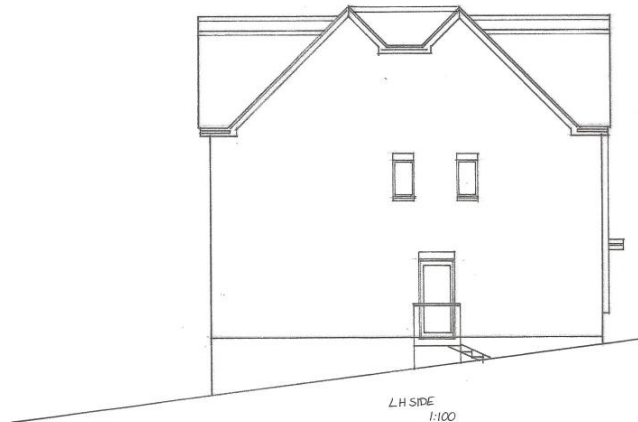


RHSIDE

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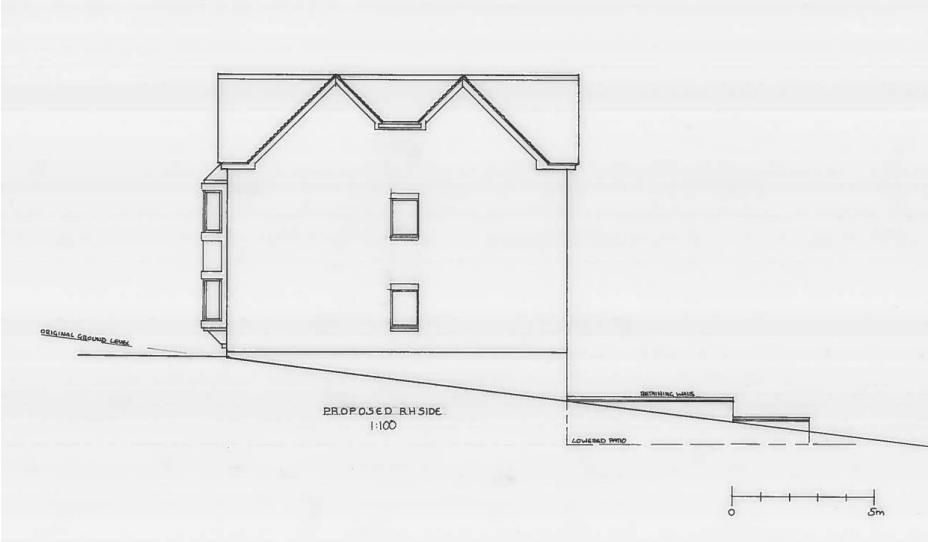
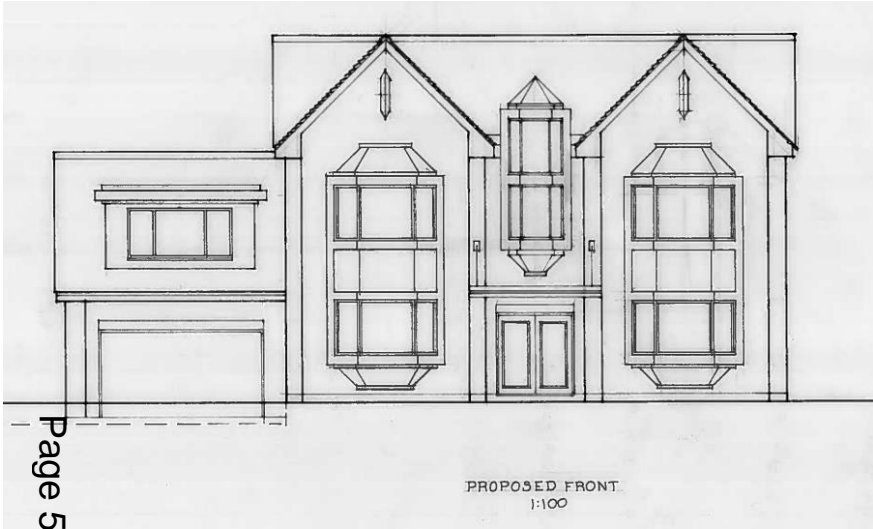
PROPOSED REAR 1:100



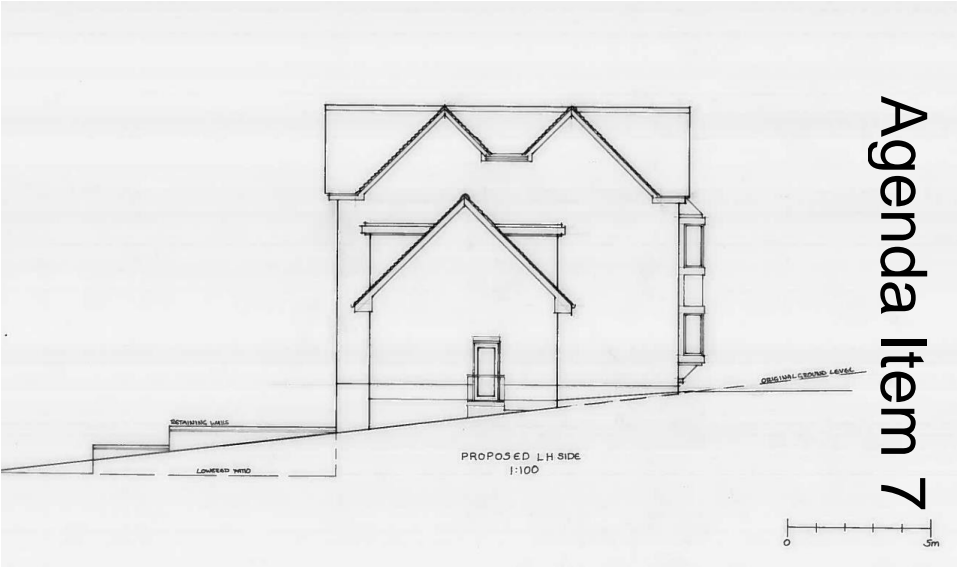
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Agenda Item 7

# Proposed Elevations



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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr. R. Jones	Erection of industrial unit with storage and offices. Formation of new car park and landscaping  George Road, Bromsgrove Enterprise Park, Bromsgrove, Worcestershire B60 3AL	08.06.2023	23/00273/FUL

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

## Consultations

### **Highways**

No objection subject to condition relating to:

- Provision of parking, cycle parking and accessible spaces
- Inclusion of Electric Charging points
- Submission of a Construction Management Plan

### **North Worcestershire Water Management**

No Objection subject to condition relating to:

- The submission of a Drainage Strategy

### **WRS - Contaminated Land**

No objection subject to condition relating to:

- Submission of a Phase 1 Desk Study
- Detailed Site Investigation

### **WRS - Noise**

No comment.

### **WRS - Air Quality**

No objection subject to the provision of vehicle electric charging points.

### **Arboricultural Officer**

No objection

### **North Worcestershire Economic Development and Regeneration**

Consulted 17.03.2023: views awaited

### **Publicity**

88 Neighbour notifications were sent on 17.03.2023 (expired 10.04.2023)

Site notice was displayed 29.03.2023 (expired 22.04.2023)

Press Notice published 24.03.2023 (expired 10.04.2023)

No comments received.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
BDP2 Settlement Hierarchy  
BDP3 Future Housing and Employment Development  
BDP6 Infrastructure Contributions  
BDP13 New Employment Development  
BDP14 Designated Employment  
BDP19 High Quality Design  
BDP21 Natural Environment  
BDP22 Climate Change  
BDP24 Green Infrastructure

### **Others**

NPPF National Planning Policy Framework (2021)  
NPPG National Planning Practice Guidance

## **Relevant Planning History**

B/2002/1014	Major mixed use redevelopment for residential development and ancillary uses and employment uses within use class B1 and B2 - Outline Consent.	Granted	24.11.2003
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## **Assessment of Proposal**

The proposal for the erection of employment and commercial units Use Class E(g)(ii) and (iii), B2 with ancillary offices.

The Use Classes proposed include;

- E(g) uses which can be carried out in a residential area without detriment to its amenity:
  - E(g)(i) Offices to carry out any operational or administrative functions,
  - E(g)(ii) Research and development of products or processes
  - E(g)(iii) Industrial processes
- B2 General industrial - use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste)

The proposed building will have a total floor area of 1400sqm including 150sqm of first floor offices. The eaves height will be 7m with a ridge height of 8.5m.

The application site is located within the Bromsgrove Enterprise Park which has been allocated as Designated Employment Land within the Bromsgrove District Plan. The existing site is an undeveloped plot within the Enterprise Park with an existing access.

## **Principle of development**

Policy BDP14 sets out that designated employment areas 'are expected to make a significant contribution towards creating jobs across Bromsgrove and meeting the employment targets identified in Policy BDP3. Policy BDP14.1 states that 'The

regeneration of the District will continue through maintaining and promoting existing employment provision in sustainable, accessible and appropriate locations (as identified on the Policies Map)'.

Bromsgrove Enterprise Park is an existing commercial park situated on land designated for employment purposes. The use of the site for B1 (now Class E), and B2 uses has also been established on site following the granting of outline planning permission (B/2002/1014). As such the principle of commercial development on this site is acceptable.

## Character and appearance

The proposal comprises of a single building sited to the east of the site and parking area to the west. The design of the building remains simple and will be in keeping with the existing buildings nearby.

The layout of the site has been influenced by the size and shape of the plot which has a stormwater sewer crossing the western side of the land requiring a 13m wide area which cannot be built over. In order to ensure that suitable requirements for vehicles is provided the building has been sited close to the eastern boundary and adjacent building serving Flooring Contracts. At its closest point, the buildings will be 1.7m apart. To avoid a terracing effect the proposed building is 2m lower than the adjacent building. Given this, and the wider density of development onsite and currently under construction the layout is considered appropriate.

## Highways

The site is located in a sustainable business park location off an unclassified road. The speeds of vehicles passing the proposed access would be low due to the constraints i.e., location of the roundabout and this being a cul-de-sac location. Visibility splays of approx. 90m in each direction can be achieved and appropriately conditioned.

The applicant has provided 35 car parking spaces, 3 electrical vehicle charging points, 3 disabled bays, 3 motorcycle parking spaces and 14 cycle parking spaces. The applicant has provided tracking and the required turning area for a HGV to enter and leave the site in a forward gear. Worcestershire County Council Highways has confirmed that this provision and layout is acceptable.

Based on the analysis of the information submitted, the Highway Authority concludes that there would not be an unacceptable impact on the local highway network and therefore there are no justifiable grounds on which an objection could be maintained.

## Ecology and trees

The applicant has submitted an Ecological Survey dated 2<sup>nd</sup> April 2023. The appraisal does not require any further surveys to be submitted however has recommended mitigation and enhancements which can be conditioned.

The site is currently open grass land with a semi mature mixed species hedge and tree line on the eastern most boundary. The Design, Access and Planning statement

highlights that the all the vegetation on the eastern most boundary is to be retained. The southern-most boundary of the site with the BasePoint Business Centre is defined by a mixed species tree and hedge line. Landscape Plan drawing number 22:24:06 Rev A provides details of the proposed landscaping onsite. The applicant is providing native species and wildflower to compensate for any loss onsite. The Tree Officer has raised no objection to the scheme.

## Noise

Worcestershire Regulatory Services have ~~taken a view and~~ raised no comment with regards to potential nuisance.

## Drainage

The site falls within Flood Zone 1 (low risk of fluvial flooding) and generally is not susceptible to surface water flooding aside from a small area on the north-western corner adjacent to the highway. The Newton Brook flows at a lower elevation along the south-eastern boundary of the site. A storm water sewer runs through the western area of the site as detailed previously.

The drainage details submitted are limited but show a connection to the existing storm and foul networks beneath George Road. The plans indicate the use of a petrol interceptor, but show no other water quality treatment measures, and show no on-site attenuation to ensure no increase in runoff from the site. No details have been submitted with regards to existing and proposed runoff rates and volumes.

As a major application there is an assumption for the use of above ground sustainable drainage systems (SuDS). It is likely the wider Technology Park gained planning permission based upon older guidance on drainage and flood risk, therefore it is important a drainage strategy is provided to incorporate the latest allowances for climate change and incorporate above-ground SuDS which also will link to the proposed site use as a sustainable industrial unit. At the request of North Worcestershire Water Management, a condition requiring the submission of a Drainage Strategy has been imposed.

## Conclusion

Overall it is considered the proposed development is in accordance with the relevant polices of the Bromsgrove District Plan and can be properly characterised as sustainable development for the purposes of the NPPF. The application is therefore recommended for approval, subject to conditions.

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

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

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

22 24 Location Plan  
22 24 01 Floor Plans  
22 24 02 Elevations  
22 24 03 Site Plan  
22 24 04 A Proposed Parking Plan  
22 24 05 Drainage Plan  
22 24 06 A Landscaping Plan  
22 24 07 Visibility Splays

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

- 4) 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.

- 5) The Development hereby approved shall not be brought into use until the accessible car parking spaces as shown on Drawing No. 22 24 04 A Proposed Parking Plan have been provided onsite and thereafter shall be kept available for disabled users as approved.

Reason: To provide safe and suitable access for all.

- 6) The Development hereby approved shall not be occupied until the 3 electric vehicle charging spaces as shown on Drawing No. 22 24 04 A Proposed Parking Plan have been provided. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance

Reason: To encourage sustainable travel and healthy communities.

- 7) The Development hereby approved shall not be brought into use until 14 sheltered and secure cycle parking to comply with the Council's adopted highway design guide 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.

- 8) The Development hereby approved shall not be brought into use until the 3 motorcycle parking spaces as shown on Drawing No. 222 24 04 A Proposed Parking Plan have been provided onsite and thereafter shall be kept available for disabled users as approved.

Reason: To provide safe and suitable access for all

- 9) The Development hereby approved shall not be occupied or be brought into use until the access, parking and turning facilities have been provided as shown on drawing 22 24 04 A Proposed Parking Plan

Reason: To ensure conformity with submitted details.

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

Reason: In the interests of highway safety.

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

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

- Details of any temporary construction accesses and their reinstatement.
- 

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

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety. This is a pre-commencement condition given the implications for the construction vehicles onsite during construction.

- 12) The development shall be implemented in accordance with the recommendations set out in the Ecological Survey by Dave Felton dated 2 April 2023.

Reason: To ensure the protection of protected species and that the proposal results in a net gain of biodiversity.

- 13) 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 strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS). If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. 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. Where the scheme includes communal surface water drainage assets proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future home owners or occupiers of the arrangements for maintenance of communal surface water drainage assets. 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 ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area. The condition is required to be pre commencement as the drainage works are integral to the initial stages of construction.

- 14) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.
2. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
4. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

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

- 15) The development shall be used for Class E(g), and Class B2 purposes only as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). No part of the development (not including offices ancillary to the employment use) shall be developed for use class E(a), E(b), E(c), E(d), E(e) or E(f) as defined in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Amendment with or without modification, and no part of the buildings shall be used for these use classes notwithstanding the provisions of Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Amendment with or without modification.

Plan reference

Reason: In the interests of proper planning and to maintain a supply of employment land.

**Case Officer:** Emily Darby Tel: 01527 881657  
Email: [emily.darby@bromsgroveandredditch.gov.uk](mailto:emily.darby@bromsgroveandredditch.gov.uk)

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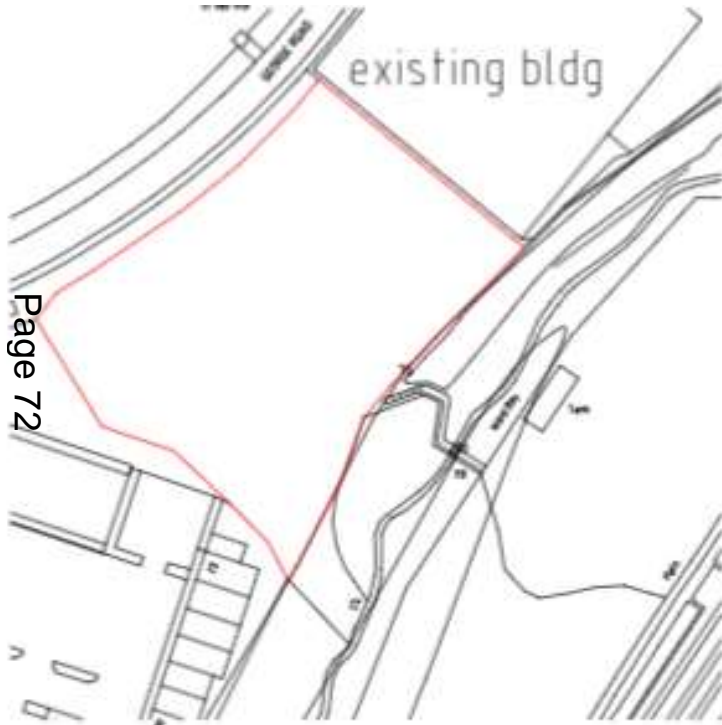
23/00273/FUL

George Road, Bromsgrove Enterprise Park,  
Bromsgrove, Worcestershire B60 3AL

Proposal: Erection of industrial unit with storage and  
offices. Formation of new car park and landscaping

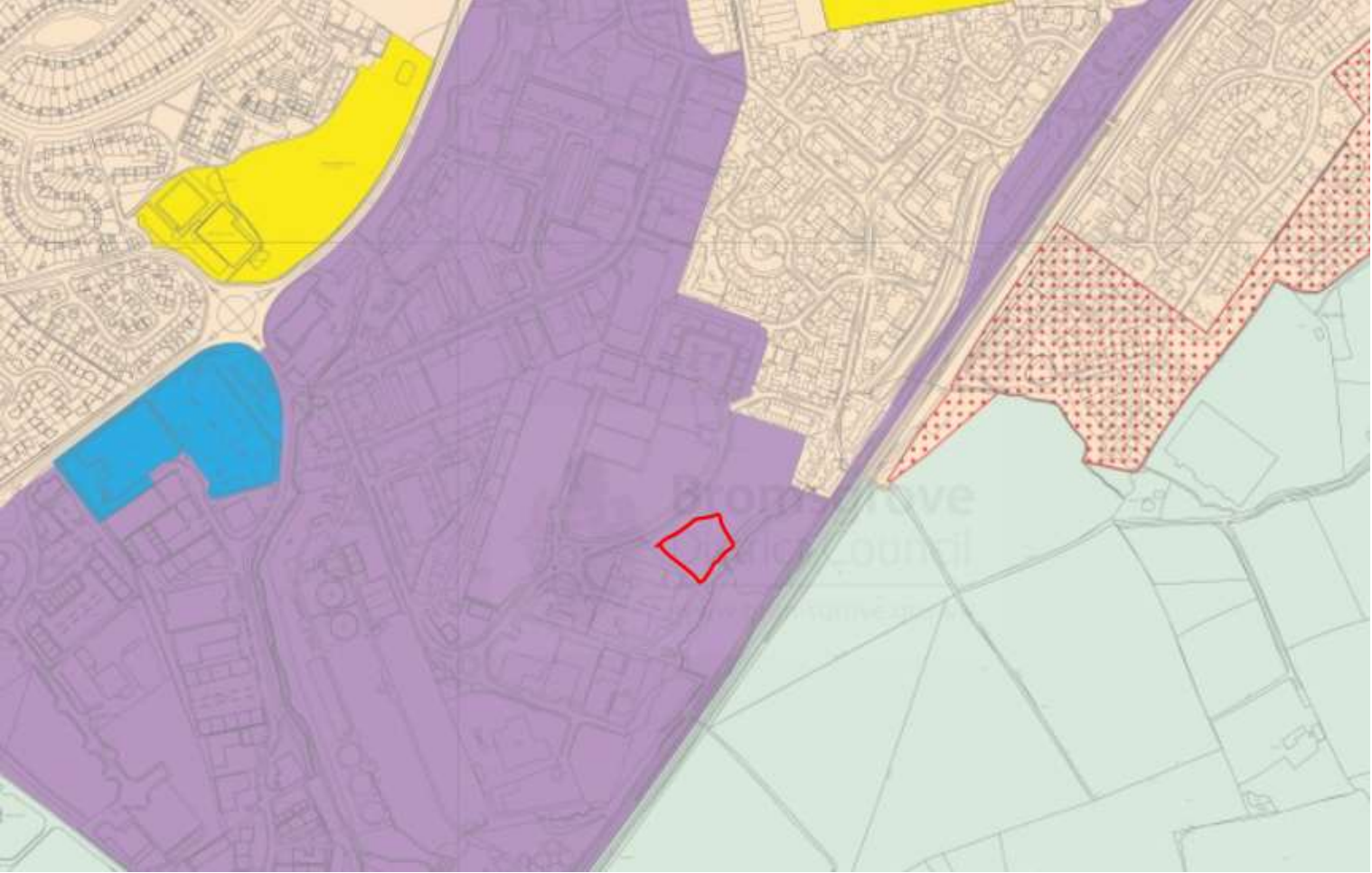
Recommendation: Approval

# Site Location Plan

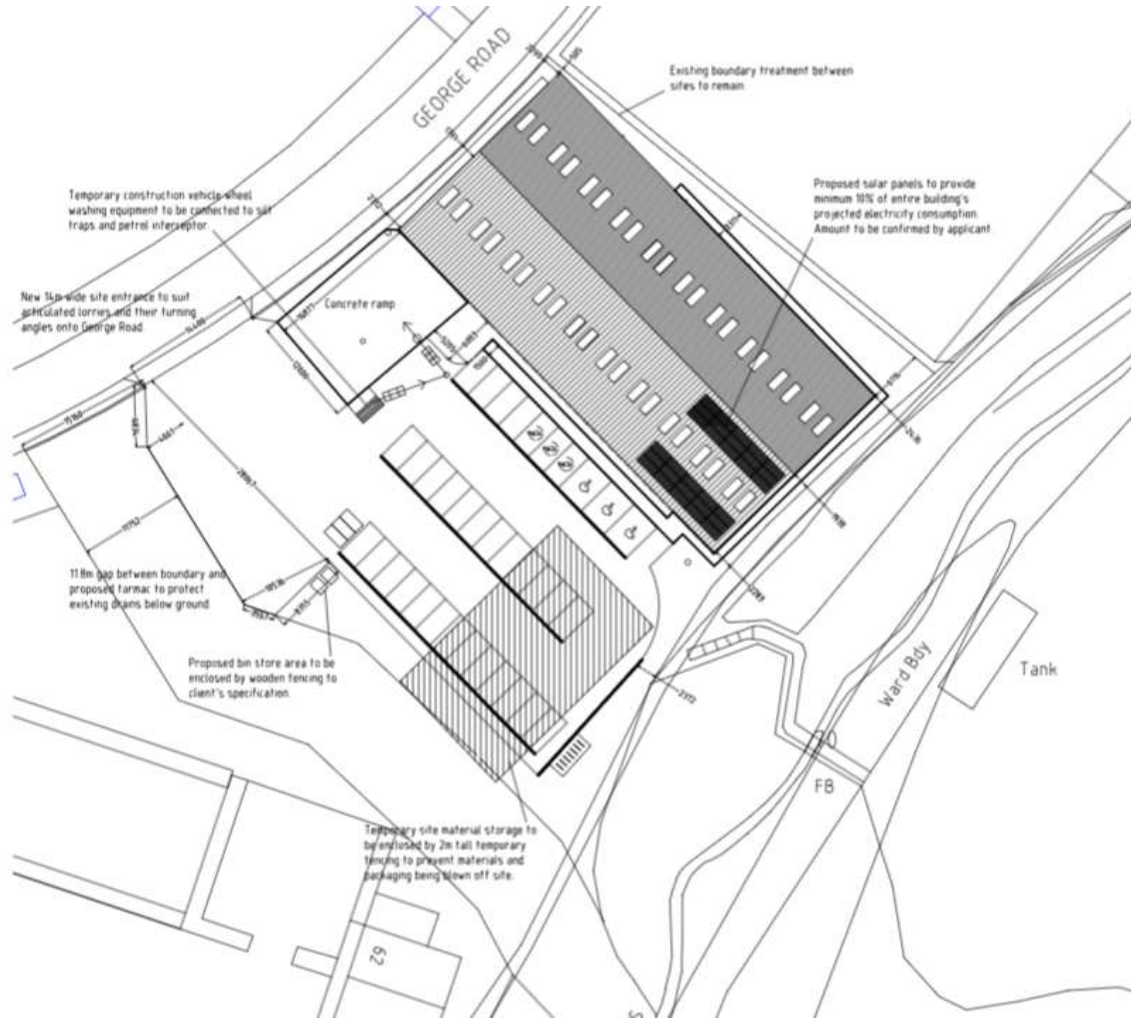




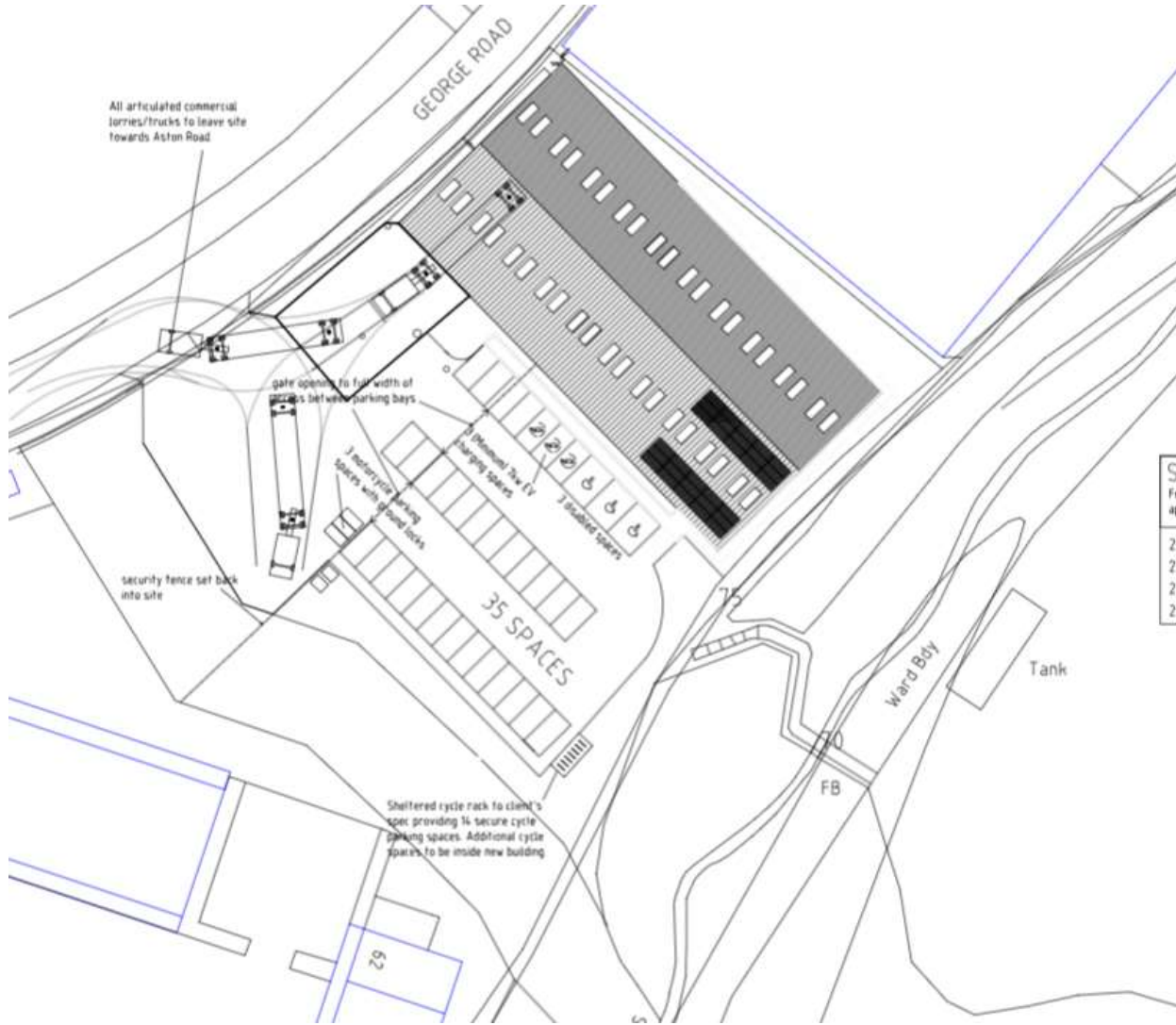
# Bromsgrove District Plan Proposals Map



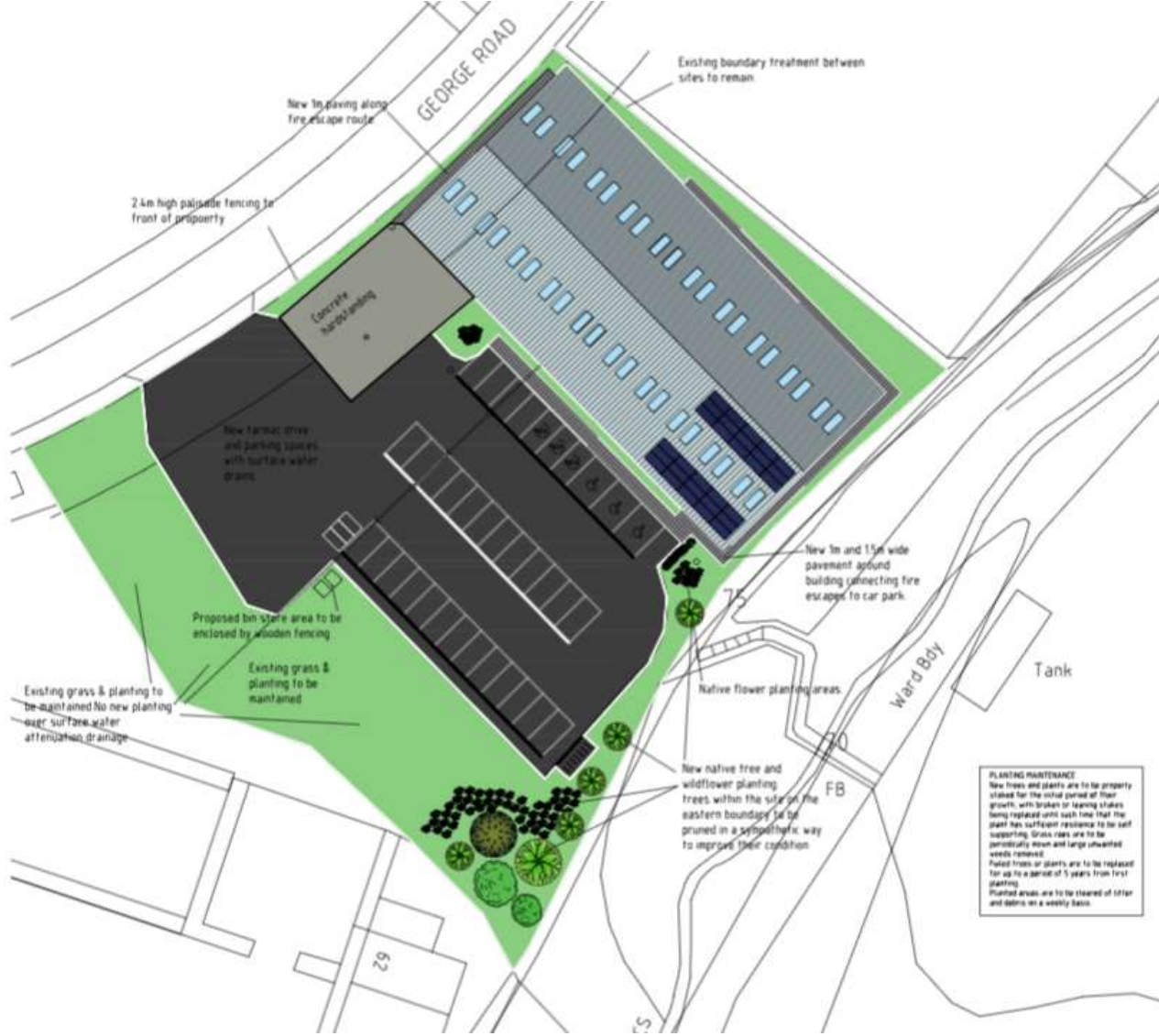
# Proposed site plan



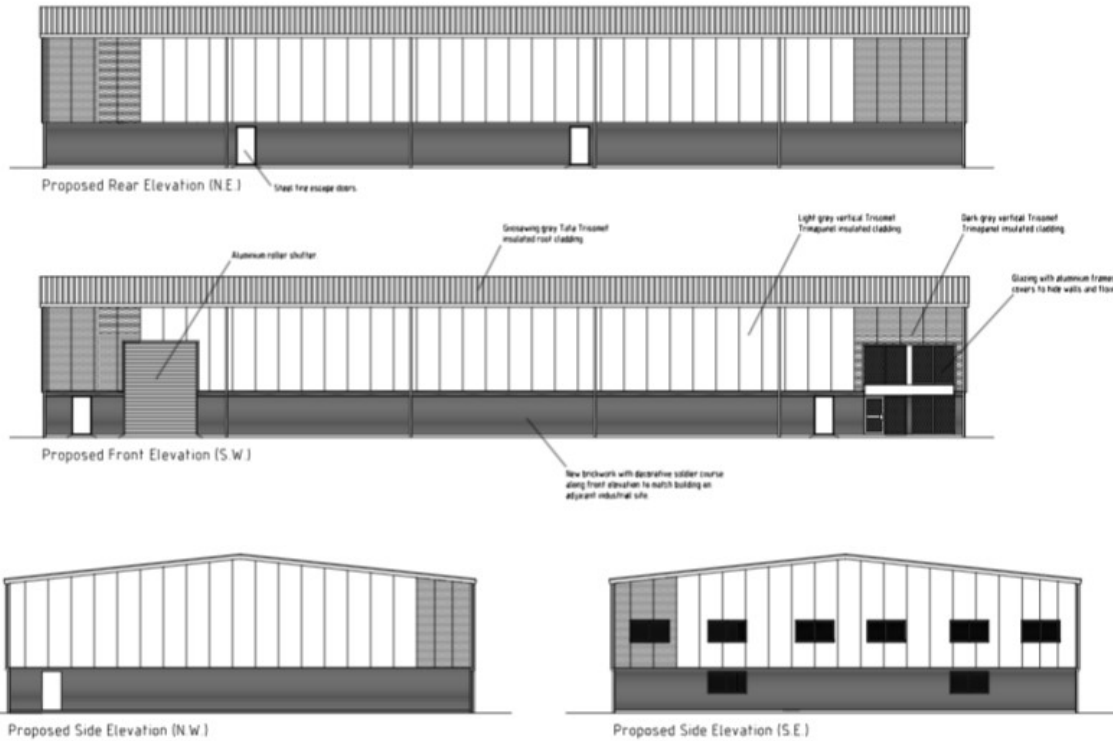
# Parking Plan



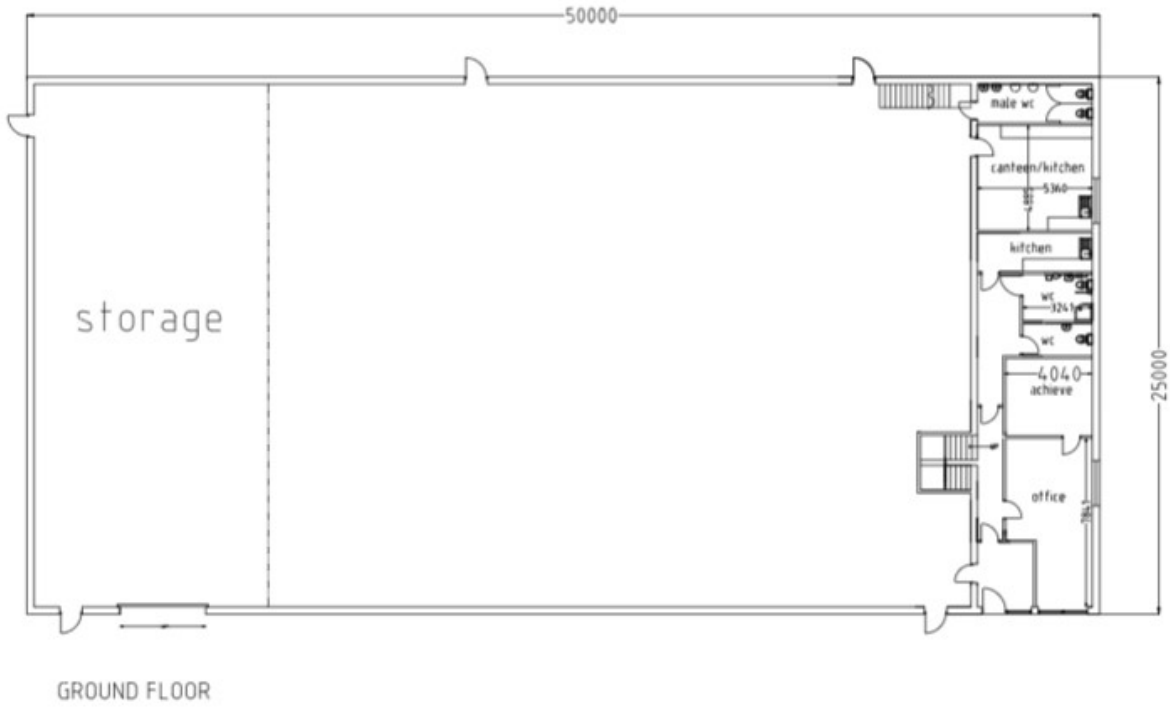
# Landscaping Plan



# Elevations



# Floor Plans



# Site photos



Building to South



Building to North

# Site Photos



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Site from George Road



Construction opposite site

Agenda Item 8



Name of Applicant	Proposal	Expiry Date	Plan Ref.
Bromsgrove District Council	Installation of solar photovoltaic (PV) panels Parkside, Market Street, Bromsgrove, Worcestershire, B61 8DA	13.06.2023	23/00130/LBC

**This application is being reported to the Planning Committee because the applicant is Bromsgrove District Council.**

**RECOMMENDATION:** That Listed Building Consent be **GRANTED**

### **Consultations**

#### **Conservation Officer**

- There would be some harm cause to the significance of the listed building as a result of installing solar panels on the hall roof, however this is reduced due to the fact this wing has already been altered to some extent and is considered to be less than substantial in the context of paragraph 200 of the NPPF.
- The introduction of renewable energy at the site and reduction of CO<sup>2</sup> by an estimated 12% per year as a result of the proposal would meet the required public benefit to mitigate the harm caused to the listed building.

### **Publicity**

Site notice posted 22.02.2023 (expired 18.03.2023): no response received

Press notice published 31.03.2023 (expired 17.04.2023): no response received

### **Site Description**

The application site is the Parkside building, located on the northern side of Market Street within Bromsgrove Town Centre. The building is Grade II Listed and is used as shared office space for a number of occupiers.

### **Proposal description**

The application seeks permission for the installation of solar photovoltaic (PV) panels to the two south facing roof slopes of the building.

72 panels are proposed above the hall and 32 above the library. The panels would be plain black in colour.

### **Relevant Policies**

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP19 High Quality Design

BDP20 Managing the Historic Environment

BDP22 Climate Change

### **Others**

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

## Relevant Planning History

23/00435/FUL	Installation of solar photovoltaic (PV) panels	Pending	
13/0370	Works to encase asbestos material in service ducts, removal of service pipes, removal of asbestos from doors, removal of suspended ceilings, removal of external service pipes.	Approved	15.07.2013
13/04654	Change of use of building to form "one stop shop" office accommodation. Demolition works, alterations and extensions to include ground floor library wing with first floor office accommodation to southern boundary. Re-siting of wc pavilion to northern boundary to form new sub station building. Creation of associated works and parking provision (full application)	Approved	18.12.2013
13/0465	Change of use of building to form "one stop shop" office accommodation. Demolition works, alterations and extensions to include ground floor library wing with first floor office accommodation to southern boundary. Re-siting of wc pavilion to northern boundary to form new sub station building. Creation of associated works and parking provision (Listed Building Consent)	Approved	20.12.2013

## Assessment of Proposal

Paragraph 158 of the NPPF sets out that local planning authorities should approve applications for renewable and low carbon development provided the impacts are (or can be) acceptable. Policy BDP22 of the adopted District Plan sets out that proposals for energy efficiency improvements on existing buildings will be encouraged.

The proposed solar panels would be located on the south facing roof slopes of the hall and library buildings, facing Market Street.

Views of the solar panels on the library roof would be minimal in the surrounding area, and as such are not considered to be visually detrimental within the context of the listed building.

The solar panels proposed for the hall roof however would be more visible within the context of the older, more architecturally significant original wing of the existing building.

The addition of the solar panels would introduce a level of harm to the original building composition. However this is considered to be less than substantial due to the existing alterations which have reduced the level of architectural significance to this part of the building, and the public benefit from the reduction in CO<sup>2</sup> by an estimated 12% per year.

Overall, it is considered that the proposed development complies with the provisions of the relevant policies of the adopted District Plan, the NPPF, Section 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would therefore be acceptable.

**RECOMMENDATION:** That Listed Building Consent 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 documents and drawings:
  - Site location plan as received 11.04.2023 - drawing number P2232/113
  - Proposed elevation plans as received 29.03.2023 - drawing number P2177.6.2
  - Solar flashings details as received 01.02.2023
  - PARKSIDE EASY PV SCHEMATIC REPORT as received 01.02.2023
  - Product detail report as received 01.02.2023
  - Product overview as received 01.02.2023

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

**Case Officer:**

Fiona Flower

Tel: 01527 587 004 Ext 3098

Email: [fiona.flower@bromsgroveandredditch.gov.uk](mailto:fiona.flower@bromsgroveandredditch.gov.uk)

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Bromsgrove District Council	Installation of solar photovoltaic (PV) panels Parkside, Market Street, Bromsgrove, Worcestershire, B61 8DA	13.06.2023	23/00435/FUL

**This application is being reported to the Planning Committee because the applicant is Bromsgrove District Council.**

## **RECOMMENDATION:**

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

(2) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the full planning application following:

- (a) The expiry of the consultation period on 16 June 2023 and in the event that representations are received, that **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

## **Consultations**

### **Conservation Officer**

- There would be some harm cause to the significance of the listed building as a result of installing solar panels on the hall roof, however this is reduced due to the fact this wing has already been altered to some extent and is considered to be less than substantial in the context of paragraph 200 of the NPPF.
- The introduction of renewable energy at the site and reduction of CO<sup>2</sup> by an estimated 12% per year as a result of the proposal would meet the required public benefit to mitigate the harm caused to the listed building.

## **Publicity**

Site notice posted 28.04.2023 (expired 22.05.2023) : no response received

Press notice published 2 June 2023 (expires 16 June 2023)

## **Site Description**

The application site is the Parkside building, located on the northern side of Market Street within Bromsgrove Town Centre. The building is Grade II Listed and is used as shared office space for a number of occupiers.

## **Proposal description**

The application seeks permission for the installation of solar photovoltaic (PV) panels to the two south facing roof slopes of the building.

72 panels are proposed above the hall and 32 above the library. The panels would be plain black in colour.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP19 High Quality Design

BDP20 Managing the Historic Environment

BDP22 Climate Change

### **Others**

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

## **Relevant Planning History**

23/00130/LBC	Installation of solar photovoltaic (PV) panels	Pending	
13/0370	Works to encase asbestos material in service ducts, removal of service pipes, removal of asbestos from doors, removal of suspended ceilings, removal of external service pipes.	Approved	15.07.2013
13/04654	Change of use of building to form "one stop shop" office accommodation. Demolition works, alterations and extensions to include ground floor library wing with first floor office accommodation to southern boundary. Re-siting of wc pavilion to northern boundary to form new sub station building. Creation of associated works and parking provision (full application)	Approved	18.12.2013
13/0465	Change of use of building to form "one stop shop" office accommodation. Demolition works, alterations and extensions to include ground floor library wing with first floor office accommodation to southern boundary. Re-siting of wc pavilion to northern boundary to form new sub station building. Creation of associated works and parking provision (Listed Building Consent)	Approved	20.12.2023

## **Assessment of Proposal**

Paragraph 158 of the NPPF sets out that local planning authorities should approve applications for renewable and low carbon development provided **the** impacts are (or can be) acceptable. Policy BDP22 of the adopted District Plan sets out that proposals for energy efficiency improvements on existing buildings will be encouraged.

The proposed solar panels would be located on the south facing roof slopes of the hall and library buildings, facing Market Street. Views of the solar panels would be minimal and as such are not considered to be visually intrusive or result in visual harm to the wider area.

The Conservation Officer has been consulted on the application to assess the impacts on the listed building. It is considered that the addition of the solar panels would introduce a level of harm to the original composition of the listed building. However this is considered to be less than substantial due to the existing alterations which have reduced the level of architectural significance to this part of the building and the public benefit from the reduction in CO<sup>2</sup> by an estimated 12% per year.

Overall, it is considered that the proposed development complies with the provisions of the relevant policies of the adopted District Plan and the NPPF and is therefore considered acceptable.

## **RECOMMENDATION:**

- (1) Minded to **APPROVE FULL PLANNING PERMISSION**
- (2) **That DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the full planning application following:
  - (a) The expiry of the consultation period on 16 June 2023 and in the event that representations are received, that **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

## **Conditions:**

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

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

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:
  - Site location plan as received 11.04.2023 - drawing number P2232/113
  - Proposed elevation plans as received 18.04.2023 - drawing number P2177.6.2
  - Solar flashings details as received 11.04.2023

- PARKSIDE EASY PV SCHEMATIC REPORT as received 11.04.2023
- Product detail report as received 11.04.2023
- Product overview as received 11.04.2023

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

**Case Officer:**

Fiona Flower

Tel: 01527 587 004 Ext 3098

Email: [fiona.flower@bromsgroveandredditch.gov.uk](mailto:fiona.flower@bromsgroveandredditch.gov.uk)



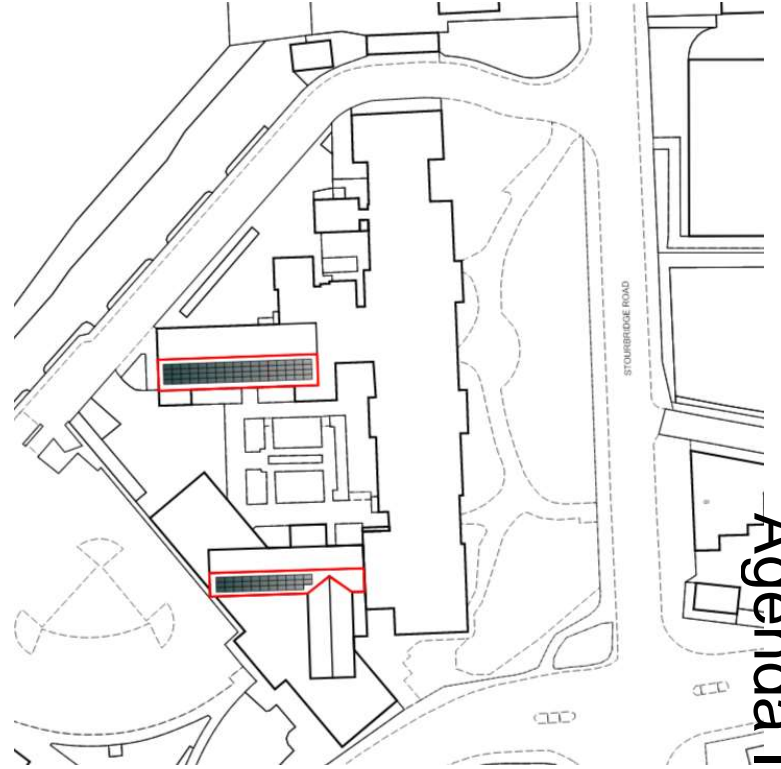
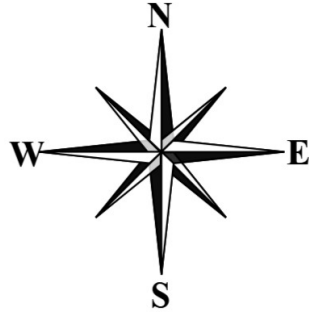
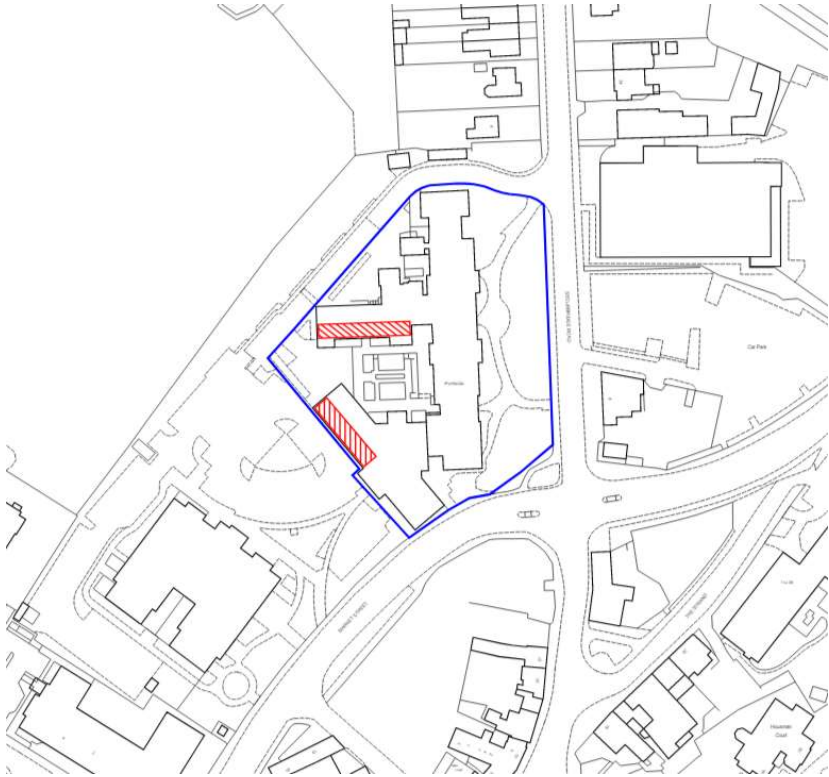
# 23/00130/LBC & 23/00435/FUL

Installation of solar photovoltaic (PV) panels

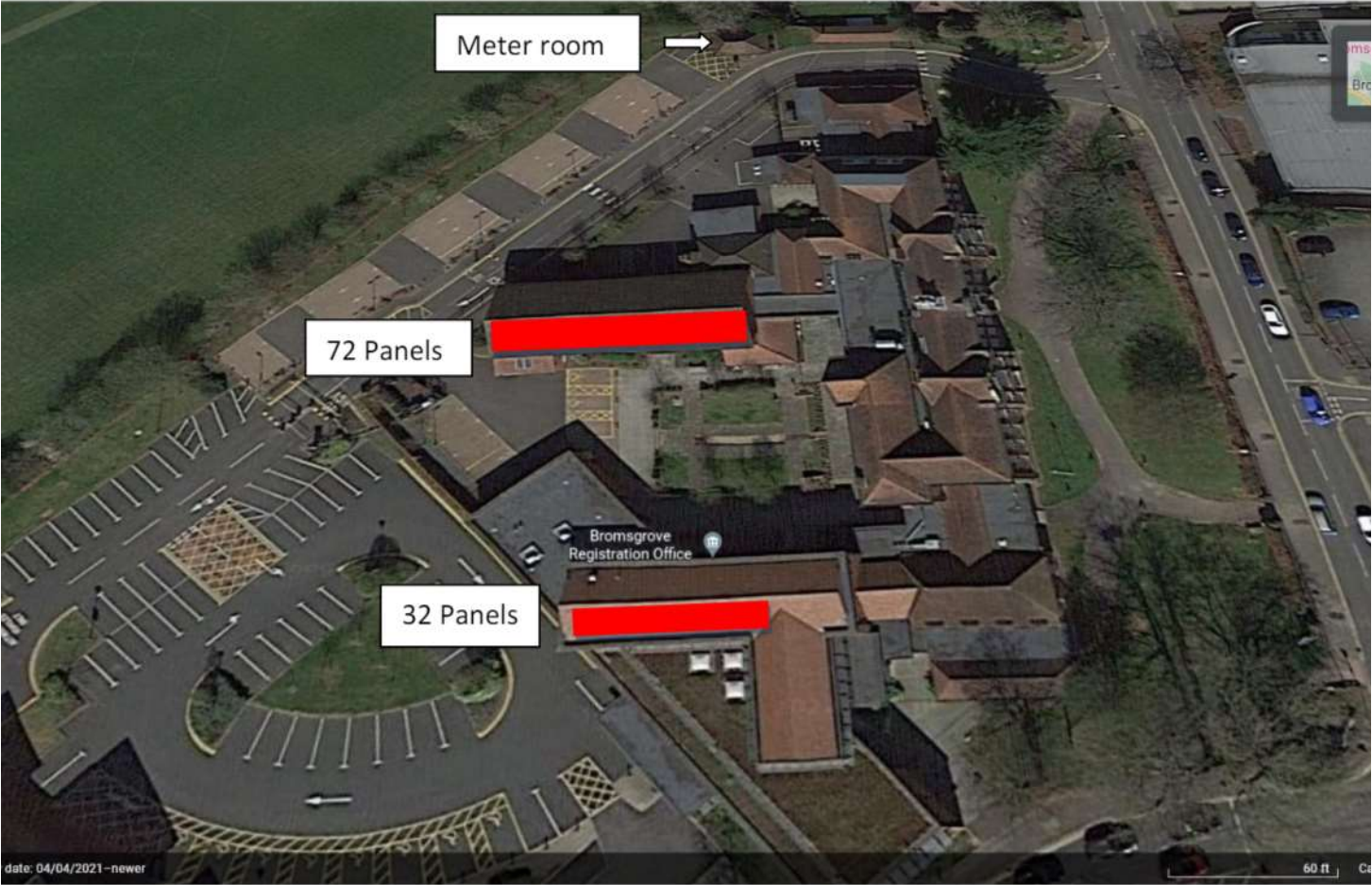
Parkside, Market Street, Bromsgrove B61 8DA

**Recommendation:** Grant subject to conditions

# Site Location & Layout



# Site Plan



# Existing and Proposed plans



Parkside Suite - South Elevation from courtyard



Parkside Suite - South Elevation from courtyard

Page 92



Library - South Elevation from Market Street



Library - South Elevation from Market Street

Agenda Item 10

## **BROMSGROVE DISTRICT COUNCIL**

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

**MONDAY, 3RD APRIL 2023, AT 6.03 P.M.**

PRESENT: Councillors A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English (in the Chair), J. E. King, M. A. Sherrey and C. J. Spencer (during Minute No's 50/22 to 57/22)

Observers: Councillor S. J. Baxter, Councillor A. D. Kent and Councillor L. C. R. Mallett

Officers: Mr R. Keyte, Mr. A. Hussain (via Microsoft Teams), Mr. D. M. Birch, Ms. S Williams, Ms. E. Darby, Mr. S. Jones, Ms. K. Hanchett, Worcestershire County Council, Highways, Mr. G. Nock, Mott McDonald (via Microsoft Teams), Mrs. J. Bayley-Hill, Mr. G. Day and Mrs. P. Ross

50/22

#### **ELECTION OF CHAIRMAN FOR THE MEETING**

**RESOLVED** that Councillor A. B. L. English be appointed as Chairman for the meeting.

The Chairman welcomed everyone to the meeting and informed all those present that the meeting was being Live Streamed on the Council's YouTube channel; and requested that Members and Officers remembered to use their microphones and to speak clearly during the course of the meeting.

51/22

#### **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors H. J. Jones, A. D. Kriss, M. Glass and P. M. McDonald.

52/22

#### **DECLARATIONS OF INTEREST**

There were no declarations of interest.

53/22

#### **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING**

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

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

54/22

## **MINUTES**

The minutes of the Planning Committee meetings held on 6<sup>th</sup> February and 6<sup>th</sup> March 2023, were received.

Councillor S. P. Douglas asked for it to be noted that on page 6 on the minutes of the meeting held on 6<sup>th</sup> February 2023, there was a spelling error and that her surname was misspelt.

**RESOLVED** that, subject to the amendment, as detailed in the preamble above that the minutes of the Planning Committee meetings held on 6<sup>th</sup> February and 6<sup>th</sup> March 2023; be approved as a correct record by those Members who were in attendance.

55/22

## **21/01626/REM - RESERVED MATTERS APPLICATION OF PHASE 1, 149 RESIDENTIAL UNITS ON LAND ABUTTING STOURBRIDGE ROAD/PERRYFIELDS ROAD, WHICH IS IN LINE WITH THE OUTLINE PLANNING PERMISSION FOR 1,300 DWELLINGS (APPLICATION REFERENCE 16/0335) ALLOWED AT APPEAL UNDER REFERENCE APP/ P1805/W/20/3265948. THE RESERVED MATTERS APPLICATION SEEKS CONSENT IN LINE WITH CONDITION 1 FOR DETAILED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT, AND SCALE. LAND AT, PERRYFIELDS ROAD, BROMSGROVE. TAYLOR WIMPEY UK LTD**

The Chairman asked the Committee Members to note that as detailed in the Officer's report, this was an allocated development site and that outline planning permission with the Reserved Matters of Access had been allowed on appeal in 2021.

Therefore, for consideration by Members at the meeting was the Reserved Matters Application which sought consent in line with Condition 1 for detailed matters of appearance, landscaping, layout and scale.

Officers drew Members' attention to the Committee Update, which detailed three additional comments received and the Officers responses; and also included four additional conditions as requested by North Worcestershire Management - Conditions 6, 7, 8 and 9. A copy of the Committee Update was provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and the presentation slides, as detailed on pages 46 to 76 of the main agenda report.

The Reserved Matters Application of Phase 1, for 149 residential units on land abutting Stourbridge Road/Perryfields Road, which was in line with the Outline Planning Permission for 1,300 dwellings (application

reference 16/0335); that was allowed at appeal under reference APP/P1805/W/20/3265948.

The Reserved Matters application sought consent in line with Condition 1 for detailed matters of appearance, landscaping, layout, and scale, land at Perryfields Road, Bromsgrove.

Officers drew Members' attention to the comments received from Highways – Bromsgrove and Mott McDonald, who had no issues or objections, as detailed on pages 27 and 28 of the main agenda report.

The major urban design criteria was connectivity and the layout related well on this criterion, for both pedestrians and vehicles, with links to the neighbouring residential development under construction on Perryfields Road, as well as Stourbridge Road. The revised plans showed a footpath link onto Perryfields Road adjacent to the smaller open space area to the southern boundary of the site. Officers clarified that the issue of external access off the Stourbridge Road had already been determined and approved, so was therefore not included in the current application.

The footpath link at Perryfields Road would involve the removal of hedgerow in order to achieve the access and adequate visibility. Whilst it was regrettable that a section of hedgerow along Perryfields Road would need to be removed to enable this provision, the hedgerow mainly contained a fair volume of Elm which would in time, be most likely to die out. Therefore, it would be appropriate to replace the hedgerow with a better-quality hedge for the longer term.

Officers referred to the comments received from the Council's Arboricultural Officer, as detailed on page 31 of the main agenda report.

Officers further explained that the developers had clarified that whilst there was a shortfall of affordable housing on this phase by 2 dwellings, this shortfall would be made up in the next phase of the development. Officers had accepted this approach in respect to the affordable housing provision for this phase and considered that the proposed development met the development policies in respect of affordable housing requirements.

At the invitation of the Chairman, Ms. J. Slade, Chair of the Bromsgrove Society, addressed the Committee in objection to the application. Councillor L. Mallett also addressed the Committee in objection to the application and in doing so, also read out the speech received from Mr. G. Dallas, local resident who was also in objection to the application.

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

Members stated that having read and listened to the concerns raised by the Bromsgrove Society and those in objection to the application, who

had addressed the Committee; that they still had some concerns with regard to the volume of additional traffic the development would create in Sidemoor. There were some traffic calming solutions, however, the crossing by Perryfields Road was already considered really difficult, due to the volume of traffic.

Members further stated that apart from the obvious traffic concerns, the comments from Community Safety, as detailed on page 30 of the main agenda report, should be taken into consideration and mitigated.

Officers responded and stated that the scheme had been amended to address the concerns raised by Community Safety; and that with regards to cameras, these were not required as there would be natural surveillance now due to the revisions being made to the scheme.

Following on from the concerns and issues raised, Committee Members suggested deferring the reserved matters application, in order for Committee Members to conduct a Site Visit.

In response, Officers confirmed that a Site Visit could be arranged. Officers sought further clarification from the Committee as to their main concerns, were they access, crossing and the scheme? Members agreed and were of the opinion that a Site Visit was necessary in order to provide a clearer picture of the scheme. This was a very sensitive application and Members felt that they needed to be scrupulous and that a Site Visit was therefore necessary. It was important for members of the public to see that the Committee were taking this application seriously. There were a lot of mixed feelings about this development and Ward Members and residents of Bromsgrove, and every measure needed to be taken.

In response to further questions from the Committee with regard to timescales, Officers highlighted that the Site Visit would be carried out in a timely manner and referred to a future meeting of the Committee. Members were asked to note that there were no scheduled meetings of the Planning Committee in this Municipal Year.

Following on from this debate, an Alternative Recommendation was proposed that the Reserved Matters Application be deferred in order for Committee Members to attend a Site Visit.

On being put to the vote, it was

**RESOLVED** that the Reserved Matters Application be deferred and brought back to a future meeting of the Committee once Planning Committee Members had carried out a Site Visit.

56/22

**22/01042/FUL - THE USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES AND THE ERECTION OF A DAYROOM AND LAYING OF HARDSTANDING ANCILLARY TO THAT USE. MINTOLA CORRAL, BATEMANS LANE, WYTHALL,**



## **WORCESTERSHIRE, B47 6NG. MR. M. DOHERTY**

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

Officers presented the report and in doing so drew Members' attention to the presentation slides, as detailed on pages 88 to 94 of the main agenda report.

The application sought full planning permission for the use of land for the stationing of caravans for residential purposes and the erection of two dayrooms and laying of hardstanding ancillary to that use.

Officers drew Members' attention to the two reasons for refusal, as detailed on page 85 of the main agenda report.

At the invitation of the Chairman, Mr. A. Kent addressed the Committee and in doing so, commented that he was representing a number of residents as the County Councillor for this ward area and also as the District Councillor for the neighbouring ward to this ward area. Mr. N. Green, the applicant's agent addressed the Committee and Councillor S. Baxter, Ward Councillor also addressed the Committee.

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

In response to questions from the Committee, the Chairman took the opportunity to read out the 'Procedural Matter' as referred to on page 79 of the main agenda report; and further referred to the 'Need and Supply of Pitches', as detailed on page 81 of the main agenda report, which stated that:

"In 2021 the Council commissioned external consultants to update the current supply and future need position for Travellers in the District. The conclusion of this report is that over the period 2021/22 to 2039/40 there is a need for 14 traveller pitches. As of 1<sup>st</sup> April 2021, the Council currently has a supply of 4.07 years for traveller pitches".

Some Members highlighted that travellers were "suspended in animation" and were being failed due to the delay in reviewing the Council's Local Plan. There was a need for more traveller sites, and it was wrong that travellers and their children were being denied this opportunity. Children needed to access education and there was a need to care for a family member, as briefly detailed in the report.

Other Members supported the comments made by Councillor S. Baxter in that the proposed development was inappropriate development in the Green Belt; and were therefore in support of the Officers recommendation to refuse the application.

Officers responded to a question with regard to previous use of the site and in doing so referred Members to the 'Relevant Planning History' which detailed that in 2019 planning permission was granted for a change of use of the land for equestrian use and replacement stables together with a tack room.

Members further reiterated that additional sites needed to be identified when carrying out the Local Plan Review.

On being put to the vote it was

**RESOLVED** that Planning Permission be refused for the two reasons, as detailed on page 85 of the main agenda report.

57/22

**22/01530/FUL - ERECTION OF EMPLOYMENT AND COMMERCIAL UNITS USE CLASS E(G)(II) AND (III), B2, B8 WITH ANCILLARY OFFICES, WITH VEHICLE PARKING AND ALL ASSOCIATED ENGINEERING, INCLUDING SITE CLEARANCE AND ALL ASSOCIATED WORKS. PLOT AT BUNTSFORD GATE BUSINESS PARK, BUNTSFORD DRIVE, BROMSGROVE, WORCESTERSHIRE. HORGAN HOMES AND DEVELOPMENTS LTD**

Officers presented the report and the presentation slides, as detailed on pages 108 to 118 of the main agenda report.

The application was for the erection of employment and commercial units use class E(g)(ii) and (iii), B2, B8 with ancillary offices, vehicle parking and all associated engineering, including site clearance and all associated works.

The application site was located within Buntsford Hill Business Park which had been allocated as Designated Employment Land within the Bromsgrove District Plan 2011-2030.

The applicant had put forward some mitigation to reduce the harm to the Listed Buildings which included, relocating the cycle storage away from the southwest boundary and also included some additional landscaping along the boundary of Buntsford Drive to help screen the development from the nearby Listed Buildings.

Members' attention was drawn to the 'Noise' information, as detailed on page 100 of the main agenda report, which provided information with regard to the submitted noise assessment being satisfactory and predicted a low impact at the nearest sensitive receptor.

Officers referred to the comments received from Stoke Parish Council as detailed on page 96 of the main agenda report. Members were informed that, as detailed on page 100 of the main agenda pack 'Third Party Comments' that; the hedge referred to was outside of the red line of this application and therefore did not form part of the application site.

However, the applicant had proposed some further planting on this boundary and there would be an acoustic fence.

In conclusion, it was considered that the proposed development was in accordance with the relevant policies of the Bromsgrove District Plan and could be properly characterised as sustainable development for the purposes of the NPPF. The harm to the Listed Buildings was considered to be less than substantial and given the public benefits of the development, this harm was considered to be outweighed.

It was noted that there were no public speakers.

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

It was noted that Members commented that they were glad that this application was before them and delighted to be helping to develop businesses further.

**RESOLVED** that Planning Permission be granted subject to the Conditions, as detailed on pages 101 to 105 of the main agenda report.

At this stage in the meeting, the Chairman announced a comfort break.

Accordingly, the meeting stood adjourned from 19:14 p.m. to 19:26 p.m.

58/22

## **LOCAL GOVERNMENT ACT 1972**

Having reconvened it was

**RESOLVED** that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part, in each case, being as set out below, and that it is in the public interest to do so:-

Minute No.	Paragraphs
59/22	1, 2 & 6

59/22

## **ENFORCEMENT MATTERS**

**RESOLVED** that the Head of Planning, Regeneration and Leisure Services be authorised to issue and serve a Stop Notice (subject to statutory limitations) if deemed expedient on the basis of the circumstances which prevailed at the time.

(During the consideration of this item, Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to move to exclude the press and public prior to any debate on

# Agenda Item 13

Planning Committee  
3rd April 2023

the grounds that information would be revealed which related to; information relating to any individual, information which was likely to reveal the identity of any individual and information which revealed what the authority proposed (including the authority holding that information)).

The meeting closed at 7.58 p.m.

Chairman

By virtue of paragraph(s) 1, 3, 6b of Part 1 of Schedule 12A of the Local Government Act 1972.

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