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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 8TH APRIL 2024
AT 6.00 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE,
WORCESTERSHIRE, B81 8DA

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

AGENDA

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

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 19th February 2024 (Pages 7 - 12)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 23/01232/FUL - Subdivision of dwelling into 6no. self-contained apartments, Arosa, The Holloway, Alvechurch, B48 7QA. Mr. K. Cross-Watson (Pages 13 - 38)
6. 23/01400/FUL - Demolition of existing garages and erection of new build dwelling including associated access and landscaping. Land Rear of 17-19

Willow Gardens, Willow Gardens, Bromsgrove, B61 8QD. BDHT (Pages 39 - 56)

7. 23/01401/FUL - Demolition of existing garages and erection of new build dwelling including associated access, landscaping & garage. Land Rear of 8 - 14 (evens) Willow Gardens, Bromsgrove, B61 8QD. BDHT (Pages 57 - 74)
8. 24/00025/FUL - Change of Use from a dwellinghouse (Use Class C3) to a children's home (Use Class C2, 135 Shawhurst Lane, Hollywood. Mr. M. Shaban (Pages 75 - 88)
9. 24/00079/FUL - Development of 34 affordable dwellings, associated landscaping, siteworks and construction of new access from existing highway roundabout. Land To Rear Of 1-6 Smedley Crooke Place, Redditch Road, Hopwood, Worcestershire. Cawdor Capital (Hopwood) Limited (Pages 89 - 138)
10. 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.

SUE HANLEY
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

27th March 2024

**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**

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

**Please note that this is a public meeting and will be live streamed for
general access via the Council's YouTube channel.**

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

[Planning Committee Live Stream Link 8th April 2024](#)

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 by 12 noon on Thursday 4th April 2024.**
- 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 4th April 2024.

- 3) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues, the case officer's presentation and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the Council's website www.bromsgrove.gov.uk**
- 4) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Bromsgrove District Plan (the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the Development Plan and the "environmental factors" (in the broad sense) which affect the site.**
- 5) Although this is a public meeting, there are circumstances when the Committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt the public are excluded.**



INFORMATION FOR THE PUBLIC

Access to Information

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- 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.

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

at www.bromsgrove.gov.uk

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 19TH FEBRUARY 2024, AT 6.00 P.M.

PRESENT: Councillors H. J. Jones (Chairman), M. Marshall (Vice-Chairman), A. Bailes, D. J. A. Forsythe, E. M. S. Gray, B. McEldowney, J. Robinson (For Minute Nos 50/23 to 52/23), J. D. Stanley, S. T. Nock and S. R. Peters

Officers: Mr. D. M. Birch, Mr. A. Hussain, Mr. G. Boyes, Mr. S. Edden, Mrs. S. Hazlewood and Mr. G. Day

46/23 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies were received from Councillors R. E. Lambert and S. J. Baxter with Councillors S. T. Nock and S. R. Peters in attendance as substitutes respectively.

Apologies were also received from Councillor D. G. Stewart.

47/23 **DECLARATIONS OF INTEREST**

Councillor J. Robinson declared a non-pecuniary interest in agenda item 7 (Minute No 52/23) - 23/01346/FUL, Oakland International Ltd, Seafeld Lane, Beoley, having had previous correspondence with the applicant. Councillor J. Robinson left the meeting room for the duration of the item and took no part in the Committee's consideration nor voting on this matter.

48/23 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON 11TH DECEMBER 2023**

The minutes of the Planning Committee meeting held on 11th December 2023, were received.

RESOLVED that the minutes of the Planning Committee meeting held on 11th December 2023, be approved as a correct record.

49/23 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)**

The Chairman announced that there were no Committee Updates.

50/23

TPO (21) 2023 - TREES ON LAND AT 29A TWATLING ROAD, BARNT GREEN, WORCESTERSHIRE, B45 8HY

The Committee considered a report which detailed proposals to confirm, without modification, Tree Preservation Order (TPO) (21) 2023, relating to Trees on the land at 29A Twatling Road, Barnt Green, Worcestershire, B45 8HY.

The Senior Arboricultural Officer provided a detailed presentation, and in doing so drew Members' attention to the recommendation, as detailed on page 13 of the main agenda report.

The Officer further informed the Committee that the provisional order was raised on 19th October 2023, as detailed in Appendix 1 to the report, as a result of a mature Cedar tree being recently removed from the rear garden of the property. Concerns were raised that a number of other trees were at risk.

A T.E.M.P.O survey was carried out by The Senior Arboricultural Officer, who identified 10 trees on the property which met the criteria for a TPO, the findings were detailed in Appendix 2 on page 23 of the main agenda report.

The Officer referred to the letter received from Irwin Mitchell Trust Corporation, as detailed at Appendix 3 to the report. The objection sought to prevent TPOs being raised on two trees, T1 a mature Pine tree at the front of the property and T9 a mature Wellingtonia at the rear of the property. The objection stated that the removal of T1 and T9 were required to undertake building works, to assist with accessibility for a disabled child living at the site.

Officers stated that both trees were highly prominent and clearly visible from Twatling Road and were both of very high quality, in particular T9. Therefore, T1 and T9 both provided a high degree of visual amenity to the area.

At the invitation of the Chairman, Mrs Kelly Jones, Resident at 29A Twatling Road, addressed the Committee in objection to TPO (21) 2023.

Members then considered the TPO.

Officers responded to questions from the Committee with regards to the interaction between planning applications and TPOs and in doing so stated that the presence of a TPO would not, in itself, prevent a planning application being approved. Applications assess a number of factors including any TPOs, if on balance, planning permission were granted, it would override the TPO.

Members sought clarity regarding the information request that the property owners sought during their recent purchase, which detailed no TPOs on the site. Officers responded that an information request was a

regularly occurring administrative exercise which detailed whether there were any records of current TPOs present on the site, the exercise does not trigger a site visit or assessment of the site.

Members were sympathetic to the property owners who had previously carried out their “due diligence” to check for TPOs on the site, however, Members were concerned with the potential loss of the Trees on the site if the TPOs were not raised.

On being put to the vote, it was

RESOLVED that provisional Tree Preservation Order (21) 2023, relating to trees on the land at 29A Twatling Road, Barnt Green, Worcestershire, B45 8HY, be confirmed without modification and made permanent, as raised and shown at Appendix 1 to the report.

51/23

23/01121/FUL - DEVELOPMENT OF A NEW COMMUNITY PAVILION WITH ASSOCIATED PUBLIC REALM AND A 4 STOREY MIXED USE COMMERCIAL BUILDING, CONTAINING OFFICE SPACE AND FOOD AND BEVERAGE FACILITIES. PUBLIC REALM IMPROVEMENTS INCLUDE OUTDOOR PUBLIC SPACE AND THE UN-CULVERTING IN PART OF SPADESBOURNE BROOK. LAND AT ST JOHN STREET, BROMSGROVE, WORCESTERSHIRE. SHANE CARROLL

Officers presented the report, which highlighted that the application was for the development of a community pavilion with associated public realm works and a 4 storey mixed use commercial building.

Officers referred to the Site Location Plan, as detailed on page 64 of the main agenda report. Officers further detailed that the majority of the land was owned by Bromsgrove District Council and that appropriate notice had been given to Worcestershire County Council (WCC) and the landowner for St. John Street Car Park.

Officers drew Members’ attention to the proposed site plans as detailed on pages 68 of the main agenda report, in which development was sought for the erection of two buildings. A two-storey pavilion building was situated on the eastern part of the site and a four-storey mixed use/office block on the western side. Both buildings featured a bronze standing seam cladding finish, with the lowest floor of the larger 4 storey building constructed in blue brick.

Officers stated that the principal of development of the site was supported by policies within the Bromsgrove District Plan, and no objections had been received from statutory consultees relating to the detail of the proposal, therefore, Officers recommended the application for approval.

At the invitation of the Chairman, Mr. T. Kidsley, local resident and Mrs B. Smith, Agent for the scheme, addressed the Committee.

Officers clarified the following points in response to questions from Members.

- That the mixed-use office building would accommodate people over 4 floors and that the plant would be situated above on the roof.
- WCC, Highways were content with the amount of parking within the area and that their assessment had taken into account future developments and planned closures, therefore the parking was deemed adequate.
- There was a servicing arrangement proposed for delivery vehicles accessing the site. This was via a one way system which would include using a banksman. All delivery and service vehicles would be outside the operational hours of the building.
- There were no water voles found on the site, however, some were identified in the locality.
- Market testing had been undertaken to identify suitable tenants for the proposed building and it was identified that additional office space was required in the area.

Members expressed a concern regarding the copper cladding proposed for the development, including its visual suitability for the local area and how it would weather over time. Members enquired as to whether any additional Conditions could be added to safeguard future maintenance of the proposed finishing. It was detailed by Officers that it was not possible to include additional Conditions for this purpose, as it would not be possible to make such Conditions specific enough to be effective. Officers further clarified that any future maintenance of the building would be an operational matter and was not a planning consideration.

Members expressed some concern over the number of floors described in the application and the impact it had on the surrounding views. Officers clarified that the accommodation and office suites would be located over 4 floors with the plant being housed on the roof. Officers further assured Members that the Conservation Officer had been consulted with and had examined this concern and had raised no conservation objections to the scheme.

Members identified the need to continue the development of Bromsgrove centre and that the striking design of the development served to celebrate the diversity in the area. The building could further serve as a focal point and attract visitors to the town.

On being put to a vote it was: -

RESOLVED that planning permission be granted subject to Conditions as outlined on pages 57 to 61 of the main agenda report.

52/23

23/01346/FUL - ERECTION OF FIVE BUILDINGS FOR STORAGE AND DISTRIBUTION AND ASSOCIATED HARDSTANDING (RETROSPECTIVE). OAKLAND INTERNATIONAL LTD, SEAFIELD LANE, BEOLEY, REDDITCH, B98 9DB. GREEN CLOVER DEVELOPMENTS LTD

Councillor J. Robinson, having declared an interest, retired from the meeting room for the agenda item and took no part in the debate or decision thereof.

Officers presented the report, which highlighted that the application was a retrospective application for the erection of five storage and distribution buildings and associated hardstanding.

Officers referred to the Site Plans as detailed on pages 100 to 105 of the main agenda report. The site was situated in the Green Belt and was retrospective in nature with the development having been undertaken between 2019 and 2022.

The 5 buildings detailed in the application were identified by Officers and numbered 10 to 14 in the public reports pack. Four of the buildings (number 10 to 13) were situated together and were of approximately similar size, the 5th building (14) was situated separately and was smaller in stature, details of the building size and elevations were outlined on pages 107 to 110 of the main agenda report.

Officers referred to the objections and representations submitted in that:

- Beoley Parish Council strongly objected to the application.
- Worcestershire County Council (WCC), Highway Authority, had no objection subject to Conditions, as detailed on page 83 of the main agenda report.
- 15 representations were received from members of the public, 6 in objection and 9 in support.

The main issues to be considered were outlined on page 90 of the main agenda report.

Point (i) "Whether the proposal amounts to inappropriate development in the Green Belt", was uncontested by the applicant and therefore Para 152 of the National Planning Policy Framework (NPPF) states that "inappropriate development is by definition harmful to the greenbelt and should not be approved unless in very special circumstances (VSC)". Officers informed Members that they should give the matter of the inappropriate development substantial weight in their decision.

Several factors had been promoted by the applicant as comprising benefits which could clearly outweigh the harm to the Green Belt (and any other harm) to comprise the VSCs necessary to approve inappropriate development. These were outlined on pages 92 to 95 of the main agenda pack and expanded on within the applicant's business plan.

Agenda Item 3

Planning Committee
19th February 2024

Officers detailed that as sufficient evidence had not been presented which supported that the business would fail if the application was to be refused, the factors mentioned should be afforded only a moderate weight. However, these benefits must be weighed against the harm to the Green Belt.

Officers concluded that for this application, it was considered that the benefits of the proposals did not clearly outweigh the harm to the Green Belt, and consequently, VSC did not apply. Therefore, the Officer's recommendation was for refusal.

At the invitation of the Chairman, Mr. S. Foley, the applicant's representative and Mr A. Rock, Beoley Parish Council's Representative, addressed the Committee.

Members then considered the application.

Officers clarified the following points after questions from Members.

- The application was brought before Members and not determined by Officers under delegated powers as it was a development with over 1000 m sq of floor space and therefore had to be determined by Committee.
- That there was no relevant relaxation to the planning regulations under temporary changes during the Covid-19 pandemic which would support the application.
- The Parish Council described the buildings as 'temporary' although these were not described as such within report. Alternative buildings and their location had not been advanced by Oakland.

Members raised a number of concerns regarding the data used to assess the application, including the viability of the site, the traffic data being over 8 years old and vehicle counts being recorded outside of regular working hours. Members expressed the opinion that WCC, Highways should have raised an objection to the application due to their own assessment of the site being unsustainable. The WCC, Highway's Officer replied that they did not raise an objection due to there being no new posts created as part of the application, therefore, the impact due to the development in terms of highways matters was minor, especially considering the reduction in employees on the site since 2022.

The Chairman then referred to the Recommendation, as detailed on page 97 of the main agenda pack, and on being put to the vote it was:

RESOLVED that planning permission be refused for the reason as detailed on page 97 of the main agenda pack.

The meeting closed at 7.35 p.m.

Chairman

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Karl Cross-Watson	Subdivision of dwelling into 6no. self-contained apartments. Arosa, The Holloway, Alvechurch	11.04.2024	23/01232/FUL

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

RECOMMENDATION: That planning permission be **GRANTED**

Consultations

Alvechurch Parish Council

APC: Objection

Whilst the Parish Council welcomes that some elements of the Alvechurch Parish Neighbourhood Plan have been taken into consideration, the Committee Objects to the Development, as this Proposal contravenes the following Policy of the Alvechurch Parish Neighbourhood Plan:

H4- Housing Design Principles

The Holloway lies between Rowney Green and Alvechurch in the Green Belt, as such the location does not provide access to local amenities or facilities, as the nearest facilities are based in Alvechurch Village.

There are no footpaths on the Holloway, and it is a narrow road. In addition, there is no street lighting, and the position of the proposed development is close to a bend, with this section of the Holloway having the national speed limit in force.

There is no regular bus service currently, so this also affects the location's accessibility for non-drivers and users of pushchairs, wheelchairs, and mobility scooters.

Whilst there will be no increase to the floorspace of the existing property, the internal division from one household to six separate households would have an impact.

There would likely be an increase to the number of vehicles using The Holloway due to the location's inaccessibility, with no mitigating provision in the Design Statement for alternative 'green' transport options.

If Bromsgrove District Council is minded to approve this Application, we would request consideration of the following:

The Contractor/Developer must submit a considered and adequate site and traffic management plan which deals with Site Access, demolition, Contractors Parking Management & Provision, Storage of materials and plant on site; skip locations, welfare facilities, deliveries of materials to site and road cleaning/sweeping, as a minimum. Such information must be submitted, and approved, prior to any commencement of the works.

North Worcestershire Water Management

The proposed development site is situated in the catchment of the River Arrow. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Based on the EA's flood mapping, risk to the site from surface water flooding is not indicated on the site.

To my knowledge this site is not at risk of flooding from any source. I understand that the proposed development is likely to result only in a limited increase in impermeable area, if any. I therefore conclude that it will not be required to attach a surface water drainage condition to this application as Building Regulations (H3 - rainwater drainage) already require that 'adequate provision shall be made for rainwater to be carried from the roof of the building'. In line with building regulations discharge via infiltration should be prioritised, providing ground conditions allow.

Worcestershire Highways - Bromsgrove

Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Transport Planning and Development Management Team Leader on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 recommends that this application is refused.

The justification for this decision is provided below.

It is noted this application proposes development identical to that granted planning permission under 19/01359/FUL in December 2019, on reviewing this planning application a tweak to the parking layout and provision of a residential pack has been recommended.

For consistency highways are still unable to support this subdivision of dwelling into 6no. self-contained apartments due to its unsustainable location.

The existing residential dwelling is located in a rural location off a classified road; the site has 2 existing vehicular access points which provide good visibility in both directions from the access onto The Holloway.

Non-Compliance with Design Guide

This application is considered to be contrary to the NPPF paragraphs 114 and 116 and the Streetscape Design Guide.

The location as shown on the submitted plans is unacceptable due to the issues which would be created to the highway user:

The Holloway is a narrow lane and does not have footways or street lighting and no parking restrictions are in force along The Holloway in the vicinity. The site is not located within acceptable walking distance of amenities and the nearest bus stop is located approx. 425m from the proposed development along an inadequate route for pedestrians where pedestrian safety would be compromised.

The lack of adequate footway provision and street lighting will deter journeys on foot particularly in times of darkness and adverse weather conditions. The Holloway consists of a narrow carriageway with grass verges located on either side of the carriageway in parts. These factors are unlikely to encourage cycling or walking to services and facilities. Due to the above factors the trips would become car-based trips which would be unacceptable.

The thresholds below for a site to be sustainable location via suitable infrastructure (footways and street lighting etc.) cannot be met. The following are the acceptable maximum thresholds:

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

Layout:

The applicant has provided a total of 13 car parking spaces, on reviewing the application again it is recommended 1 of the visitor car parking spaces is removed this will enable vehicles parked to the NW in the bays to have room to reverse and leave the site in a forward gear. The 1 remaining visitor car parking space should be located centrally so that it does not block the entrance.

The County Council has recommended conditions for: electric vehicle charging point, cycle parking and a Residential Welcome Pack. The County Council has also recommended informatives.

WRS - Noise

Initial Comments: Due to road traffic noise from the A441, the applicant should submit a noise assessment, in line with BS8233, or state the proposed glazing and alternative ventilation products for habitable rooms and noise mitigation measures for any external amenity area for approval.

Final Comments: The submitted noise impact assessment appears satisfactory and predicts that suitable internal and external noise levels could be achieved by the installation of the recommended glazing, alternative ventilation and acoustic grade fencing around the external amenity area. The sound reduction details of the actual glazing and alternative ventilation products to be installed and the height, extent, surface density and construction of the recommended acoustic fence should be submitted for approval.

Conservation Officer

Arosa is a 1930s, moderne style house recorded on Worcestershire's HER (WSM77553). It has a rectilinear composition and is rendered white, with a flat roof and grey parapet cappings. The building has been modified over the years; the original rough cast render has been replaced with a smooth modern render, and it has lost its original metal windows, now replaced with UPVC in an unsympathetic design. It has been extended, although the extensions do appear to follow the original design, and the tower feature to the front has lost some of its glazing so its impact has been much reduced. That said it is an early example of 1930s architecture in the district and its original design remains legible. It is therefore considered to be a non-designated heritage asset, but due to the many alterations it has sustained would probably not meet the criteria for the Local Heritage list, currently being compiled. The proposals are identical to those granted permission as part of Application 19/01359/FUL. However, the conversion of the building into flats will inevitably create service clutter on the building and so this will be suggested to be controlled by condition to ensure the character of the building is retained.

The recently submitted amendments as part of application 23/01232/FUL show external changes. However, these are not attached to the Heritage Asset and do not affect its significance as a building with architectural and historic interest. Conservation therefore has no further comment to make on the application.

Policy BDP20.4 of the Bromsgrove District Plan states: "Applications to alter, extend, or change the use of Heritage Assets will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst preserving or enhancing its significance and setting."

Therefore, conservation would conclude that the application would be supported with a condition to detail the position of all rainwater goods and external termini for services.

Publicity

Site notice displayed 30 November 2023 (expires 24 December 2023)

Five objections have been received raising the following in summary matters:

- Noise and disruption to neighbours.
- Absence of public transport, lack of footpaths, narrow road, highway safety of The Holloway.
- Increased pressure on local services by additional households.
- Light pollution and impacts to ecology.
- Unsustainable location, outside any defined settlement, absence of services
- Increased number of vehicular trips.

Rowney Green Association

- Five-year housing land supply.
- Nearby residential development being approved, the site is not isolated, cumulative impacts on the area.
- Site is outside any defined settlement and remote from services and amenities.
- Increased activity, does not safeguard the countryside from encroachment
- Absence of public transport, lack of footpaths, narrow road, highway safety of The Holloway.
- Financial contributions or improvements to The Holloway
- Unsustainable location.
- The site is located in the Green Belt

Councillor Bailes

Request that the application to be decided by Bromsgrove District Planning Committee if the Planning Officer is minded approving the application due to public interest.

Relevant Policies

Bromsgrove District Plan (BDP) 2017

BDP1 - Sustainable Development Principles

BDP2 - Settlement Hierarchy

BDP4 - Green Belt

BDP7 - Housing Mix and Density

BDP16 - Sustainable Transport

BDP19 - High Quality Design

BDP20 - Managing the Historic Environment

BDP23 - Water Management

Others

Alvechurch Neighbourhood Plan

National Planning Policy Framework (2023)

Bromsgrove High Quality Design SPD

Relevant Planning History

23/00625/FUL	Subdivision of dwelling into 9no. self-contained apartments	Refused	09.10.2023
22/01605/CPL	Proposed side extension and swimming pool outbuilding (relocated from previous LDC approval)	Appeal Allowed	06.03.2023
22/00740/FUL	Demolition of existing dwelling house and associated buildings and erection of 4no. net-zero carbon dwellings and associated works.	Withdrawn	04.10.2022
21/00876/CPL	Swimming pool / gym out-building to be constructed under Class E	Approved	29.07.2021
21/00891/HHPRIO	Proposed two rear single storey extensions	Prior Approval Not Required	12.07.2021
19/01359/FUL	Subdivision of residence and outbuilding into 6 self-contained apartments 4 x two bed and 2 x one bed	Approved	10.12.2019
00/00005/COL	The erection of a garage and garden store.	Approved	16.02.2000
BR/696/1967	Extensions.	Approved	10.10.1967

The Site

The site is located outside any defined settlement and is located within the Green Belt. The site is located to the south of The Holloway and contains a 1930s, moderne style house with garage/store, hardstanding to the front to include car parking and large split-level garden to the rear. Arosa is considered to be a non-designated heritage asset. To the west of the site is the A441, set at a lower level to the site. The site does not have any immediate residential neighbours; however, there are residential properties along The Holloway.

Assessment of Proposal

The Council cannot currently demonstrate a 5-year supply of housing land. Paragraph 11(d) of the National Planning Policy Framework (NPPF) states that where policies that are most important for determining the application are out-of-date, planning permission for new housing should be granted unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; (ii) any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The Council therefore falls short of a 5-year supply of land for housing and paragraph 11(d) as set out above is engaged. The consideration of the proposal under this element of the NPPF is drawn together in the conclusions section below.

Green Belt

The site is located within the Green Belt. The National Planning Policy Framework (NPPF) paragraph 142 sets out that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Bromsgrove District Plan (BDP) Policy BDP4 is silent on development in the Green Belt unless it relates to the provision of additional built form.

Paragraph 155 of the NPPF confirms that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it including:

d) the re-use of buildings provided that the buildings are of permanent and substantial construction.

The Planning Practice Guidance (Paragraph: 001 Reference ID: 64-001-20190722) sets out that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment.

These include, but are not limited to:

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

Arosa and its associated garage store is deemed to be a building of permanent and substantial construction. The proposal would result in a net increase of five dwellings on site.

Arosa is an existing five-bedroom dwelling which according to Worcestershire County Council Highways would require 3 car parking spaces as a minimum. The area of hardstanding to the front of the dwelling remains unchanged, is currently hard surfaced and is partially screened from the highway by existing vegetation. The proposal includes 4no. two bedroom and 2no. one-bedroom units which would require 10 car parking spaces as a minimum according to County Highways Streetscape Design Guide. The Location Plan identifies that there is sufficient space for 13 parking bays within the existing hardstanding area, the arrangement of these can be amended and sufficient space is available to accommodate the spaces.

The traffic generation for the proposed development would be greater than the existing. The increased number of parked cars would likely cause limited transient impacts due to the reduced visibility of those vehicles from the public highway. The rear garden area is proposed as communal amenity space which would be utilised by all residents and due to the net increase in dwellings, there would be an increased level of activity within the rear garden area and any associated domestic paraphernalia is likely to also increase. The public views of the rear garden are limited by reason of the siting of the built form, and it

is likely that any domestic paraphernalia, such as washing lines etc. would cause temporary limited impacts. There may be some additional impact by reason of increased lighting; however again, this would cause temporary limited impacts only.

Overall, the re-use of the buildings and proposed works is considered to preserve openness; and whilst the intensification of the use would increase the degree of activity on site and have some limited spatial impacts this is not considered to be sufficiently adverse to cause harm to the openness of the Green Belt and conflict with the five purposes set out within paragraph 143 of the NPPF.

Existing Garden Store

The existing garden store, located to the west of the application site, was confirmed as Permitted Development by Certificate of Lawfulness 00/00005/COL. As part of this application, it is proposed to convert the former garden store into a residential unit and part of the building is to be demolished and a sunroom of approximately 20m² is proposed. Amended elevations were received to clearly identify this extension and comments were sought from the Conservation Officer, who has no objection. Alvechurch Parish Council have said that there would be no increase in floor space, which is correct, there would be a reduction of floor space overall.

BDP4 and Paragraph 154 address extensions to residential dwellings within the Green Belt. Having regard to the planning history of the site, and the requirements of Policy BDP4c) and paragraph 154 of the NPPF, it is considered that the requirements within BDP4c) have already been exceeded and therefore any further extensions would constitute inappropriate development in the Green Belt.

Paragraph 152 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The newly created unit within the existing garden store would have permitted development rights and extensions may be allowed under Policy BDP4. The proposed extension would not be disproportionate in the context of the new unit and there would be an overall reduction in built form which would offer some improvements to spatial and visual openness and when taken together with the siting and materiality, it is considered that very special circumstances would exist to allow the extension.

Site Location and Highways

County Highways raise objection to the proposal based on the location being unsustainable. No objection on technical highway grounds has been raised, there is considered to be sufficient space at the front of the site for car parking.

With respect to the location of the proposed development careful consideration has been given to whether the proposed development would be sited in a sustainable location.

Policy BDP2 (Settlement Hierarchy) seeks to focus new development in locations in accordance with the District's settlement hierarchy shown in Table 2, in order to promote sustainable communities, patterns of development, and reduce the need to travel. Policy BDP1 (Sustainable Development Principles) states that for new development consideration will be had, amongst other things, to accessibility to public transport. Alvechurch Neighbourhood Development Plan Policy H1 and H2 supports new housing within settlement boundaries.

These policies are broadly consistent with the Framework, which states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities (paragraph 83), seek opportunities to promote walking, cycling and public transport (paragraph 108), and by limiting the need to travel and offering a genuine choice of transport modes (paragraph 109). The NPPF also recognises that opportunities to manage sustainable transport solutions will vary between urban and rural areas (paragraph 109).

The site lies outside of any defined settlement, with the closest, as defined by Policy BDP2 being Rowney Green at a distance of approximately one mile; however, this is classed as a small settlement with limited services. Alvechurch is approximately 1.3 miles and has a good range of services to include: numerous public houses, a train station, shops, medical services, religious buildings, education facilities, and cafes.

A bus service runs along the Redditch Road – services 182/183 and school service S45 - from Bromsgrove to Redditch via Alvechurch and provides a limited frequency service Monday to Friday only. Distance and proximity to services and facilities are not the only factors to consider, also the nature and type of route to them will have an effect on their suitability and likelihood of being used.

The site is accessed off a classified road, which is narrow in parts and partly at national speed limit. There are no footways, except across the bridge, and no street lighting on The Holloway, although the Redditch Road does have a footpath and street lighting. The County Council set out maximum thresholds for a site to be in a sustainable location via suitable infrastructure (footways and street lighting etc.): Walking - 2k, Cycling - 5k, Bus stop - 400m.

Walking to Alvechurch would be at the upper end of the maximum threshold of 2 kilometres; however, would be unlikely and would be unsuitable for those with mobility issues or people with children in prams and pushchairs, or walking with bags of shopping given the distances involved and the attractiveness of the route. The site is not well served by public transport given the limited frequency of the bus service and the walking route to the bus stop, although it is recognised that the bus stop is just outside the maximum threshold set by County Council. There is a reasonable prospect of residents cycling to nearby Alvechurch, which is within the maximum threshold set by County Council. Whilst it is recognised that it is possible to walk or cycle to nearby services and that a bus route does exist, it is considered that on balance the location does not offer a genuine choice of transport modes and future occupiers would be reliant on the private car to access day-to-day facilities.

The site is not an optimum location for housing with regards to local and national policies that seek to promote sustainable patterns of development or transport, and it would

undermine the Council's spatial and settlement strategy for the location of housing and conflict with neighbourhood plan policies.

The County Council have requested planning conditions for EV charging, cycling and a Residential Travel Pack. EV Charging is a requirement of Building Regulations and therefore a planning condition is not considered necessary. Due to the prospect of residents cycling a planning condition requiring cycle storage is considered to meet the NPPF tests within paragraph 56. A Residential Travel Pack would provide information to future residents on sustainable forms of travel and would reduce vehicle movements which in this instance would meet the NPPF tests within paragraph 56.

Isolated Homes

NPPF Paragraph 84 sets out that decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

In this case, the proposals would involve the subdivision of an existing residential dwelling. The term isolated is not defined within the NPPF; however, case law has confirmed that it should be given its 'ordinary objective meaning of "far away from other places, buildings, people; remote"'. The site is not located within an identified settlement and the closest would be Rowney Green approximately one mile from the site. The first section of The Holloway from the Redditch Road has dwellings on either side, this then changes to dwellings on the south side only with the plot size and separation increasing. At this point, The Holloway's character changes with the speed limit becoming national speed limit and the bridge over the A441 providing physical separation between dwellings. At this point, the closest dwelling to Arosa is some 120m to the west with limited visibility due to intervening landscaping.

For the reasons given above, Arosa is considered to be isolated, and the proposal complies with paragraph 84 of the NPPF for the subdivision of an existing residential building.

Flood Risk and Drainage

The site is located in Flood Zone 1 and North Worcestershire Water Management (NWWM) confirm that the site is not at risk of flooding from any source. NWWM have commented that the proposal is likely to result in only a limited increase in impermeable area, if any and that a surface water drainage condition would not be required as this would duplicate that of Building Regulations (H3 - rainwater drainage).

Design, Layout and Appearance

The overall layout of the site remains largely unchanged and would be suitable for the proposed development. The external changes which facilitate the conversion are deemed to be acceptable.

The development proposal includes for smaller 1- and 2-bedroom dwellings, which is supported by BDP7. Of the six dwellings, two of the 2-bedroom flats fail to meet with the nationally described space standard for two-bedroom three person dwellings. The Technical Housing Standards require 2bed, 3 person dwellings at 1 storey to be 61m² of gross internal floor area. The two flats which fail are 52.7m² and 53.5m². It is considered that this is due to the conversion of the building and the space available to create logical laid out apartments.

Conservation

The Conservation Officer has confirmed that Arosa is a non-designated heritage asset; however, it is unlikely to meet the criteria for the Local Heritage List. The Officer has no objection although has requested a planning condition for rainwater goods and external termini for services.

With regard to the layout of the proposed dwellings, there are kitchens and bathrooms on the front elevation and therefore opportunities for multiple vents and flues which would, collectively, cause harm to the non-designated heritage asset. It does appear as though these could be rationalised or contained to other less visible elevations and therefore it is reasonable to attach the planning condition if approval is forthcoming.

Worcestershire Archive and Archaeology Service (WAAS) have no archaeological objection to the proposals; however, consider that Arosa does retain a level of local heritage interest, noting that legible moderne designs are unusual in Worcestershire. WAAS have requested a planning condition for an Enhanced Level 1 Historic Building Record prior to the commencement of works.

Residential Amenity

There is limited information on the garden area which is assumed to be communal amenity and some defensible planting could assist with safeguarding future residents' amenity at ground floor level. There are no nearby residential properties for the proposals to impact on nearby neighbouring amenity.

The Council's High Quality Design SPD is clear that a more flexible approach will be used for communal amenity space for flats and the area is considered sufficient in size, layout and orientation for the proposed number of dwellings.

Ecology

An Ecology Survey has been submitted which confirm likely absence of protected species and no further survey work is required. Bat boxes, hedgehog box, bug and bee house, and bird nesting boxes are proposed to be installed as part of the ecological enhancements to the building. These improvements can be secured via planning condition.

Noise

Worcestershire Regulatory Services (Noise) are satisfied that the measures set out within the Acoustic Report submitted by Blue Acoustics would provide an acceptable environment internally and externally and have requested that the details are secured by condition.

Other Matters

Alvechurch Parish Council requested a Traffic Management Plan as part of their comments. This has not been requested by County Council Highways. The area of hardstanding to the front of Arosa is to remain with two access points and sufficient vehicle parking. It is therefore not considered that the proposal would generate sufficient harm to require a Traffic Management Plan.

The cumulative impacts of the development have been raised. This has not been raised by County Highways and it is not considered that the proposal's residual cumulative impacts on the road network would be severe.

Public comments have raised the need to review highway improvements along The Holloway, consider speed limits and financial contributions towards improvements to local services and amenities. County Council Highways have confirmed that there are no planned improvement works to The Holloway and reviewing speed limits would fall outside the consideration of this planning application. The Council does not seek tariff style contributions for minor development.

Conclusions

The Council cannot currently demonstrate a five year housing land supply and therefore paragraph 11 of the NPPF states that for applications for housing, planning permission should be granted unless:-

- (i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or
- (ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In view of limb (i) whilst the site is located within the Green Belt, as discussed above, the conversion is considered to meet paragraph 155 of the NPPF as an exception to inappropriate development and the extension to the dwelling is acceptable by reason of very special circumstances and therefore there are no clear reasons for refusing the development on these grounds.

In view of limb (ii) the proposal would make a small contribution to the Council's housing supply providing smaller one- and two-bedroom homes. The proposal would offer some employment opportunities during the project works and local spend opportunities following occupation for nearby services and amenities. The overall site layout, design and appearance are satisfactory, although two of the flats would fall below the Technical Housing Standards in respect of size.

The site is not located within a defined village settlement, and it is likely that the future occupiers would use a vehicle to travel in many circumstances. There are no technical

highways objections. The site is considered isolated for the purposes of paragraph 84 of the NPPF; however, is considered to meet with an exception to policy.

As there are no other technical concerns with the proposal.

It is considered that on balance the modest harm arising through the use of vehicles and two of the dwellings falling below Technical Housing Standards would not significantly and demonstrably outweigh the benefits of the proposal as a whole, which includes the addition of a net increase of five dwellings of one- and two-bedroom homes, to the local housing supply and the contribution of employment and local spend opportunities.

The proposal should therefore be granted planning permission subject to the necessary conditions and informatives.

RECOMMENDATION: That planning permission be **GRANTED**

Conditions:

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

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

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

- Location Plan Rev: C - received 9 November 2023
- Proposed Plans: 23-272-015 - received 6 March 2024
- Proposed Elevations: 23-272-017 - received 13 March 2024

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

3. Level 1 Record: The development shall not be commenced until a Level 1 Historic Building Recording (as defined by Historic England) has been completed in accordance with the guidelines laid out in the Standards and Guidelines for Archaeological Projects in Worcestershire and submitted to the County Historic Environment Record.

Reason: In accordance with the requirements of paragraph 205 of the National Planning Policy Framework

4. Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls 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

5. Prior to installation, the position and details of all rainwater goods and external termini for services are to be submitted and approved by the Local Planning Authority and thereafter installed as approved.

Reason: To ensure that the character of the non-designated heritage asset is maintained as a result of the works, in accordance with Policy 20 of the Bromsgrove District Plan and the NPPF.

6. The Development hereby permitted shall not be occupied until sheltered, safe, secure and accessible 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.

7. The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority of a residential welcome pack promoting sustainable forms of travel to and from the development. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access.

8. Prior to occupation, the sound reduction details of the actual glazing and alternative ventilation products to be installed and the height, extent, surface density and construction of the recommended acoustic fence as recommended within the Blue Acoustics Report dated 13.02.2024 are to be submitted and approved by the Local Planning Authority and thereafter installed as approved.

Reason: To ensure that an acceptable internal and external noise environment is provided for occupiers.

9. Prior to occupation, the recommendations for biodiversity enhancements as set out within the Updated Protected Species Survey report by NKM Associates dated 16 October 2019 and 29 March 2022 shall be installed and thereafter maintained in perpetuity.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove Local Plan and Paragraph 180 of the NPPF.

Case Officer: Rosie Paget Tel: 01527 881184
Email: rosie.paget@bromsgroveandredditch.gov.uk

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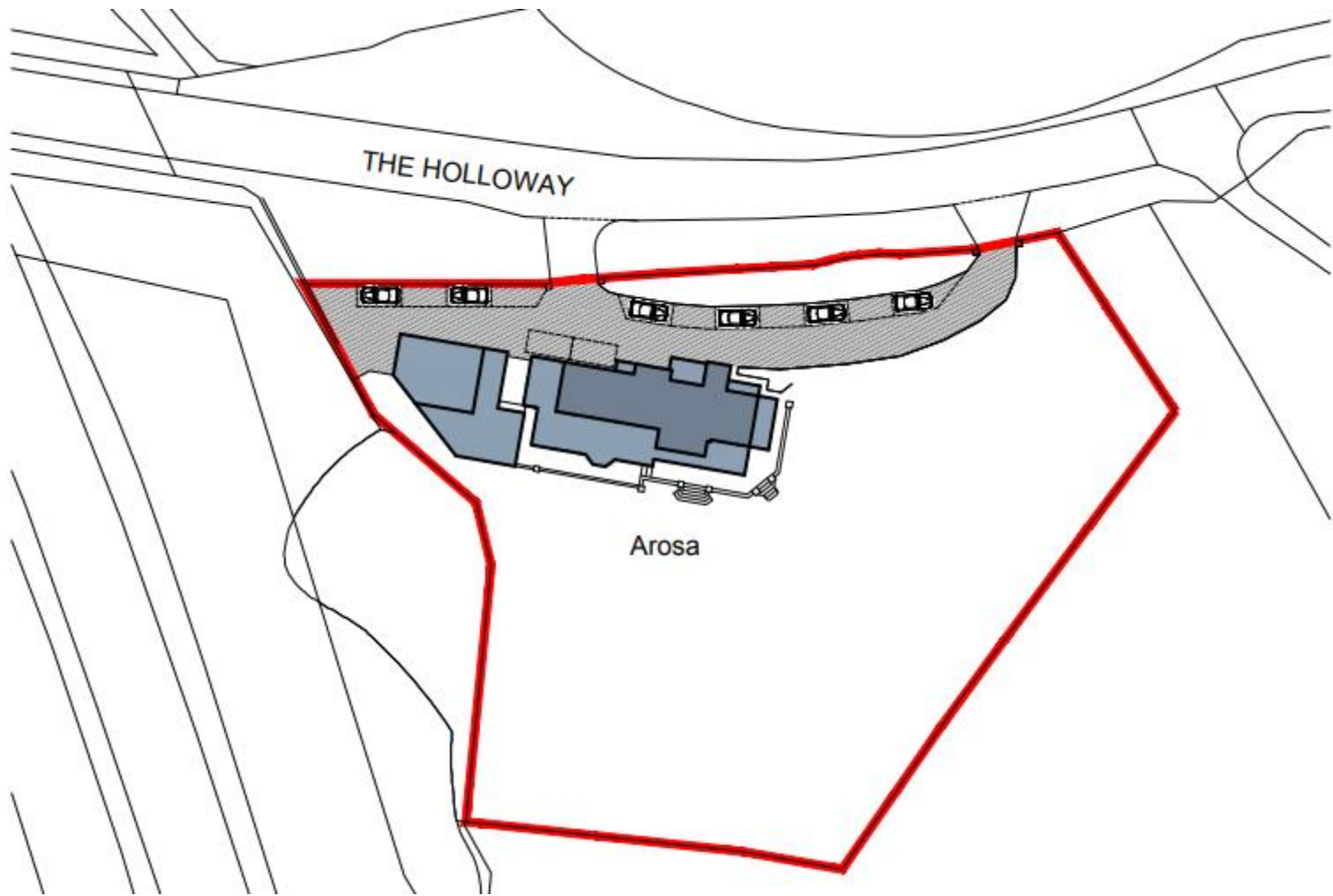
23/01232/FUL

Arosa, The Holloway, Alvechurch, Worcestershire, B48
7QA

Proposal: Subdivision of dwelling into 6no. self
contained apartments

Recommendation: Approval subject to conditions

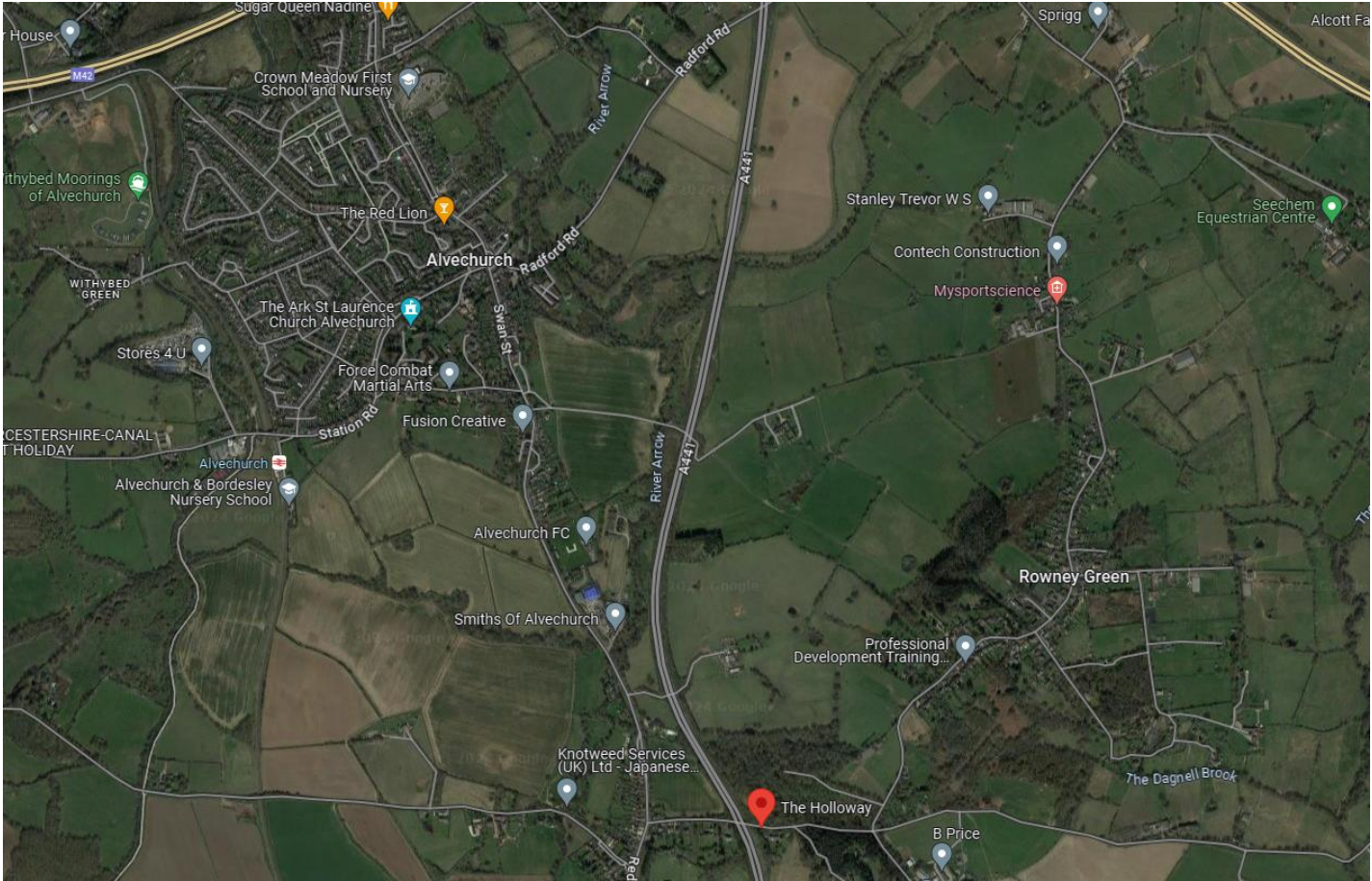
Site Location Plan



Aerial Photograph of site



Aerial Photograph of the Site in Context



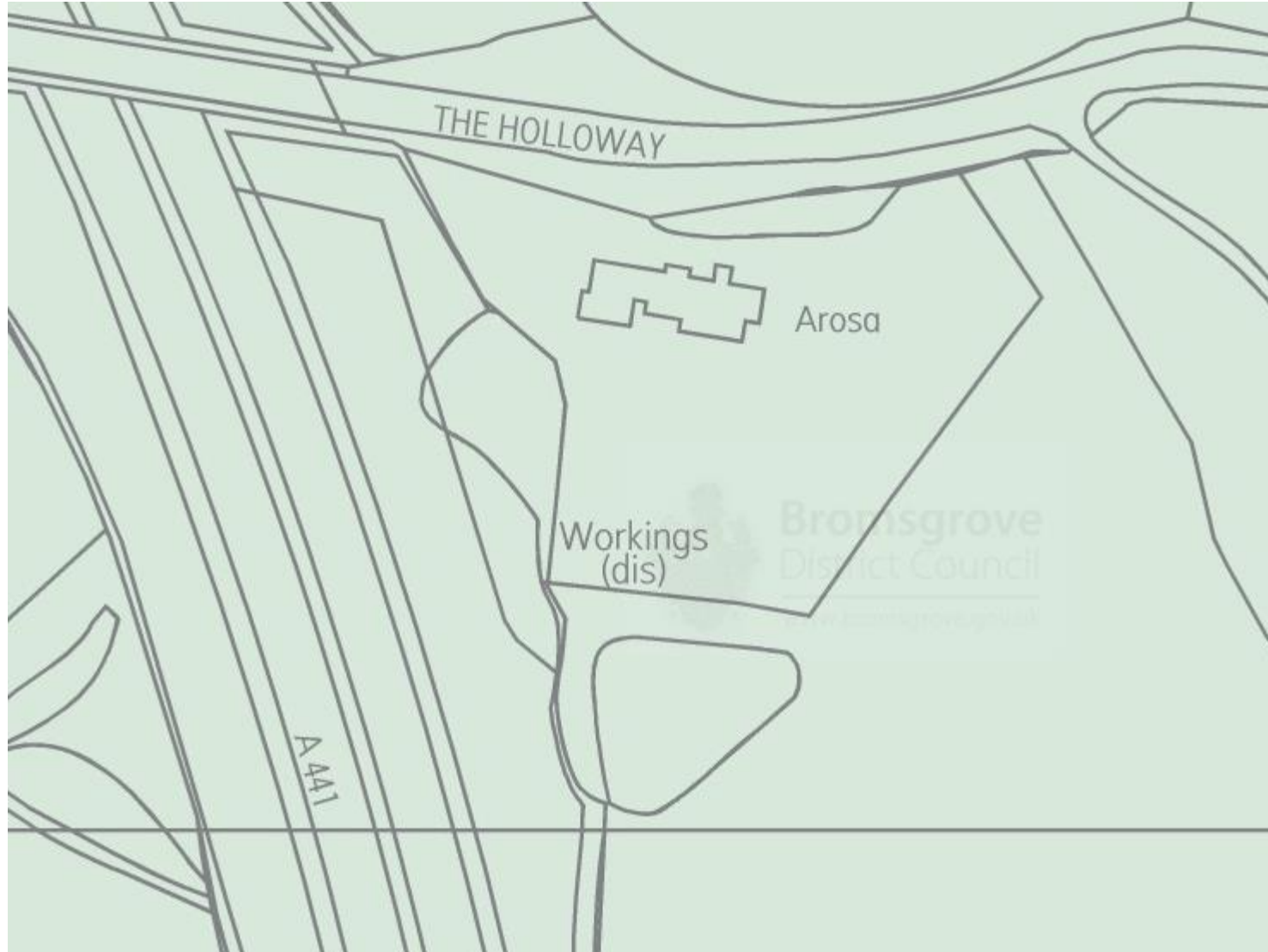
Google Streetview of The Holloway (looking west)



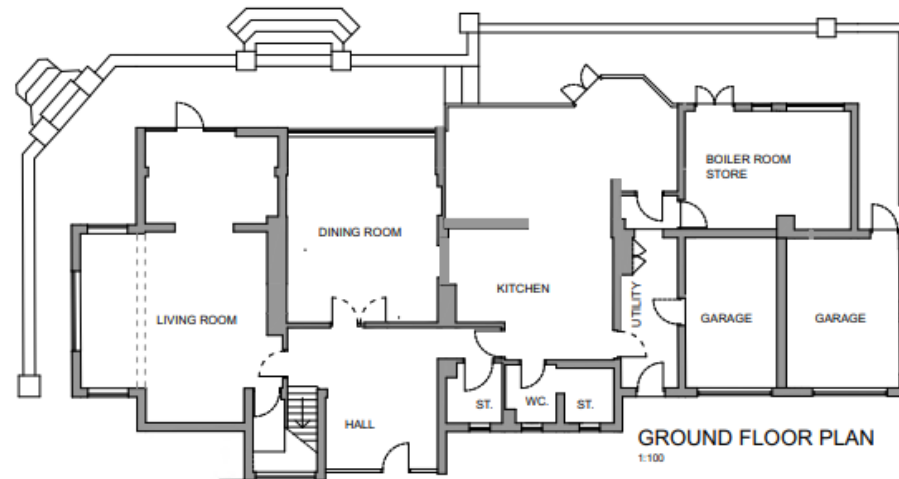
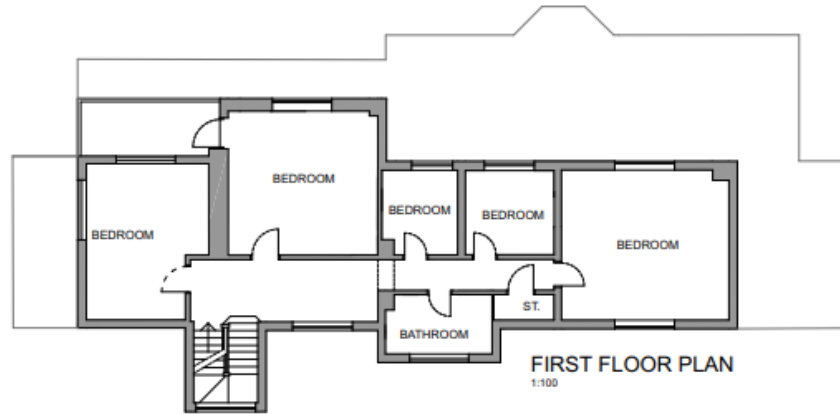
Google Streetview of The Holloway (looking east)



Bromsgrove District Plan Proposals Map



Existing floor plan



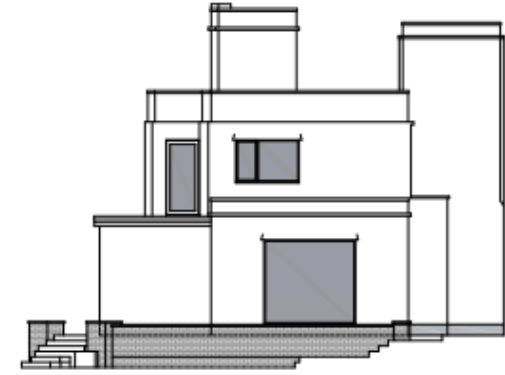
Proposed floor plan



Existing Elevations



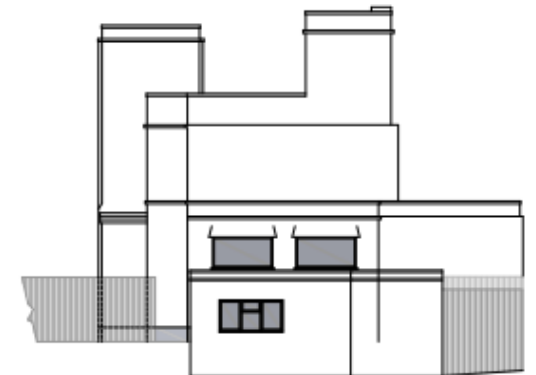
South Elevation



East Elevation



North Elevation



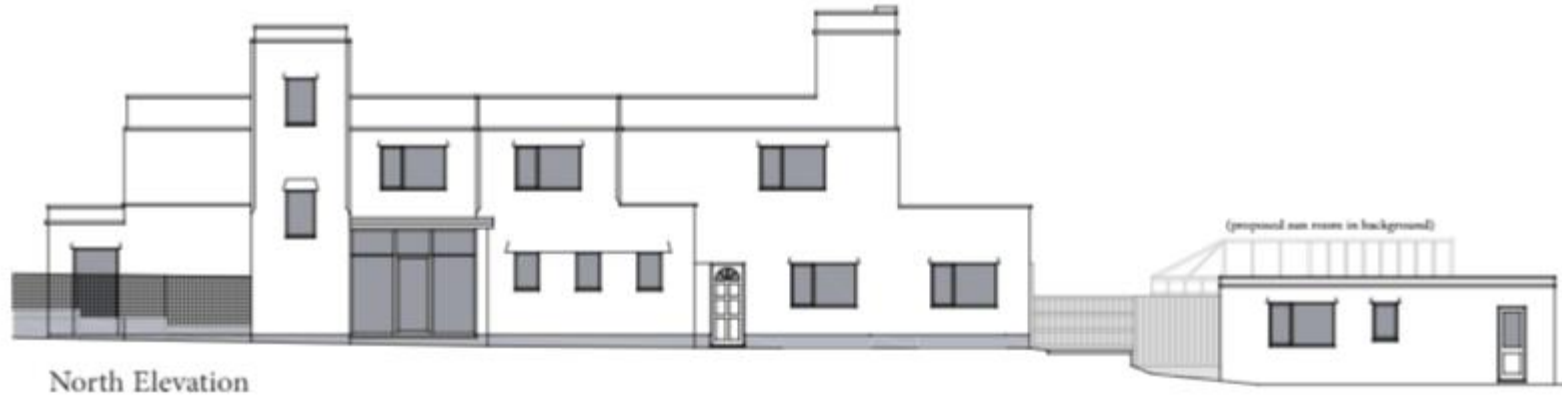
West Elevation

Proposed Elevations

North Internal Elevation of Converted Store



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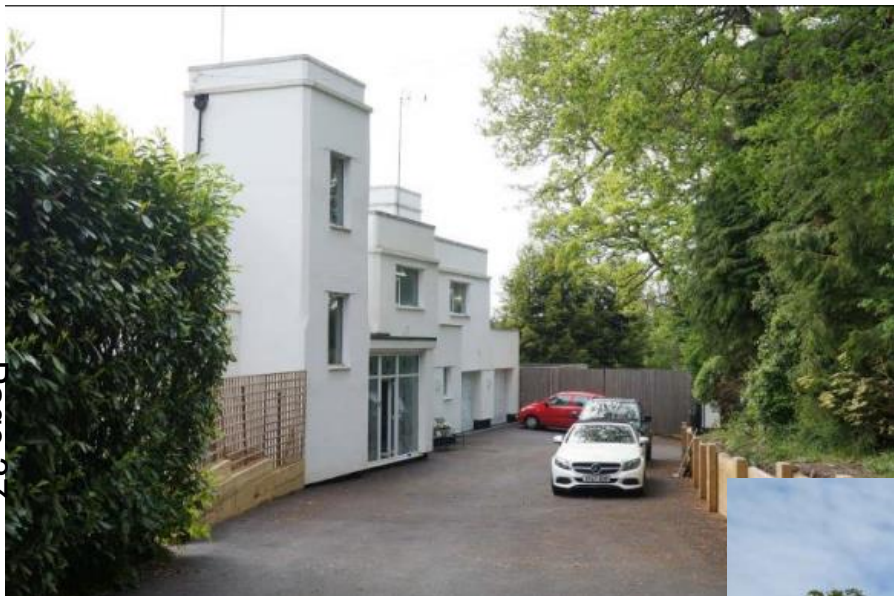
North Elevation



West Elevation

Site Photographs

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Agenda Item 5

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
BDHT	Demolition of existing garages and erection of new build dwelling including associated access and landscaping. Land Rear Of 17-19 Willow Gardens, Willow Gardens, Bromsgrove	11.04.2024	23/01400/FUL

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

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

Consultations

Worcestershire Highways - Bromsgrove

Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Transport Planning and Development Management Team Leader on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 has no objection subject to conditions.

Site observations:

The site is located in a residential and sustainable location off an unclassified road, the site as an existing vehicular access with good visibility in both directions. Willow Gardens has footways and street lighting on both sides of the road and no parking restrictions are in force in the vicinity. The site is located within walking distance of amenities, bus route and bus stops. It is noted there will be a loss of 13 garages, the applicant has provided a justification and reasoning why the loss of these garages should be accepted by highways. There is no legal right for the applicant to provide the 13 garages to accommodate local residential car parking. The applicant has provided a car parking survey which confirms the streets in the vicinity (within 300m) have the capacity to provide parking for the 9 garages which are occupied.

Notwithstanding the evidence submitted by the residents regarding on-street parking pressures, I have reconsidered my stance and agree with the applicant / agent that the site could be closed at any point by the owners to prevent parking occurring on-site, irrespective of the two planning applications coming forward. If the applicant is willing to provide parking away from the site then this would be welcomed but not a requirement. It is noted local residents, ward members have concerns regarding the displacement of parking, however, as highlighted above there is no legal requirement for the applicant to provide alternative parking for that is being lost.

It should be noted garages are not counted as car parking spaces in line with the Streetscape Design Guide Page 43.

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.

Following receipt of amended plans County Highways were re-consulted and provided the below in summary comments:

Site layout:

- The proposed dwelling has been reduced from a two-bedroom property to a one[1]bedroom property. A study has also been provided to the dwelling.
- Visibility from the existing vehicular access is deemed to be acceptable.
- The width of the drive is in excess of 3.1m - acceptable.
- Car and cycle parking has been provided in accordance with WCC Streetscape Design Guide.
- Swept path analysis has been provided for the vehicular access and the turning area within the site - acceptable.

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

The site falls within flood zone 1 (low risk of fluvial flooding from a watercourse) but does have a low-medium risk of surface water flooding which could exceed 300mm depth; this information can be viewed here: <https://www.gov.uk/check-long-term-flood-risk>.

I acknowledge that the proposals result in an overall reduction in impermeable area and therefore there should be no increase in flood risk as a result of the development, provided appropriate drainage arrangements are incorporated. This should include attenuation to comply with the current climate change allowances. Where possible infiltration should be utilised, and ground investigation surveys will be required to confirm feasibility. Where ground conditions do not allow for infiltration, the storm water sewer may be utilised subject to confirmation from STW Ltd. No storm water may enter the foul sewer network.

Should you be minded to grant permission, please include the following condition on your decision notice:

No works in connection with site drainage shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

WRS - Contaminated Land

Due to the required demolition of garages, which may pose potential contaminated land issues (including the presence of Asbestos Containing Materials, for which a survey should be undertaken), WRS recommend a condition is applied to the application should permission be granted for the development, to ensure potential contaminated land issues are appropriately addressed.

Public Consultation

12 letters sent 09.01.2024 (expired 02.02.2024)

Site notice posted 12.01.2024 (expired on 05.02.2024).

A total of 13 objections which raise the following in summary matters:

- Right of access to No.4, 6, 8, 12 New Road, and 14, 19 Willow Gardens
- Loss of privacy, outlook, peaceful enjoyment under Human Rights Act, fear of crime
- The access is narrow
- Parking, safety and congestion on Willow Gardens and surrounding roads and visual impact of parking
- Boundary treatments and security
- Pavement access for those with mobility impairments
- Noise and pollution from the demolition, timings of construction

Following a consultation of the amended plans a further 8 objections were received raising the following additional matter:

- Overdevelopment

A number of other issues have been raised which are not material planning considerations and therefore have not been reported to Members.

A petition with 17 signatures has also been received with the following heading: 'Objections to planning for 2 private bungalows on garage sites'...Due to impacting over spill onto New Road from Willow Gardens'.

Councillor Marshall

Councillor Marshall has requested that this application be determined by the Planning Committee due to his concerns regarding the cumulative residual impact of displaced parking on the neighbouring area.

Relevant Policies

Bromsgrove District Plan (BDP) 2017

BDP1 - Sustainable Development Principles

BDP2 - Settlement Hierarchy

BDP7 - Housing Mix and Density

BDP16 - Sustainable Transport

BDP19 - High Quality Design

BDP21 Natural Environment

BDP22 Climate Change

BDP23 - Water Management

Others

National Planning Policy Framework (2023)
Bromsgrove High Quality Design SPD

Relevant Planning History

There is no relevant planning history for the site.

The Site

The application site is located on the eastern side of Willow Gardens. The site is bound to the north by the garden of No.12 Church Road, to the east by the gardens of No.s 14-18 Church Road, to the south by the gardens of No.s 4-12 New Road and to the west by the gardens of No.s 17-19 Willow Gardens.

An existing access drive approximately 28 metres long and 3.1 metres wide serves the site and proposed dwelling. The site includes 13 garages which are proposed to be demolished. The garages are in various states of repair but on the whole have fallen into a state of disrepair.

The proposed dwelling is located within the east of the plot with parking and access to the west of the plot. The proposed garden area is 143sqm, located to the side of the dwelling. The proposed dwelling would have one bedroom. The proposed compliance plan identifies a 1.8m boundary fence around the dwelling; however, the boundary at the access remains unchanged. A short access point has been shown on plan to No.12 Church Road. Any accesses that are located along the access road may be unaffected; however, this would be a civil matter.

Amended plans have been received and consulted upon and it is those plans which are now considered as part of this application.

Assessment of Proposal

The Council cannot currently demonstrate a 5-year supply of housing land. Paragraph 11(d) of the National Planning Policy Framework (NPPF) states that where policies that are most important for determining the application are out-of-date, planning permission for new housing should be granted unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; (ii) any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The Council therefore falls short of a 5-year supply of land for housing and paragraph 11(d) as set out above is engaged. The consideration of the proposal under this element of the NPPF is drawn together in the conclusions section below.

Principle of Development

Policy BDP2 (Settlement Hierarchy) supports development of previously developed land/buildings within existing settlements. The application site is within the residential area and is previously developed land in a sustainable area. The principle of re-developing the site for residential development is therefore acceptable.

Highways

Worcestershire County Council Highway Authority (WCCHA) confirm that the site is within a residential and sustainable location. The existing access from Willow Gardens, an unclassified road, would continue to provide access to the site and WCCHA confirm that the access has good visibility in both directions. WCCHA confirm the width of the access drive at 3.1m is acceptable. WCCHA have deemed the proposed two car parking spaces and proposed cycle parking according with the WCCHA Streetscape Design Guide. WCCHA have reviewed the submitted swept path analysis for the access and turning area and has deemed this acceptable.

There are no technical objections from WCCHA for the proposed development. The state of repair of the garages and the termination of the leases/closure of the site by BDHT is an operational decision and does not require planning permission.

WCCHA have requested planning conditions for cycle parking and a prior to occupation condition requiring the parking and turning facilities to be provided. EV charging would be required as part of Building Regulations and there is no proposed planning condition.

Whilst concerns have been raised by residents in respect of the existing car parking situation in Willow Gardens and the surrounding area; this is not something which the planning system can control. Planning permission is not required to cease the operation of the garages and whilst it was acknowledged on the Officer's site visit that indiscriminate parking is evident, this would be a County Council or Police matter to enforce as required.

Flood Risk and Drainage

North Worcestershire Water Management (NWWM) confirm that the site is located in flood zone 1 (low risk of fluvial flooding from a watercourse) but does have a low-medium risk of surface water flooding. NWWM confirm that there would be an overall reduction in impermeable area and that there is no increase in flood risk as a result of the proposed development. NWWM have requested a planning condition for surface water drainage.

Design, Layout and Appearance

The proposed layout of the bungalow, its garden area, and car parking is considered acceptable. The proposed dwelling would be single storey at c.5.14m to its apex with a hipped roof construction.

The proposed one-bedroom dwelling would comprise a gross internal floor area of 88sqm; which exceeds the technical housing standards. The internal arrangements provide suitable space for the future occupiers.

The proposed materials include brick, brown roof tiles, brick header and cills, grey windows and doors and black eaves, verge, fascia and rainwater goods. A suitable planning condition could be imposed for materials.

The proposed dwelling is shown to include solar panels on its southern and western elevations, which is supported by Policy BDP22.

Residential Amenity

The proposed dwelling would be single storey including only ground floor accommodation. There would also be boundary treatments surrounding the plot which would prevent harmful overlooking from its ground floor windows into neighbouring gardens.

The submitted site sections show the side elevation of the proposed bungalow c.12.5m from the rear of 14-18 Church Road and c.19.4m from the rear of 19 Willow Gardens. The Council's High Quality Design SPD provides separation distances for two storey dwellings only and therefore the site's layout and separation is considered in the context of the proposal being a single storey bungalow.

The siting and scale of the proposed dwelling would not cause an adverse loss of privacy or overlooking to nearby residential properties. The proposed garden area is located to the side of the dwelling and is appropriate in area and overall depth. The hipped roof construction means that the roof slopes away from the neighbouring properties reducing its impact.

The proposed boundary details are considered appropriate and a 1.8m close boarded fence is a common boundary between residential properties. During construction, when the garages are demolished, there may be temporary fencing erected and this would be a matter for those residents affected to discuss with the Applicant and/or their appointed contractors.

Ecology

A Preliminary Ecological Assessment and Biodiversity Impact Assessment was submitted to support the application. The site comprises a sealed surface including buildings. The report states that the only notable species which could be affected are hedgehogs and a methodology for site works has been provided. The Biodiversity Impact Assessment gives a baseline of zero and provides for a net gain in biodiversity of 0.038 units through the proposed garden. A planning condition to secure bat/bird boxes can be attached and also boundary treatments which considered hedgehog access gaps.

Other Matters

Noise and disturbance during construction has been raised by an objection, this is a likely and inevitable consequence of most development but is generally short-term and is not a reason to withhold planning permission.

Conclusions

The Council cannot currently demonstrate a five year housing land supply and therefore paragraph 11 of the NPPF states that for applications for housing, planning permission should be granted unless:-

- (i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or
- (ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Limb i) does not apply.

In view of limb (ii) the proposal would make a small contribution to the Council's housing supply, offering some employment opportunities during construction. The site is located within a sustainable residential area and the principle of development is acceptable. The overall site layout, design and appearance are considered acceptable and deliver a high-quality home. There are no technical concerns with the proposal that would significantly and demonstrably outweigh the benefits of the proposal as a whole.

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

Conditions:

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

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

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

- Location Plan and Block Plan PL-S1-1B
- Proposed Site Plan PL-S1-10B
- Proposed Compliance Plan PL-S1-11B
- Proposed Site Floor Plan PL-S1-12B
- Proposed Site Plan Calcs PL-S1-13B
- Proposed Site Sections PL-S1-14B
- Proposed Elevations PL-S1-20C

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

3. No works in connection with site drainage shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

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

4. 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.

5. The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking as shown on Approved Plan 11B has been provided 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.

6. The Development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on drawing PL-S1-11B.

Reason: To ensure conformity with submitted details.

7. The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatment to serve the development shall include integral hedgehog access gaps where appropriate. The boundary treatments shall be completed in accordance with the approved details.

Reason: In order to secure a well-planned development

8. Prior to first occupation in order to provide a net gain in biodiversity, the amenity area, and two schwegler bat and/or bird boxes or equivalent shall be placed on site in suitable locations at least 3 metres above ground level facing to the south or east and kept thereafter in perpetuity.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan and Paragraph 180 of the NPPF.

9. 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.

Case Officer: Rosie Paget Tel: 01527 881184
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23/01400/FUL

Land Rear Of 17-19 Willow Gardens, Bromsgrove,
Worcestershire, B61 8QD

Demolition of existing garages and erection of
new build dwelling including associated access
and landscaping.

Recommendation: Grant

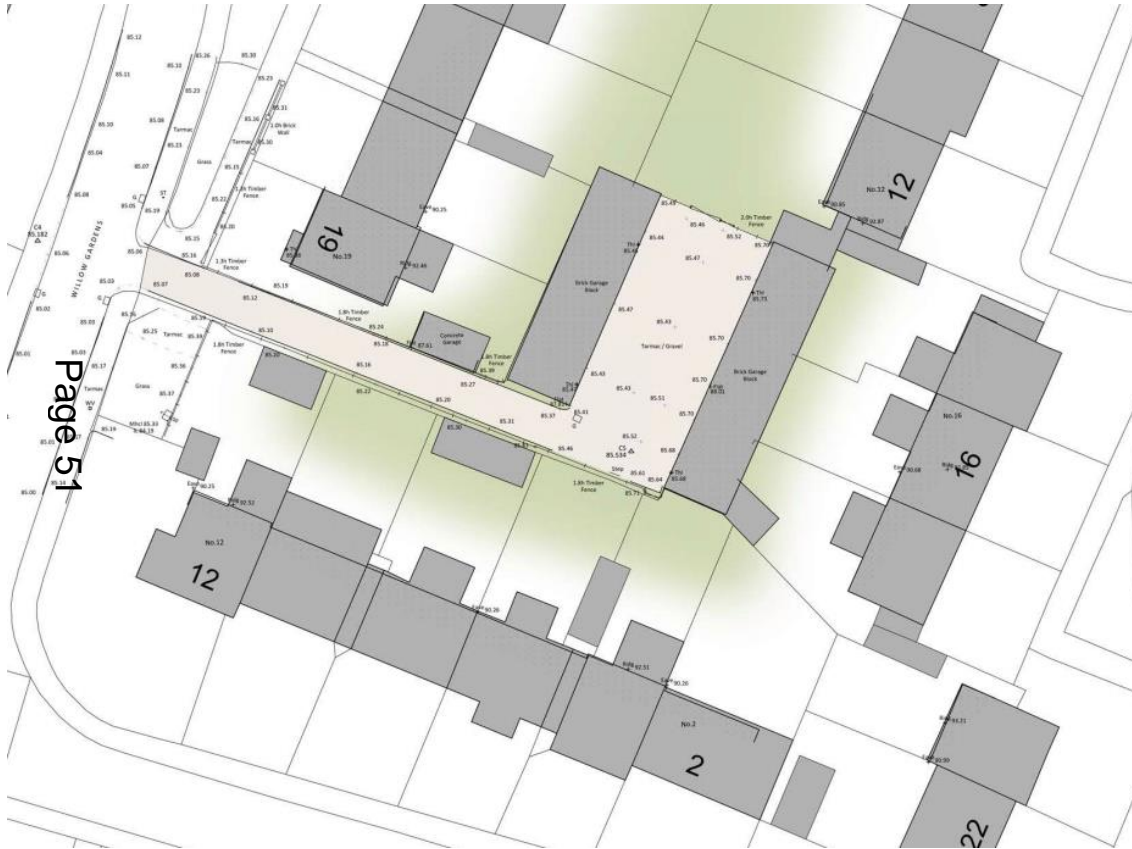
Site Location Plan



Enlarged Site Location Plan



Existing and Proposed Site Plan



Existing



Proposed

Proposed Floor Plan



Proposed Elevations



Front Elevation (south)



Rear Elevation (north)

Proposed Elevations

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East Elevation towards 14-18 Church Road



West Elevation towards proposed garden

Agenda Item 6

Site Photos



Site Access



View looking north towards No.12 Church Road garden

Site Photos



View looking east towards rear of 14-18 Church Road



View looking west towards rear of 17-19 Willow Gardens

Name of Applicant	Proposal	Expiry Date	Plan Ref.
BDHT	Demolition of existing garages and erection of new build dwelling including associated access, landscaping & garage. Land Rear Of 8 - 14 (evens) Willow Gardens, Bromsgrove	11.04.2024	23/01401/FUL

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

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

Consultations

Worcestershire Highways - Bromsgrove

Worcestershire Highways have no objection subject to planning conditions.

The site is located in a residential and sustainable location off an unclassified road, the site has a block of 17 garages and has an existing vehicular access with good visibility in both directions.

Willow Gardens has footways and street lighting on both sides of the road and no parking restrictions are in force in the vicinity. The site is located within walking distance of amenities, bus route and bus stops.

It is noted there will be a loss of 16 garages, the applicant has provided a justification and reasoning why the loss of these garages should be accepted by highways. There is no legal right for the applicant to provide the 13 garages (unoccupied) to accommodate local residential car parking.

The applicant has provided a car parking survey which confirms the streets in the vicinity (within 300m) have the capacity to provide parking for the 3 garages which are occupied. As part of the development proposals, a single garage is to be retained to serve a neighbouring property, whilst a new garage is proposed to be provided on-site for storage purposes associated with the new dwelling, garages are not counted towards the car parking allocation. It is noted there will be an overall reduction in vehicular use of the existing site access with the development proposals in place, and therefore the existing junction visibility and access is considered to be acceptable.

Further comments:

Notwithstanding the evidence submitted by the residents regarding on-street parking pressures, I have reconsidered my stance and agree with the applicant / agent that the site could be closed at any point by the owners to prevent parking occurring on-site, irrespective of the two planning applications coming forward. If the applicant is willing to provide parking away from the site then this would be welcomed but not a requirement. It is noted local residents, ward members have concerns regarding the displacement of

parking, however, as highlighted above there is no legal requirement for the applicant to provide alternative parking for that is being lost.

It should be noted garages are not counted as car parking spaces in line with the Streetscape Design Guide Page 43).

North Worcestershire Water Management (NWWM)

The site falls within flood zone 1 (low risk of fluvial flooding from a watercourse) but does have a high risk of surface water flooding which could exceed 300mm depth; this information can be viewed here: <https://www.gov.uk/check-long-term-flood-risk>. We hold no reports of flooding in the vicinity.

I acknowledge that the proposals result in an overall reduction in impermeable area and therefore there should be no increase in flood risk as a result of the development, provided appropriate drainage arrangements are incorporated. This should include attenuation to comply with the current climate change allowances and pathways for surface water to pass through the site without increasing risk elsewhere. Where possible infiltration should be utilised, and ground investigation surveys will be required to confirm feasibility. Where ground conditions do not allow for infiltration, the storm water sewer may be utilised subject to confirmation from STW Ltd. No storm water may enter the foul sewer network.

Should you be minded to grant permission, please include the following conditions on your decision notice:

No works in connection with site drainage shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

Finished floor levels within the development shall be set a minimum of 300mm above the surrounding ground levels or no lower than the nearest adjacent dwelling (whichever is the highest).

WRS - Contaminated Land

Due to the required demolition of the garages which may post potential contaminated land (including asbestos containing materials, for which a survey should be undertaken) WRS recommend a condition for reporting of unexpected contamination.

Public Consultation

9 letters sent 11.01.2024 (expired 04.02.2024)

Site notice posted 11.01.2024 (expired on 04.02.2024).

A total of 15 representations have been received including 14 objections which raise the following in summary matters:

- Parking, safety and congestion in Willow Gardens
- Construction traffic, parking and storage of plant and machinery
- Loss of access to the rear of garden or garage
- Noise pollution, dust and debris during the construction
- Security when the garages are removed and gardens are exposed during construction
- Proximity of the new dwelling to 3A Willow Road, imposing, obstruct light and reduce privacy and cause disturbance
- Garages are in disrepair
- Mud on the road

A number of other issues have been raised which are not material planning considerations and therefore have not been reported to Members.

A petition with 17 signatures has also been received with the following heading: 'Objections to planning for 2 private bungalows on garage sites'...Due to impacting over spill onto New Road from Willow Gardens'.

Councillor Marshall

Councillor Marshall has requested that this application be determination by the Planning Committee due to his concerns regarding the cumulative residual impact of displaced parking on the neighbouring area.

Relevant Policies

Bromsgrove District Plan (BDP) 2017

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP7 Housing Mix and Density
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP21 Natural Environment
BDP22 Climate Change
BDP23 Water Management

Others

National Planning Policy Framework (2023)
Bromsgrove High Quality Design SPD

Relevant Planning History

There is no relevant planning history for the site.

The adjacent site, land to the rear of Willow Road and New Road (Ref: 21/01343/PIP), has been granted permission in principle for a minimum of 1 dwelling and a maximum of

2 dwellings. A technical details application has not been submitted. Therefore, no details of layout are available.

The Site

The application site is located on the western side of Willow Gardens. The site is bound to the north by 3A Willow Road, gardens of residential properties on New Road to the west and gardens of residential properties on Willow Gardens on the south and east.

An existing access drive approximately 30 metres long and 3.3 metres wide serves the site and proposed dwelling. The site includes 17 garages; 16 garages are to be demolished and 1 garage is to remain. 3 garages are currently occupied. The garages are in various states of repair but on the whole have fallen into a state of disrepair.

The proposed dwelling is to be sited at the northern end of the plot, adjacent to No.3A Willow Road, with parking and turning to the south. The proposed garden at 105sqm is located to the side of the dwelling. The proposed dwelling would have two bedrooms. The proposed compliance plan shows a 1.8m high fence as the boundary treatment, the boundary along the access road is not proposed to be changed.

Assessment of Proposal

The Council cannot currently demonstrate a 5-year supply of housing land. Paragraph 11(d) of the National Planning Policy Framework (NPPF) states that where policies that are most important for determining the application are out-of-date, planning permission for new housing should be granted unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; (ii) any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The Council therefore falls short of a 5-year supply of land for housing and paragraph 11(d) as set out above is engaged. The consideration of the proposal under this element of the NPPF is drawn together in the conclusions section below.

Principle of Development

Policy BDP2 (Settlement Hierarchy) supports development on previously development land/buildings within existing settlements. The application site is within the residential area and is previously developed land in a sustainable area. The principle of re-developing the site for residential development is therefore acceptable.

Highways

Worcestershire Highways confirm that the site is within a residential and sustainable location.

The site has an existing access which would be re-used to facilitate access for the proposed dwelling. Worcestershire Highways confirms that there is good visibility in both directions and raises no technical concerns or matters of highway safety.

The termination of the leases/site by BDHT is an operational decision and does not require planning permission.

The proposed site plan identifies two car parking spaces and a garage for the proposed dwelling. The Worcestershire Highways Streetscape Design Guide requires two car parking spaces as a minimum and does not include garages within this calculation. The parking and turning area shown on the proposed site plan would be suitable for manoeuvring.

Worcestershire Highways have requested planning conditions for cycling and conformity of submitted plans for layout. EV charging would be required as part of Building Regulations and there is no proposed planning condition.

The garage which serves No.12 Willow Gardens is to be retained.

Whilst concerns have been raised by residents in respect of the existing car parking situation in Willow Gardens and the surrounding area; this is not something which the planning system can control. Planning permission is not required to cease the operation of the garages and whilst it was acknowledged on the Officer's site visit that indiscriminate parking is evident, this would be a County Council or Police matter to enforce as required.

Flood Risk and Drainage

The site falls within flood zone 1 (low risk of fluvial flooding from a watercourse) and is identified as having a high risk of surface water flooding. NWWM acknowledge that the proposals result in an overall reduction in impermeable area and therefore there should be no increase in flood risk as a result of the development, provided appropriate drainage arrangements are incorporated.

NWWM have requested a planning condition for surface water drainage details and finished floor levels.

Design, Layout and Appearance

The proposed layout of the bungalow, its garden area, garage and car parking is considered acceptable. The proposed dwelling would be single storey at c.6.4m to its apex with a hipped roof construction to respond to similar located bungalow. On the proposed site section, the proposed dwelling is shown as being slightly higher than No.3A Willow Road; however, this is annotated as ground level/finished floor level not being surveyed.

The proposed two-bedroom dwelling would comprise a gross internal floor area of 105sqm; which exceeds the technical housing standards. The internal arrangements provide suitable space for the future occupiers.

The proposed materials include brick, brown roof tiles, brick header and cills, grey windows and doors and black eaves, verge, fascia and rainwater goods. A suitable planning condition could be imposed for materials.

The proposed dwelling is shown to include solar panels on its southern and western elevations, which is supported by Policy BDP22.

The proposed garage has been designed of brick construction with a flat roof to reflect the surrounding existing outbuildings and adjacent retained garage.

Residential Amenity

The proposed site plan has included separation distances to nearby residential properties. The proposed dwelling would be single storey including only ground floor accommodation. There would also be boundary treatments surrounding the plot which would prevent harmful overlooking from its ground floor windows into neighbouring gardens.

The closest residential property is 3A Willow Gardens to the north which is annotated as 2m from the northern elevation. The proposed dwelling includes for a utility door and bathroom. There are no roof lights proposed.

The rear of No.8 Willow Gardens is c.17m from the ground floor window of the proposed dwelling.

The siting and scale of the proposed dwelling would not cause an adverse loss of privacy or overlooking to nearby residential properties. The proposed garden area is located to the side of the dwelling and is appropriate in area and overall depth.

The proposed boundary details are considered appropriate and a 1.8m close boarded fence is a common boundary between residential properties. During construction, when the garages are demolished there may be temporary fencing erected and this would be a matter for those residents affected to discuss with the Applicant and/or their appointed contractors.

Ecology

A Preliminary Ecological Assessment and Biodiversity Impact Assessment was submitted to support the application. The site comprises a mostly sealed surface including buildings. The report states that the only notable species which could be affected are hedgehogs and a methodology for site works has been provided. The Biodiversity Impact Assessment gives a baseline of 0.0140 units and provides for a net gain in biodiversity of 0.0312 units through the proposed garden. A planning condition to secure bat/bird boxes can be attached and also boundary treatments which considered hedgehog access gaps.

Other Matters

Noise and disturbance during construction has been raised by in an objection, this is a likely and inevitable consequence of most development but is generally short-term and is not a reason to withhold planning permission.

Conclusions

The Council cannot currently demonstrate a five year housing land supply and therefore paragraph 11 of the NPPF states that for applications for housing, planning permission should be granted unless:-

- (i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or
- (ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Limb i) does not apply.

In view of limb (ii) the proposal would make a small contribution to the Council's housing supply, offering some employment opportunities during construction. The site is located within a sustainable residential area and the principle of development is acceptable. The overall site layout, design and appearance are considered acceptable and deliver a high-quality home. There are no technical concerns with the proposal that would significantly and demonstrably outweigh the benefits of the proposal as a whole.

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:

- 279_PL-S2-01_LOCATION PLAN
- 279_PL-S2-10_PROPOSED SITE PLAN
- 279_PL-S2-11_PROPOSED COMPLIANCE PLAN
- 279_PL-S2-12_PROPOSED SITE FLOOR PLAN
- 279_PL-S2-13_PROPOSED SITE PLAN CALCULATIONS
- 279_PL-S2-14_PROPOSED SITE SECTIONS
- 279_PL-S2-20_PROPOSED DWELLING ELEVATIONS
- 279_PL-S2-21_PROPOSED GARAGE

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

3. No works in connection with site drainage shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage.

The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

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

4. Finished floor levels within the development shall be set a minimum of 300mm above the surrounding ground levels or no lower than the nearest adjacent dwelling (whichever is the highest).

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

5. 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.

6. The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking to comply with the Council's adopted highway design guide has been provided 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.

7. The Development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on drawing PL-S2-11.

Reason: To ensure conformity with submitted details.

8. The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatment to serve the development shall include integral hedgehog access gaps where appropriate. The boundary treatments shall be completed in accordance with the approved details.

Reason: In order to secure a well-planned development

9. Prior to first occupation in order to provide a net gain in biodiversity two schwegler bat and/or bird boxes or equivalent shall be placed on site in suitable locations at least 3 metres above ground level facing to the south or east and kept thereafter in perpetuity.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan and Paragraph 180 of the NPPF.

10. 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.

Case Officer: Rosie Paget Tel: 01527 881184
Email: rosie.paget@bromsgroveandredditch.gov.uk

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23/01401/FUL

Land Rear Of 8 - 14 (evens) Willow Gardens,
Bromsgrove, Worcestershire, B61 8QD

Demolition of existing garages and erection of
new build dwelling including associated access,
landscaping & garage.

Recommendation: Grant

Site Location Plan



Enlarged Site Location Plan



Existing and Proposed Site Plan



Existing



Proposed

Proposed Floor Plan



Proposed Elevations



Front Elevation



Rear Elevation
(towards 3A
Willow Road)

Proposed Elevations



East Elevation

Page 72



West Elevation towards proposed garden

Agenda Item 7

Site Photos



Site Access



View looking west of existing garages

Site Photos



View looking north towards 3A Willow Road



View looking east towards 8 Willow Gardens

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr M Shaban	Change of Use from a dwellinghouse (Use Class C3) to a children's home (Use Class C2) 135 Shawhurst Lane, Hollywood	11.04.2024	24/00025/FUL

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

RECOMMENDATION: That planning permission be **GRANTED**

Consultations

Worcestershire Highways - Bromsgrove

No objection subject to a condition. The site is located in a residential location off an unclassified road, the site has an existing vehicular access. Shawhurst Lane has footways, street lighting and "No Parking" restrictions 8am - 5.30pm are in force in the vicinity. The site is located within walking distance of amenities, bus route and bus stops. It is noted this planning application has received 21 objections to date, these objections have all been taken into consideration.

The applicant has failed to provide 2 cycle parking spaces in accordance with WCC parking standards - conditioned below.

It is recommended the overgrown vegetation that impedes vehicular and pedestrian visibility at the entrance of the drive is cut back and maintained at all times in the interest of highway and pedestrian safety.

In accordance with WCC car parking standards this proposed development is recommended to provide 1 car parking space per member of staff and 1 car parking space per 4 residents as a worst-case scenario. A site visit confirmed the forecourt has the ability to park 3 plus vehicles therefore the parking on site is deemed to be acceptable in this instance.

It is noted from the objections that the objectors are concerned about unsafe parking of vehicles associated with the proposal on the highway during school pick up time - leading to highway safety concerns. "No Parking" restrictions 8am - 5.30pm are in force outside the application site and along Shawhurst Lane. With the current layout the applicant has room on site to park 4 vehicles and if the drop kerb was extended there would be room to park 6 vehicles on the forecourt, however; as highlighted above only 3 car parking spaces are recommended in accordance with WCC car parking standards.

The proposed development expects one - two visits from social workers every six weeks and that these visits will be by appointment only. As highlighted above car parking would be available on site for these visits - no displacement of vehicles onto the highway.

The home also expects a therapist to visit once a week for one to two hours and that these visits are also pre-booked. Again, as highlighted above car parking would be available on site for these visits.

The applicant has confirmed residents would be transported to education facilities depending on their needs, by an appointed vehicle or vehicles which could be a taxi or minibus. It is expected that these transportations would comprise a pick-up and drop-off arrangement. Sufficient parking area is available within the site for the appointed vehicle to pick up / drop off. This area would ensure vehicles are not being displaced onto the highway causing pedestrian and highway safety concerns.

WRS - Noise

WRS can only comment on noise from predictable sources such as external plant / equipment associated with a change of use. The use of the dwelling house as a children's home should not necessarily result in any increase in noise levels from domestic activities compared to that of a family home. If there are concerns that the building structure is substandard in terms of party wall sound insulation then this would be a matter for building control / regulations. Therefore I have no objection to the application in terms of noise.

Wythall Parish Council

No objections from a planning view point, although we note the concerns of some local residents about the unknown quantity that this change of use may represent. Particularly regarding a fear of a potential increase in problems such as anti-social behaviour due to the unknown background of the children. We are mindful of a sizeable elderly population living close by and would welcome any more information being made available to allay these concerns.

Publicity

5 letters sent 01.02.2024 (expired 25.02.2024)

1 site notice displayed 06.02.2024 (expired 1 March 2024)

25 letters of objection have been received, raising the following in summary matters:

- Lack of clarity of the proposals
- Intensity of the use
- Overlooking
- Concerns over the running and operations of the childrens home
- Lack of information and conflicting information
- Lack of community engagement
- No benefit to the local community
- Noise, disturbance, increase in crime, drug use, and anti-social behaviour
- Insufficient car parking, highway safety and a busy local area, lack of public transport options
- Potential future expansion
- Concerns in respect of fire risk

A number of other issues have been raised which are not material planning considerations and therefore have not been reported in this section to Members.

Cllr Derek Forsythe

Due to the concerns of local residents regarding this planning application for the "change of use of 135 Shawhurst Lane", I request a Call-In Notice in order to give the BDC Planning Committee the opportunity to approve/reject this application.

Relevant Policies

Bromsgrove District Plan

BDP1 - Sustainable Development Principles

BDP2 - Settlement Hierarchy

BDP12 - Sustainable Communities

BDP16 - Sustainable Transport

BDP19 - High Quality Design

Others

National Planning Policy Framework (2023)

Bromsgrove High Quality Design SPD

Ministerial Statement made on 23 May 2023 'Planning for accommodation for looked after children'.

Relevant Planning History

There is no relevant planning history.

Assessment of Proposal

The site is located to the north of Shawhurst Lane, within the residential area of Wythall.

The host property is a semi-detached, two storey, three bedroom dwelling which has a C3 use class relating to a dwelling house (occupied by a "household"). This application seeks permission for a change of use from a dwellinghouse (Use Class C3) to a children's home (Use Class C2).

Throughout the determination process, additional clarification and information has been sought and received in respect of how the home would operate. This information has been added to the public record upon receipt and confirmed as follows:

- The proposed development includes the change of Use from a dwellinghouse (Use Class C3) to a children's home (Use Class C2).
- 135 Shawhurst Lane is a semi-detached property.
- The home would provide accommodation for up to three children aged 8 to 18 years old. The children may be looked after on a temporary basis until the placing of the child in a Local Authority foster home, or on a longer-term basis until they are no longer a child of if their care plan changes.
- The children would be in full time mainstream education, they would not be home schooled. The children would be taken to school by an appropriate vehicle.
- There would be two staff present on site during a standard shift. One staff member would be sleeping during the night and the other would be on duty during the night.
- Each staff member would be on shift for 24 hours, each shift starts at 7.30/8am and finishes at 7.30/8am the following morning. There is only one shift change per day,

and at that time there would be four members of staff on site for c.20minutes for staff handover.

- It is anticipated that two visits from social workers would take place every six weeks, by appointment only and lasting for approximately one hour. A therapist would also attend the home once a week for a couple of hours, again by appointment only.
- There is a staff office on the first floor within the home and a staff bedroom at ground floor, the children's bedrooms would be on the first floor.
- No external alterations to the building are proposed. Minor internal alterations are proposed.

Change of Use

Development is defined in Section 55 of the Town and Country Planning Act 1990 as the carrying out of building, engineering, mining or other operation's in, on, over or under land; or the making of any material change in the use of any buildings or other land.

Town and Country Planning (Use Classes) Order 1987 (as amended)

Use Class C2 (Residential Institutions) of the Order reads as follows:

Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C3 (b) of the Town and Country Planning (Use Classes) Order (as amended) refers to "use as a dwelling house by not more than six residents living together as a single household, (including a household where care is provided for residents)." If a children's home was being run on this basis, with children being looked after by a permanent occupant of the dwelling, there would be no requirement for planning permission.

The Agent has submitted an example appeal decision for a lawful development certificate as part of its submission. Regard has also been had to the Ministerial Statement made on 23 May 2023 'Planning for accommodation for looked after children'.

Case law has provided us with important distinctions between Use Class C2 and C3. In the case of North Devon District Council [2003] Justice Collins made the point that children "need to be looked after. They cannot run a house. They cannot be expected to deal with all the matters that go to running a home ... children are regarded as needing fulltime care from an adult, someone to look after them, someone to run their lives for them and someone to make sure that the household operates as it should."

The North Devon judgement confirms that it is unrealistic to expect children to look after themselves in a single household. It also clarified that carers who provided 24 hour care but were not resident could not be regarded as living together in a household.

On this basis, the Council is satisfied that the proposed use would fall within Use Class C2.

The proposed change of use class (from C3 to C2) does not necessary equate to a material change of use. A change of use requires planning permission if it constitutes a material change of use. There is no statutory definition of 'material change of use'; however, it is linked to the significance of the change and the resulting impact on the use

of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case.

The applicant has provided details as to how the home would operate, as set out above.

Based on the information which has been provided including but not limited to: staff would operate in shifts, there would be a member of staff on waking night duty, there would be a designated office within the home, there would be other visitors to the home on a weekly and monthly basis, the host dwelling is semi-detached and within close proximity to other dwellings, and that the children may reside for a temporary period only, it is considered that as a result of the above the intensity and character of the property would result in a material change to the dwelling.

Policy BDP12 supports facilities that: meet the diverse needs of existing and future residents, are safe and inclusive, well planned, built and run, and offer equality of opportunity and good services for all.

The material change of use is considered to be acceptable in principle, there is no substantive evidence to suggest that children's care homes are incompatible with C3 dwellings and that whilst there will be a change in character that is not to say that such a change would be unacceptable as a matter of fact.

A planning condition could be attached to a permission to ensure that the use is restricted to the provision of residential accommodation and care for the children outlined within this application and not an unrestricted C2 use which may not be acceptable.

The following matters are considered as to the suitability of the use in the proposed location.

Highways Matters

The site is located within a residential and sustainable area of Wythall, which is identified in Policy BDP2 as a large settlement. Shawhurst Lane has footways, street lighting and "No Parking" restrictions 8am - 5.30pm are in force in the vicinity. The site is located within walking distance of amenities, bus route and there is a bus stop outside the site which is served by the A4 which provides connections to Solihull to Inkford Brook via Shirley, Dickens Heath, Maypole and Wythall. This is a Monday to Saturday service operating approximately hourly between 6am and 7pm (depending on stop location).

The County Council raises no objection and has requested a planning condition for cycle parking in accordance with its standards within Appendix G of the Streetscape Design Guidance which requires 1 space for every 4 members of staff and 1 space for every 10 residents for a C2 (Nursing Home) which is the closest land use within the standards to the proposed development.

The existing access and car parking area to serve three plus vehicles is to remain, and the County is satisfied that there is sufficient space available for the required car parking and that there should be no vehicular displacement to the highway. Any indiscriminate parking in an area of "no parking" would be a police matter. There is an option for some staff and visitors to arrive via public transport or by walking or cycling, even though car parking would be sufficient to accommodate all staff members. The County Council has

clarified that Shawhurst Lane is not a classified road and that vehicles are not required to enter and leave the site in a forward gear, and that existing properties located in the vicinity of the site reverse onto the highway.

There may be deliveries to the site, however, there is no evidence that deliveries will be other than may be expected at a C3 dwelling.

Overall, parking provision and the movement of vehicles and pedestrians in association with the proposed development would be acceptable and would not lead to any issues of highway safety. In addition there would be no conflict with the National Planning Policy Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The County Council has not raised issues of highway safety or severe impacts on the road network.

Noise, Living Conditions and Residential Amenity

WRS have no objections and confirm that the use of the dwelling house as a children's home would not necessarily result in any increase in noise levels from domestic activities compared to that of a C3 dwelling. WRS also note that if there are concerns that the building structure is substandard in terms of party wall sound insulation then this would be a matter for building control/regulations. The planning system should not duplicate other control measures.

The information submitted indicates that there would be some additional traffic movements, over and above that associated with a three bedroomed house, connected to the changeover of staff and perhaps at the beginning and end of the school day. However, such movements would not be disproportionately large or significantly above that associated with the existing use as a dwelling. Given the limited change in traffic generation anticipated, I am satisfied that there would be no detriment to the adjacent residents living conditions associated with the manoeuvring of vehicles at the site.

The NPPF seeks to ensure that development is inclusive, and the fear of crime does not undermine quality of life, community cohesion and resilience. The courts have held that the fear of crime can be a material consideration. The children's home would be for up to three children between 8 to 18 and this could be controlled by planning condition. The children would be cared for by 24-hour carers. Several neighbour responses note that this area is of an older generation. There is no evidence to suggest that the home would be in conflict with such a population. The matters in respect of noise and disturbance have been considered above. It is considered that at the level proposed the development would not have a greater impact for crime than any other C3 home.

There would be internal alterations to facilitate the development only. Given that there would be no external alterations to the dwelling, the proposal raises no concerns with matters relating to design and appearance.

There is sufficient amenity space to the rear and the property has permitted development rights to erect boundary treatments as is necessary.

Complaints of anti-social behaviour, crime and drug use would all be police matters.

Other Matters

Article 3.1 of the United Nations Convention on the Rights of the Child provides that “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”. It is 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 application is supported by an extract of an article about a lawful development certificate, an article about the loss of supported accommodation and changes within the system, an appeal decision for a lawful development certificate (Ref: 3300634), a Report on Children's social care market study (2021) including a summary (2022).

One resident has objected to state that the location plan does not include all surrounding properties. It does appear that 133A Shawhurst Road has been omitted from the location plan. The location plan does identify the land to which the application relates and therefore satisfies The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

The proposed plan has also been amended following the identification of a drafting error; an internal door was missing to a bedroom on the first floor.

With regards to the possibility of the development devaluing other neighbouring properties, this is not a material planning consideration. The location of the company headquarters, pay of staff, profits of the company and overall operational running of the business is not a material planning consideration. Concerns in respect of fire risk would be matters for building control. There is no statutory requirement for a development of this size to consult the local community prior to a planning application being submitted. Some of the comments made on the history of the children which may reside at the property, alongside comments made as to their potential behaviours are not material planning considerations.

Conclusion

The proposed change of use from a dwellinghouse (Use Class C3) to a children's home (Use Class C2) for up to 3 children between the ages of 8 – 18, in this semi-detached dwelling, located in the residential area, is considered acceptable in principle.

There are no outstanding objections from consultees, and it is concluded that there are no issues of highway safety or severe road network impacts. There would likely be an intensification of activity at site; however, this is not considered to be so significantly adverse as to cause unacceptable noise and disturbance to residents.

WRS have concluded that if the building structure is substandard in terms of party wall sound insulation, then this would be a matter for building control / regulations.

The best interests of the children are a primary consideration in this case.

Taking all of the above into account, it is considered that the change of use is acceptable subject to the necessary 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. The development hereby approved shall be carried out in accordance with the following plans and drawings:

- Location Plan and Block Plan: PL01
- Proposed Plans: PL03 REV A

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

3. The premises shall only be used as a residential care home for children, with a maximum of 3 children in residence at any one time and shall be between 8 and 18 years when first placed in care at the premises, and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: to provide certainty of the proposed development and limit the use of the property to a care home for a maximum of three children of a restricted age range in order to minimise the intensity of the use and protect the amenity of neighbours.

4. The Development hereby permitted shall not be first occupied until 2 sheltered, safe, secure and accessible cycle parking spaces to comply with the Council's adopted highway design guide have been provided and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's cycle parking standards and provide and encourage opportunities for sustainable methods of transport.

Case Officer: Rosie Paget Tel: 01527 881184
Email: rosie.paget@bromsgroveandredditch.gov.uk

24/00025/FUL

135 Shawhurst Lane, Hollywood, Worcestershire, B47
5JR

Proposal: Change of Use from a dwellinghouse (Use
Class C3) to a childrens home (Use Class C2)

Recommendation: Approval subject to conditions

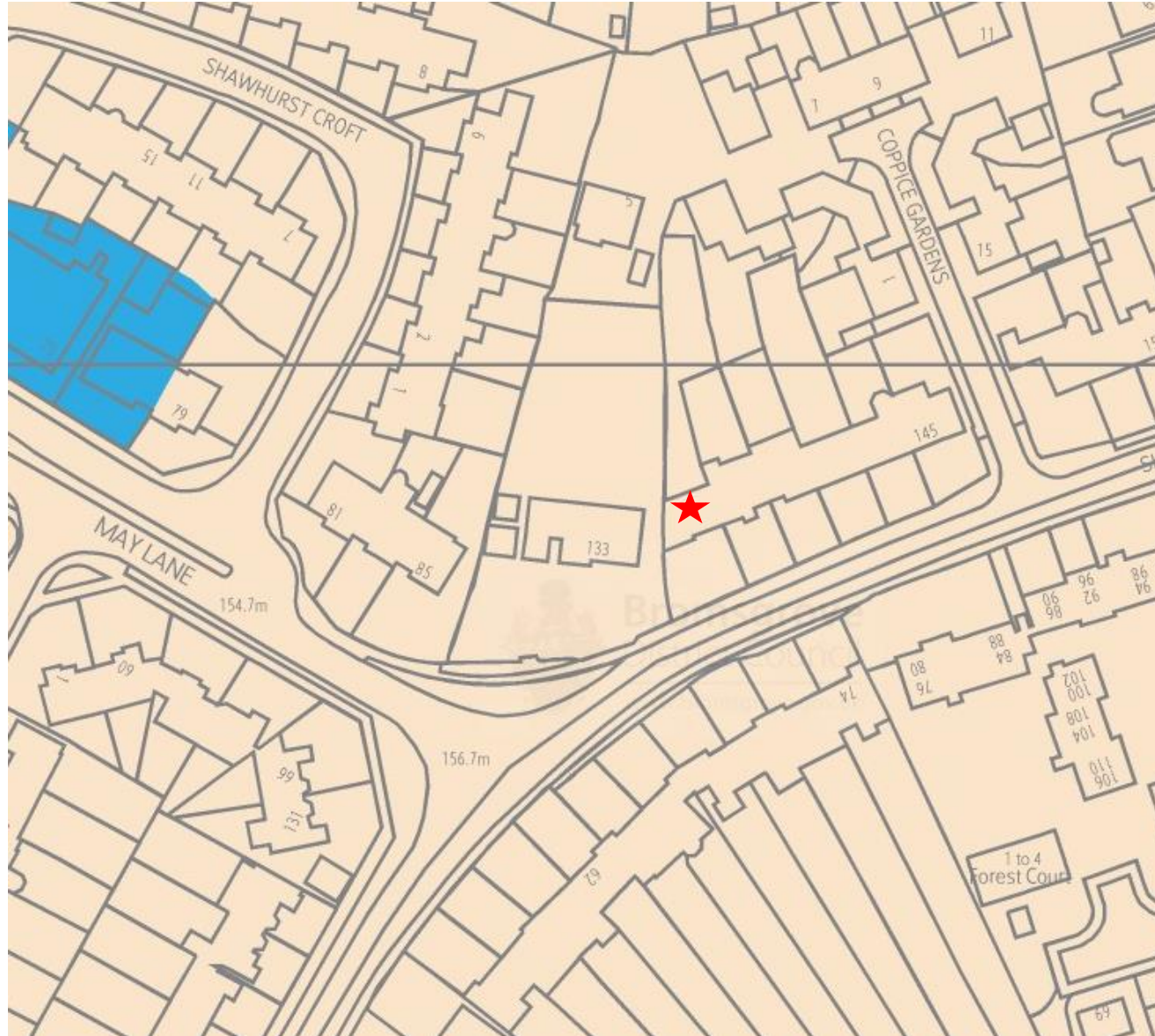
Site Location Plan



Aerial Photograph of site

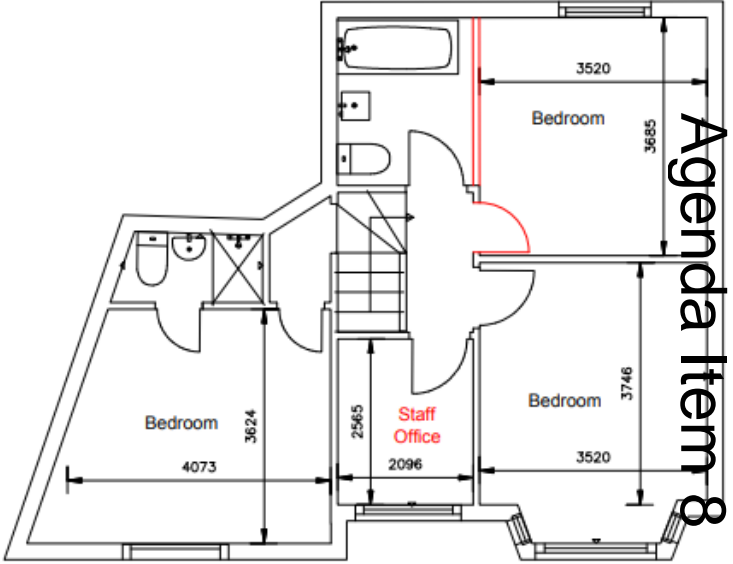
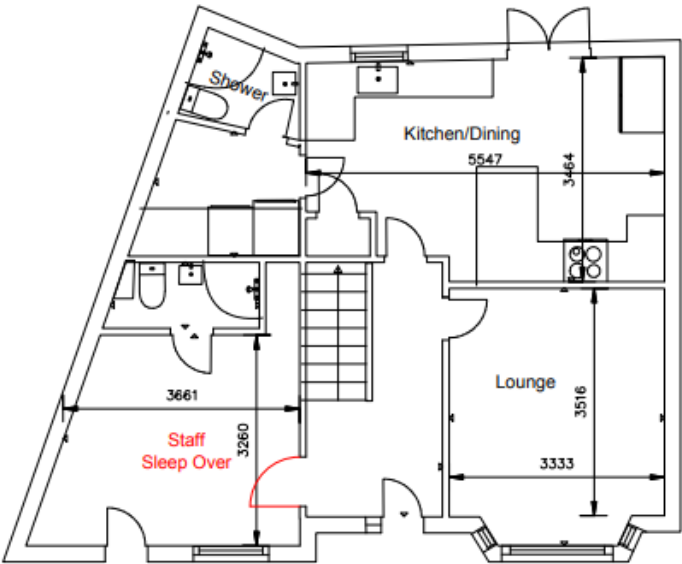
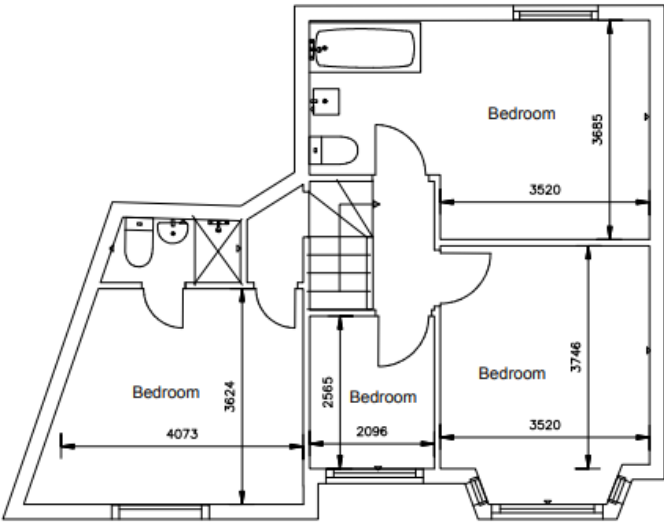
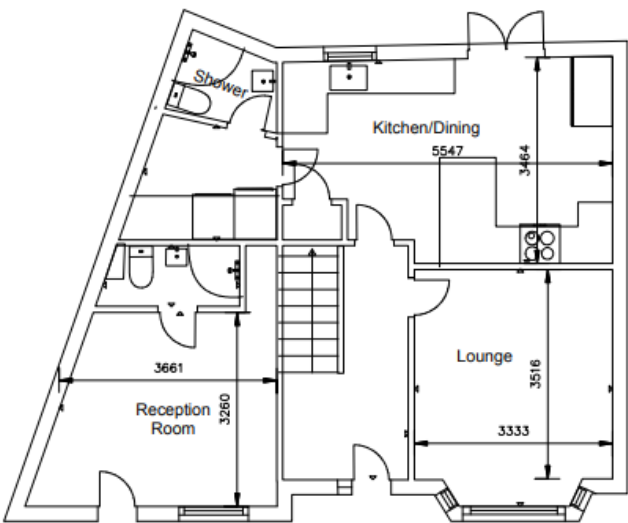


Bromsgrove District Plan Proposals Map



Existing floor plan

Proposed floor plan



Ground Floor Plan

First Floor Plan

Site Photograph



Name of Applicant	Proposal	Expiry Date	Plan Ref.
Cawdor Capital (Hopwood) Limited.	Development of 34 affordable dwellings, associated landscaping, siteworks and construction of new access from existing highway roundabout. Land To Rear Of 1-6 Smedley Crooke Place, Redditch Road, Hopwood, Worcestershire		24/00079/FUL

RECOMMENDATION:

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

(b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:

- i) The provision of 34 affordable dwellings on the site (social rented).
- ii) A financial contribution of £96,000 for Public Transport improvements.
- iii) A financial contribution of £29,665.41 for necessary School Transport Services.
- iv) A financial contribution £3,798.90 for necessary Community Transport Services
- v) A financial contribution of £24,000 towards Herefordshire and Worcestershire CCG
- vi) £41.80 contribution for refuse and re-cycling bins per dwelling
- vii) A section 106 monitoring fee.

(c) And that **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to agree the final scope and detailed wording and numbering of conditions as set out at the end of this report.

Consultations

WRS - Noise

No objection subject to conditions

Noise mitigation conditions relating to glazing, ventilation and solid boundary fencing, Construction Environmental Management Plan

North Worcestershire Water Management

No objection subject to proposed drainage scheme condition.

Housing Strategy

No objection, Housing Strategy support this application and social rent tenure subject to there being a priority for 3 bed properties.

Worcestershire Archive and Archaeological Service

No archaeological condition required.

Highways England

No objection subject to construction management condition

Highways - Bromsgrove

No objection subject to conditions and Planning Obligations

Approved Plans – Highways works

Approved Plans – Layout works

Construction Environmental Management Plan

Residential Welcome Pack

Cycle Parking

A financial contribution of £96,000 for Public Transport improvements.

A financial contribution of £29,665.41 for necessary School Transport Services.

A financial contribution £3,798.90 for necessary Community Transport Services

Bromsgrove Strategic Planning and Conservation

Object as the application represents development that is:

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

WRS - Contaminated Land

No objection subject to conditions

- Tiered Investigation
- Reporting of Unexpected Contamination

Arboricultural Officer

No objections to the scheme following amendments, subject to conditions.

- Tree Protection measures in place prior to commencement
- All tree management pruning work should be carried out in accordance with recognised good practice by reference to British Standard 3998 (2010)

Education Department at Worcestershire

The development is not liable for a contribution due to the tenure of the housing proposed.

NHS/Medical Infrastructure Consultations

A developer contribution will be required to mitigate the impacts of this proposal.

Herefordshire and Worcestershire CCG calculates the level of contribution required in this instance directly relating to the number of dwellings to be £24,000.

Alvechurch Parish Council

APC: Objection

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

- The proposed development is outside of the Village Envelope, on Green Belt land and does not therefore conform to APC's NDP/relevant, statutory policies contained therein and there are no justifiable exceptional circumstances.

- APC challenge the applicants sustainability argument regarding local amenities and this was clearly stated in the objections to the previous application.
- APC do not consider that the change from a mixed development for sale to 100% rentable is justifiable.
- Once again, APC refer BDC to the letter dated 6th November 2018 to the Case Officer Paul Lester and the criteria detailed therein has not changed since that date.
- APC consider that the development proposal is extremely dense for such a small site area.
- APC do not consider the application warrants the 'special circumstances for building in the Green Belt'.

Public comments

54 letters sent to neighbours 05.02.2024 expired 29.02.2024

Press advert 09.02.2024 expired 26.02.2024

Site notice displayed 09.02.2024 expired 04.03.2024

4 objections have been received, comments are summarised as follows:

Green Belt

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

Highway matters

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

Capacity of the existing roundabout to take additional demand

Lack of safe pedestrian crossings

Other matters

Premature to consider this site prior to local plan review restarting

Contrary to Policy BDP9 (Rural Exception Site)

Lack local amenities/unsustainable site

Contrary to neighbourhood plan (outside of village boundary)

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

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP3 Future Housing and Employment Development

BDP6 Infrastructure Contributions

BDP7 Housing Mix and Density

BDP12 Sustainable Communities

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP21 Natural Environment

BDP24 Green Infrastructure
BDP25 Health and Well Being

Others

NPPF National Planning Policy Framework (2023)
NPPG National Planning Practice Guidance
ALVNP Alvechurch Neighbourhood Plan
APDS Alvechurch Parish Design Statement
High Quality Design SPD

Relevant Planning History

22/01419/FUL	Development of 34 affordable dwellings, associated landscaping, siteworks and construction of new access from existing highway roundabout.	Refused	09.11.2023
21/00873/FUL	Development of 22 dwellings, associated landscaping and siteworks and construction of new access from existing highway roundabout.	Refused	11.03.2022
17/01290/OUT	Outline application (matters of access and scale to be considered) for the development of up to 10 two storey dwellings and alterations of existing access	Refused Dismissed at Appeal	05.02.2019 16.12.2019
12/1040	Residential development of 21 dwellings (outline)	Refused Dismissed at Appeal	10.01.2014 14.10.2014
08/1038	Nursing home and associated offices - OUTLINE	Refused	26.08.2011
B/2007/0261	Office development (outline)	Withdrawn	30.11.2007
B/2006/0080	Office development (outline)	Withdrawn	10.05.2006
B/1995/0862	Erection of public house and associated Parking and area for social housing and /or public open space	Refused	15.01.1996
B/1991/0966	Proposed B1 development comprising 2 No. blocks of 15,000sq ft each	Withdrawn	09.12.1991

COU/1/85	Established Use Certificate relating to the storage of plant	Granted	06.02.1995
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Assessment of Proposal

Background to the application

This is a resubmission of planning application 22/01419/FUL for the erection of 34 affordable dwellings. The application was refused by Members (contrary to the officer's recommendation) in November 2023 due to green belt matters and concerns regarding the sustainability of the site.

The full reasons for refusal are outlined below:

1) The site is located outside a defined village envelope within an area identified within the Development Plan as falling within the Green Belt where there is a presumption against inappropriate development. In such an area, development is limited to that which is not inappropriate to a Green Belt and which would preserve its openness. The proposal does not meet any of the policy criteria specified at Policy BDP4 of the Bromsgrove District Plan (BDP) or at Paragraph 149 of the National Planning Policy Framework (2023) (NPPF) and as such the proposal would amount to inappropriate development, which by definition, is harmful to the Green Belt. The proposal would also result in a detrimental impact on openness of the Green Belt due to its scale and location and conflict with the Green Belt's purposes, as identified in the NPPF paragraph 138. No very special circumstances exist or have been put forward to clearly outweigh the significant harm caused to the Green Belt. As such the proposal is contrary to Policy BDP4 of the Bromsgrove District Plan and the provisions of the Alvechurch Neighbourhood Plan and the National Planning Policy Framework.

2) The proposed development by reason of its distance from essential services, job opportunities and public transport links would mean that future occupiers would be reliant upon motor vehicles as a means of transport. As such it would result in an unsustainable location of development, which is exacerbated by the tenure of the dwellings. The proposal would therefore be contrary to Policies BDP1 and BDP16 of the Bromsgrove District Plan and Paragraphs 110 and 112 of the National Planning Policy Framework.

The NPPF was revised in December 2023 and therefore the references in the refusal reasons above reflect the previous version of the NPPF.

As part of the resubmission, the applicant has provided further justification in relation to the reasons for refusal, including a report regarding the sustainability of the site. These are assessed in this committee report.

At the time of drafting the committee report a planning appeal against the refusal of the 22/01419/FUL application has been received by the Planning Inspectorate (APP/P1805/W/24/3339483). However, while the appeal has been accepted by the Planning Inspectorate there is currently no start date. From submissions from the appellant

and the Local Planning Authority, the Planning Inspectorate have confirmed that appeal will be considered via a hearing.

Site Description

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

Proposal

The full planning application is for the development of 34 affordable dwellings, associated landscaping and siteworks and construction of a new access (fourth arm) from the A441/B4120 roundabout. The development would close off the existing site access from A441 Birmingham Road and include removal of all materials pertaining to the current use of the site.

The application proposes all the dwellings will be social rented. This meets the definition of Affordable housing in found in Annex 2 of the NPPF. Bromford Housing Association have been identified as the proposed operator.

The proposing housing mix is as follows:

Total	Form	Type
16	Semi Detached	3b5p house (Ra_1)
1	Semi Detached	3b5p house (Ra_1.1)
9	Semi Detached	2b4p house (Ra_2)
4	Semi Detached	2b4p house (Ra_2.1)
2	Maisonette	1b2p GF Flat (Ra_3)
2	Maisonette	1b2p FF Flat (Ra_3.1)

	1bed	2bed	3bed
Total Units	4	13	17
Percentage	12%	38%	50%

Assessment

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

The main issues are therefore considered to be:

- Five Year Housing Land Supply
- Green Belt
- Provision of affordable housing
- Alvechurch Neighbourhood Plan
- Existing Use/Fall-Back
- Design
- Residential Amenity
- Highways
- Sustainability– Distance to Facilities
- Flooding and Drainage
- Ecology
- Tree and landscaping
- Planning Obligations
- Planning Balance

Five Year Housing Land Supply

The Council has identified that it can currently demonstrate a housing land supply of 3.3 years (up from 3.23 years previously). Therefore, despite progress which has been made in identifying sites and granting planning permissions the Council still considers that it cannot demonstrate a five year housing land supply.

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

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

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

The consideration of the proposal under this element of the NPPF is drawn together in the conclusions section below.

Green Belt

Paragraph 142 of the Framework identifies that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm. The Framework also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Paragraphs 154 and 155 of the NPPF allow for some exceptions to inappropriate development, one of which is:

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

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

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

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

The Council does not dispute that the site constitutes previously developed land. It therefore needs to be assessed as to whether the proposal complies with either part of paragraph 154 (g).

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

This view is supported by a legal case of *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466, where it was concluded that there is a

difference between permanent and temporary structures and their impact on the Green Belt cannot necessarily be compared.

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

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

The first part of paragraph 154(g) refers to the redevelopment of previously developed land that does not have a greater impact on the openness of the Green Belt than the existing development.

The second part of paragraph 154(g) refers to the redevelopment of previously developed land that does not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. This is a lesser test of harm than under the first part of para. 154(g) accepting that some harm can be caused to the openness of the Green Belt.

This application is a 100% affordable housing development that is more than the affordable housing required by the district plan. The redevelopment of previously developed land, which provides policy compliant affordable housing is appropriate development under paragraph 154(g) if it does not cause substantial harm to the openness of the Green Belt.

As such the proposal needs to be assessed whether it would cause substantial harm to the openness of the Green Belt compared to the existing situation having regard to Para 154(g) of the NPPF.

Openness

The NPPG sets out what characteristics can be considered when assessing the impact of a development upon openness. It sets out that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified several matters which may need to be considered in making this assessment. These include, but are not limited to:

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

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

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

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

The applicant contends there would be an intensification of storage operation were permission to be refused. It may be that anyone with a commercial interest may look to intensify the use of the site. The aerial images since 2008 show that some areas have undergone intensification at certain times but there is a clear transient nature to storage on this site. It fluctuates within the plot as items are hired out and returned or users and their needs change.

I accept that the areas confirmed as lawful by the LDC to be used for storage could be used for the storage of shorter/taller and less/more numerous items. However, it is not correct that items could be stacked to reach any height as there would be a physical limit to such stacking which may necessitate further development requiring planning. However, the existing areas of open storage confirmed as lawful by the LDC have an adverse impact on the openness of the Green Belt, and that impact could be lawfully increased or decreased to a limited extent.

It is noted that in the conclusions made by the Planning Inspector in relation to the consideration of the 2017 proposal. The Inspector concluded in paragraph 19 that:

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

However, this was based upon a scheme for up to 10 dwellings which would provide a large area of the site for open space and landscaping. On this basis the previous planning application is simply not comparable with the current planning application for 34 dwellings. The assessment of the Planning Inspector for the 2012 application for 21 dwellings is more pertinent, in this the Inspector concludes in paragraph 24 that:

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

By comparison with the existing site, the proposed development would be markedly taller and comprise of permanent buildings and spread across the whole of the area of the application site. The proposed dwellings would be accompanied by a formal driveway, parking, and garden areas, which would be enclosed by planting and fencing and would comprise a different character and intensity of use. Taking everything together, the application would give rise to an intensely developed site, with a considerably different and greater coverage, footprint, floorspace, height and overall extent of built form compared to the existing situation.

Consequently, due to the permanent nature of the proposed development and its overall visual and spatial implications, it would not result in an equivalent or improved state of openness when compared to the existing use of the site but would rather lead to a marked reduction of openness in these terms.

Applicants case and conclusions on openness

As outlined in the applicants Planning Statement, it is their case that the application does not cause substantial harm to the openness of the Green Belt since the development is contained within the open storage area of the site and, furthermore, there will be substantial landscaping within and around the site to actually mitigate any impact upon openness to the extent that whether there is any greater impact upon openness is itself a moot point. Furthermore, there will be no 'substantial impact' upon openness of the Green Belt.

However, it is considered that based on the submitted information that the redevelopment of this site to provide 34 dwellings would have a greater impact upon the openness of the Green Belt than existing and would result in substantive harm to the openness of the Green Belt.

For these reasons, the proposal would result in substantial harm to the openness of the Green Belt. It would not therefore constitute an exception as specified within Paragraph 156g of the Framework and would be inappropriate development.

Purposes of the Green Belt

Paragraph 143 of the Framework sets out the purposes of the Green Belt. These include (amongst other things) to assist in safeguarding the countryside from encroachment.

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

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

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

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

Thus, the proposal would cause substantial harm in terms of loss of openness and modest harm to one of the purposes of including land in the Green Belt. In accordance with the Framework (Paragraph 153) substantial weight is given to this harm to the Green Belt.

Affordable Housing

Policy BDP8 relates to affordable housing and requires 30% affordable housing provision on brownfield sites over a threshold of 11 dwellings. In this case the applicant is proposing to provide 100% of the houses as affordable and as such the proposal complies with Policy BDP8.

The applicant has submitted an Affordable Housing Statement prepared by Tetlow King. This concludes the following on Affordable Housing Needs and Delivery.

“In the eleven year period since the start of the Local Plan period in 2011/12, net affordable housing delivery represented 19% of net overall housing delivery , equating to 51 net affordable dwellings per annum.

The level of affordable housing delivery is significantly lower than the identified needs of the District. When comparative analysis is undertaken against either of the assessments of affordable housing need in the District (the 2012 SHMA; and 2022HEDNA) substantial shortfalls have arisen in the provision of affordable housing. Against the most recent assessment of affordable housing need contained in the 2022HEDNA it is notable that a shortfall of -84 net affordable dwellings has accrued in the first year of the period between 2021/22 and 2040/41.

Since 2016/17 there have been a total of 84 net overall housing completions and 35 net affordable housing completions within Barnt Green & Hopwood Ward.

The delivery of up to 34 affordable dwellings would make a significant contribution towards the delivery of affordable housing in Bromsgrove District”.

The following table is an extract from Housing Land Supply in Bromsgrove District 22-23
Table 5 Affordable Housing Completions (Net) 2011/12 to 2022/23

Year	Total Completions
2011/12	157
2012/13	50
2013/14	52
2014/15	12
2015/16	166
2016/17	40
2017/18	62
2018/19	36
2019/20	90
2020/21	0
2021/22	8
2022/23	55
Total	728

Based upon the 12 years from the adoption of the District Plan the average annual number of affordable dwellings is 60 per annum (does not include right to buy losses). This is lower than the 219 per annum new affordable dwellings that were identified in the 2012 Worcestershire Strategic Housing Markert Assessment (SHMA).

The applicant has proposed to provide 100% affordable rented. Whilst this is not the split that Housing Strategy generally recommends (one third shared ownership and two thirds socially rented) given the applicant is overproviding on affordable housing and our confident that the scheme would be useful to alleviate the pressure on the housing register, the 100% affordable rented scheme is considered acceptable.

Furthermore, the applicant has also provided a supporting letter from Bromford who intend to purchase the site and manage the affordable housing. This letter is available to view on the public access record for the application.

A Section 106 Legal Agreement would be required to be secure the affordable housing and set out how the housing shall be managed. The significant provision of affordable housing, more than Districts standards provides substantial weight in the planning balance in favour of the proposal.

Alvechurch Neighbourhood Plan

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

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

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

In relation to criterion (a) as outlined above the site also abuts existing housing on its northern side, at Smedley Crooke Place, and on a short part of its eastern boundary, where it meets one of the houses at Woodpecker Close. To the west, the houses on the opposite side of Redditch Road are separated from the site by the main road and roundabout, plus a service road and a broad verge. To the south of the roundabout there is only sporadic development, and on its two remaining boundaries, the application site is adjoined by open land. On the site itself, although the land is in commercial use, there are no permanent structures. The site is therefore not closely surrounded by existing buildings, and nor does it form part of the existing built-up area, as criterion (a) requires.

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

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

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

The development mix is as proposed in the table below.

Number of bedrooms	Proposed Number of Dwellings	Percentage	Percentage Required under Policy H6
1 bed	4	12%	10%
2 bed	13	38%	40%
3 bed	17	50%	40%
4 bed	0	0%	10%

It is evident from this table that the mix broadly meets the mix as outlined in Policy H6. Therefore, it can be concluded that the proposed housing mix is acceptable.

It is worthwhile to note that Policy H6 is different to Policy BDP 7 Housing mix and density in the Bromsgrove District Plan. That policy requires development proposals to focus on 2 and 3 bedroom dwellings but outlines that on schemes of 10 or more a wider mix of dwelling types may be required. It is considered that the development complies fully with BDP7.

Existing Use/Fall-Back

It is accepted that the fallback position is available and a material consideration in the assessment of the proposal. Furthermore, it is accepted that there is a real possibility that it would be implemented should planning permission for the scheme be refused.

However, for significant weight to be afforded to a fallback position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the application scheme. On this basis the agent considers in terms of openness and encroachment, the proposed development will not lead to any encroachment of development into the Green Belt as the existing development extends across the entire area now proposed for housing. Therefore, there can be, and will be, no further encroachment into the Green Belt.

As indicated in the planning history, there have been planning applications on this site dating back to 2006 (albeit not by this applicant) and most recently an application for 10 dwellings in 2017 and subsequent appeal. Therefore, it is evident that there has been a clear aspiration to redevelop the site through the erection of dwellings or other development for well over 17 years. The applicant has actively sought other uses, including the proposals that have come forward. Therefore, while the intensification of the site is a material consideration, the likelihood of the fall back occurring and to the extent described by the applicant is considered unlikely, and therefore the weight this can be given is low.

Consequently, I afford the fallback position moderate weight in support of the proposal.

Design

Paragraphs 131-141 of the Framework deal with high quality design and in particular states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy BDP7.2 encourages efficient use of land with whilst adhering to local character and high-quality design. Policy BDP19.1 encourages high quality gateway buildings, character-sensitive design, functional open spaces, and design that promotes legibility, permeability, and safety.

Building heights are in line with the generally two storey context of the area and do not dominate over the treelines in front of them, mitigating the visual impact that the development will have on the environment.

The development will result in a high density of approximately 38 dwellings per hectare. This layout and the overall quantum of development is appropriate for the site, resulting in plot sizes and spacing which reflects and sits comfortably within the varied pattern and grain of development in the village and surrounding area.

Taken together, it is considered that the scheme in terms of its layout, plots sizes and spacing is such that the development would not appear overly cramped and would have spaciousness appropriate to this location. Amendments have been made to ensure that the dwellings have the recommended garden size which is 70 sq m.

In terms of scale and height, the proposed dwellings would be two storeys of varying heights. The scale, massing and form of the proposed dwellings are considered to respond appropriately to that of nearby properties, creating a coherent street scene. They would provide a mixture of semi-detached detached dwellings and maisonette which is broadly acceptable and reflective of the character of the area.

The design of the individual house-types is modern and subject to securing suitable materials, it is considered the proposals would have sufficient regard to the character of the area.

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

Residential Amenity

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

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

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

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

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

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

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

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

Highways

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

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

The applicant proposes to gain vehicle access to the development site via the creation of a fourth arm from the A441/ B4120 roundabout as shown on 210672-01 Rev B. Site Access Arrangements Sheet 1 of 13. A supporting Safety Risk Assessment has been produced by the Applicants highway consultant TTC, which considered the appropriate design standards for the roundabout and the approach roads. Access arrangements have also been subject to a Road Safety Audit (RSA) Stage 1.

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

The following enhancements are proposed to the local highway network:

- Uncontrolled pedestrian crossing with dropped kerbs and tactile paving along the Smedley Crooke Place junction with Redditch Road;
- Where the existing T-junction is to cease use, the dropped kerbs will be lifted and footway resurfaced;
- Uncontrolled pedestrian crossing with dropped kerbs and tactile paving across the roundabout's splitter island; and

- Footway provision from the internal layout will tie in with sufficient, existing provision for disabled road users.

Existing public transport services within the limited local area (this is noted in the supporting Transport work). The Highway Authority advised, in numerous previous observations, that there is scope to enhance the public transport services. On this basis, to enhance the peak time services and provide a link to the high frequency rail network offering the new residents a genuine choice of travel mode, a contribution of £96,000 is advised and will be secured within a s106.

The application has been evaluated by the Highway Authority. The Highway Authority determines that the impacts would not be severe based on the evidence supplied, and hence has no objection subject to conditions and requirements, in accordance with paragraph 115 of the Framework.

Sustainability – Distance to Facilities

As part of the planning application to address the second reason for refusal regarding sustainability, the applicants transport consultant TTC have produced a Technical Note. In summary the following key points are made regarding sustainability matters.

- The development aligns with local and national policy.
- The development is firmly within the settlement of Hopwood and close the village centre, where most of the existing local service and facilities are situated.
- Appropriate financial contributions have been identified through extensive consultation with WCC Highways and agreed by the applicant. The contributions will:
 - Increase peak period bus services.
 - Ensure school transport services are provided to students attending Bromsgrove High School.
 - Funding to support Community Transport will ensure elderly and less-abled residents are provided with a dedicated service.
- Access into the site has been designed to the satisfaction of WCC Highways, which includes appropriate connections onto the footway network and improvements to existing local pedestrian crossings.
- The site is situated within proximity of several local services and facilities, which are all within walking distance of the site and can be accessed via a combination of the existing footway network and proposed connections. The proximity and available services is not dissimilar to much larger strategic sites and in some cases a significant improvement over other residential sites approved by BDC.
- Several local precedents have been set, with BDC and the Planning Inspectorate confirming Hopwood to be a sustainable settlement.

The 2019 planning appeal on this site did not consider sustainability matter. In terms of local precedents, it is considered the most relevant is a nearby site on Ash Lane which proposed 15 dwellings (App ref no 21/00872/FUL, Appeal ref APP/P1805/W/22/3294824) did examine this matter.

In that case, the Inspector outlines in paragraph 39:

“... to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and where there are groups of smaller settlements, development in one village may support services in a village nearby. At minimum, I consider the proposal would assist in maintaining the vitality of the rural community of Hopwood as well as supporting services in nearby villages.”

The Inspector concluded the following in paragraph 41:

“I conclude that the proposal would accord with policies BDP1 and BDP16 of the BDP, and paragraphs 79, 104, 105, 110 and 112 of the Framework. Collectively, and among other things, these policies require development to have regard to accessibility to public transport options, provide a safe and convenient access related to the wider transport network, promote modes of transport other than the private motor vehicle taking account of the rural setting, minimise the scope for conflicts between pedestrians, cyclists and vehicles, and locate houses in rural areas where they will enhance or maintain the vitality of rural communities and support services in nearby villages”.

While the appeal was dismissed in February 2023, the reasons for dismissal did not relate to the sustainability location of the site, the Inspectors assessment on this matter are a useful reflection on these matters.

Neither WCC Highways nor officers consider the site to be in an unsustainable location. On this basis, it is concluded that the site is accessible and complies with policies BDP1 and BDP16 as well as the NPPF.

Flooding and Drainage

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

NWWM have raised no objection subject to a drainage condition.

Ecology

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

Biodiversity Net Gain (BNG) has become mandatory for major applications submitted from 12th February 2024. This application was submitted prior to this date and is therefore not subject to mandatory BNG. However, the NPPF advocates that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. At this time there is no specific local plan policy either adopted or emerging that requires the equivalent compensatory measures as BNG.

Subject to conditions it is considered that it is considered that the scheme will not have an adverse impact on biodiversity. This application is considered in accordance with Policy BDP1, BDP21 and Section 15 of the NPPF.

Trees and landscaping

The site is presently dominated by hardstanding with relatively little arboricultural interest or landscaping within the site. The tree officer considers the revised layout removed any conflict with existing hedges and tree lines around the perimeter of the site.

The submitted application documents include a landscape plans which provide acceptable overall landscaping scheme for the site. However, it is considered that insufficient details of the planting specifications for trees, shrubs and hedgerows have been provided. A condition is therefore recommended that notwithstanding the submitted plans, additional details of planting specifications are provided and approved. Accordingly subject to conditions, the proposal would not have an undue impact on existing trees and would secure enhancements to the landscape character and visual amenity of the site.

Planning Obligations

In accordance with Paragraph 55 of the Framework and Section 122 of the CIL regulations, planning obligations have been sought to mitigate the impact of this major development if the application were to be approved.

The obligation in this case would cover:

- The provision of 34 affordable dwellings on the site (social rented).
- A financial contribution of £96,000 for Public Transport improvements.
- A financial contribution of £29,665.41 for necessary School Transport Services.
- A financial contribution £3,798.90 for necessary Community Transport Services
- A financial contribution of £24,000 towards Herefordshire and Worcestershire CCG
- £41.80 contribution for refuse and re-cycling bins per dwelling
- A section 106 monitoring fee.

On that basis, it is considered that this is in accordance with the aims of BDP6 and BDP16 of the BDP, which, among other things, require financial contributions towards public transport, pedestrian, cycle and highway infrastructure to ensure the sustainable movement of people.

Planning Balance

The Framework establishes (at paragraphs 152 to 153) that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial harm is to be given to any harm to the Green Belt, and 'very special circumstances' will not exist unless this harm is clearly outweighed by other considerations. This is a high hurdle for a proposal to overcome. The applicant has suggested a number of other considerations, which they consider to weigh in favour of the proposal, I cover these below where they have not been substantively addressed in the main issues set out above. In approaching this balancing exercise, I have also taken

into account the applicant's reflections on various appeal decisions and Court judgements that they consider to be relevant to this case.

The proposed development would make a significant contribution to both housing supply generally and a significant contribution in terms of affordable housing specifically, in both the parish and the wider Bromsgrove area. Significantly increasing housing supply is an objective of the development plan and the Framework. Having regard to the existing and seemingly future delivery, supply and affordability issues for housing in Bromsgrove area, including the Council's 5 year housing land supply shortfall, the benefits of the housing provision attract substantial weight in favour of the proposal. This weight is increased compared to previous applications on site because of the 100% affordable housing provision.

Furthermore, this housing would be in a sustainable location, it would provide safe access to the wider transport network, promote modes of transport other than private motor vehicles and take into account the rural setting. The dwellings will enhance or maintain the vitality of the rural community and support services in Hopwood and nearby villages.

The proposal would utilise previously developed land, and remediate any contamination and damage caused by the extant uses, in a way that seeks to optimize the use of the site. Paragraph 123 of the Framework advises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. It also states that strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or brownfield land. Moreover, the use of previously developed land could reduce pressure to build on other green belt sites that could yield a similar quantity of development elsewhere. The cessation of the existing use of the site could also yield benefits. The cessation of the existing use of the site could also yield benefits in terms of improvement to the residential amenity of occupants of dwellings in its surroundings. Again, these matters are public benefits which carry moderate weight in favour of the proposal in environmental and social terms.

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

While several planning obligations have been agreed, However, as such payments are proportional to the type and scale of development to be delivered and relate to the provision of infrastructure to be used by its future occupants, this is a matter that has only a neutral effect on the planning balance.

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

In addition, the proposed housing mix includes units for those with restricted mobility, and the occupiers would contribute to the vitality and vibrancy of the local community. Having regard to the amount of housing proposed, these are benefits of limited weight. There would also be limited economic benefits from the construction of the housing and the occupiers spending on services and facilities in the vicinity of the site. The pedestrian accessibility improvements and rest features, bus stop improvements and dial-a-ride service would benefit some of the existing residents in the area and attract limited weight.

Conclusion

In reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed by other considerations, including the benefits of the development, must be reached. In this case there is harm to the Green Belt with reference to inappropriate development and loss of openness. Several factors have been promoted by the applicant as comprising benefits which could clearly outweigh the harm to the Green Belt (and any other harm) to comprise the VSC necessary to approve inappropriate development.

In the context of the NPPF paragraph 153 which states: "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."

Therefore, although every case must be determined on its own merits, the benefits of the proposals must clearly outweigh the harm for Very Special Circumstances (VSC) to exist. If the balancing exercise is finely balanced, then VSC will not exist. In this case, it is considered that the contribution towards housing land supply and that the proposal will provide 100% affordable housing are material considerations that weigh very strongly in favour of the proposals. However, these benefits must be weighed against the harm to the Green Belt set out above. It is concluded that the Green Belt arguments are no longer finely balanced. For this application, it is considered that the benefits of the proposals now clearly outweigh the harm to the Green Belt, and consequently, VSC does apply.

Furthermore, neither WCC Highways nor officers consider the site to be in an unsustainable location.

Having considered all material planning considerations, I am thus minded to recommend approval of the full planning application, subject to conditions and the signing of a s106 agreement.

RECOMMENDATION:

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

(b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:

- i) The provision of 34 affordable dwellings on the site (social rented).
- ii) A financial contribution of £96,000 for Public Transport improvements.

- iii) A financial contribution of £29,665.41 for necessary School Transport Services.
- iv) A financial contribution £3,798.90 for necessary Community Transport Services
- v) A financial contribution of £24,000 towards Herefordshire and Worcestershire CCG
- vi) £41.80 contribution for refuse and re-cycling bins per dwelling
- viii) A section 106 monitoring fee.

(c) And that **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to agree the final scope and detailed wording and numbering of conditions as set out in the list at the end of this report.

Conditions:

- 1) The development to which this permission relates shall not be commenced later than the expiration of three years from the date of this permission.

Reason: To conform with the requirements of s.91 of the Town and Country Planning Act 1990 as amended by s.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	Ra_3298_S3_001
General Site Plan	Ra_3298_S3_004 F
Landscape Masterplan	4202 101 Rev B
Planting Plan (1 of 2)	4202 201 Rev B
Planting Plan (2 of 2)	4202 202 Rev B
Housetype Ra_1	Ra_3298_S3_100 B
Housetype Ra_1.1	Ra_3298_S3_101 B
Housetype Ra_2	Ra_3298_S3_200 B
Housetype Ra_2.1	Ra_3298_S3_201 B
Housetype Ra_3&3.1	Ra_3298_S3_300 B
Site Access Arrangements	210672-01 Rev B
Proposed Pedestrian Crossings	210672-01 Rev

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

- 3) Notwithstanding the materials site plan submitted as part of this application, no development above ground floor slab level shall take place until samples of materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority (to include those materials to be used externally on the walls and roofs, doors and windows, door and window frames and block work materials on drives/specific access points). Development shall be carried out in accordance with the approved details unless otherwise agreed in writing.

Reason: To ensure the satisfactory appearance of the development.

- 4) The Development hereby approved shall not be occupied until the highway works comprising:

- Approved access plan in general accordance with 210672-01 Rev B Site Access Arrangements Sheet 1 of 13
- Works plan in general accordance with drawing 210672-01 Rev Proposed Pedestrian Crossings Sheet 13 of 13

Have been constructed and completed.

Reason: To ensure the safe and free flow of traffic onto the highway.

- 5) The Development hereby approved shall not be occupied until the layout, turning areas and parking facilities have been provided in general accordance with Drawing Ra_3298_s3_004_e. These areas shall thereafter be retained and kept available for their respective approved uses at all times.

Reason: To ensure conformity with submitted details.

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

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

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

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

- 7) The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access.

- 8) 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.

- 9) All retained trees shall be protected throughout all phases of development in accordance with BS5837:2012 and measure in accordance with those made within the Seed Arboricultural Impact Assessment reference number 1222-AIA-V1-C, unless otherwise agreed with the Local Planning Authority in writing.

Reason: To ensure the environment of the development is safeguarded and enhanced.

- 10) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the trees or hedgerows which are shown as retained on the approved plans both on or adjacent to the application site or any within a distance of influence of any ground or development work on any adjoining land shall be protected with fencing around the root protection areas. This fencing shall be constructed in accordance with the guidance in the British Standard BS5837:2012 and shall remain as erected until the development has been completed.

Reason: To ensure the environment of the development is safeguarded and enhanced.

- 11) No works of any kind shall be permitted within or through the Root Protection Areas of trees or hedges on and adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of concrete mixing plants or fuel tanks.

Reason: To ensure the environment of the development is safeguarded and enhanced.

- 12) All tree management pruning work should be carried out in accordance with recognised good practice by reference to British Standard 3998 (2010) to the satisfaction of the Local Planning Authority.

Reason: To ensure the environment of the development is safeguarded and enhance.

- 13) 1. A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified.

The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.

2. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.

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

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

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

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

- 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 in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the resulting approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

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

- 15) No works or development above foundation level shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority.
- Construction ready drawings showing surface and foul private connections.
 - A survey of the ditch line identified along the southern site boundary. There are no records of this ditch, so this needs to be clarified and downstream connectively proven. If not suitable an alternative discharge point should be proposed along with an amended drainage strategy to reflect any changes.

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

- 16) No part of the development to which this permission relates shall be occupied until a Landscape and Ecological Management Plan (LEMP) including long term objectives, management responsibilities and maintenance schedules for all landscape areas, both hard and soft (other than small, privately owned domestic gardens) has been submitted to and approved in writing by the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including extent and location of proposed works and an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Legal and funding mechanism(s) by which the long-term implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

Reason: To safeguard biodiversity as set out by the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006 and the National Planning Policy Framework, to protect the trees, hedges and landscape features which form an important part of the amenity of the site and in order to secure well-planned development.

- 17) No part of the development to which this permission relates shall be occupied until details of any proposed external lighting have been submitted to and approved in writing by the local planning authority; lighting shall thereafter be provided and maintained in accordance with the approved plan for the lifetime of the development.

Reason: To safeguard the site from increased light pollution, protect visual amenity and maintain the existing value of biodiversity on and adjacent to the site to protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005 and the National Planning Policy Framework.

- 18) All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

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

- 19) No works or development above foundation level shall take place until full details of proposed noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented prior to first use or occupation of the development.

Reason: In the interests of residential amenity and in accordance with National Planning Policy Framework.

- 20) Prior to the occupation of the development, details of the boundary treatments to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development is afforded privacy and security between neighbours and the public realm and in the interest of the visual amenity of the street scene.

- 21) No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the soundproofing of the dwellings has been submitted to and approved in writing by the Local Planning Authority. This should include details glazing and ventilation. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

Reason: To ensure that intended occupiers of the development are not subject to unacceptable levels of noise due to transport sources.

- 22) Prior to first occupation of the development, a pre-completion testing report must be submitted to and approved in writing by the local planning authority. This report must show compliance with the following:

Noise tests showing that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014.

Non-compliance with any of the above levels will require additional mitigation measures to be incorporated into the development prior to first occupation of the development. Such measures must be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

All approved mitigation measures which secure compliance with the terms of this condition must be implemented and retained. If any approved mitigation measure requires replacing, the replacement must perform to at least the same sound protection level as previously approved.

Reason: To ensure that intended occupiers of the development are not subject to unacceptable levels of noise due to transport sources.

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

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24/00079/FUL

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

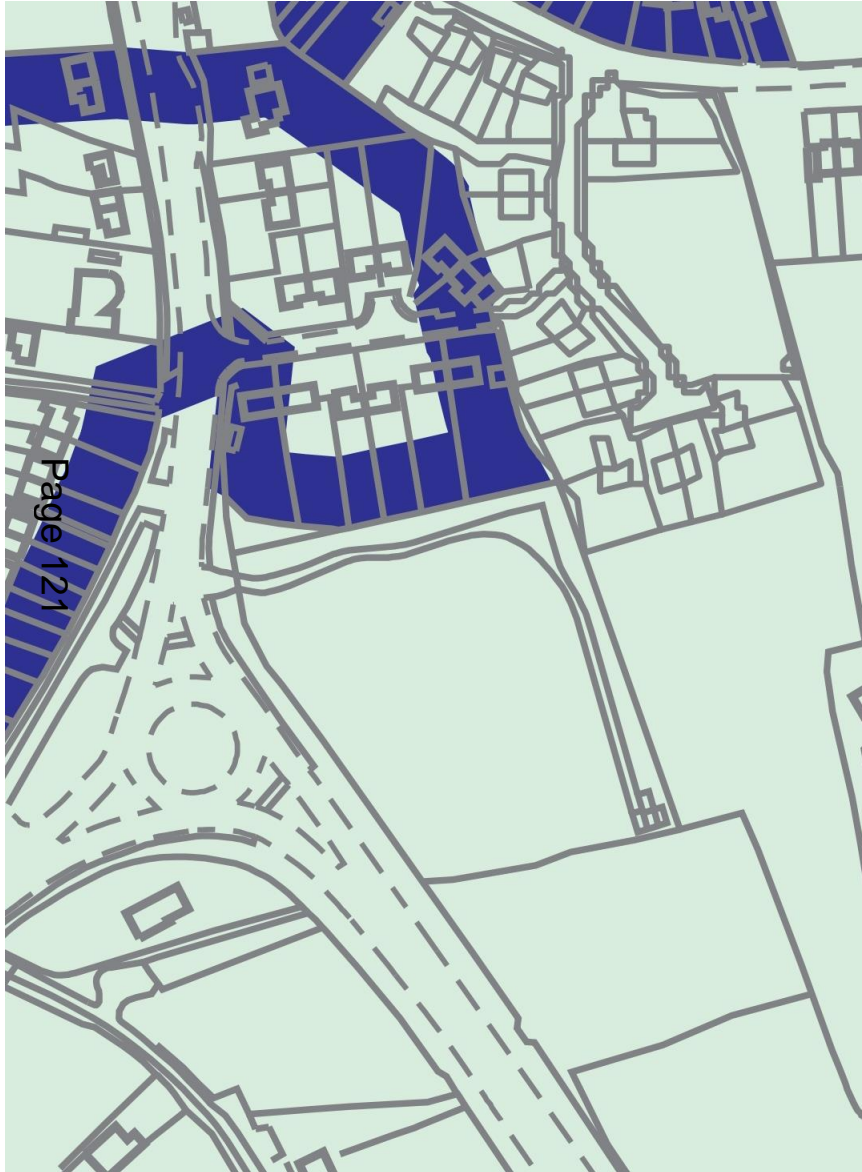
Page 119 Development of 34 affordable dwellings, associated landscaping, siteworks and construction of new access from existing highway roundabout.

Recommendation: Delegate to Head of Service to GRANT planning permission subject to a legal agreement and conditions

Site Location Plan



District Plan Map



-  Village Envelopes BDP4
-  Green Belt BDP4

Satellite View



View of site from Birmingham Road



Existing Access



View of existing cross over at roundabout



View of site








Approx. Location of New Access

Proposed Layout



Proposed Mix of Dwellings



	House Type	No.
	3b5p house (Ra_1)	16
	3b5p house (Ra_1.1)	1
	2b4p house (Ra_2)	9
	2b4p house (Ra_2.1)	4
	1b2p Maisonettes	4
	Total	34

Materials Plan

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Agenda Item 9



Proposed Landscaping



Existing Trees and Hedge to be Retained

Trees to be retained and protected in line with BS5837:2012.

Existing Trees and Hedges to be Removed

Proposed Native Trees

Trees to be planted as 14-16cm girth, Semi-mature, 3.5-4m high. Trees to be planted with a double timber stake secured with a rubber tree tie.

Proposed Ornamental Trees

Trees to be planted as 14-16cm girth, Extra Heavy Standard, 3.5-4m high. Trees to be staked and secured with suitable rubber ties.

Proposed Small Trees

Trees to be planted as 10-12cm girth or 50L containers, 2-3m high and secured with single stake and suitable rubber ties.

Proposed Hedgerows

Evergreen hedgerows to be planted in 10L containers at a rate of 3-4 per lin. metre.

Proposed Native Hedgerows

Native hedge mix, planted at 100-120cm, bare root stock, in a double staggered row at 300mm centres, planted 3 per lin.m.

Proposed Shrub Planting

Ornamental shrub planting, to be planted in 3-4L containers at 3-4 p/m², and enhanced by feature specimens in 10-20L pots.

Proposed Native Shrub Mix

To be planted as bare root stock, 60-80cm, planted at 2/m².

Proposed Amenity Grass

Front gardens to be turfed.
Back gardens to client specification.

Proposed Wildflower Meadow

To be Emorsgate EM2 Standard General Purpose Meadow supplied by Emorsgate or similar approved. Including 80% of ornamental grasses and 20% of wildflowers. Sowing rate 4g/m².

Proposed Attenuation Basin Planted with Meadow Grass Mixture for Wet Soils

EM8F - Meadow Mixture for Wetlands as supplied by Emorsgate or similar approved. Including 80% of ornamental grasses and 20% of flowering perennials. Sowing rate 4g/m².

Proposed House Types

3b5p house (Ra_1)



Front Elevation



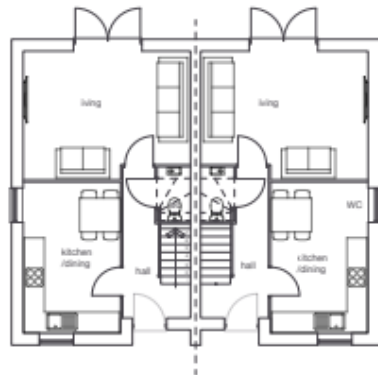
Side Elevation



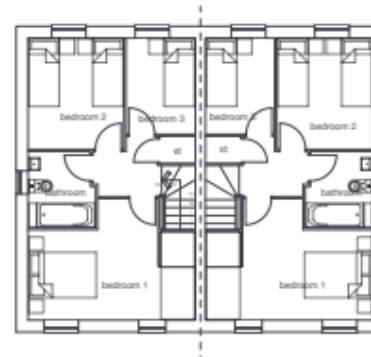
Rear Elevation



Side Elevation



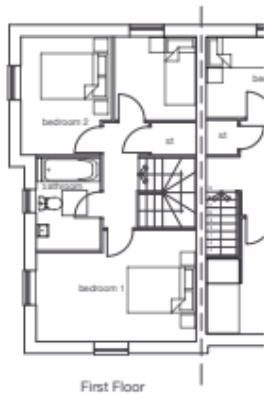
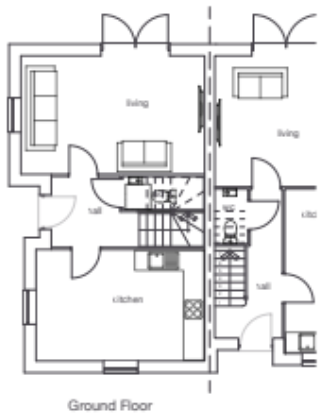
Proposed Ground Floor



Proposed First Floor

MATERIALS:
refer to drawing 006 for material palette
contrasting brick detailing
brick soldier sills and lintels
white upvc windows
imitation slate grey roof tiles

3b5p house (Ra_1.1)



Materials:
refer to drawing 006 for material palette
Projecting brick course feature
Contrasting brick detailing
Brick soldier lintels
White uPVC windows
Insulation slate grey roof tiles

2b4p house (Ra_2)



Front Elevation



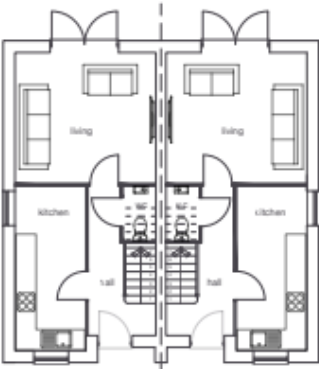
Side Elevation



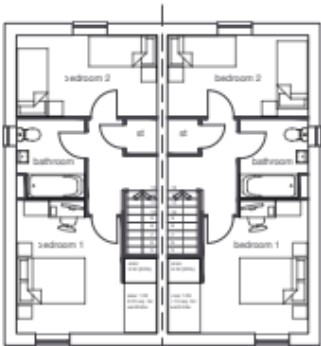
Rear Elevation



Side Elevation



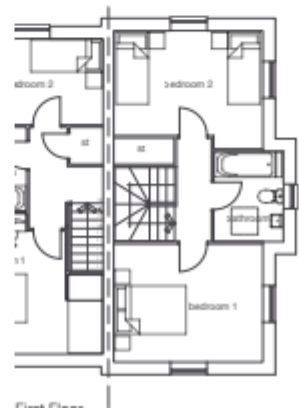
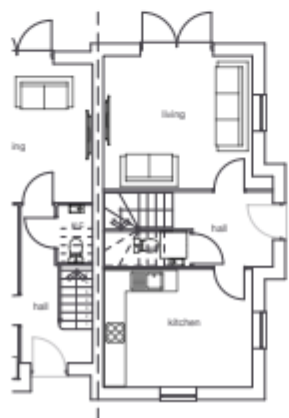
Proposed Ground Floor



Proposed First Floor

Materials:
refer to drawing 006 for material palette
Projecting brick course feature
Contrasting brick detailing
Brick soldier lintels
White uPVC windows
Imitation slate grey roof tiles

2b4p house (Ra_2.1)



Materials:
refer to material drawing 006 for material palette
Projecting brick course feature
Contrasting brick detailing
Brick soldier bricks
White uPVC windows
Imitation slate grey roof tiles

1b2p Maisonettes (Ra_3&3.1)

Materials:
refer to drawing 006 for material palette
Projecting brick course feature
Contrasting brick course detailing
Brick soldier brails
White uPVC windows
Imitation slate grey roof tiles



Front Elevation



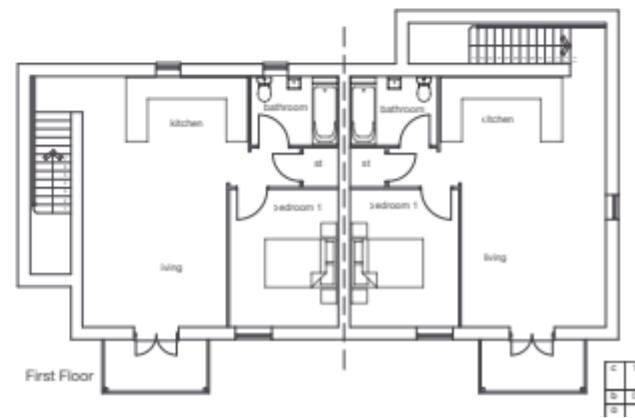
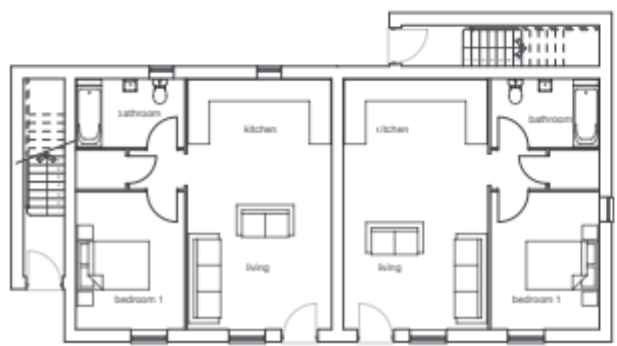
Side Elevation



Side Elevation



Rear Elevation

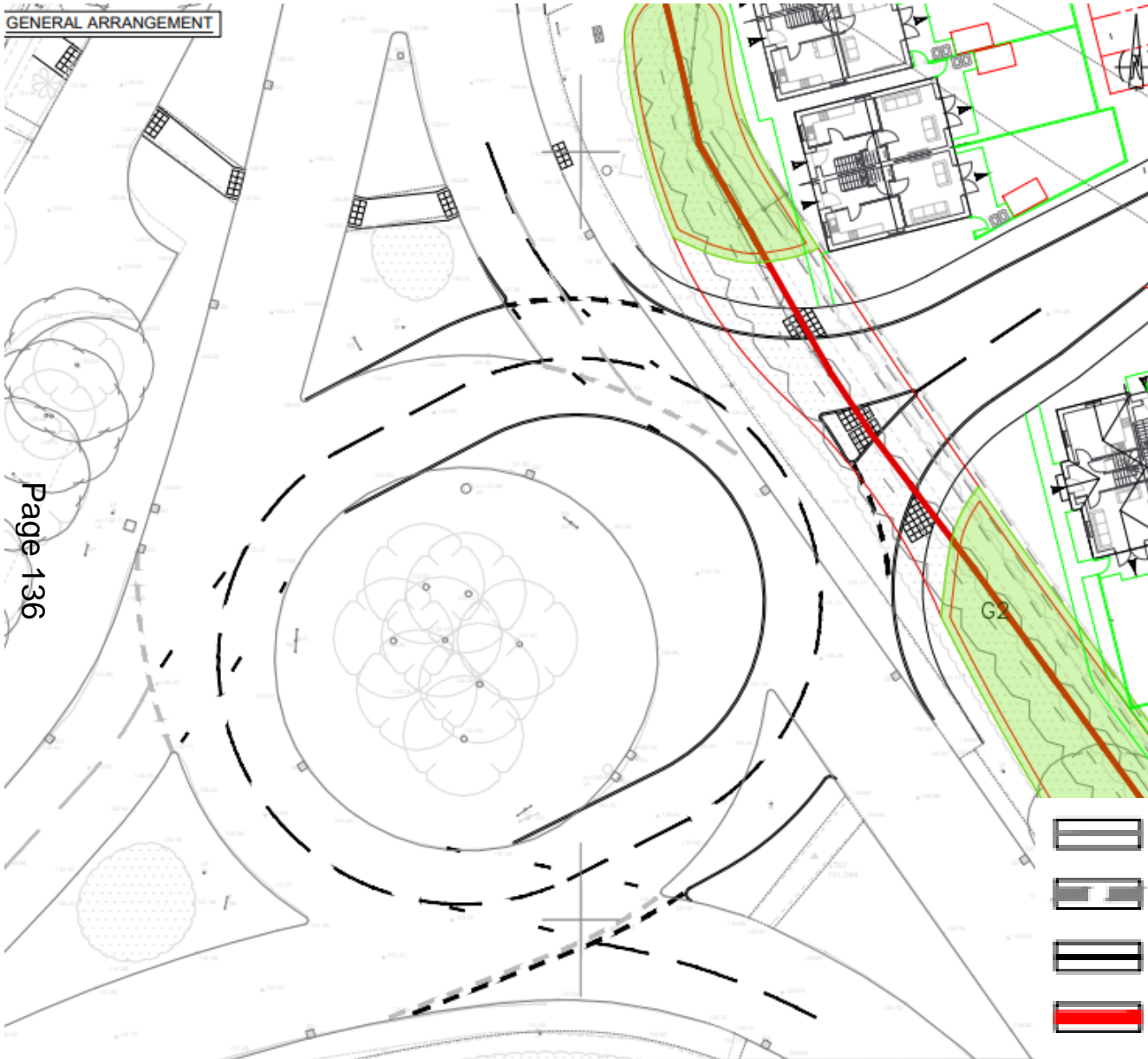


First Floor

Proposed Access

GENERAL ARRANGEMENT

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Topographical Survey



Existing Road Markings



Proposed Design

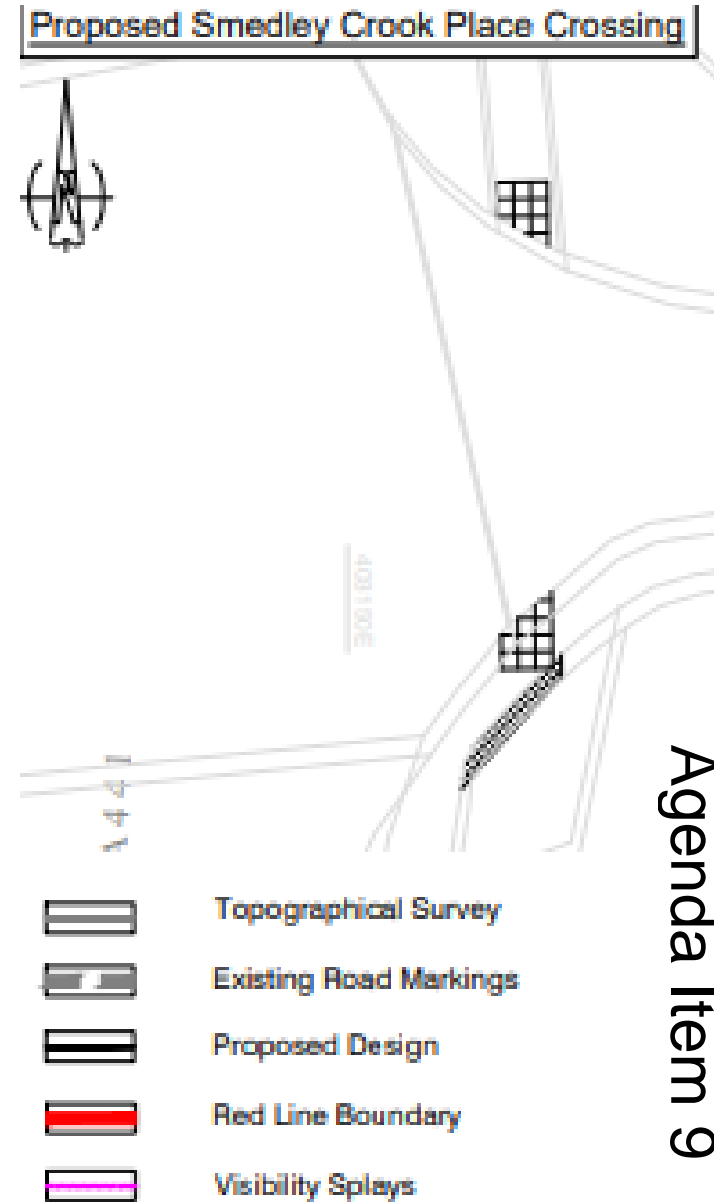


Red Line Boundary

Pedestrian Crossings



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Agenda Item 9

Sustainability

