

Public Document Pack



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 19TH FEBRUARY 2024

AT 6.00 P.M.

PARKSIDE SUITE - PARKSIDE, MARKET STREET, BROMSGROVE,
WORCESTERSHIRE, B61 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 11th December 2023 (Pages 7 - 12)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. TPO (21) 2023 - Trees on land at 29A Twatling Road, Barnt Green, Worcestershire, B45 8HY (Pages 13 - 32)
6. 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 (Pages 33 - 80)
7. 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 (Pages 81 - 114)
8. 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

9th February 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@bromsgroveandreddith.gov.uk

GUIDANCE ON FACE-TO-FACE MEETINGS

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](#)

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

PUBLIC SPEAKING

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

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

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

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

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

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

Notes:

- 1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Officer on 01527 881406 or by email to p.ross@bromsgroveandredditch.gov.uk by 12 noon on Thursday 15th February 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 15th February 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

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

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

You can access the following documents:

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

at www.bromsgrove.gov.uk

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 11TH DECEMBER 2023, AT 6.00 P.M.

PRESENT: Councillors M. Marshall (Vice-Chairman, in the Chair), A. Bailes, S. J. Baxter, D. J. A. Forsythe, E. M. S. Gray, B. McEldowney, J. Robinson and J. D. Stanley

Officers: Mr. D. M. Birch, Mr. A. Hussain (via Microsoft Teams) Mr. M. Howarth, Mr. P. Lester, Ms. R. Paget, Mr. S. Agimal, Worcestershire County Council, Highways and Mrs. P. Ross

40/23

APOLOGIES

Apologies for absence were received from Councillors H. J. Jones and R. Lambert.

41/23

DECLARATIONS OF INTEREST

Councillors S. J. Baxter and J. D. Stanley both declared an Other Disclosable Interest in relation to Agenda Item 4 (Planning Application 22/00577/FUL – 43A Barkers Lane, Wythall, Worcestershire, B47 6BY) in that they were Members of Wythall Parish Council, who had been consulted on the Application. Having advised that, they had not attended any meetings or any discussions when the application was considered by the Parish Council; Councillors Baxter and Stanley participated and voted on the matter.

42/23

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING

The Vice-Chairman announced that there was a Committee Update which had been circulated to Members prior to the meeting commencing, with a paper copy also made available to Members at the meeting.

Members indicated that they had had sufficient time to read the contents of the Committee Update and were happy to proceed.

43/23

23/00577/FUL - DEMOLITION OF THE EXISTING DWELLING AND THE BUILDINGS ASSOCIATED WITH THE CARAVAN STORAGE AND KENNELS. ERECTION OF 27 DWELLINGS WITH ASSOCIATED ROAD, LANDSCAPING, INFRASTRUCTURE AND EXTERNAL WORKS. 43A BARKERS LANE, WYTHALL, WORCESTERSHIRE, B47 6BY. MR. D. CLARKE

Agenda Item 3

Planning Committee
11th December 2023

Officers drew Members' attention to the Committee Update, whereby the applicant's agent had submitted a detailed rebuttal; and the applicant's comments in relation to the benefits/planning balance of the scheme; as detailed on page 3 of the Committee Update. A copy of the Committee Update was provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and in doing so highlighted that the application was for the demolition of the existing dwelling and the buildings associated with the caravan storage and kennels; and the erection of 27 dwellings with associated road, landscaping, infrastructure and external works.

Officers presented the presentation slides, as detailed on pages 28 to 46 of the main agenda pack.

The application site related to a 1ha parcel of land in the Hamlet of Inkford, situated on the northern side of Barkers Lane, behind residential properties. It incorporated an existing caravan storage facility of over 100 caravans, a former boarding kennel business to the west of the site. Members were asked to note that the submitted application proposed 28 dwellings, which was subsequently reduced by one dwelling during the application process. Therefore, the full planning application was for the development of 27 dwellings.

All 8 (30%) of the 2 bed units proposed would be affordable dwellings. Members were asked to note that there was an error on the 'Affordable Dwellings' slide, detailed on page 40 of the report. The correct plots were 4,5, (not 6 and 7),18,19,21,22,23 and 24.

The site was in the Green Belt as defined in the BDP and was not located in a defined settlement as outlined in Policy BDP2. There were several trees within the site, which following the application were now subject to Tree Preservation Order protection under Bromsgrove District Council TPO (19) 2023, as detailed on pages 10 and 22 to 23 of the main agenda pack.

Officers referred to the recent Planning History as in doing so drew Members' attention to the reasons why Planning Application 19/00951/FUL was refused at Planning Committee in November 2019; as detailed on pages 13 to 15 of the report and the presentation slide on page 33 of the main agenda pack.

Officers highlighted that Worcestershire County Council (WCC), Highways were unable to support the application due to the site's unsustainable location; and the application being contrary to the NPPF paragraphs 11,11 and 112 and the Streetscape Design Guide. The layout as shown on the submitted plan was unacceptable due to the issues which would be created to the highway user, as detailed on page 7 of the main agenda pack. Should Members be minded to approve the

Agenda Item 3

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application, WCC Highways would seek the contributions, as detailed on pages 7 and 8 of the main agenda pack.

Officers further drew Members' attention to the reasons for refusal, as detailed on page 25 and 26 of the report; and the Planning Obligations, as detailed on pages 23 and 24 of the main agenda pack, should the application be approved.

At the invitation of the Chairman, Mr. C. Hawley, the Applicant's representative addressed the Committee.

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

In response to questions from Members, officers clarified that all of the bungalows would be dormer bungalows; and the planning balance and conclusion with regard to substantial weight being given to any harm to the Green Belt, as detailed on pages 24 and 25 of the main agenda pack.

In response to further questions from the Committee, officers highlighted that as detailed on page 24 of the main agenda pack that the Council could not demonstrate a 5-year housing land supply. Paragraph 11 (d) of the Framework indicated that permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provided a clear reason for refusing the development proposed. The site was Brown Field as such, but different consideration and assessment of the Green Belt policy was subsidiary in this case; and as such, the proposal would not be the sustainable development for which Paragraph 11 of the Framework indicated a presumption in favour.

The very special circumstances necessary to justify the development did not exist.

The majority of the site was used for caravan storage with limited permanent structures on the site., However, the proposed development would be for 27 dwellings with access roads, services and facilities required for a permanent residential site.

Members commented that moderately sized mobile homes were very different to 2/3 bedroom dwellings. Some Members knew the road and stated that it was not a road that you would want a child to walk along, and that WCC Highways did not consider the site to be sustainable, in that residents would need to travel by car. Also, how would residents get to the offsite outside space without a car. Members expressed their disappointment that all of the dwellings would be affordable with no social housing on site, the houses would not be truly affordable in the Wythall area.

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Members raised further questions with regard WCC Highways being unable to support the application. Officers clarified that the application had been in for a reasonable amount of time, the number of dwellings had been reduced. However, officers reiterated the comments made by WCC Highways, in that the area was unsustainable and that they had also objected to the application because the internal layout of the scheme was not compliant with the Streetscene Design document. It was also noted that the road would not be put forward for adoption, as the road needed to be designed to adoptable standards in the interests of the highway and pedestrian safety.

Members further referred to the comments made by North Worcestershire Water Management and that further site-specific drainage information should be provided, as detailed on page 8 of the main agenda pack.

In summing up Members raised their concerns with the development site being unsustainable, drainage information not being provided, and the road not being adopted by WCC Highways.

On being put to the vote it was

RESOLVED that planning permission be refused, for the reasons as detailed on pages 25 and 26 of the main agenda pack.

44/23

23/00952/FUL - DEMOLITION OF GARAGE AND SUN-LOUNGE; ERECTION OF ONE AND A HALF STOREY SIDE EXTENSION WITH DORMERS TO FRONT AND BACK AND SINGLE STOREY REAR EXTENSION. 60 EAST ROAD, BROMSGROVE, WORCESTERSHIRE, B60 2NS. MR. T. NICHOLLS

Members were asked to note that the planning application was being considered by Planning Committee rather than being determined under delegated powers as the applicant was related to a Council employee.

Officers presented the report and in doing so informed the Committee that the application sought the demolition of a garage and sun-lounge, the erection of a one and a half storey side extension with dormers to the front and back and a single storey rear extension. The description of development and proposals had been amended during the determination process following Officer discussion with the Agent.

The site was located in the residential area and therefore the principle of an extension was acceptable.

Officers drew Members' attention to the Presentation Slides, as detailed on pages 52 to 59 of the main agenda pack.

RESOLVED that planning permission be granted, subject to the Conditions as detailed on page 49 of the main agenda pack.

45/23

**TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING
OF THE PLANNING COMMITTEE HELD ON 6TH NOVEMBER 2023**

The Public and Confidential minutes of the Planning Committee meeting held on 6th November 2023, were received.

Councillor E. M. S. Gray requested that the following amendment be included in the Public minutes, Minute No. 36/23, as follows: -

“The Worcestershire County Council Highways officer stated that the ‘stopping up’ of Perryfields Road, would be considered under the relevant process.”

RESOLVED that, subject to the amendment, as detailed in the preamble above that the Public and Confidential minutes of the Planning Committee meeting held on 6th November 2023, be approved as correct records.

The meeting closed at 6.50 p.m.

Chairman

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PLANNING COMMITTEE

19th February 2024

Tree Preservation Order (21) 2023: 29A Twatling Road, Barnt Green B45 8HY

Relevant Portfolio Holder	Cllr Peter Whittaker
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Environmental Services
Ward(s) Affected	Barnt Green
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider the confirmation without modification of Tree Preservation Order (21) 2023, relating to trees on land at 29A Twatling Road, Barnt Green B45 8HY

2. RECOMMENDATIONS

- 1.2 It is recommended that provisional Tree Preservation Order (21) 2023 is confirmed without modification and made permanent as provisionally raised and shown in appendix (1).

3. KEY ISSUES

Financial Implications

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

Legal Implications

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

Service / Operational Implications

Background:

- 3.4 The provisional order was raised on the 19th of October 2023 as shown in appendices (1) in response to a mature Cedar tree having been recently removed from the rear garden of the property and an expectation that there was a risk of more trees being removed from within the property.

PLANNING COMMITTEE

19th February 2024

A TEMPO (Tree Evaluation Method for Preservation Orders) was carried out on the trees included within the order by Gavin Boyes on 20th October 2023 which can be seen in appendix (2).

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

- A letter from Irwinmitchell Trust Corporation Reference Number CWP/10053804-6/OJL dated 17th November 2023 as shown in appendices (3)

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

Both T1 Pine and T9 Wellingtonia are good quality and highly prominent trees that are clearly visible from the Twatling Road and local neighbouring properties therefore providing a high degree of visual amenity value to the site and area. They are typical of the age and nature of other tree stock in the Barnt Green and therefore add greatly to the general character of the area and have historic value in that they would have existed prior to the existing property having been built. My view is that T9 Wellingtonia is the best quality and most important tree on the site. I believe that there is scope to consider alternative options and building methods to allow the construction of the garage and installation of the gates and fencing which would not require the removal of these trees.

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

3.7 Climate Change / Carbon/ Biodiversity- The proposal in relation to confirming the TPO can only be seen as a positive impact on the environment.

Customer / Equalities and Diversity Implications

3.8 The customers have been provided with the relevant notification and the responses received are attached in the appendices. The customers will receive notification by post of the decision of the committee.

3.9 Equalities and Diversity implications- None

PLANNING COMMITTEE

19th February 2024

4. RISK MANAGEMENT

- 4.1 There are no significant risks associated with the details included in this report.

5. APPENDICES

List Appendices.

Appendix (1) Schedule and Plan of Provisional Order as raised

Appendix (2) Tempo Assessment

Appendix (3) Letter of objection from Irwinmitchell Trust Corporation

Reference Number CWP/10053804-6/OJL dated 17th
November 2023

Appendix (4) Context Plan

Appendix (5) Photographs of trees

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order

TEMPO – Tree Evaluation Method for Preservation Orders

7.1 Conclusion and recommendations:

Both T1 Pine and T9 Wellingtonia are good quality and highly prominent trees that are clearly visible from the Twatling Road and neighbouring properties therefore providing a high degree of visual amenity value to the site and area. They are typical in age and nature of other tree stock in the Barnt Green and therefore add greatly to the general character of the area. I believe that there is scope to consider alternative options and building methods to allow the construction of the garage and installation of the gates and fencing which would not require the removal of the trees.

Therefore, I recommend to the committee that Tree Preservation Order (21) 2023 is confirmed and made permanent without modification as shown in appendix (1) of this report.

PLANNING COMMITTEE

19th February 2024

AUTHOR OF REPORT

Name: Gavin Boyes

Email: Gavin.Boyes@bromsgroveandRedditch.gov.uk

Tel: 01527 883094

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

Bromsgrove District Council Tree Preservation Order (21) 2023
Tree/s on land at 29A Twatling Road, Barnt Green, Worcestershire, B45 8HY,

Bromsgrove District Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as **Tree Preservation Order (21) 2023**

Interpretation

- 2.— (1) In this Order “the authority” means Bromsgrove District Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect


- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
 any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 19th October 2023

Signed on behalf of Bromsgrove District Council

 VANSHA BROWN Solicitor

Authorised by the Council to sign in that behalf

Agenda Item 5

First Schedule

Trees specified individually

(encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Pine	399428, 274436	Front Garden Of Property
T2	Pine	399424, 274445	Front Garden Of Property
T3	Pine	399418, 274455	Front Garden Of Property
T4	Pine	399413, 274454	Front Garden Of Property
T5	Lime	399415, 274461	Front Garden Of Property
T6	Lime	399412, 274457	Front Garden Of Property
T7	Lime	399405, 274447	Front Garden Of Property
T8	Lime	399405, 274446	Front Garden Of Property
T9	Redwood	399407, 274441	Front Garden Of Property
T10	Sycamore	399370, 274397	Rear Garden Of Property

Trees specified by reference to an area

(within a dotted black line on the map)

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

Groups of Trees

(within a broken black line on the map)

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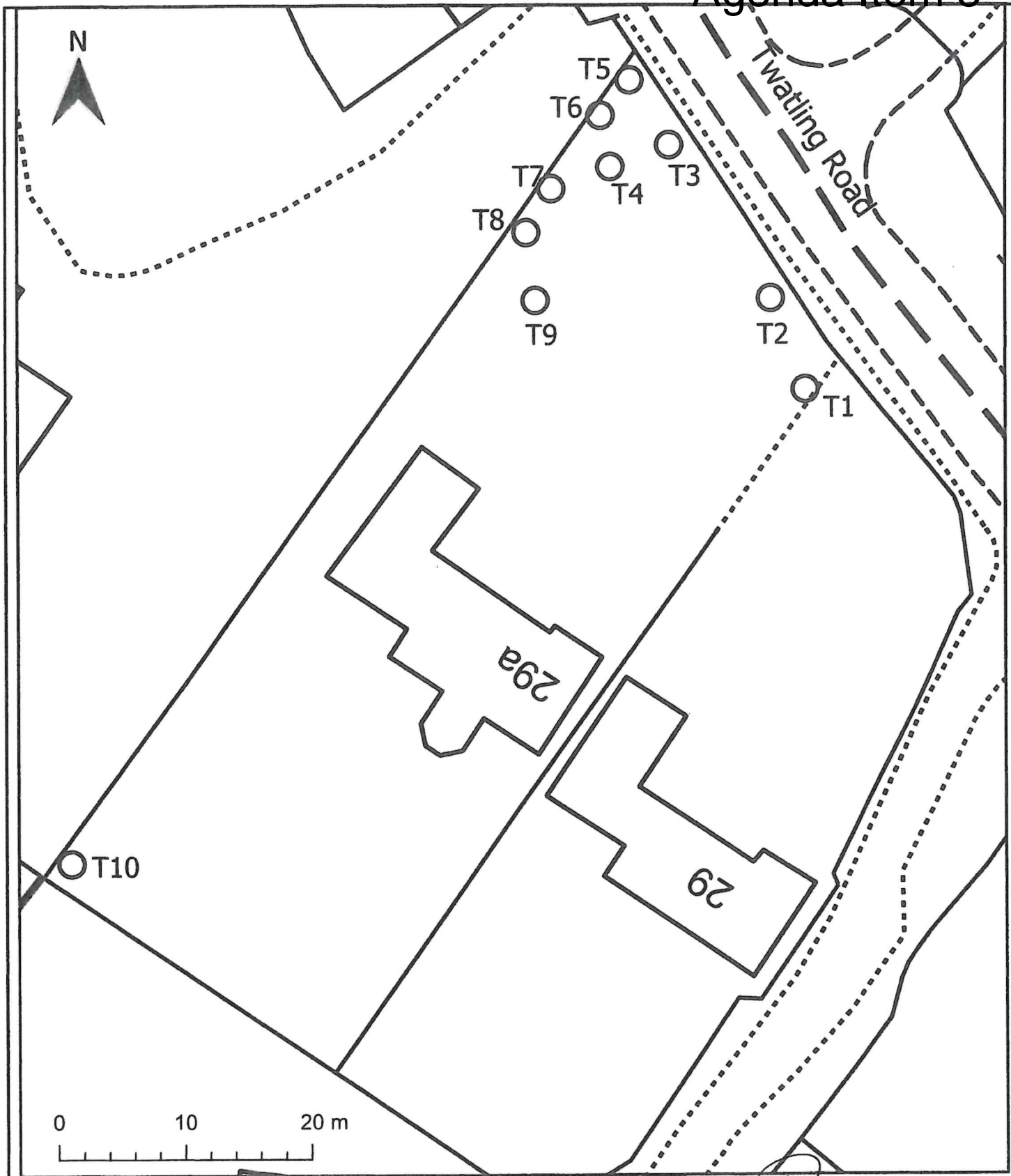
NONE

Woodlands

(within a continuous black line on the map)

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



	Project:	Bromsgrove District Council TPO (21) 2023	Drawn:	Gavin Boyes - Arboricultural Team	Environmental Services Town Hall Walter Stranz Square Redditch Worcs B98 8AH	<i>U Brown</i> VANESSA BROWN solicitor 19/10/23
	Drawing:	29a Twatling Road Barnt Green B45 8HY	Scale:	1:400 @ A4		
	Drawing No:	1 of 1	Date:	10.2023		
Page 21						

APPENDIX (2)

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

Evaluation by: Grain Bages Date: 20th October 2023 Sheet No. 1 of 1

Address/Site Details: 291A Tivattins Road, Baint-Green

Tree Ref	Species	DBH (mm)	Amenity Assessment					Sub	d - other factors	Exped iency	Score	TPO Y/N?	Notes
			a - Condition	b - Longevity	c - Visibility								
T1	Pine	800	3	4	5			12	2	18	Y		
T2	Pine	800	3	4	5			12	2	18	Y	Bifurcation at Imp. post brace	
T3	Pine	400	3	4	5			12	2	18	Y		
T4	Pine	400	3	4	5			12	2	18	Y		
T5	Lime	400	3	4	5			12	2	18	Y		
T6	Lime	400	3	4	5			12	2	18	Y		
T7	Lime	400	3	4	5			12	2	18	Y		
T8	Lime	400	3	4	5			12	2	18	Y		
T9	Redwood	1000	5	5	5			15	2	18	Y	Slightly Asymmetrical Crown	
T10	Sycamore	600	3	4	3			10	2	13	P	Visible to neighbours	

Trees must have accrued 7+ points (& no zeros) to qualify

Part 1: Amenity assessment

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

Part 2: Expediency assessment

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

Part 3: Decision guide

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

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Our Ref: CWP/10053804-6/OJL

FAO Gavin Boyes
Environmental Services, Bromsgrove District Council
Crossgate House, Redditch
Worcestershire
B98 7SN

Sent via email: gavin.boyes@bromsgroveandredditch.gov.uk

17 November 2023

Dear Mr Boyes,

**29A TWATLING ROAD, BIRMINGHAM, B45 8HY
OSCAR JONES ACTING BY HIS DEPUTY IRWIN MITCHELL TRUST CORPORATION**

As deputy for a disabled client, Irwin Mitchell Trust Corporation are engaged by the Court of Protection to assist and administer the financial needs of our disabled client. Our client had been looking for over three years for a suitable property in this area with the space and setting required to suit his specialist needs.

29a Twatling Road, Birmingham, B45 8HY (the property) was purchased in April 2023 and at the time of purchase there were no tree preservation orders applied to the site. After detailed consultation with the applicant's family and care team a detailed planning application reference- 23/00660/FUL was submitted and approved to adapt the property to provide level access, therapy room, carers accommodation, assisted bedroom and ensuite. A subsequent application was in the process of being prepared to look at a new double garage to the front of the property and a notice for a Tree Preservation Order was served by the Local Authority.

The notice put restrictions on 10 trees to the front and back of the property. This has hindered the potential to provide the new garage which will securely house the applicant's adapted vehicle as well as ensuring the long-term suitability of the property for the disabled client. We appreciate that the frontage of the site should be protected and therefore the visual importance of the tree lined roadway of Twatling Road is preserved historically and therefore do not object to 8 out of 10 of the trees being protected.

We object to the TPO placed on the tree numbered T9 which is set some 25m from the highway and close to the property. We also object to the TPO placed on the tree numbered T1 which will affect future permissions that ensure the property remains suitable for our client. If these particular trees could be exempt, then we would have no objection to a compensatory planting scheme that could further enhance the site as agreed with the Local Authority.

We thank the Committee members for their time and consideration on this matter which is immensely important to our disabled client and their own enjoyment and their new property.

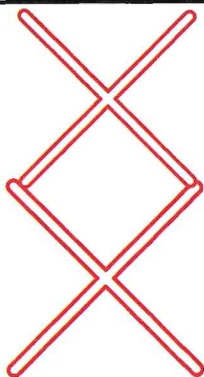
Yours sincerely,

**CHARLOTTE WAITE
ACTING AS DEPUTY FOR OSCAR JONES
For and on behalf of IRWIN MITCHELL TRUST CORPORATION**

The Colmore Building, 20 Colmore Circus, Birmingham B4 6AH

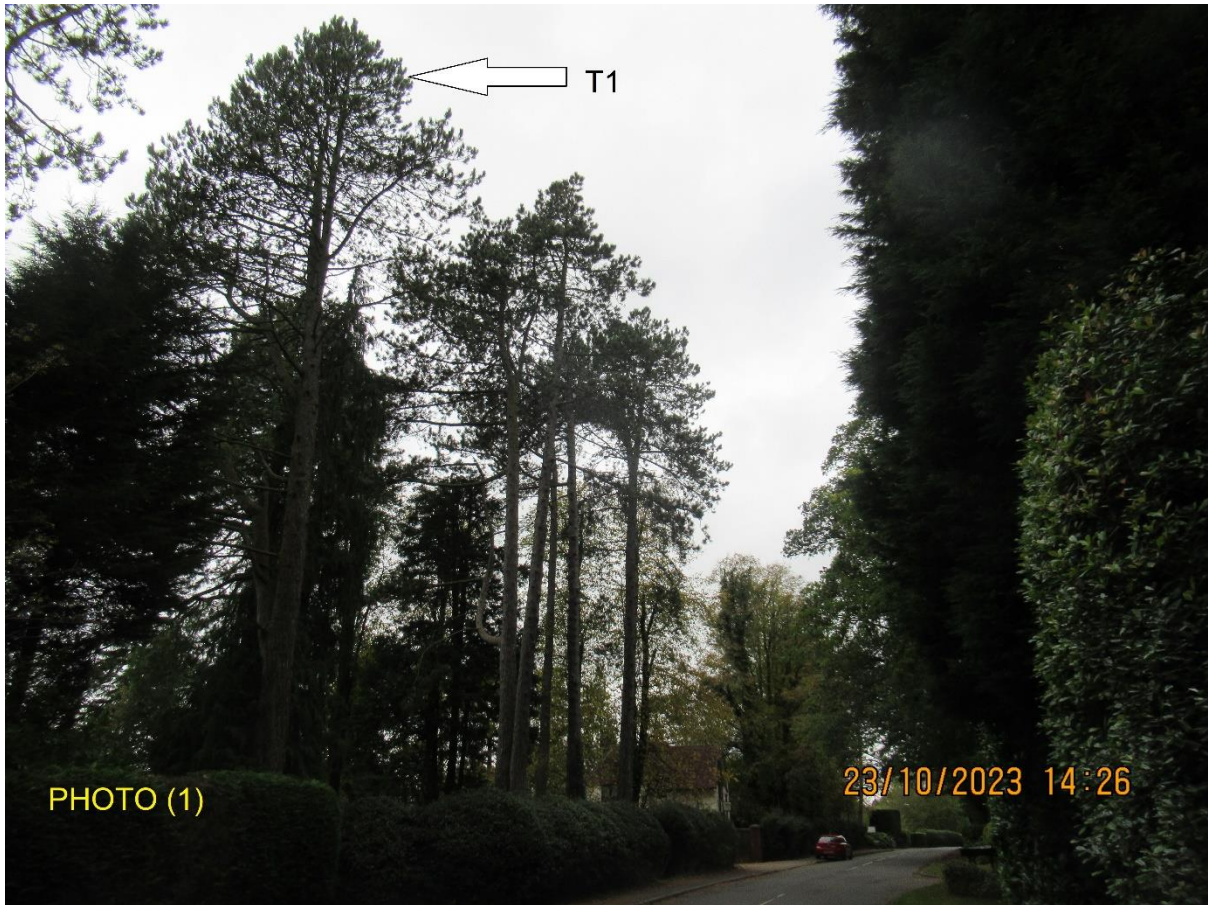
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Agenda Item 5
APPENDIX (4)



Project:	Tree Preservation Order (21) 2023	Drawn:	Gavin Boyes - Arboricultural Team	Environmental Services Town Hall Walter Stranz Square Redditch Worcs B98 8AH
Drawing:	29A Twatling Road Barnt Green B45 8HY	Scale:	1:1,000 @ A4	
Drawing No.:	1 of 1	Date:	Page 27 1.2024	
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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Shane Carroll	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,	16.01.2024	23/01121/FUL

RECOMMENDATION: That planning permission be **GRANTED**

Consultations

Worcestershire Highways

Worcestershire County Council, in its role as the Highway Authority, has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals and the additional information that has been submitted, 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 there is no highway objection subject to condition. The justification for this decision is provided below.

Context

A planning application was submitted in October 2023, together with various supporting documents and technical drawings, including a Transport Assessment (TA), prepared by ITP Ltd and dated October 2023. The planning application is for the erection of a four_storey mixed-use commercial building, containing office space and food and beverage facilities, as well as a separate, new community pavilion building and associated public realm. It is intended the proposal be a car-free development, taking advantage of the highly sustainable location of the site and nearby active and public transport opportunities. Hence, no on-site car parking provision is to be provided. The Highway Authority reviewed the submitted TA and planning layout and, whilst there was no objection to the principle of development, did identify a number of concerns with the proposals. For this reason, the Highway Authority requested a deferral, dated 20 November 2023, seeking further supporting evidence and clarification.

Subsequently, the Applicant has submitted revised information, together with the requested clarification. The additional information provides the basis of this response.

Location

The area immediately surrounding the site is mixed in character, comprising a variety of uses typical of a town centre, such as retail outlets, offices, cafes, restaurants and pubs. The retail core and pedestrianised High Street lies 100m to the northeast of the site; additionally, the St John Street car park, and associated Waitrose supermarket, bounds the site on its south-western edge. The areas further beyond the site are comprised

primarily of residential properties. Currently, there are no direct vehicular access points into the site itself; with the nearest public highway being George Street and the entrance into St John Street car park, adjacent to the eastern and western boundary of the site, respectively. The local highway network, in the immediate vicinity of the site, is urban in nature, with the site bound by the A448 St John Street to the north, St John Street to the east, Worcester Road to the south, and George Street / St John Street Car Park to the west. Bromsgrove town centre contains several Public Rights of Way (PRoW) close to the site. Specifically, PRoW 584(B) routes in a north-south direction through the adjacent St John Car Park. However, no PRoW is directly affected by the proposal.

Highway Safety

The TA discusses accident statistics on the local highway network, in the vicinity of the site. Personal Injury Collision (PIC) data has been provided by WCC for the five-year period between 01/12/2017 and 30/11/2022. Within the assessment period reviewed, 20 PICs were recorded on the highway network within a 300m radius of the site. 15 PICs were recorded as 'slight' in severity, 5 recorded as 'serious' in severity and none resulting in fatalities. The TA suggests the level of collisions recorded to have occurred within the vicinity of the proposed development site is synonymous with that of a town centre location, with the roads surrounding the site carrying a large number of vehicles on a daily basis. 15 of the PICs involved pedestrians or cyclists, reflecting the busy nature of the town centre. A review of the PICs does suggest human error was a significant factor in the majority of the PICs and there is no pattern or cluster at any particular location. The Highway Authority agrees there are no existing highway design concerns that might be exacerbated by the development.

Access

As stated above, it is intended the proposal will operate as a car-free development with no on-site car parking providing. However, it is proposed that service and delivery vehicles will be able to access the site via George Street routing northbound in a one-way movement through the site and subsequently exiting via St John Street car park and onto the A448 St John Street. This one-directional movement will negate the need for vehicles to turn on site. Rising bollards were initially proposed at the site perimeter to prevent unauthorised vehicles from gaining access to the site. The TA adds servicing and deliveries will take place outside of operational hours, to avoid conflict with pedestrians and users of the adjacent Waitrose / public car park. Following a query from the Highway Authority, the Applicant has amended the proposals and now intends to use manually operated drop bollards instead. The proposed service delivery point has been repositioned to reduce conflict with pedestrians. The Applicant has also subsequently advised deliveries will be pre-booked with an estimated maximum of approximately four vehicles a day serving the site. The Highway Authority notes the proposed revised servicing and delivery arrangements, which are now generally acceptable. The Highway Authority has reviewed the submitted swept path drawing of both a 7.5m and 10.0m rigid HGV entering and exiting the site junction and agrees they can be accommodated. A driver would need to exercise due care and attention, as the access involves traversing the proposed pedestrian route. The Applicant has also confirmed the internal public realm area, which is to remain private, is not designed to be accessed by cyclists. No existing cycleways connect with the site and dismount signage will be erected within the development. The Highway Authority welcomes this clarification and has no issue with cyclists not being permitted to cycle through the site but allowed to push their bikes instead.

Accessibility

Located in the heart of Bromsgrove town centre, the site benefits from an excellent existing provision of pedestrian infrastructure. All surrounding streets, including St John Street (A448), High Street (B4184) and Worcester Road, are well lit with wide footways present along both sides of the carriageway. Multiple pedestrian crossing points are situated within immediate proximity of the site, granting safe access on foot to the wider pedestrian network. Signalised crossings are present on St John Street (A448), as well as a zebra crossing on Worcester Road. These crossing points are immediately adjacent to the site and provide direct access into the existing site's footways and public realm. All crossing points cater for users of all mobilities with dropped kerbs and tactile paving present. All public footways link directly to the site providing a high degree of permeability through to the surrounding land uses. The pedestrian links allow connections to the numerous local services and facilities located within a short walking distance of the application site, most notably a range of public transport options including bus stops adjacent the site and Bromsgrove Bus Station. Table 3.1 of the TA includes examples of the walkable local amenities, along with their distance from the proposed development site and the respective walking times. There is a range of facilities and services within a 2km walking distance. The Highway Authority agrees the site is accessible by walking. The TA confirms that much of the local area, wealth of key amenities and public transport options are reachable by way of a combination of on-road routes as well as traffic free paths within a reasonable cycling time, including Bromsgrove Railway Station, which is within a 10-minute cycle journey from the site for connections further afield. The National Cycle Network (NCN) Route 5 runs through the centre of Bromsgrove, providing access to Redditch and Birmingham whilst Route 46 begins within Bromsgrove town centre and routes south into Droitwich. National Cycle Route 46 is situated directly adjacent the site along St John Street whilst Route 5 is located approximately 400m north of the site with some sections being off-road shared priority. The Highway Authority agrees the opportunity to travel by cycle would be a valid modal choice, offering direct and car-free journeys across Bromsgrove, as well as opportunities for interchange onto rail services. A number of bus stops are located in the vicinity of the site, the closest of which are located St John Street (A448), immediately outside of the site (less than a 1-minute walk). These bus stops are served by a number of bus routes, offering frequent services throughout the surrounding area. Additionally, Bromsgrove Bus Station is located approximately 300m from the site; reachable within a 4-minute walk. This facility is equipped with sheltered seating and grants access to an even wider range of bus services and destinations. The proposed development will be well connected by a regional bus network that can support the majority of a person's journey, with only the remainder of their trip needing to be made by foot or cycle to the site. Bromsgrove Railway Station is located approximately 1.7km to the south-east of the Site, being approximately a 27-minute walk from the site via a well-connected network of footways or a 9-minute cycle. Bromsgrove Railway station is operated by West Midlands Railway and provides regular services to Birmingham, Worcester and Hereford, and local destinations in between. The TA concludes the site's town centre location and the existing active and sustainable travel infrastructure demonstrates that there will be genuine opportunities for future users of the development to travel via means other than the private car. The Highway Authority agrees with the conclusion and is content the site can be considered an appropriate location for a car-free development.

Parking Provision

Car parking

The TA notes that, notwithstanding the car-free nature of the development and considerable sustainable transport opportunities, it is possible some future occupiers may still wish to travel by private car. Bromsgrove town centre benefits from a wide range of car parking opportunities, with BDC operating nine car parks within 700m of the site. In accordance with the parking standards policy for car-free developments, as set out in the WCC Streetscapes Design Guide (SDG), an assessment of car parking opportunities within 300m of the proposed development are to be set out. Given all nine BDC operated car parks are well connected to the site through a network of footways, all nine car parks have been assessed, which provide a combined capacity of 1,275 parking spaces. The closest car park to the application site is the 82-space St John Street car park, which is adjacent the site's western boundary. All but two of the car parks surrounding the site offer all-day parking, presenting multiple options for parking should future users wish to drive to the proposed development. The TA advises that, to gain a more up-to-date understanding of car parking capacity and demand in Bromsgrove town centre, ITP undertook a snapshot car parking audit on Tuesday 28 February 2023. The ITP car parking audits identified an overall parking occupancy of 20% (08:00-09:00) and 27% (09:00-10:00) of the total 1,275 total parking spaces across the nine BDC operated car parks, with spare capacity available in each car park. The Highway Authority notes the results of the parking audit and accepts there appears to be adequate parking capacity in nearby car parks to cater for any subsequent vehicular demand associated with the new development.

Cycle Parking

Cycle parking provision currently exists surrounding the site for general use, including the following town centre locations which can accommodate 28 bicycles:-

- 5 Sheffield cycle stands situated on St John Street (A448) adjacent to Waitrose car park (accommodating 10 bicycles)
- 9 Sheffield cycle stands situated on the eastern side of High Street, within the footway (accommodating 18 bicycles)

The development proposes to replace the existing provision of 8 cycle spaces with 16 new cycle spaces, thus providing a net increase of 8 additional cycle spaces within the site boundary. The cycle spaces adjacent to Worcester Road will be replaced with parking for cargo-style cycles. The cycle spaces are intended for use by users of the development only. This is reinforced by the design of these spaces being inset within the site, as well as being adjacent to, and in clear visibility of, the development building. The Highway Authority notes the proposed 16 cycle spaces would be spread across the site, with 10 spaces to the north of the commercial building, 4 spaces to the south west of the Pavilion building and 2 spaces provided in the east area of the site, to replace the existing 8 spaces. The Highway Authority is content with the cycle parking provision.

Trip Generation

Whilst the proposal is to be a car-free development, with no on-site car parking provided, the TA has still considered potential person trip generation, with indications of possible vehicle trips. The industry standard TRICS database (v.7.10.3) has been used to estimate the anticipated multi-modal trip generation of the proposed development. The results suggest that, during the weekday peak periods, the proposed development will potentially generate:-

- 15 two-way car trips during the AM peak hour and 18 two-way car trips during the PM peak hour.

All other trips are likely to be made by non-car modes. The majority of the car trips are associated with the office development. Given the relatively small scale of development and its nature, the Highway Authority is content with the forecasts. Both the Food & Beverage use and the Pavilion building are unlikely to generate much weekday AM peak hour traffic. It is also reasonable to expect some of the car trips will be pass-by or linked trips, already on the highway network.

Highway Impact

The Highway Authority is of the opinion the weekday peak period car trips can be accommodated on the local highway network, with the number of trips low compared with accepted daily fluctuations in general traffic flows. In addition, there is no new vehicular access to cause new turning movements. For this reason, there would be no justification for a recommendation of refusal, based on highway capacity or operation concerns. Given the nature of the proposals and being car free, there is likely to be occasions when the site attracts a lot of pedestrians. However, it is considered there is good pedestrian access to and from the site, reasonable footway provision around the perimeter of the site and adequate hardstanding open space within the site. These factors can help address any highway safety concerns. It should be stressed all road users, including pedestrians, need to exercise due care and attention when using highways.

Layout

Supporting information for the application includes various drawings that show the proposed layout of the scheme, together with related details. Drawing. No. OMH-ONE-ZZZ-XX- DR-A-0003 Rev P05 'PROPOSED SITE BLOCK PLAN' shows the proposed site layout. The Applicant has confirmed all open space, within the site, will remain private and not put forward for adoption.

S278 Agreement

Drawing. No. OMH-ONE-ZZZ-XX- DR-A-0003 Rev P05 shows the intention to resurface sections of the public footway to the north and east of the site, using a mix of materials. Whilst the Highway Authority has no objection to such a proposal, any works on the public highway, including a public footway, will require the Applicant to enter into a separate S278 Agreement with WCC, if planning consent were subsequently granted.

Lighting

A lighting report and drawing have been submitted, in relation to proposed lighting provision within the site. Lighting is to be restricted to lights on buildings and a number of lighting columns along the pedestrian route. Whilst the Highway Authority has no objection to the principle of lighting, the previous deferral response made some comments, stating the lighting guidance and standards referred to were out of date. No light spill plans were included in the original submission. Subsequently, the Applicant submitted a revised external light lighting assessment statement. This has been reviewed and is considered generally acceptable.

Drainage

The submitted Flood Risk Assessment document states the site is to be drained as per the previous consented scheme proposed for the site but which is not now being taken forward. Drawing No. OMH-ONE-ZZ-XX-DR-C-3001 Rev P03 'Drainage Plan Sheet 2 of 2' shows drainage works are to be installed on the existing north public footway, adjacent

to the St John Street carriageway. The previous deferral response requested clarification of a number of points. Subsequently, the Applicant has submitted Drawing No. OMH-ONE-ZZ-XX-DR-C-3001 Rev P05 'Drainage Plan Sheet 2 of 2', which shows revised surface water drainage proposals. The Applicant has confirmed 'linear drainage channel' means a footway drainage channel, which has been relocated to the rear of the existing public footway. The revised footway drainage proposals are generally acceptable. The detailed design can be agreed through the S278 Agreement although it may be more appropriate to locate the drainage channel within the site boundary, adjacent to the public footway. That can be a matter for further discussion if planning consent is subsequently granted.

Travel Plan

The Highway Authority notes a draft Framework Travel Plan (FTP) has been submitted as supporting information. The FTP has been reviewed with reference to, the WCC Guidelines for producing Framework Workplace Travel Plans and the WCC SDG. Comments were made within the previous deferral response, which the Applicant should consider. It would be acceptable to provide an updated FTP, addressing the above points, as part of any successful planning consent.

Construction

Given the town centre location and lack of vehicular access into the site, the Highway Authority will require a Construction Environmental Management Plan (CEMP) to be submitted for approval, if planning consent were subsequently granted.

Conclusion

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted, the Highway Authority concludes that there would not be a severe impact and, therefore, there is no highway objection subject to conditions, as listed below.

Conservation Officer

Part of the site (east) falls within the Bromsgrove Town Centre Conservation Area, the St John's Conservation Area lies to the west and there are several listed buildings within close proximity including St John's Church, Grade I

Thank you for consulting me in respect of this application for planning permission.

As noted above the east end of the site falls within the Bromsgrove Town Centre CA, the St John's CA lies to the west of the site and there are numerous listed buildings in close proximity.

The Bromsgrove Town Centre CA largely covers the High Street and the northern part of Worcester Road, the main shopping area of central Bromsgrove. It was initially designated as a CA in 1968, with extensions to the original area in 1983 and 1989. Following a conservation appraisal in 2009 the CA was split into two separate areas, Bromsgrove Town Centre covering the main shopping area and St John's CA which covered the area around St John's Church to the west.

The special interest of the Bromsgrove Town Centre CA is defined in the 2012 Appraisal as follows; 'The Bromsgrove Town Conservation Area contains an assortment of notable historic buildings dating from predominantly the 18th and 19th centuries but with some earlier surviving timber framed buildings. A range of architectural styles is represented from English vernacular, to restrained Georgian and more elaborate Victorian Gothic buildings. This variety of elevational treatments and styles demonstrate high quality construction and craftsmanship, giving a rich texture to the town centre, and are tangible reminders of the town's past prosperity. The medieval street pattern, based upon the older Roman Road from Droitwich, the original market place and the remains of some burgage plots have all survived.

The narrowness of the historic building plots, varied rooflines and the overall height of the buildings give an overall impression of vertical emphasis, and a strong sense of enclosure.'

The special interest of the St John's CA is defined in the 2009 appraisal as follows; 'The St. John's Conservation Area has substantial historic and architectural interest, with some of the oldest surviving buildings in the town within the Conservation Area. The Church is a strong landmark feature for the town, and is supported by a collection of surrounding listed and unlisted historic buildings dating from the 17th to 19th centuries. The area as a whole has a leafy green setting which contributes to the local sense of place and establishes a positive relationship between the built and the natural environment.'

Nearby listed buildings include ;

St John's Church Grade I - The church has it's origins in the 12th Century bur predominantly dates from the 14th and 15th centuries, having been restored in the mid 19th century. It is located on a high point to the west of the town and the development site with views over the town, and is clearly seen from various viewpoints within the town

Steps House, St John's Street Grade II - a 18th Century well proportioned town house. Located immediately west of the site, it sits raised above the road and immediately below the Church

14 St John Street - Grade II a 17th century property, originally a house, constructed in sandstone. Located to the south west of the site

St John's Court Grade II - A mid 19th century brick building constructed in an early 17th century style, with a later extension by Charles Bateman. It was originally the vicarage, later council offices and currently a care home. It is also located in a raised position above St John Street/Market Street, to the north west of the site.

1 High Street Grade II- A 17th century timber framed building. Located immediately north of the site.

2- 4 High Street - An 18th century brick built building, now with a ground floor shop unit with a modern shop front. Upper floors converted to flats. Located to the east of the site.

3 Worcester Road Grade II - another 18th century constructed in brick with a modern shop front. Located to the east of the site.

5/7 Worcester Road - Grade II and Grade II* Both 18th century brick buildings, no 7 has venetian style windows was was originally the Golden Lion public house. Both located to the east of the site.

There are several other 18th century Grade II listed properties at the southern end of the High Street.

The site falls within the setting of all these listed buildings

The site had, as noted in the Heritage Impact Assessment been occupied by a modern market hall and a 1950s office building with retail on the ground floor, known as George House. The latter was demolished in 2017, the market hall some years before that. Over the last few the site has been used as an event space.

The proposal is to construct a pavilion building containing a community use space and a four storey building with a food and beverage space on the ground floor and offices on the upper floors, together with associated public realm works including the partial re-opening of the Spadesbourne Brook.

Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

This is supported by Policies in BDP 20 of the Bromsgrove Local Plan, which amongst other things, state that development affecting heritage assets, including alterations or additions as well as development within the setting of heritage assets, should not have a detrimental impact on the character, appearance or significance of the heritage asset or heritage assets.

In addition, guidance in the NPPF must also be considered. Paragraph 194 which requires applicants to describe the significance of any heritage asset affected by a proposal, including any contribution made by their setting. Paragraph 195 requires LPAs to take account of the significance of affected heritage assets when considering the impact of a proposal, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 199 requires great weight to be attached to the conservation of designated heritage assets, irrespective of the level of potential harm. Any harm to or loss of, the significance of a designated heritage asset, including its setting, requires clear and convincing justification. Paragraph 202 states that 'where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The site lies in a highly sensitive location in terms of the historic environment, at the southern end of the High Street, adjacent to the Roman road, and the historic medieval market place, and in close proximity to the medieval church of St John, in the medieval

core of Bromsgrove. As noted above it is surrounded by a number of designated assets including two CAs, the Bromsgrove Town Centre CA extending across the eastern side of the site and numerous listed buildings. The site, however, in its current state is featureless and merges into the Waitrose carpark.

The eastern end of the site is very much a focus of the CA, with views along the High Street towards this end of the site. The proposed pavilion building will form a distinctive feature at the end of the High Street with its interesting architectural form. Although the chosen materials are novel, the colour palette should blend well with materials of the surrounding historic buildings. It is therefore considered that the building will preserve the character and appearance of the Bromsgrove Town Centre CA and the setting of the nearby heritage assets.

The office/restaurant building will form a dominant feature on the corner of St John's Street, between the two CAs and again within close proximity of a number of listed buildings. It will clearly figure in the key view of the Church from the junction of Worcester Road and High Street, but due to the raised position of the Church the Grade I listed building will continue to dominate this end of the Town. The new building will help to partially enclose the St John Street and restore the historic building line. It will obviously be higher than buildings to the east but by setting back the top floor the bulk of the building will be reduced, and it is not likely to be higher than Steps House, which sits on a raised position above the road to the west. The proposed architecture is unapologetically modern as are the proposed materials, however as with the Pavilion building the proposed materials should sit comfortably with the neighbouring historic buildings.

The public realm proposals are welcomed as when not in use for events this area is very much a dead space between the bottom of the High Street and the Waitrose car park. Historically the Spadesbourne Brook was an important feature within the town, a number of historic mills being dependent on it. Its partial restoration is therefore particularly welcome.

There are therefore no conservation objections to the scheme.

Worcestershire Archive and Archaeological Service

The proposed development area (PDA) is located within the centre of the town of Bromsgrove.

The archaeological desk based assessment submitted with application notes that the site is located within what is considered to be the oldest part of Bromsgrove, as laid out by the 13th century and that this is likely located on an earlier Roman road, and next to a possible Saxon Minster precinct. The site became built over in plots from the medieval period and remained central to the town until its destruction in the 20th century. There remains a high potential for the presence of subsurface archaeological features ranging from the Roman road through to medieval and post medieval settlement.

Previous archaeological investigations in the vicinity of the PDA have revealed multi-phase activity from the 12th century onwards (WSM67952), medieval features (WSM31097) and post medieval activity (WSM31883 and WSM49800). A 1994 archaeological watching brief on the site of the New Market Hall, within the PDA itself,

revealed post medieval building footings (WSM20645), while a single trench excavated as part of a community project in 2013 at the former Market Hall, revealed similar results (WSM49636). The community excavation did not extend below the post medieval features and it was considered possible that medieval deposits survived underneath.

The DBA identified the potential for prehistoric activity as low, although noted that such activity can often be on the banks of water courses such as the Spadesbourne Brook, which the site straddles. It also identified moderate potential for Roman archaeology, any remains of which would be considered as of medium significance; low to medium potential of Early Medieval remains, that if present would be of medium to high significance; high potential for medieval archaeology, any remains of which would be of medium to high significance and very high potential for features of post medieval date, remains of which would be considered of low to medium significance.

The DBA concluded that the proposed buildings are likely to require excavation works for services and landscaping.

There is clearly potential for the proposed development to impact below ground archaeology that would be significantly altered or lost through development. On this basis, should you be minded to grant planning permission for this scheme it is recommended that a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of planning permission. The programme of works will require discussion at the brief/WSI stage but may involve a combination of evaluation, watching brief and excavation.

Local planning authorities have a responsibility to protect, either by preservation or record, the historic environment in a manner appropriate to its significance and should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (National Planning Policy Framework 16, paragraph 205). In order to comply with policy, we recommend that a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of planning permission.

Should planning consent be given, then the applicant or their successor in title must contact the Planning Advisory Section of the Worcestershire Archive and Archaeology Service to arrange provision of the brief prior to the commencement of works. It will be the applicant's (or their successor in title) responsibility to contract an appropriate archaeological organisation to undertake the programme of works as detailed in the brief.

North Worcestershire Water Management

According to the Environment Agency data, the site falls partly within flood zone 3, and entirely within an area at low risk of surface water flooding with parts of the site at higher risk of surface water flooding. Whilst we do not hold reports of flooding within the site itself, we are aware of reports of flooding directly adjacent to the site, both due to the Spadesbourne Brook and surface water.

The planning application has been accompanied by a substantial flood risk assessment which includes the findings of a hydraulic model of the Spadesbourne Brook, in the absence of the Environment Agency holding an up-to-date model. This model report confirms that during the 1% AEP event, a small area of the site is currently likely to be at risk of flooding with depths not exceeding 10cm. Post development, there is a modelled increase in flood risk along the route of the Spadesbourne Brook which is to be expected (indicating the opened channel), with out-of-channel flood risk not expected to exceed depths of 20cm. The modelled flood level at the 1%AEP event (including an allowance for climate change) is 85.24mAOD. I do note that downstream of the site, there is a slightly increase in flood depth close to Sampson Court; I will need to better understand the exact location and amount of this increase to ensure no negative impact upon neighbouring buildings. There must be no increasing of ground levels within the areas modelled as being at risk of flooding without compensation storage being provided.

The site as a whole has an existing runoff rate of 28.5l/s; ideally brownfield sites should have their runoff rate and volume reduced as close as practicable to greenfield rates (which would be 1.1l/s), however I appreciate on this site that space is limited, and therefore the best achievable reduction in runoff from the site is down to 14.3l/s. As a significant reduction, this is acceptable. Due to the proximity of the Spadesbourne Brook, infiltration SuDS are not likely to be feasible, therefore in line with the drainage hierarchy, discharging clean surface water to the Spadesbourne Brook is acceptable.

The Spadesbourne Brook at this location is classed as a Local Wildlife Site, and the wider catchment is home to the protected water vole; ensuring no degradation in water quality is therefore of vital importance. I note s.6.4 of the Water Management Statement includes an assessment of the land use, which has a 'low' pollution hazard level, however the mitigation measures have not yet been assessed in line with the CIRIA Simple Index Assessment ' this will need to be completed as part of the detailed design of the site. I would also expect a robust CEMP to be provided to protect the water environment during construction.

A drainage strategy has been provided which at this stage is satisfactory, but I would like to clarify the levels of the outfalls into the channel in relation to bed / top of bank level, and also will require a copy of the .mdx file once the design is finalised. Where possible, I would welcome the addition of further porous surfaces such as block-paving in place of tarmac, to help further reduce the amount of surface water runoff from the site.

Looking at each element of the proposals individually:

The proposed development involves the de-culverting of the Spadesbourne Brook which is welcomed, and aligns with policies 23 and 24 of the Bromsgrove District Plan. At present the detail around this part of the proposals is very limited; although the work will need to obtain formal consent from North Worcestershire Water Management, I believe detailed plans will need to be provided as part of the planning application too. These should include, but are not limited to, long- and cross-sections of the channel and materials. Where possible natural materials for the bed and banks should be incorporated to maximise the benefits. I note the modelling report states that a flow control has been modelled to mitigate against downstream flood risk; it is a shame to see a new section of culvert beneath the bridge has been included as it slightly contradicts the aims of opening the culvert; if there is an alternative it would be welcomed, but should the crossing be

necessary ideally this should be a free-spanning bridge and not a culvert, acknowledging that further hydraulic design work will be required to ensure the flood risk does not increase on or off site.

The proposed office block to the west of the site.

This area is proposed to drain into the watercourse, at a rate of 9l/s, with the provision of 39.9m³ storage to accommodate runoff.

The proposed office block is to have a finished floor level of 85.75mAOD, which is 0.51m above the 1%AEP event including an allowance for climate change. This is acceptable.

I note the provision of a swale helping to drain this catchment area which is very much welcomed as an above ground SuDS feature. Further detail of this will need to be provided at the detailed-design stage, to include levels indicating if this is an over-flow feature or if it will capture water before draining into the site drainage network.

The proposed pavilion to the east of the site.

This area is proposed to drain into the watercourse at a rate of 5.3l/s, with 20.52m³ of attenuation storage being provided.

The pavilion area is designed with a finished floor level of 85.3mAOD. This is only 0.06m above the 1% AEP event (plus climate change) level. Although the building will remain dry up to and including the 1%AEP plus a climate change allowance, the FRA states that due to a need for level access to the building, the required freeboard cannot be provided. While I appreciate the need for level access, I would like to request that further consideration is made into this matter, as the proposed finished floor level does not meet our requirements. I would also like to ensure that there is a safe and dry escape route from this part of the site; at present the proposed route is through an area which may have up to 30cm of flood water before crossing over the brook, although I acknowledge that this is classed as a very low hazard. Is there potential for a rear exit onto Worcester Road perhaps, where there is no risk of flood water.

The FRA states that the building will not be in constant use and is a less vulnerable use, but does not mention if the building will be flood resistant or resilient.

Overall I have no objections to the proposed development, and can see there are multiple benefits including the daylighting of the culvert and the slight reduction in flood risk off-site according to the modelling report. I do however require some further information to ensure the site and surrounding areas are not at risk of flooding, and to ensure there is no damage to the water environment.

Environment Agency

Flood Risk

Based upon our Flood Map for Planning the West side of the development site is located in Flood Zone 1, an area at low risk of flooding, whilst the East side of the site is located in Flood Zone 3, an area at high risk of flooding from the Spadesbourne Brook (an Ordinary Watercourse).

'Annex 3: Flood risk vulnerability classification' in the National Planning Policy Framework (NPPF) sets out that professional and other services such as offices and food facilities are classed as Less Vulnerable development.

We have produced standing advice to enable Local Planning Authorities to make decisions on lower risk planning applications where flood risk is an issue without directly consulting the Agency for a bespoke response. It also identifies those higher risk

development situations where case by case consultation with the Agency should continue.

This standing advice should be treated as a substantive planning response provided by the Agency via a direct consultation response. It should be treated as a material planning consideration in determining the application. As with any consultation reply, it is a matter for the LPA what weight it decides to attach to this standing advice having regard to this and all the other material considerations involved.

We have attached our Flood Risk Standing Advice Process Note 3 to this response for consideration of potential flood risk issues and mitigation options associated with the development.

We note that flood modelling has taken place at the site within the Flood Risk Assessment (FRA) by JBA Consulting (Ref: KAK-JBAU-XX-00-RP-HM-0001-S03-P02-FRA_Report) to show the baseline and post-development flood risk utilising the correct climate change allowance of 30%. We have not reviewed the modelling as part of our consultation and recognise that the FRA states there will be no increase and a likely reduction in flooding on site post development.

We recommend that your council consult your Lead Local Flood Authority (LLFA), as well as your emergency planners and services for consideration of flood risk, mitigation, safe access and egress.

Protected Species

The Environment Agency fully support the removal of Culverts, we are however, not supportive of the current design, which is hard engineered, offering very little value to wildlife.

Although there were no evidence of water voles and it was assessed that the habitat is currently unsuitable for this species in the Preliminary Ecological Appraisal produced by Sharpe Ecology (dated January 2023), Bromsgrove has the last remaining strong hold for water vole populations in Worcestershire. Water voles are one of the UK's faster declining mammal species and they are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Water voles have local strategic significance – the Worcestershire Biodiversity Partnership have a formal Biodiversity Action Plan (BAP) for water voles, due to their extensive scarcity throughout the county and therefore it's important that planning applications meet county BAP objectives when opportunities exist. Chapter 6 of the BAP, which defines the Conservation Aim, emphasizes the need to re-connect suitable habitats for this species. Opening up short sections of culvert can have a positive knock-on effect for other applications to do the same and therefore it is important to ensure it is done in the most appropriate way for the species which are known to the area.

Furthermore, there are records of water voles approximately 130 metres downstream of the site. Therefore, there is a significant opportunity here when opening the culvert, to make the habitat suitable for water voles. Suitable habitats for water voles include areas with both deep and shallow water, tall marginal and bankside vegetation for cover and fairly steep earth banks along the watercourse to excavate extensive burrow systems. As a result, we strongly recommend that the concrete steps/seating area concept is removed, and this area is replaced by a graded back naturalised earth bank. This should then be planted with native species of vegetation – please ensure that any vegetation/trees planted across the site are native and of local provenance. Seating areas could then be provided at the top of the bank instead. We do not support the use of gabion baskets (as seen downstream) as these provide no biodiversity benefit for the Spadesbourne Brook. The Spadesbourne Brook is a Local Wildlife Site (LWS), affording

it elevated protection in consideration of planning applications. The water vole is designated as a national BAP species in the LWS citation, and the proposed planning site lies within the water vole colony section of the Spadesbourne Brook LWS. Efforts should therefore be made and focused on creating suitable bankside vegetation for water voles at this site.

Otters

In the 'External Lighting Strategy and Planning Statement' produced by Creative Environments (Ref: OMH-ONE-ZZ-XX-RP-E-0001-P03), it is discussed that at the next stage of the design, night-time reduction lighting will be considered. Night-time lighting should definitely be considered for this planning application to minimise any disturbance to local strategically significant species such as otters.

Sustainable Drainage Systems (SuDs)

It is good to see that SuDS have been considered including swales and detention basins. In the 'Drainage Plan', rainfall gardens were mentioned. We strongly recommend that the rainfall gardens are implemented on site – particularly in the heavily concreted 'plaza' area. Adding rainfall gardens here will help to infiltrate any surface water runoff into the Spadesbourne Brook, helping to improve water quality. We also recommend that other green infrastructure measures are implemented including green roofs on the rooftops of the buildings.

Biodiversity Net Gain (BNG)

It does not appear that BNG has been considered for this site. Although Biodiversity Net Gain is not currently a legal requirement, we strongly recommend that the applicant undertakes the BNG metric and considers BNG in their design plans.

Invasive Non-Native Species (INNS)

For your information, the INNS, Himalayan Balsam, is extensive at this site. There are also records of Winter Helitrope, Japanese Knotweed, Signal crayfish and Northern River Crangonyctid at the site and within the wider area. INNS management along the Spadesbourne Brook should be included in the design plans. Biosecurity measures (including Check, Clean, Dry) should also be included in any risk assessments to minimise the spread of INNS in the area (e.g., ensuring any equipment/vehicles/boots are properly cleaned before entering and when leaving site). Strict care should be taken when working in the channel to minimise the spread of the Signal crayfish plague.

Worcestershire Regulatory Services

Noise: The submitted background noise assessment (Sandy Brown 23152-R01-A Dated 28 March 2023) appears satisfactory. The cumulative impact, when assessed in line with BS4142, of all proposed plant / equipment / ventilation openings associated with the development shall not exceed the levels detailed in Table 4 of the assessment 1m from the nearest residential premises. This should be conditioned and confirmed by the submission of a Noise Technical Note when the it is known what plant / equipment / ventilation openings will be installed.

External Lighting: The revised external lighting plan and assessment are acceptable. I therefore have no objection to the application in terms of light nuisance.

Fume & Odour: Full details of any commercial kitchen ventilation systems, including fume and odour mitigation in line with the Defra / EMAQ+ guidance, shall be submitted for approval.

Construction Phase Nuisance: The applicant should submit a Nuisance Management Plan detailing the proposed measures to monitor and mitigate emissions of noise, vibration (piling) and dust emissions during the construction phase for approval. Reference should be made to BS5228 Parts 1 & 2.

Community Safety Manager

The following advice and recommendations are informed by Secured by Design "Commercial 2015" guidance, a copy of which can be accessed here: <https://www.securedbydesign.com/guidance/design-guides>

It is important to note that crime is a material planning consideration and is a determining factor in gaining planning consent. Practitioners are also reminded that the prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under the Town and Country Planning legislation.

In commenting on this development, I have considered.

- Crime and Disorder Act 1998 (S17) local authorities are duty bound to adhere to Section 17 of the Crime and Disorder Act 1998 and exercise their functions with due regard to their likely effect on crime and disorder and do all that they reasonably can to prevent crime and disorder.
- National Planning, Policy Framework S8 (Promoting Healthy and Safe Communities) and S12 (Achieving Well-Designed Places) Para 130 (f)
- Planning Practice Guidance (Healthy and Safe Communities) P009 & P010
- Bromsgrove District Plan 2011-2030 (Strategic Objective 7; Reduce fear of crime, Promote community safety) and Policy BDP19 High Quality Design
- Bromsgrove High Quality Design SPD

We are satisfied that we have had the benefit of engagement with the development project group for this development and consequently have had opportunity to make comment during the design stages. This is always beneficial allowing early identification of design aspects we would regard as problematic and facilitating discussion to reach mutually agreeable positions. We have also been engaged with the BREEAM Security Needs Assessment which this comment largely mirrors.

The below recommendations are not intended to be exhaustive but should be considered as general principles relative to the initial design. Further discussion with a DOCO as the design develops is recommended to ensure a safe venue in line with Local Planning Policy, Secured by Design "Commercial 2015" and the National Planning Policy Framework.

Comment ref Sustainability

I also note that the Design and Access Statement makes specific reference to environmental issues and sustainability. I would point out that research conservatively estimates the carbon cost of crime within the UK to be in the region of 6,000,000 tonnes of CO2 per annum. This is roughly equivalent to the total CO2 output of 6 million UK

homes! Effectively designing out crime at build or refurbishment stage therefore delivers additional environmental benefits.

Context

Bromsgrove Town Centre is generally a positive environment for shoppers, workers and residents, there is however a history of certain recurrent behaviours that should be considered when designing new buildings and spaces. These behaviours include youths accessing rooftops and the rear areas of buildings for the purpose of anti-social behaviour, nuisance loitering and gathering, sometimes in numbers, sometimes for begging. Criminal damage including arson (there was an incident of arson at the present birdbox site) and graffiti.

Design and Layout

Avoid climbing aids on buildings.

Care should be taken to ensure that design features of the building's exterior do not constitute climbing aids onto the building, this is an ongoing challenge in relation to young people for other buildings in the high street.

When considering materials being used on the exterior these should where possible be graffiti resistant.

Avoid covered recesses on buildings where possible to inhibit anti-social lingering.

Recesses are a known concern for anti-social behaviour and as well as encouraging nuisance loitering can create places encouraging rough sleeping. Where these recesses are built into the design There should be consideration how this kind of negative use can be designed out, i.e., increased lighting or minimised recessing.

Natural Surveillance

Currently this site is one that has a lot of natural surveillance. The submitted design however produces an area including a throughfare between Waitrose Car Park and St John Street which is less subject of surveillance. This vulnerability should be minimised by CCTV surveillance, by good lighting and by attention to planting that does not create hiding and ambush places.

Planting and Landscaping

Planting must compliment rather than obstruct the existing Council CCTV system and any building CCTV system and should be carefully designed not to impede natural surveillance. Trees must be maintained at a height no greater than 2.0 meters from the base to the crown and may require more frequent maintenance and pruning during the summer months where foliage becomes denser.

Care should be taken to avoid wind-blown litter traps as these can create an atmosphere of neglect and lead to nuisance loitering.

Any planters that are proposed for the site should be to a design that does not create seating areas.

Urban Stream

The open culvert (Urban Stream) is undoubtedly a potentially attractive feature of the design, but this could prove an attractor for ASB behaviour and certainly litter, management plans for the site should include how these issues may be managed.

Bromsgrove Society

The Society supports in principle the proposed development of a community pavilion with associated public space, the un-culverting in part of Spadesbourne Brook and improvements to the public realm. The Society is aware of the role of the proposed mixed use commercial building in supporting the proposed community pavilion. However, given the trend from working within a traditional office environment towards hybrid and remote working, we question if the development proposals represent an overprovision of office space likely to lead to prolonged periods when the commercial building is not fully let. The Society has reviewed the objection by Mr Troy Kidsley to the proposed development. Mr Kidsley makes use of industry standard techniques to access the impact of the mass and form of the proposed commercial building on key sight lines. The Society shares the concerns raised by Mr Kidsley regarding the adverse impact of the mass and form of the proposed commercial building on sight lines from the southeast when looking towards St John's Church and the view from the grounds of St John's Church to the southeast. The Society invites Bromsgrove District Council to address these concerns by reducing the height of the proposed commercial building. The Society also shares the concerns raised by Mr Kidsley regarding the performance of the proposed cladding material. The Society calls upon Bromsgrove District Council to commit to a regular maintenance scheme that will prevent staining of the cladding. The adverse impacts of noise arising from the proposed outdoor public space, outdoor tables served by the proposed ground floor food / beverage area and the proposed third floor outdoor dining area is of concern to The Society. To date, the impact of noise arising from these sources on adjacent residential properties and streets does not appear to be addressed in the Applicant's submissions or Consultee responses. The Society has an expectation that Bromsgrove District Council will address this matter.

Publicity

34 letters sent 23.10.23 expired 16.11.23
Site notices displayed 23.10.23 expired 16.11.23
Press notice published 27.10.23 expired 13.11.23

7 representations have been received in relation to the application.

Of these 1 supports the proposal whilst 6 raised objections.

In support of the application the following matters were raised:

- Pleased to see a modern design and stream incorporated into the proposal
- Hope that the proposal will support independent businesses in the town
- Promotion of town through events and functions
- Continue the good use of the Birdbox for public events and street trade

In objection to the application the following matters were raised:

- The design is too modern and intrusive for the area
- Alternative uses for the site should be considered
- The funding for the development could be better spent on alternative projects/sites
- The height of the proposed office building
- The materials proposed for the proposed office building and how it will weather

- Impact of pollution and noise

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP16 Sustainable Transport
BDP17 Town Centre Regeneration
BDP19 High Quality Design
BDP20 Managing the Historic Environment
BDP23 Water Management

Others

Planning Practice Guidance
National Planning Policy Framework
High Quality Design SPD

Relevant Planning History

15/1064 Demolition of existing building (George House) Granted 11.03.2016

Site Description and Proposal

The site is approximately 0.2 hectares in size located at the junction of the High Street, Worcester Road and St John Street. It is an irregular shape and is currently occupied by the 'Birdbox' – an open air space which has previously been used for outdoor recreation events in the town centre.

The site is laid to either tarmac or artificial grass with raised seating structures similarly finished in artificial grass. To the edges of the site are planters formed from metal gabion basket type structures and towards the eastern end of the site there is a timber stage structure. There is unrestricted pedestrian access through the site from St John Street/the High Street through to the council run car park and Waitrose beyond to the south west. The culverted Spadesbourne brook runs underneath the site.

The site is allocated in the Bromsgrove District Plan (BDP) as being within the Town Centre. The eastern end of the site is located in the Bromsgrove Town Centre Conservation Area with the western side of the site allocated under Policy BDP17 of the BDP as a Town Centre Regeneration site.

On the opposite side of St John Street from the application site lies the St John's Conservation Area and listed buildings – 10, 12, 12a, and 14 St John Street. At slightly further distance lies the listed St John the Baptist's Church and St John's Court Nursing Home. Number 1 High Street is a listed building at the junction of St John Street and the High Street opposite the application site with numbers 2 and 4 High Street and 3 and 5 Worcester Road opposite the eastern end of the application site.

The application proposal comprises two distinct elements – a pavilion building to the eastern end of the site and a four storey mixed use building to the western end of the site.

It is proposed that the Spadesbourne Brook, which effectively divides the site in two, will be opened up as part of the landscaping of the site.

The ground and third floor of the mixed use building will comprise office and food and beverage uses. The first and second floor is proposed to be in office use. The fourth floor is for plant and roof mounted photovoltaics.

The pavilion building, whilst having the appearance of a two storey building will only have accommodation at ground floor level and will be utilised as a multi purpose space for community use both internally and externally. In the main the building will be left as an open space with toilet facilities accessible internally and plant and bin storage areas accessible from the rear.

The scheme is designed to be car free, except for deliveries, with new cycle parking facilities proposed as part of the development. Service and delivery vehicles will be able to access the site from George Street, continue through the site via paving into the Waitrose car park and exit on to St John Street. Access is controlled by manually controlled drop bollards.

Background

Bromsgrove District Council has been awarded funding from central Government through the Levelling Up Fund. This funding is to be shared between the application site and the former Fire Station/Library site on Windsor Street with the majority being awarded to this site. The funding is to provide circa 2250 square metres of flexible office, commercial and community space as well as associated public realm.

Assessment of Proposal

Principle

The site lies in the Town Centre as defined by Policy BDP17 of the BDP. BDP17.2.2 states that the Town Centre will continue to be the main retail centre of the District with the Primary and Secondary Shopping Zones being the main focus. The Worcester Road/St John Street frontage of the site is defined as a Primary Shopping Zone. Furthermore, the western side of the site, along with the council run car park and Waitrose supermarket, is allocated by BDP17.8 as a Town Centre Regeneration site. BDP17.8 sets out a number of principles for redevelopment of the site which include: the primary land use being a retail led mixed use development, leisure uses such as cafés and restaurants may also be acceptable at ground floor with the possibility of residential and office uses on upper floors, the scale of development should preserve or enhance the surrounding Conservation Area with protection of notable views and a perimeter block layout should be used. There are further requirements with respect to flood risk and public realm improvements.

Matters relating to the design/layout of the proposed buildings will be considered separately. The proposed uses across the site are mixed, comprising café/restaurant and office uses as well as the pavilion building, the use of which would not readily fall within any particular use class and would therefore be considered a sui generis use. The wider allocated site has already been developed by the Waitrose supermarket – a retail use. In

view of this and the flexibility of the uses considered acceptable by policy BDP17.8 the principle of developing the site in the manner proposed is considered to accord with Policy BDP17.

Heritage and Design

The design of both of the proposed buildings takes a modern approach and seeks to respond to a number of site constraints. These include the Spadesbourne Brook which dissects the site, part of the site being in Flood Zones 2/3, part of the site being within the Conservation Area, level changes and access to and through the site.

The pavilion building is proposed to be sited at the eastern side of the application site on the junction of Worcester Road, the High Street and St John Street. With respect to the design proposed for the pavilion building it will take a two storey scale, with accommodation on the ground floor only, the building being double height internally. The roof will take the form of three asymmetric gables. To the front there will be a pergola type frame structure with fabric roof. At both ground and first floor level there will be floor to ceiling windows. It is proposed to largely finish the building in a bronze standing seam material.

With respect to the mixed use building, this will be sited at the western end of the site, addressing the curve of the St John Street junction. Accommodation is proposed across four floors with a plant area on the roof. The scale of the building will be the same from ground to second floor level with the building reducing at the third floor and further still at the plant area to create a tiered appearance. It is proposed to finish the building in blue brickwork at ground floor level with the first, second and third floors finished in bronze standing seam cladding as per the pavilion building. The rooftop plant area will be screened with a perforated metal screen in a light bronze colour. There will be floor to ceiling windows across all levels, with those at first and second floor level being highlighted with light bronze perforated steel fins.

Both buildings incorporate photovoltaic panels to the roof.

With respect to the historic environment the Council's Conservation Officer has provided detailed comments on the application proposals as reported in full above. No objections have been raised to the proposed scheme and in coming to this conclusion regard has been had to the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, Policy BDP20 of the BDP and the guidance within the NPPF. Reference is made to paragraphs 194, 195 and 202 of the NPPF, however since the revised version of the NPPF was published in December 2023, these paragraphs are now numbered 200, 201 and 208 respectively.

It is recognised that the site is in a sensitive location having regard to the proximity of two Conservation Areas and a number of listed buildings, as well as being adjacent to the Roman road, and the historic medieval market place, and in close proximity to the medieval church of St John, in the medieval core of Bromsgrove.

With respect to the pavilion building it is noted that the proposed pavilion building will form a distinctive feature at the end of the High Street with its interesting architectural form. Although the chosen materials are novel, the colour palette should blend well with

materials of the surrounding historic buildings. The Conservation Officer therefore concludes that the building will preserve the character and appearance of the Bromsgrove Town Centre Conservation Area and the setting of the nearby heritage assets.

With respect to the mixed use building it is acknowledged that the building will form a dominant feature on the corner of St John Street. However, views of St Johns Church will continue to dominate. The proposed building will also partially enclose St John Street which will restore the historic building line. The modern design of the building is acknowledged, however it is considered that the proposed materials will sit comfortably with the nearby historic buildings.

Improvements to the public realm are welcomed as outside of when the space is being used for events it becomes a dead space at the bottom of the high street. Particular support is given for the reintroduction of the Spadesbourne Brook through the site given its importance associated with historic mills in the town.

It is noted that representations received relating to the application raise both support and concern for the design approach taken for the proposed buildings and in particular the modern approach and materials finish.

Policy BDP19 of the BDP seeks to deliver high quality people focussed space and sets out a series of criteria as to how this may be achieved. Similarly, Chapter 12 of the NPPF recognises that high quality, beautiful and sustainable buildings and places is fundamental to what the planning process should achieve.

There is nothing in either the BDP or NPPF which requires that the design of new development exactly replicates that in the surroundings. A thorough assessment has been made of the varying architectural styles in proximity to the site and the design has been developed to reflect this. For example, the use of contrasting materials at ground floor level of the mixed use building breaks up the mass of the building and reflects the shop fronts which occupy the units on the High Street and Worcester Road. The use of metal cladding for the buildings is intended to blend with the materials of the local area and also celebrate Bromsgrove's history of nail making.

Taking all those matters raised above into account, in particular that the Conservation Officer raises no objections to the proposal, it is considered that the overall design and impact on the historic environment is acceptable.

Flood Risk

The application has been subject to consultation with the Environment Agency and North Worcestershire Water Management (NWWM) as reported in full above. Clarification to satisfy the queries raised by NWWM in those comments above has been received and this has resulted in no objection being received, with amended conditions being recommended.

The western portion of the site lies in Flood Zone 1 with the eastern side of the site lying within Flood Zones 2 and 3 as defined by the Flood Maps for Planning produced by the Environment Agency. Planning Practice Guidance defines Flood Zone 1 as having a low

probability of Flooding, Flood Zone 2 as a Medium Probability of Flooding and Flood Zone 3 as a High Probability of Flooding.

Annexe 3 of the NPPF categorises different types of development depending on their flood risk vulnerability. Buildings for shops, financial, professional and other services, restaurants, cafes and hot food takeaways as proposed in this application are considered 'less vulnerable' uses. Table 2 paragraph 079 of the Planning Practice Guidance indicates that the Exception Test is not necessary for less vulnerable development in Flood Zones 1-3. However, it is necessary to carry out a sequential test as part of the site to be developed lies within Flood Zones 2 and 3. The aim of the sequential test is to promote development in areas at lowest risk of flooding by comparing the site it is proposed to be developed with other available sites to find out which has the lowest flood risk. The submitted Flood Risk Assessment sets out that due to the existing land use being less vulnerable and the proposed land use also being less vulnerable as well as the constraints of the development site and the requirement for additional commercial building in Bromsgrove the proposal is considered to pass the Sequential Test.

The sequential test, however, requires consideration as to whether there are any alternative sites available for the development proposed and with respect to this regard has been had to Policy BDP17 of the BDP. There are two other sites allocated for similar land uses as part of this policy in the Town Centre – the former fire station/library site on Windsor Street and Mill Lane. Mill Lane similarly lies within Flood Zones 2 and 3 as defined by the Flood Risk Maps for Planning and therefore would not represent a sequentially preferable development site in Flood Risk terms. With respect to Windsor Street, this lies within Flood Zone 1 so could represent a sequentially preferable site. The most recent applications for development of this site (in 2015, 2016 and 2018) have not been successful, with applications in 2015 and 2016 being refused and subsequently dismissed at appeal and the 2018 application being withdrawn. The developments proposed were also for retirement living for the elderly so would not deliver the same type of development as proposed at this site. Therefore, whilst this site could be sequentially preferable in flooding terms there is no certainty as to when and whether development of a similar nature is likely to come forward on this site. It is therefore considered that the proposal passes the Sequential test.

Paragraph 173 of the NPPF requires that when determining planning applications flood risk is not increased elsewhere as well as a series of criteria being satisfied. NWWM have commented that there are multiple benefits to the proposal including the opening up of the Spadesbourne Brook and a slight reduction in off site flood risk. The proposal includes a swale as an above ground sustainable drainage feature and significant reduction in runoff rate from the site. In addition, the modelling in the submitted Flood Risk Assessment shows that the site is susceptible to less flooding than the Flood Risk Maps for Flooding. As such it is considered that having regard to the sequential test, the requirements of paragraph 173 of the NPPF, and policies BDP23 and BDP24 of the BDP the proposal is acceptable in flood risk terms.

Highways

The Highway Authority have provided a thorough assessment of the application, following the submission of amended information from the applicants. It is noted that it is intended

the proposal be a car-free development, taking advantage of the highly sustainable location of the site and nearby active and public transport opportunities.

Policy BDP16 requires that development should comply with Worcestershire County Council Transport policies, design guide and car parking standards (or any successor guidance) and incorporate safe and convenient access and be well related to the wider transport network.

Consideration has therefore been given to highway safety, the proposed development being car free, the delivery arrangements through and for the site, accessibility, vehicular and cycle parking provision, trip generation, lighting, drainage, trip generation, highway impact and layout.

No objections are raised to the proposal on highway grounds subject to the imposition of conditions relating to the submission and approval of an employment travel plan, employment travel welcome pack and a construction environmental management plan which covers matters such as site operative parking, delivery hours and measures to keep the highway clean.

In view of this, the lack of objection from the Highway Authority and guidance found at paragraph 115 of the NPPF which states that development should only be 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, it is considered that the proposal is acceptable with respect to highway matters and does not provide a reason for refusal of the application.

Protected Species

The application is supported by a preliminary ecological appraisal. Comments from the Environment Agency (EA) and NWWM also refer to a population of water voles being present within the watercourse close to the application site and the presence of invasive non native species, Himalayan Balsam.

In summary the ecological appraisal concludes that no protected or notable habitats or plants were noted on site and the site was assessed as being unsuitable for supporting water vole, bats, otter or other protected or notable species, and no further surveys were considered to be required. Specifically with respect to water voles it was concluded that the section of Spadesbourne Brook within the site boundary is unsuitable for water voles, and the stretches of the brook either side of the site were assessed as not supporting any habitat suitable for water voles. This, combined with the lack of water vole field signs and historical records of water voles within the Spadesbourne Brook, means that water voles are deemed to be absent from within and immediately adjacent to the site and any works within the site boundary would not result in any direct or indirect impacts on water voles.

The EA raise concerns relating to the design of the opened culvert element with respect to it being hard engineered and adding little value to wildlife. In this respect it is recommended that the concrete steps/seating area is removed from the scheme and is replaced by a natural earth bank. In response to this the agents have commented that the southern bank of the opened watercourse is identified as a more natural slope which is vegetated and planted and so this gives more opportunity to be soft engineered, giving

the opportunity for biodiversity benefits including habitat provision for mammals, invertebrates and other water-borne organisms. Following dialogue with NWWM it is proposed to naturalise the base of the channel to avoid exposure of concrete and introduce more planting into the channel. This will be reflected in detailed designs submitted to NWWM via condition before works to the culvert commence.

Due to the presence of invasive non native species near the application site, a condition has been recommended with respect to taking appropriate action to prevent their spread and having a long term management plan for the issue. It is considered that alternative wording than that proposed by NWWM would be necessary to ensure the production, submission and implementation of such a management plan in order to control this issue.

Taking all these matters in to account it is considered that the development would not have an adverse impact on protected species and the incorporation of features on the site which can be controlled by planning condition could lead to an improvement in biodiversity across the site.

Residential Amenity

The nearest residential properties are located at Sampson Court, to the south of the application site. Consultation letters were sent to the occupiers of these properties, however no responses have been received in relation to the application.

The proposed mixed use building is sited between approximately 22 and 28 metres from the closest flank wall of Sampson Court. The council's High Quality Design Supplementary Planning Document (SPD) does not specify acceptable separation distances between commercial and residential development in order to satisfactorily protect residential amenity, however it is considered that a separation distance of 21 metres between two residential dwellings is adequate to avoid issues of overlooking. Where main living rooms are above ground floor level a separation distance of 27.5 metres is considered necessary. In this case the separation distance is marginally below 27.5 metres, however there is not a direct window to window relationship as the proposed mixed use building is sited at an oblique angle compared with Sampson Court. Furthermore there are perforated metal fins proposed to the upper floor windows which will obscure and restrict views. It is therefore considered that this relationship is acceptable having regard to any overlooking impact.

With respect to overbearance and overshadowing it is considered that due to the development being sited to the north of Sampson Court and the separation between the proposed development and this building the proposed development will not cause an adverse overbearing or overshadowing impact to these residential properties.

Other matters

Worcestershire Regulatory Services have commented on the application with respect to noise, light pollution, fumes and odour and construction phase noise.

Information submitted with respect to lighting is considered acceptable, however details relating to plant/equipment/ventilation openings, commercial kitchen ventilation systems and a nuisance management plan should be secured by condition.

Comments have been received from Worcestershire Archive and Archaeology Service which consider that there remains a high potential for the presence of subsurface archaeological features at the application site. This is in view of the fact that the site is located within what is considered to be the oldest part of Bromsgrove laid out by the 13th century which is likely located on an earlier Roman Road and next to a possible Saxon Minster precinct. In view of this, and the guidance at paragraph 211 it is considered necessary to attach a pre commencement condition to any permission granted.

The Community Safety Manager has provided detailed comments regarding the proposal. Matters covered include natural surveillance, avoiding climbing aids on to the proposed buildings, avoiding recesses, planting and landscaping.

A number of other matters have been raised but these would not be a material planning consideration. The comments relating to the maintenance of landscaped areas would be undertaken by the council and could be managed appropriately. Conditions are recommended which cover the submission of materials such that whether they are graffiti proof can be considered at this stage and the development does not create any significant recesses such as to promote anti social behaviour.

In conclusion, the principle of developing the site in the manner proposed is supported by policies of the BDP. No objections have been received from statutory consultees relating to the detail of the proposal, subject to the imposition of planning conditions and as such there is no planning reason to withhold planning permission in this instance.

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:

Drainage Plan Sheet 2 of 2 OMH-ONE-ZZ-XX-DR-C-3001 P05
External Lighting Layout OMH-ONE-ZZ-XX-DR-EE-2400 P05
External Lighting Strategy OMH-ONE-ZZ-XX-RP-E-0001-P04
Landscape Masterplan OMH-ONE-ZZ-XX-DR-L-0010 P18
Street Elevations OMH-ONE-ZZZ-XX- DR-A-1000 P04
Proposed Site Block Plan OMH-ONE-ZZZ-XXX-DR-A-0003 P05
Roof Plan OMH-ONE-ZZZ-RF- DR-A-0024 P04
Drainage Plan Sheet 1 of 2 OMH-ONE-ZZ-XX-DR-C-3000 P03
Site Location Plan OMH-ONE-ZZZ-XX-DR-A-0001 P04
Pavilion Building Elevations OMH-ONE-PVB-XX-DR-A-1003 P07
Pavilion Floor Plan OMH-ONE-PVB-00-DR-A-0023 P06

Site Sections OMH-ONE-OFB-XX-DR-A-1010 P04
Office Building Elevations 1-4 OMH-ONE-OFB-ZZ-DR-A-1001 P06
Office Building Elevations 5-7 OMH-ONE-OFB-XX-DR-A-1002 P06
Office Building Floor Plans Ground to Second Floor OMH-ONE-OFB-XX-DR-A-0020 P05
Office Building Floor Plans Third and Fourth Floor OMH-ONE-OFB-XX-DR-A-0021 P05

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

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

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

4. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and

- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

5. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

6. The Development hereby approved shall not be brought into use until the Applicant has submitted a Travel Plan using Modeshift STARS Business. They must meet green level accreditation before occupation and bronze level accreditation within 12 months of occupation.

Reason: To reduce vehicle movements and promote sustainable access Employment Travel

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 an employment Travel Welcome Pack promoting sustainable forms of access to the development. The pack shall be provided to each member of staff at their work induction.

Reason: To reduce vehicle movements and promote sustainable access.

8. 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 traffic management arrangements; and
 - 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.

9. Prior to commencement of development a Nuisance Management Plan, referencing BS5228 Parts 1 & 2, detailing proposed measures to monitor and mitigate emissions of noise, vibration (piling) and dust emissions during the construction phase 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: In order to protect the amenity of the surrounding area during the construction works.

10. No works or development shall take place until a method statement for the protection of the adjacent brook from pollution during the course of construction has been submitted to and approved in writing by the local planning authority. The statement shall assess the risks from all pollution sources and pathways (including silt, cement and concrete, oils and chemicals, herbicides, aggregates, contaminated land and waste materials) and describe how these risks will be mitigated for this development. Development shall be carried out in accordance with the approved details.

Reason: to protect the water environment. This condition is required to be pre commencement as there is potential during the site preparation / clearance phase for pollutants to enter the culverted watercourse via drains on site. It also ensures no accidental damage to the culvert occurs.

11. No works in relation to site drainage may commence until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and the drainage strategy submitted with the application (OMH-ONE-ZZ-CC-DR-C-3001 - Drainage Plan rev P03). The scheme should include run off treatment proposals for surface water drainage. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

Reason: To ensure satisfactory drainage of the site and no detriment to water quality.

12. No works in relation to the de-culverting of the Spadesbourne Brook shall take place until detailed plans of these works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To allow proper consideration of the proposed de culverting works.

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

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

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

shall be replaced with a tree, hedge or shrub of a size and species to be agreed in writing with the Local Planning Authority and planted during the first planting season after its loss.

Reason: To retain the character of the landscape.

15. No development works, other than demolition, clearance of demolition waste, and site compound set up, shall proceed until a methodology and management plan to prevent the spread of Himalayan Balsam or any other invasive plant species found on the site has been submitted to and approved in writing by the local planning authority. Any long-term mitigation and monitoring set out in those reports, shall be carried out in accordance with the approved details.

Reason: To prevent the spread of Himalayan Balsam and any other invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981.

16. The cumulative impact, when assessed in line with BS4142, of all proposed plant/equipment/ventilation openings associated with the development shall not exceed the levels detailed in Table 4 of the Noise survey and plant noise egress limits report 1m from the nearest residential premises. Prior to the installation of any plant / equipment / ventilation openings a Noise Technical Note shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to protect the amenity of nearby residential properties.

17. Prior to first installation on site full details of any commercial kitchen ventilation systems, including fume and odour mitigation in line with the Defra / EMAQ+ guidance, shall be submitted for approval. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the amenity of the surrounding area.

Case Officer: Sarah Hazlewood Tel: 01527881720
Email: sarah.hazlewood@bromsgroveandredditch.gov.uk

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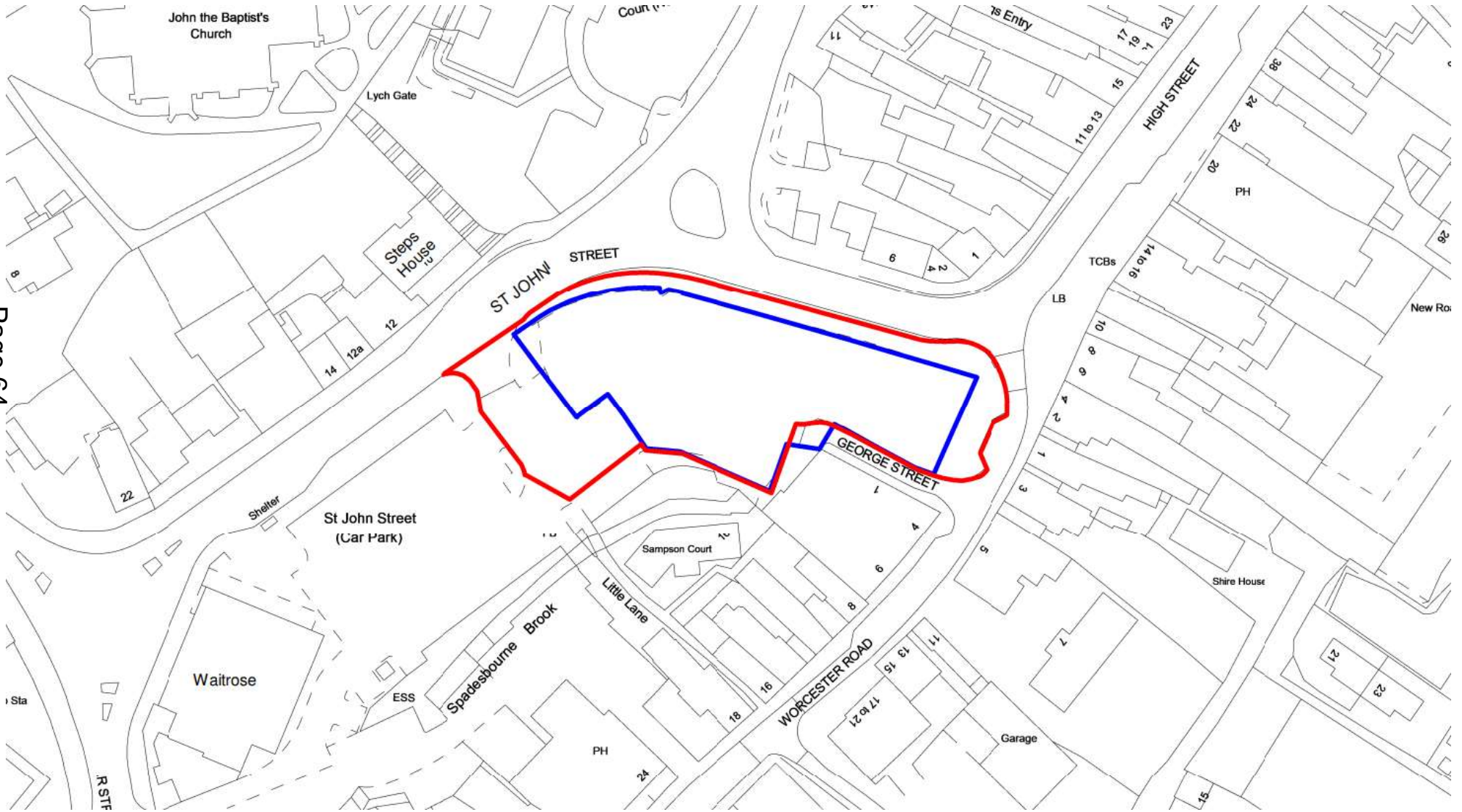
23/01121/FUL

Land At St John Street Bromsgrove Worcestershire

Proposal: 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.

Recommendation: Approval subject to conditions

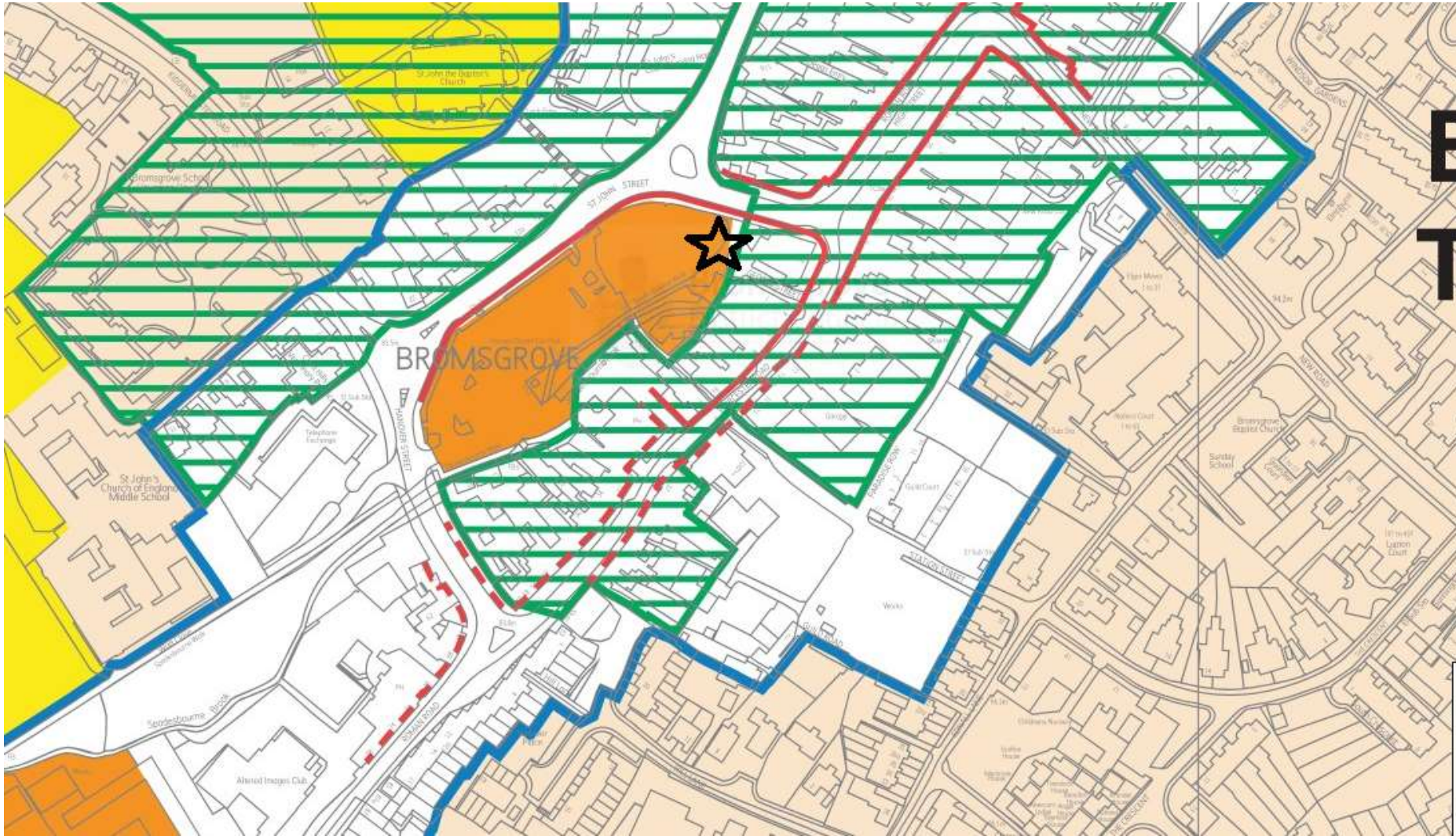
Site Location Plan



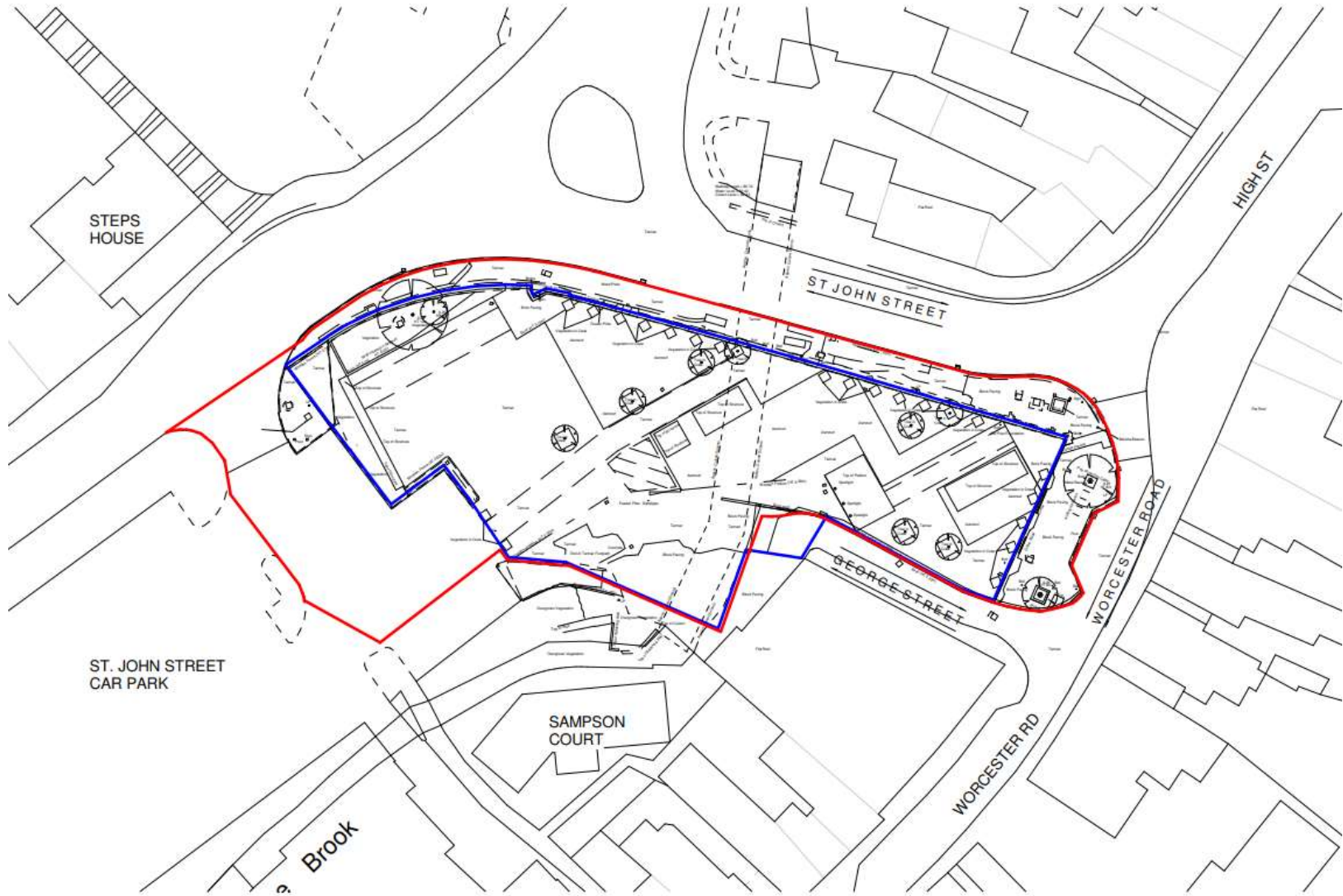
Aerial Photograph of site



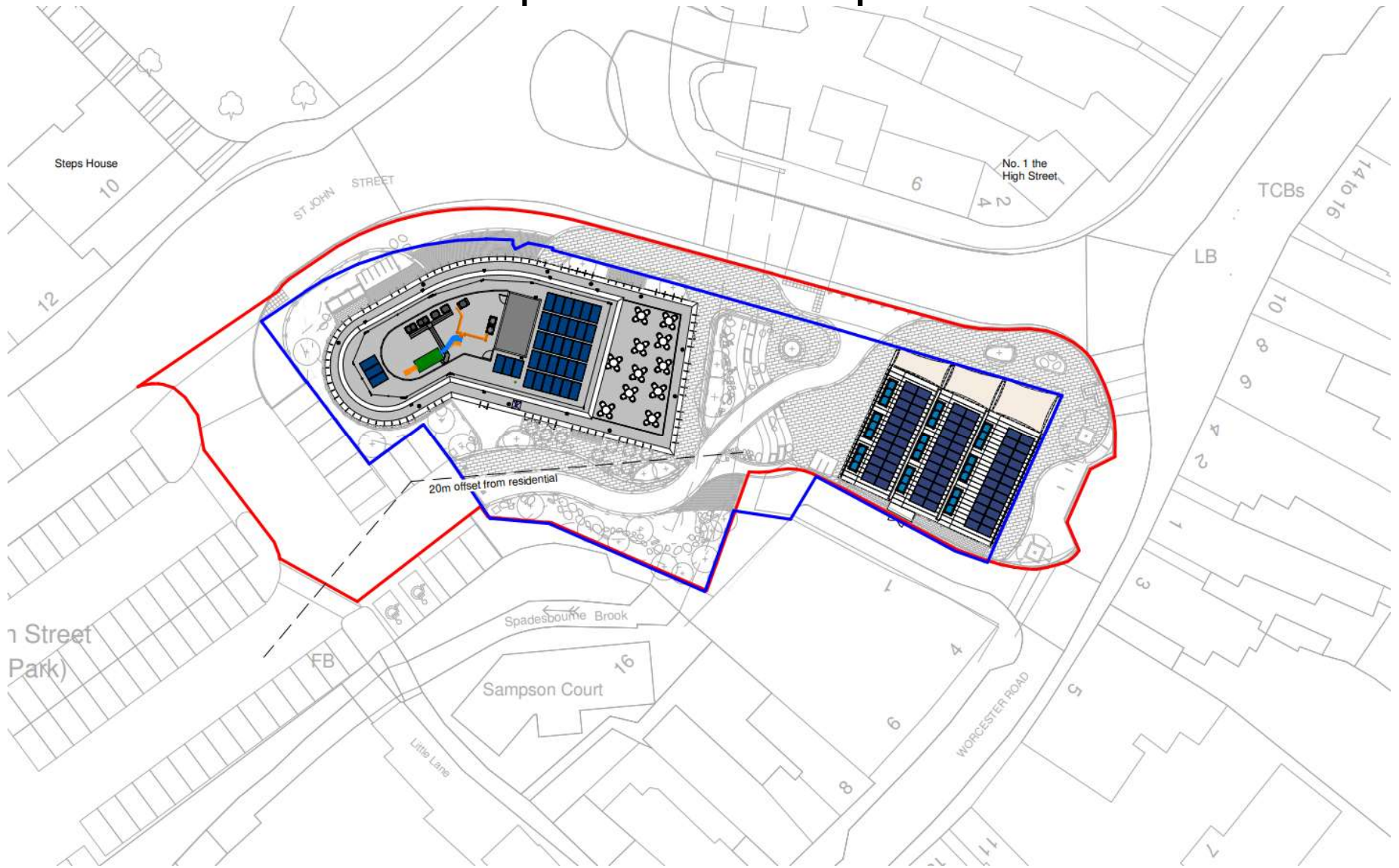
Bromsgrove District Plan Proposals Map



Existing site plan



Proposed site plan



Proposed Pavilion Building Elevations



Elevation 3
1:100



Elevation 4
1:100

Proposed Pavilion Building Floorplans



Proposed Mixed use Building Elevations



Proposed Mixed use Building Elevations

* This drawing must not be scaled. All site dimensions must be physically checked on site prior to construction.
* This drawing must not be reproduced without the consent of ONE Creative environments.



Elevation 5
1:100



Elevation 6
1:100



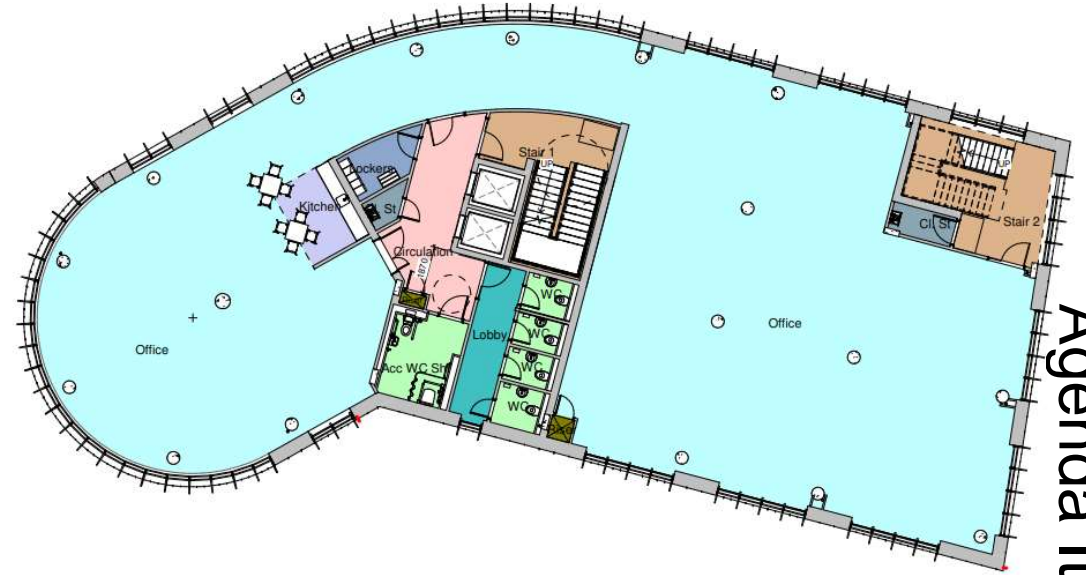
Elevation 7
1:100

Proposed Mixed use Building Floor Plans



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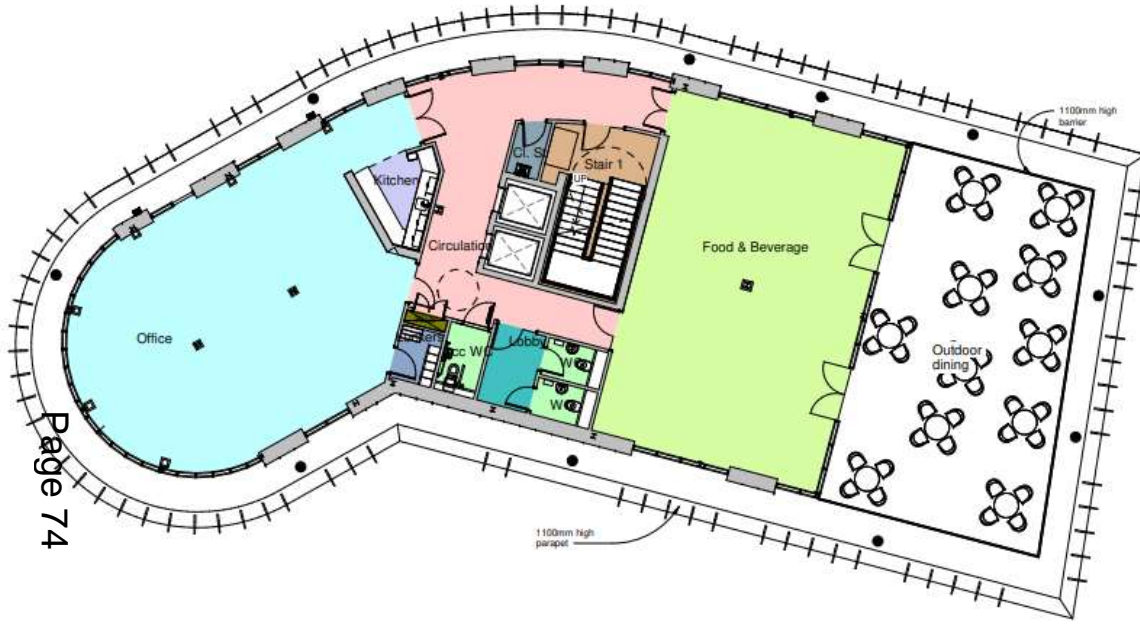
GROUND FLOOR
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FIRST AND SECOND FLOOR
1:100

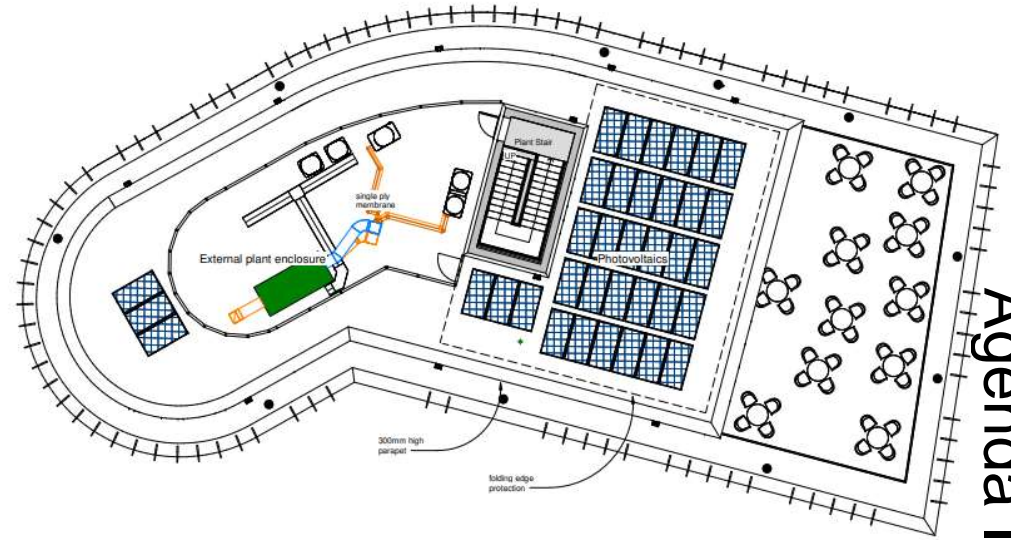
Agenda Item 6

Proposed Mixed use Building Floor Plans



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THIRD FLOOR
1:100



FOURTH FLOOR
1:100

Agenda Item 6









Site photos



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Agenda Item 7

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Green Clover Developments Ltd	Erection of five buildings for storage and distribution and associated hardstanding (retrospective) Oakland International Ltd, Seafield Lane, Beoley, Redditch, B98 9DB	05.03.2024	23/01346/FUL

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Beoley Parish Council

Comments summarised as follows:

Beoley Parish Council wish to strongly oppose this application for the following reason:

The development is contrary to Greenbelt policies and is not in a sustainable location. There is no public transport and the roads are not suitable for walking/ cycling to work, it is dangerous for those that try particularly as it is shift work 24/7, accident data should be evaluated.

The buildings represent inappropriate development in the Greenbelt. The buildings are described as temporary by the manufacturers and as such are of a poor quality design, there is no attempt for the design to be sympathetic to the rural location, there is not even any landscaping to reduce the impact. The buildings are clearly visible from a number of roads and footpaths, including the A435 which is a key route through the greenbelt, the poor design and negative impact on openness of the greenbelt is noticeable along with the inappropriate floodlighting. No analysis has been done on ecological damage of the buildings or floodlights. The buildings being temporary are not sustainable and will need to be disposed of at the end of their economic life, they are not connected to foul drainage, so there are no toilets or presumably handwashing facilities for employees, despite the application saying the buildings are used for food. There is no information supplied on the green credentials of the buildings, or if are they sustainable in terms of energy consumption, they do not appear to have building regulation approval according to the planning portal.

Flooding/ Surface Water/ Pollution - there is a significant issue with surface water on Seafield Lane since the buildings were erected, with the road often almost unpassable. There is a risk of contamination with the piles of manure stored next to the flood water and also effluent from toilets, as there is no mains drainage to Seafield Lane. Effluent from the 290 employees of Oakland as well as the 110,000 visitors to the farm park is disposed of in the immediate vicinity of the development.

Traffic Generation - Workers typically travel by car due to the unsustainable nature of the location. The high volume of lorries associated with Oaklands is not compatible with the local lanes, with the verges chewed up, litter and lorry drivers parking in the passing places and using the verges as toilets. The transport report associated with the application is not suitable as it uses data from 2015, since 2015 not only has Oaklands

grown by 23% using their own numbers, there is also the Attwell Farm Park development with 110,000 visitors per year visiting by car and the Forders Gym now open with c.160 cars arriving for events. There is also a new agricultural barn for the housing of cattle which is serviced by tractors removing muck and delivering forage, and a further building for the production of mushrooms under construction. The transport report states that there has been a reduction of traffic associated with Oaklands, this is contrary to the experience parishioners report, and the parish council dispute that traffic levels have reduced.

Unsuitable Access - the exit to Oaklands is now materially worse as it is opposite an access to the overflow car park of Attwell Farm Park, which is also used for events by Forders Gym.

It has been witnessed that on several occasions that residents have almost collided with FLT's, Elevated Platforms, Tug Vehicles, Mega Trailers and pedestrians using the road between Atwells And Oaklands as if it was internal roadways without illuminations and markers

Damage is clearly seen, verges eroded, pot-holes and pull-ins formed. Erosion of the junction at Brockhill Lane has resulted in the mains water hydrant that was set in the verge is now approximately 1 metre into the carriageway. Self made Pull -ins have now completely contravened drainage ditches causing surface water to lay on the road and junction of a national speed limit road, near to the exit of a dual Carriageway. On this stretch of road the Parish Council have set up a Vehicle Activated Sign which shows extent and behaviour of traffic using the site often witnessed by parishioners.

One way might have some kerbs but no kerbs are evident in Cherry Pit Lane or Seafield lane to the north. The road is narrow and verges are eroded along the way with mud and potholes present. There are several bends making visibility very poor . Wagons have regularly tried to navigate this stretch often end in chaos, evidence can be shown of broken post and rail fences, damaged verges that have compromised road drains that accommodate surface water drain off (this has caused lethal conditions in sub-zero temperatures), countless tree damage from wagons hitting branches of trees.

No special circumstances - there are plenty of industrial units available in Redditch which would be suitable, units which have the benefit of planning permission and building regulation approval, and where the local workforce could be retained. Covid and Brexit affected all food distribution companies and are not suitable excuses for not applying for planning consent. It would appear that profits are being made from operating from temporary buildings on agricultural land. Loss of profit for removing these buildings is not a reason for this application to be granted.

We also have a major concern over the wider site. This development has been allowed to grow out of hand over the years. Antisocial behaviour has been witnessed from drivers and litter in the area has increased.

The Parish Council strongly urge the council to refuse this application and insist that the greenbelt is returned to agricultural grazing land and to work with the applicant to find a more suitable property for this business in an established commercial location in Redditch.

Worcestershire Highways

Comments summarised as follows:
No objection subject to conditions.

Site observations:

The site is located in a rural location off a classified road, the site has existing vehicular accesses with good visibility in both directions. Seafield Lane has no footways or street lighting and no parking restrictions are in force in the vicinity. The site is not located within a sustainable location, it is noted the proposal is located within an already existing employment site and that bus stops are located approx. 700m from the proposed development.

Layout:

The proposal does not comply with Streetscape Design Guide in terms of car parking provision (no justification provided for the shortfall highlighted below). The applicant has provided 10 car parking spaces, however; in accordance with policy 17 car parking spaces are recommended for the proposed GFA - a shortfall of 7 car parking spaces. The site has room to provide these additional 7 car parking spaces, the applicant has also failed to provide cycle parking and disabled parking in accordance with policy please refer to the Streetscape Design Guide - conditioned below.

Visibility at the existing vehicular accesses is deemed to acceptable, the applicant has provided a speed survey as evidence.

Relevant extracts from the Transport Statement.

3.8 The Redditch site now employs 290 people and there is a high proportion of team members living in Redditch and south Birmingham

3.9 Oakland has a Green Travel Plan (GTP) in place across all its sites. This is based on feedback from staff about modes of travel.

4.1 The application site has good accessibility to the strategic highway network. A Green Travel Plan is already in operation and job numbers decreased from 450 jobs in 2022 to 290 jobs by the end of 2023.

4.3 The proposed buildings have not resulted in any changes to the means of access by HGVs at Oakland; the "in and out" one way system is retained and no access modification is required.

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.

Conditions are recommended in relation to cycle parking, accessible parking, motorcycle parking and the provision of an Employment Travel Plan

North Worcestershire Water Management

Comments summarised as follows:

The site falls within flood zone 1 (low risk of fluvial flooding) and while some areas of the site have a low-risk of surface water flood risk, the five buildings are outside of these flow-paths. We do hold several reports of flooding in the local area.

This application seeks retrospective approval for 5 buildings with a combined footprint of 4,193m². According to aerial photographs from 2018 (pre-commencement), the majority of the red-line boundary area was greenfield, therefore the replacement of this undeveloped land with impermeable surfaces is likely to lead to an increase in surface water runoff and therefore may increase flood risk locally. I also note that outside of the red-line boundary another area appears to have been stripped of turf more recently; being close to the watercourse this has potential to not only increase runoff but also increase the risk of pollution to the watercourse.

I note the planning statement suggests the buildings are drained via soakaway. Due to the underlying clay soils, infiltration drainage is unlikely to work.

In order to ensure the correct drainage has been installed, I would like to request a copy of the as-built drainage plan; this must include site-specific infiltration testing on site, and proof of what has been installed. The drainage system should have been designed to cope with the 1:100 storm plus an allowance for climate change. If adequate drainage has not been installed, alterations and attenuation will need to be retrofitted. Due to being a major application, there is an expectation for above-ground SuDS to be incorporated into the design, and due to the nature of the site an assessment of water quality is required to ensure no degradation of quality to the receiving waterbody.

If you are minded to approve the application the following condition should be attached to any decision notice:

A scheme for a surface water drainage strategy for the development shall be submitted to, and approved in writing by the Local Planning Authority within 3 months of this decision notice. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS). The plan shall include the details and results of field percolation tests. The scheme should include run off treatment proposals for surface water drainage. The approved surface water drainage scheme shall be maintained in accordance with the agreed scheme.

Please also include the following informative:

The applicant should be aware that polluting the nearby brook, for instance by allowing the discharge of sediment rich runoff from the construction site, might constitute an environmental offence. The applicant is expected to fully assess the risks from all pollution sources and pathways and take sufficient precautionary measures to mitigate these risks for this development.

WRS - Contaminated Land

No objection subject to the imposition of land remediation conditions

WRS - Air Quality

WRS has no adverse comments in respect of air quality.

Public Consultation

Comments received below represent a summary and Members are reminded that comments in full are available to view on the Council's Public Access system.

Site notices (x2) displayed 18.12.2023 (expire 11.01.2023)

Press notice published 05.01.2024 (expire 22.01.2024)

15 representations have been received

6 representations have been received in objection. Comments received are summarised as follows:

- This site is within the green belt. There are no very special circumstances which exist to outweigh the harm caused to the Green Belt
- The buildings are inappropriate, should be taken down and the area restored to its former state
- Seafield Lane is totally unsuitable considering the traffic generated by this business
- Seafield Lane now floods on a regular basis due to Oaklands continued expansion
- This is an eye sore in the green belt. The buildings are clearly visible from the highway and footpaths harming the openness of the greenbelt
- It is not my experience that traffic has reduced it has actually increased
- The buildings erected are of poor quality. The claim that this impact is mitigated because it is close to other existing buildings is erroneous since the new construction would substantially increase the bulk of the existing encroachment further into the Green Belt causing more harm
- There are available sites in existing established designated employment areas outside of the green belt which would be suitable
This site is not suitable
- The proposal does not support the sustainable expansion of Oakland International Ltd since to achieve this it requires the loss of Green Belt Land
- If the application was allowed it would encourage further expansion of the site in the future within the Green Belt
- Local infrastructure in this area including access is totally unsuitable for the scale of this operation

9 representations have been received in support. Comments received are summarised as follows:

- The development of Oakland International has resulted in positive growth within the community raising funds and supporting local charities including providing help in the Ukraine conflict
- Oakland support local food banks

- The buildings were needed to provide food supplies to the public during in the COVID-19 pandemic
- Traffic has in fact decreased. There are fewer vehicle movement now at this site due to Oaklands expansion at their other sites. Parts of the Oakland business at Seafield Lane have now moved to other parts of the country
- The Farm Park (opposite) is a different entity. Vehicle movements associated with this site should not be confused with Oaklands operation
- Oakland provide good job opportunities in the community
- No evidence that flooding along Seafield Lane is a direct result of operations at the site. Flooding has generally increased nationwide in recent years
- Refusing permission would force relocation to elsewhere and result in inevitable job losses at the site
- Collectively there are special circumstances which mean that this application should be viewed favorably.

Other matters 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
BDP4 Green Belt
BDP13 New Employment Development
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP23 Water Management

Others

National Planning Policy Framework (2023)

Relevant Planning History

The site has a long and complex planning history. Applications most relevant to the proposal are outlined below:

23/00255/FUL	Erection of replacement offices	Granted	22.05.2023
22/01114/FUL	Demolition of a warehouse and its replacement with an agricultural building for vertical farming	Granted	05.12.2022
15/0361	Demolition of existing buildings to	Refused	03.11.2015

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Plan reference 23/01346/FUL

	enable redevelopment as a B8 storage and distribution facility with associated landscaping	Appeal dismissed	28.09.2016
12/0455	Extension to existing Cold Store	Refused Appeal allowed	10.01.2013 12.09.2013
10/0238	Use of former agricultural sheds for storage and distribution (Use Class B8).	Granted	16.04.2010
09/0996	Erection of 5049 sq m warehouse to replace former poultry sheds at rear of premises.	Granted	21.04.2010
B/2001/0039	Hygienic covered extension to cold store within existing Oakland Foods premises	Refused Appeal allowed	12.03.2001 03.08.2001
B/2000/1337	Extension to existing food processing facility and extension to car park (northern)	Refused	09.04.2001
B/1994/1027	Formation of car park for staff	Refused Appeal allowed	11.03.1996 21.10.1997
B/18923/1990	Erection of replacement / extension to egg packing station and erection of storage building	Granted	12.02.1990
B/17745/1989	Erection of extension for farm offices	Granted	10.04.1989
B/11294/1983	Extension to existing agricultural buildings	Granted	24.10.1983
B/10987/1983	Extension to grading/packing shed and link for egg conveyor	Granted	18.07.1983
B/10731/1983	Erection of poultry house extensions.	Granted	23.05.1983

B/4139/1977	Erection of proposed barn and covered yard.	Granted	05.12.1977
B/3754/1977	Erection of 3 laying houses.	Granted	15.08.1977
B/1257/1975	Erection of replacement packing shed.	Granted	02.06.1975

Background

Oakland International Ltd ('Oakland') is a multi-temperature supply chain hub focussing on food packaging and distribution. Oakland International Ltd was founded in November 1998, Oakland starting as an egg production business at Seafield Lane, Beoley.

Oakland operates from five UK sites;

- Redditch (Seafield Lane, Beoley)
- Bardon, Coalville
- Corby
- Worksop (administrative offices)
- Golbourne (transport hub and driver base)

It also operates from a depot near Dublin, Republic of Ireland. The applicant states that employment at Oakland (Redditch) grew to 450 FTE jobs by 2022.

In 2022/2023 Oakland (Redditch) undertook a major transfer of storage and distribution activity to other sites (Bardon, Corby and Dublin). Trading volume reduced at Redditch due to these key factors:

1. A health and safety audit by the Oakland Group H&S Manager. Some inadequate, dilapidated, long-standing structures have been recommended for removal, upgrade or replacement
2. Massive rises in fuel costs and inflation have necessitated consolidation of activities at Bardon and Corby, where critical mass can be achieved.

As such the 450 jobs at Oakland (Redditch) in 2022 have reduced to 290 jobs by the end of 2023.

Assessment of Proposal

Site Description

The application site (Oakland International) is located on the east side of Seafield Lane approximately 650m north of the junction of Seafield Lane with the B4101 Beoley Lane leading onto the A435. The Oakland site comprises a number of purpose-built storage and distribution buildings. Seafield Pedigrees and Atwell Farm Park are located on the

opposite side of the road to the west. The site is located in the Green Belt. For HGV deliveries, Oakland operates a one-way system with two vehicular accesses for HGVs off Seafield Lane.

Plan 9919/D/200 identifies a number of buildings or varying sizes which were at the site in 2018 where the total floorspace of buildings at the site was 14,363 m².

Proposal

This application seeks retrospective planning permission for the erection of five buildings on the south-east side of the premises together with an associated concrete and hardcore hardstanding. The five buildings are constructed with insulated metal wall panels and a two-layer fabric roof and are light grey in colour. They measure 9.1m to their highest point and 6.2m to the eaves. These buildings are labelled number 10, 11, 12, 13 and 14 within the plans that support the application.

Building 14 includes a loading porch to the east (4.2m tall) and a flat metal roof (3.1m tall). The buildings are used for the storage, packing, grading and distribution of food products. The five buildings are erected on agricultural land and therefore the application proposes the change of use of land and laying of associated concrete and hardcore hardstanding for the loading and unloading of food products.

Buildings 10 to 14 were constructed with associated hardstanding from 2019 to 2022. The total floorspace of units 10 to 14 is 4,193 m². Further detail on the individual buildings is set out below:

Unit number	Function	Floor area (m ²)	Date completed
10	Storage, packing, grading and distribution of food products.	957	Jan 2021
11	Storage, packing, grading and distribution of food products.	957	March 2019
12	Storage, packing, grading and distribution of food products	998	April 2021
13	Storage, packing, grading and distribution of food products.	957	July 2021
14	Storage, packing, grading and distribution of food products.	324	January 2022

The existing access arrangements with Seafield Lane would remain in place and there are no proposals to alter the existing parking or turning areas.

Planning Considerations

The main issues to be considered in assessing the application are the following:

- i) Whether the proposal amounts to inappropriate development in the Green Belt
- ii) If inappropriate, do very special circumstances exist to clearly outweigh the Green Belt harm
- iii) Design and appearance of development
- iv) Access, Highways & Parking
- v) Drainage implications

i) Green Belt and whether inappropriate development

The application site is located entirely within the Green Belt. Paragraph 142 of the NPPF highlights that the Government attaches great importance to Green Belts and this is further emphasised within Paragraph 153 which states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Policy BDP.4.4 of the Bromsgrove District Plan and Paragraphs 154 and 155 of the NPPF set out the exceptions to inappropriate development. The development subject to this application does not comply with exceptions a) to g) listed under Policy BDP4.4 or exceptions a) to g) Paragraph 154 nor exceptions a) to f), Paragraph 155 of the NPPF and as such, it has to be concluded that the development in question subject to this application is inappropriate as a matter of fact. This is not disputed by the applicant within their planning statement which accompanies the application (para 5.3).

Paragraph 152 of the NPPF states:

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 states:

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 applicant is therefore required to demonstrate that there are very special circumstances to clearly outweigh the harm to the Green Belt.

In addition to harm by definition it is also necessary to consider whether the retrospective development in question causes harm to any of the 5 purposes of including land within the Green Belt as set out under Paragraph 143 of the NPPF.

Checking unrestricted sprawl of large built-up areas

It is considered that whilst the development leads to an element of sprawl into the wider countryside, the site could not be reasonably be considered a 'large built-up area'.

Preventing neighbouring towns from merging:

The site is not close to any existing settlements and therefore the proposal would not result in the merging of any settlements.

Safeguarding the countryside from encroachment:

The land was formerly used for agricultural purposes. The development in question is significant with buildings 10 to 14 comprising a combined floorspace of 4,193m² on land previously devoid of buildings. The development, which includes a large area of associated concrete and hardcore hardstanding has an urbanising effect on the Green Belt and by its nature, clearly results in substantial encroachment into the wider countryside.

Preserving the setting and special character of historic towns:

The application does not impact upon the setting or special character of any historic towns.

Assist in urban regeneration:

By definition the development of agricultural land outside of any defined settlements does not assist in urban regeneration. In this case the development has already occurred and by the further development of this rural site, investment is potentially being drawn away from derelict sites within the Major Urban Areas.

Paragraph 142 of the NPPF highlights that the essential characteristics of Green Belts are their openness and their permanence. The Courts have held that openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposals may be relevant, as could its volume. Clearly, in spatial terms these substantial buildings measuring over 9m tall have a significant impact on openness. Visually, as highlighted within the representations received in objection to the application, the development is visually conspicuous from footpaths and from the highway, in particular the A435.

I have noted that the Inspector, considering appeal ref APP/P1805/W/16/3142546, planning ref 15/0361 commented at para 23 that:

I also observed from driving along the A435 that the proposed building would be very visible from this road, the footway along it, and the footpath leading to (Viewpoint 1). Similarly, due to its height, the proposal would appear as a prominent feature and be seen to encroach into the countryside when viewed from the footpath crossing fields opposite Seafield Lane.

There is no doubt that this development has a substantial impact on openness and undermines the permanence of the Green Belt in this locality.

In summary, in addition to the harm by definition, the development subject to this application causes harm to 2 of the 5 purposes for including land within the designated Green Belt whilst also having a substantial impact on openness whilst undermining the

permanence of the Green Belt in this locality. It is therefore considered that this retrospective application causes very substantial harm to the Green Belt.

ii) Very Special Circumstances

Paragraph 152 of the NPPF highlights that inappropriate development in the Green Belt should not be approved except in very special circumstances. Paragraph 153 emphasises that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant states that Oakland is one of the largest employers in Redditch & Bromsgrove District, with over 290 members of staff based at the Head Office in Redditch. The applicant believes that the buildings are necessary for reasons given in the Business Plan which accompanies the application, summarised as:

- The requirement of the business to be located at Redditch;
- Essential contribution of Buildings 10 to 14 to the needs of the business;
- Other social and environmental benefits at a national and local level.

The applicant refers to the fact that the buildings are located near to a cold store building, granted planning permission at appeal ref 12/0455, where in that case, the inspector stated that the proposal is inappropriate development in the Green Belt but there were very special circumstances as set out at paragraphs 18 to 27 of that decision. The applicant considers that the VSC demonstrated in application 12/0455 are a material consideration in favour of the grant of the current application for five buildings.

The applicant concedes that (under ref 15/0361), the Inspector stated that the proposal would be inappropriate development in the Green Belt and there were insufficient very special circumstances but considers that proposal can be differentiated from the current proposal given the circumstances advanced by Oakland International Ltd in the current Business Plan (November 2023). This Business Plan can be read in full on the Councils public access system as Appendix 3 to the Applicants Agents Planning Statement ref ADM/9919.

Whilst accepting that each case should be considered on its own merits, the applicant has advanced some post NPPF appeal decisions which have been allowed involving proposed industrial development in the Green Belt and where Very Special Circumstances were demonstrated. The applicant states that these appeal decisions support the argument in this case that the economic and other benefits of retaining buildings 10 to 14 at Oakland are collectively sufficient to outweigh the harm to the Green Belt and to the landscape such that very special circumstances exist to justify permitting the development.

The applicant asserts that the specific locational requirements of Redditch are critical to Oaklands success considering the Seafeld Lane site to be in ideally located south of Birmingham and being geographically central to the UK two miles from junction 3 of the M42 linking to all the key motorway arteries (M40, M5, M6, M6 Toll and M1).

The applicant states that Oakland is a major local employer, that 290 people are directly employed from the site which has an annual turnover of £11.9m. They state that the

majority of this labour force comes from the local area; Redditch and south Birmingham and that it would be unreasonable and unsustainable for Oakland to close its Redditch operations due to an inability to retain the buildings erected from 2019 to 2022. They state that Redditch is the only one of Oakland's UK sites to offer the full range of services as set out on page 9 of the submitted business plan with the depots at Bardon, Corby and Dublin having a narrower range of services.

The applicant states that Oakland International Ltd makes a significant contribution to ensuring UK national food security and that the UK food supply chain needs sustainable, independent operators such as Oakland. They state that during the past five years (2018 to 2022) several large competitors have gone out of business or merged with other companies, reducing the choice for customers and increasing the risks of major supply chain issues. These closures/transfers are believed by the applicant to have resulted in:

- Unsettled supply chains
- Job losses or negative changes to employment conditions
- Tax payer impacts
- A reduction in the number of independent businesses working in the industry
- Concentration of food supply chain into fewer hands
- Declining product ranges within major supermarkets due to higher costs to serve

The applicant states that Oakland sources materials and services locally; spending £12.97 million per annum with over 40 businesses based in Redditch and Bromsgrove.

The applicant states that Oakland now has core partnerships in the community and that Oakland have provided financial help and time for local schools and have supported many community partners during the pandemic (2020-22) including those as listed on page 13 of its submitted business plan. The business plan also sets out its donations to charitable causes through the Oakland Foundation. Oakland comments that they are making significant progress to meet sustainability targets and reducing energy consumption (page 15 to 17 of the business plan).

The applicant states that external factors, particularly Brexit and the Covid-19 pandemic forced Oakland to undertake drastic and rapid development at the site from 2019 to 2022 as set out on (pages 18 to 21 of the business plan) commenting at 7.22 of the business plan that (during the pandemic) *if Oakland had not erected additional buildings at Redditch then it would have been unable to meet food demand and this would have damaged thousands of families and individuals.*

The removal of buildings 10 to 14 as set out on the submitted documents, would according to the applicant severely harm the financial and functional viability of Oakland International Ltd in general and the Redditch site in particular (page 23 business plan). The applicant comments that there is no space at other Oakland sites in the UK and Ireland to accommodate the uses currently in the buildings, resulting in significant job losses. Buildings 10 to 14 are considered by Oakland to make an essential contribution to the needs of their business as a whole. The role of the buildings subject to this application (buildings 10 to 14) is specifically to:

1. Contribute to national food security, by keeping food in shops and distributed to homes.

2. Reduce food imports (the food is grown and packaged locally).
3. Reduce road miles and carbon footprint by providing these essential structures on-site rather than off-site.
4. Safeguard the future of a major employment site.
5. To meet food safety and hygiene standards and achieve British Retail Consortium (BRC) accreditation.
6. Ensure safe management of distressed loads. Many of these loads are required to be kept separate from other food handling processes due to insurance demands and the risk of food contamination.

Commenting on the VSC advanced by the applicant in this case, acknowledging that such economic considerations could amount to the very special circumstances needed to outweigh the harm to the greenbelt, it does not mean that this will be the case with every application. Whilst the proposal has economic benefits for both Oakland International and local employees, this needs to be balanced against the continued pressure on the Green Belt.

Similar economic arguments have been advanced in support of previous applications and are likely to be submitted again as the applicant seeks to continue to grow their business. It is important to emphasise that because economic arguments have been accepted by both the Inspectorate and the Council previously in relation to Oakland International it does not bind the Council to reaching the same conclusion in this case. As highlighted previously, a great level of Green Belt harm has been identified in this case and any economic consequences are a result of the Oakland International's decision to erect unlawful buildings.

The applicant has highlighted the economic, social and environmental benefits of their development. The economic benefits relate to the protection of jobs. Environmental benefits highlighted include the ability of Oakland to meet existing contracts in the most sustainable manner. These environmental gains must be weighed against the continued expansion of a business into the Green Belt and the increase in the number of lorry movements in this rural environment.

The social benefits highlighted include training for local employees and providing time and resources to sponsoring charitable, sporting and educational events.

When considering the social benefits of Oakland International, previous Inspectors have taken a different view on the weight that can be attached to this issue. When granting the extension to the cold store in 2013 (APP/P1805/A/13/2196035) the Inspector described Oakland's corporate social responsibility policy and community initiatives as "impressive" and went on to state at para 22:

"There could hardly be a better example of the sort of 'social role' envisaged in the Framework for the 'planning system' in delivering sustainable development."

In appeal decision (APP/P1805/W/16/3142546), planning ref 15/0361 the Inspector, whilst accepting that Oakland International have a strong approach to corporate social responsibility and that there was nothing to suggest that Oaklands social initiatives did not result in significant social benefit, this matter was afforded only moderate weight. The Inspector acknowledged and applauded Oaklands environmental record with respect to carbon emission reduction for its customer base and initiatives relating to recycling and

energy efficiency but considered that these matters also carried only moderate weight in favour of the development. The support offered to small businesses also carried moderate weight.

At Para 37 of the decision letter the Inspector commented:

in the absence of compelling evidence that the business would fail completely, and that alternative measures could not be found to secure the business' future, I must accord the avoidance of the potential failure of the whole business limited weight in favour of the scheme.

To conclude on the matter of Very Special Circumstances, in addition to the harm by definition, the development results in encroachment into the countryside and undermines urban regeneration objectives as well as materially harming the openness of the Green Belt. This is a very substantial level of harm to the function and purposes of the Green Belt. When considered individually or cumulatively it is not considered that the very special circumstances put forward by the applicant clearly outweigh this very substantial harm to Green Belt. Whilst the scheme does have economic benefits including the potential to protect current jobs these are not considered to be very special circumstances in this context. It is clear that Oakland International seeks to continually grow without any significant regard to its Green Belt setting.

iii) Design and appearance of buildings

The buildings are utilitarian in nature and light grey in colour. The buildings would be of a scale, and form, which together with their function, including the unavoidable HGVs accessing the site using the associated hardstanding would be clearly recognisable as large warehouses set within the countryside. Whilst being commensurate in terms of their design and appearance with other existing buildings at the site, including that of the recent agricultural building approved under reference 22/01114/FUL, granted December 2022, the scale and massing of all of the buildings would cause considerable harm to the openness of the Green Belt.

iv) Access and highway safety

Worcestershire County Highway Authority consider the sites location to be unsustainable but consider that visibility at the existing vehicular access (which would not be altered) to be acceptable. WCC Highways note that a speed survey has been submitted in evidence.

The Highway Authority comment that 17 car parking spaces are recommended to be provided at the site having regard to the proposed gross floor area of the development. 10 are provided representing a shortfall of 7 spaces. WCC however note that the site has capacity to provide the additional 7 spaces which could be provided by means of a condition in the case of planning permission being granted. The Highway Authority have noted that the applicant has failed to provide cycle parking and disabled parking in accordance with policy although this could be secured by planning conditions.

Based on the analysis of the submitted Transport Statement the Highway Authority have concluded that there would not be an unacceptable highway impact and therefore that there are no justifiable grounds on which an objection could be maintained.

In the case of planning permission being granted, Conditions are recommended in relation to cycle parking, accessible parking, motorcycle parking and the provision of an Employment Travel Plan.

v) Drainage

The site falls within flood zone 1 (with a low risk of fluvial flooding). The submitted planning statement suggests that the buildings are drained via soakaway although NWWM as the Lead Local Flood Authority for the area have commented that due to the underlying clay soils, infiltration drainage is unlikely to work. At the time of writing, no as-built drainage plans have been submitted with the application. NWWM have stated that if adequate drainage has not been installed, alterations and attenuation will need to be retrofitted. As a major application, there would be an expectation that above-ground SuDS to be incorporated into the design together with an assessment of water quality to ensure no degradation of quality to the receiving waterbody.

North Worcestershire Water Management have raised no objection to the application subject to a condition requiring a surface water drainage strategy being approved and implemented.

Green Belt balance

The Green Belt balance requires an assessment of whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations to amount to the very special circumstances required to justify the proposal.

Considerable harm to the openness of the Green Belt has resulted by the erection of the 5 buildings and the large concrete and hardcore hardstanding subject to this application causing significant harm to the purposes of the Green Belt. In accordance with local and national policy, substantial harm should be attributed to the totality of the harm to the Green Belt.

The environmental activities which Oakland International implements are of moderate benefit and there are moderate benefits from Oaklands approach to social responsibility, avoiding the loss of jobs associated with the existing unlawful floorspace and the potential impact on the wider business sector. In the absence of compelling evidence that the business would fail completely if the buildings were removed from the site, as per the Inspectors conclusions in APP/P1805/W/16/3142546 it is considered that this matter should be afforded only limited weight.

I also concur with the Inspectors findings under APP/P1805/W/16/3142546 in that the current business continues to expand in the Green Belt in response to the customers needs rather than seeing that the business' location within the Green Belt is a constraint which requires the adjustment of the business to work within the planning limits of the site including those of the development plan.

Conclusion

The development is considered to be inappropriate development and is by definition harmful to the Green Belt which the Framework indicates should be given substantial

weight. The development results in significant harm to the openness of the Green Belt. The development is also at odds with two of the five purposes of the Green Belt, as described in the Framework. Collectively, these findings should carry substantial weight in line with Paragraph 153 of the Framework. The development results in the dispersal of the business which has an urbanising effect on this rural locality.

Overall, the weight that should be given to the other considerations put forward does not clearly outweigh the substantial harm to the Green Belt which the development would cause. Consequently, the very special circumstances necessary to justify the inappropriate development do not exist.

This application therefore conflicts with Policy BDP4 of the Bromsgrove District Plan and Chapter 13 of the Framework and should be refused.

RECOMMENDATION: That planning permission be **REFUSED**

Reason for Refusal

- 1) The retrospective development does not fall within any of the categories of appropriate development specified at Policy BDP.4.4 of the Bromsgrove District Plan 2017 (BDP) or at Paragraphs 154 and 155 of the National Planning Policy Framework 2023 (NPPF). Thus, the buildings and associated hardstanding constitute an inappropriate form of development in the Green Belt which harms the Green Belt by reason of inappropriateness and harm to openness. The development results in the unnecessary dispersal of a substantial B8 business in the Green Belt which has a harmful urbanising effect on the rural area and undermines the purposes of the Green Belt in this locality, particularly with regard to encroachment into the countryside. No very special circumstances have been put forward or exist that would clearly outweigh the identified harm to the Green Belt. This is contrary to Policy BDP4.4 of the Bromsgrove District Plan 2017 and the provisions of Chapter 13 of the NPPF

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

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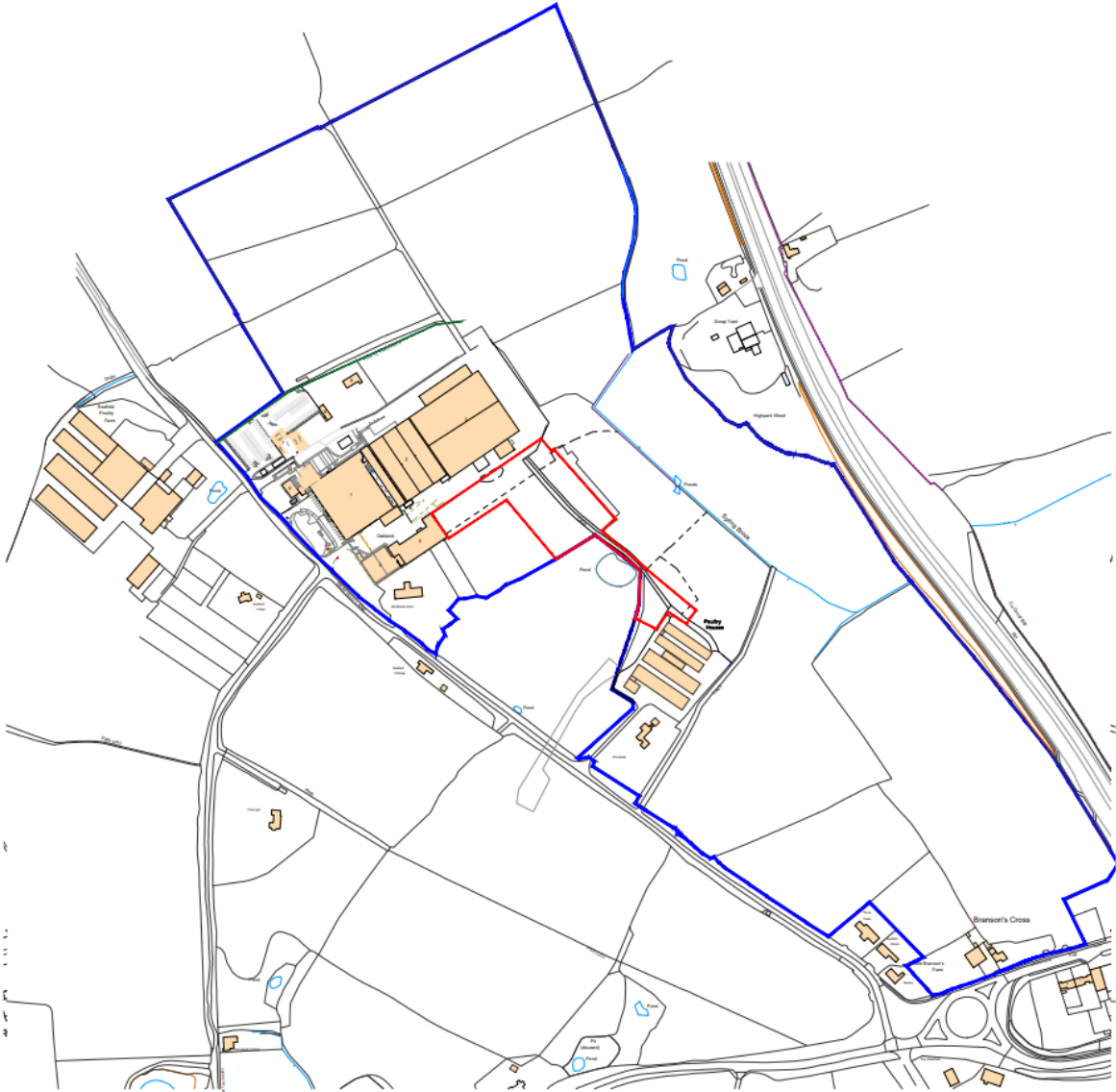
23/01346/FUL

Oakland International Ltd, Seafield Lane, Beoley,
B98 9DB

Erection of five buildings for storage and
distribution and associated hardstanding
(retrospective)

Recommendation: Refuse

Site Location



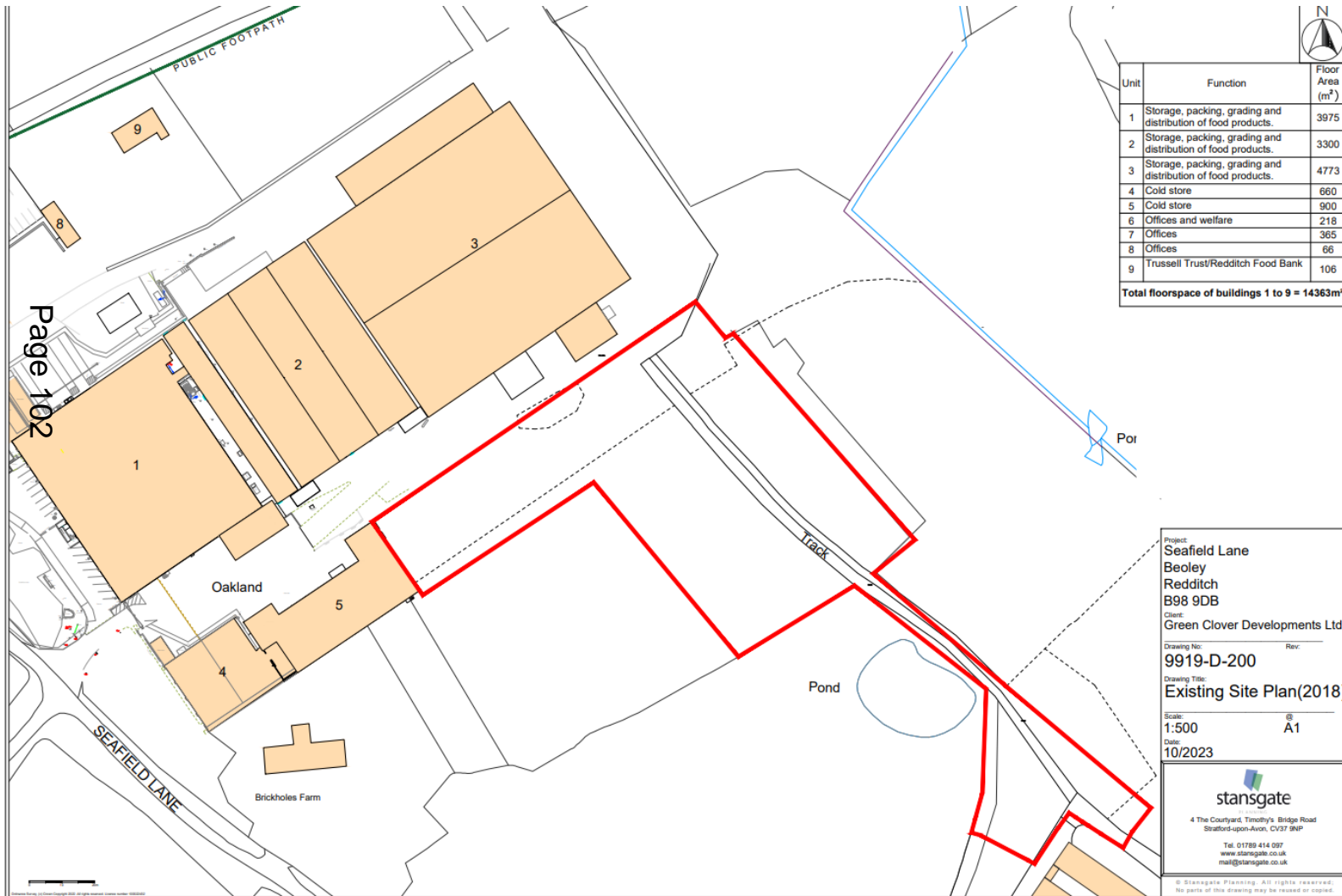
Site Location. Enlargement



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Drg 9919/D/200: buildings on site in 2018



Page 102

Unit	Function	Floor Area (m ²)
1	Storage, packing, grading and distribution of food products.	3975
2	Storage, packing, grading and distribution of food products.	3300
3	Storage, packing, grading and distribution of food products.	4773
4	Cold store	660
5	Cold store	900
6	Offices and welfare	218
7	Offices	365
8	Offices	66
9	Trussell Trust/Redditch Food Bank	106
Total floorspace of buildings 1 to 9 = 14363m²		

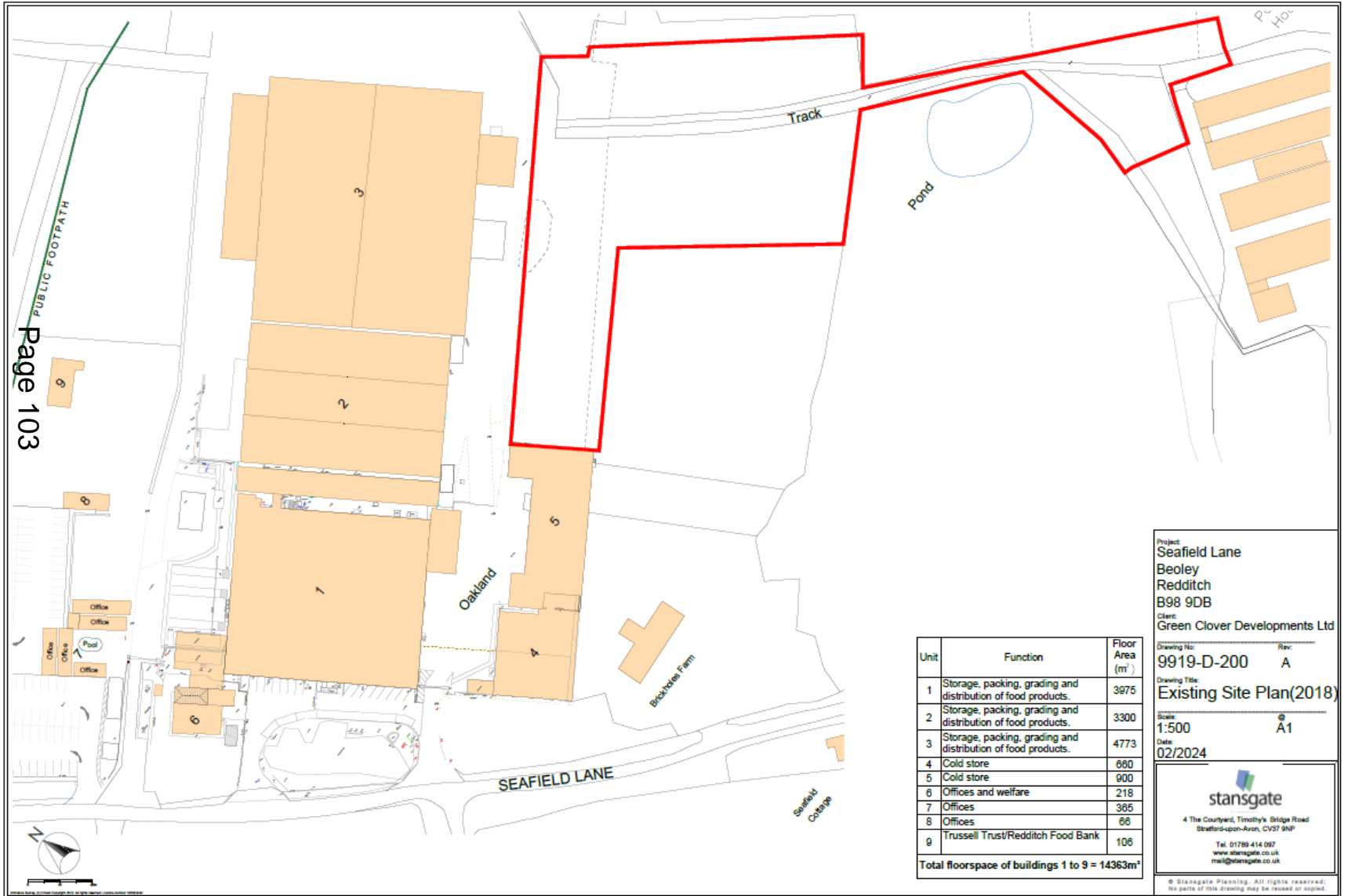
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Seafield Lane
Beoley
Redditch
B98 9DB
 Client:
Green Clover Developments Ltd
 Drawing No: _____ Rev: _____
9919-D-200
 Drawing Title:
Existing Site Plan(2018)
 Scale:
1:500 @ **A1**
 Date:
10/2023

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buildings on site in 2018. Image rotated



Page 103

Unit	Function	Floor Area (m ²)
1	Storage, packing, grading and distribution of food products.	3975
2	Storage, packing, grading and distribution of food products.	3300
3	Storage, packing, grading and distribution of food products.	4773
4	Cold store	660
5	Cold store	900
6	Offices and welfare	218
7	Offices	365
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9	Trussell Trust/Redditch Food Bank	106
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Project:
Seafield Lane
Beoley
Redditch
B98 9DB
 Client:
Green Clover Developments Ltd

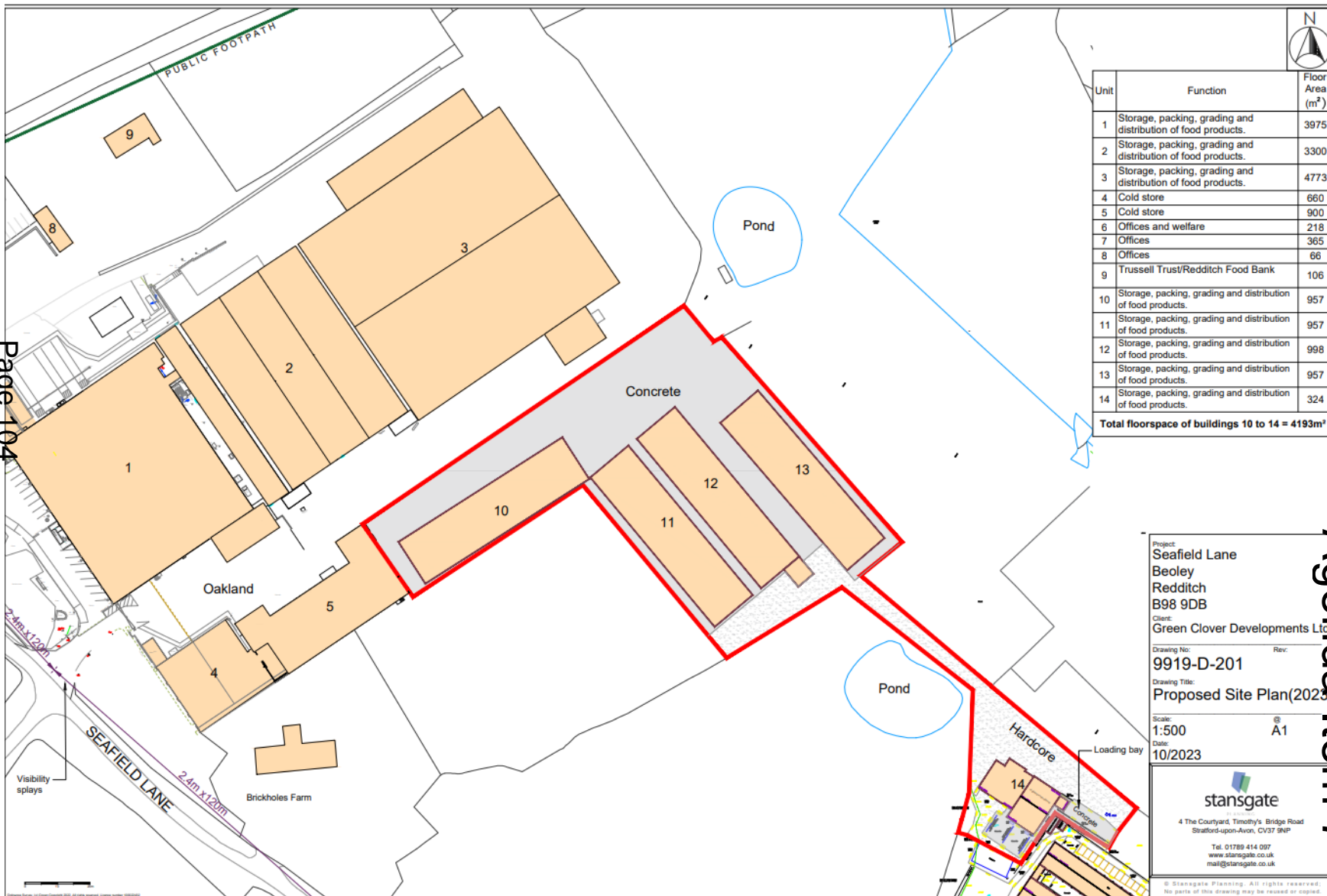
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 Date: **02/2024**

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Site Plan



Unit	Function	Floor Area (m ²)
1	Storage, packing, grading and distribution of food products.	3975
2	Storage, packing, grading and distribution of food products.	3300
3	Storage, packing, grading and distribution of food products.	4773
4	Cold store	660
5	Cold store	900
6	Offices and welfare	218
7	Offices	365
8	Offices	66
9	Trussell Trust/Redditch Food Bank	106
10	Storage, packing, grading and distribution of food products.	957
11	Storage, packing, grading and distribution of food products.	957
12	Storage, packing, grading and distribution of food products.	998
13	Storage, packing, grading and distribution of food products.	957
14	Storage, packing, grading and distribution of food products.	324
Total floorspace of buildings 10 to 14 = 4193m²		

Project:
**Seafield Lane
 Beoley
 Redditch
 B98 9DB**
 Client:
Green Clover Developments Ltd

Drawing No: 9919-D-201 Rev:
 Drawing Title:
Proposed Site Plan(2023)

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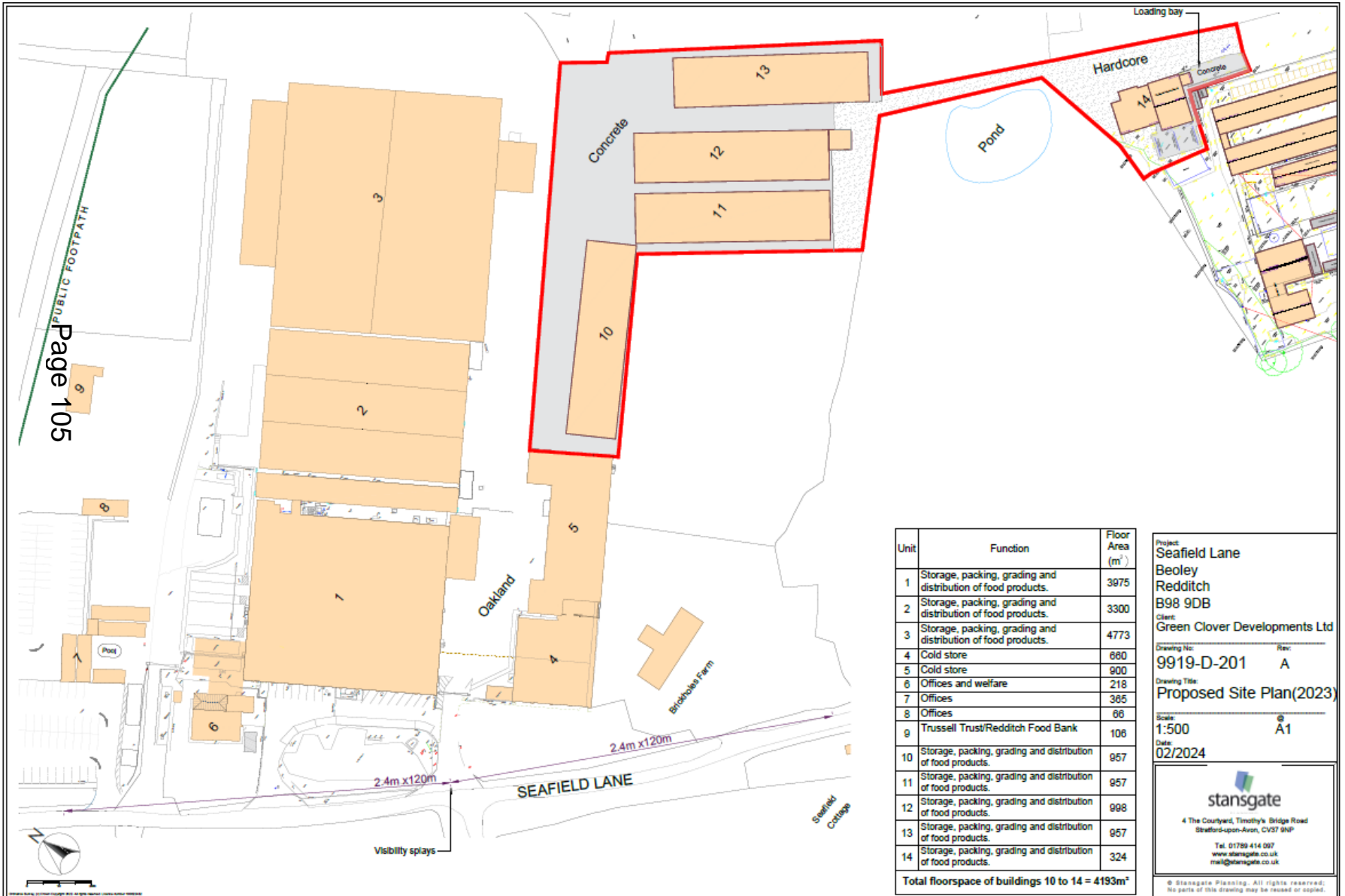
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Site Plan. Image rotated



Page 105

Unit	Function	Floor Area (m ²)
1	Storage, packing, grading and distribution of food products.	3975
2	Storage, packing, grading and distribution of food products.	3300
3	Storage, packing, grading and distribution of food products.	4773
4	Cold store	680
5	Cold store	900
6	Offices and welfare	218
7	Offices	385
8	Offices	66
9	Trussell Trust/Redditch Food Bank	108
10	Storage, packing, grading and distribution of food products.	957
11	Storage, packing, grading and distribution of food products.	957
12	Storage, packing, grading and distribution of food products.	998
13	Storage, packing, grading and distribution of food products.	957
14	Storage, packing, grading and distribution of food products.	324
Total floorspace of buildings 10 to 14 = 4193m²		

Project: Seafield Lane Beoley Redditch B98 9DB	
Client: Green Clover Developments Ltd	
Drawing No: 9919-D-201	Rev: A
Drawing Title: Proposed Site Plan(2023)	
Scale: 1:500	© A1
Date: 02/2024	

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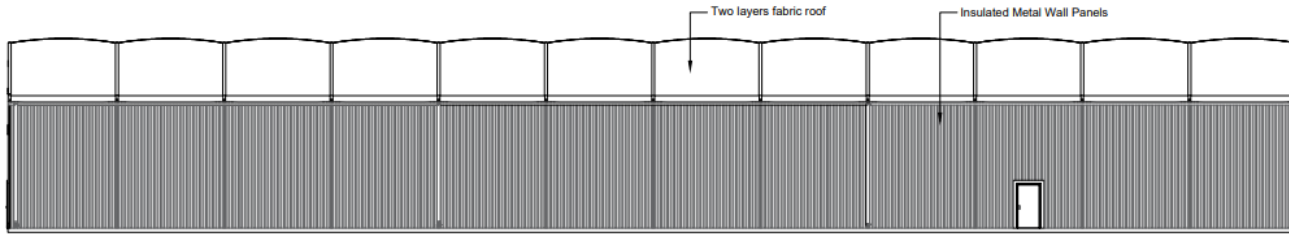
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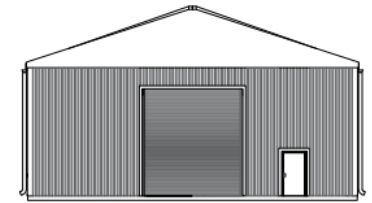
Floorspace of buildings 1 to 14

Unit	Function	Floor Area (m ²)
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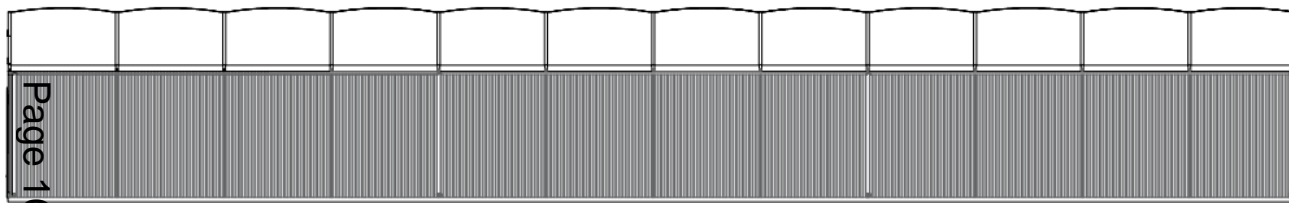
Building 10 floorplans and elevations



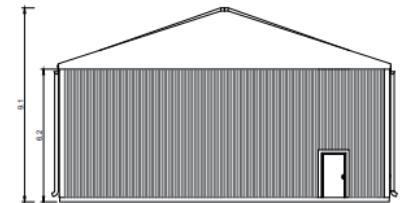
East Elevation



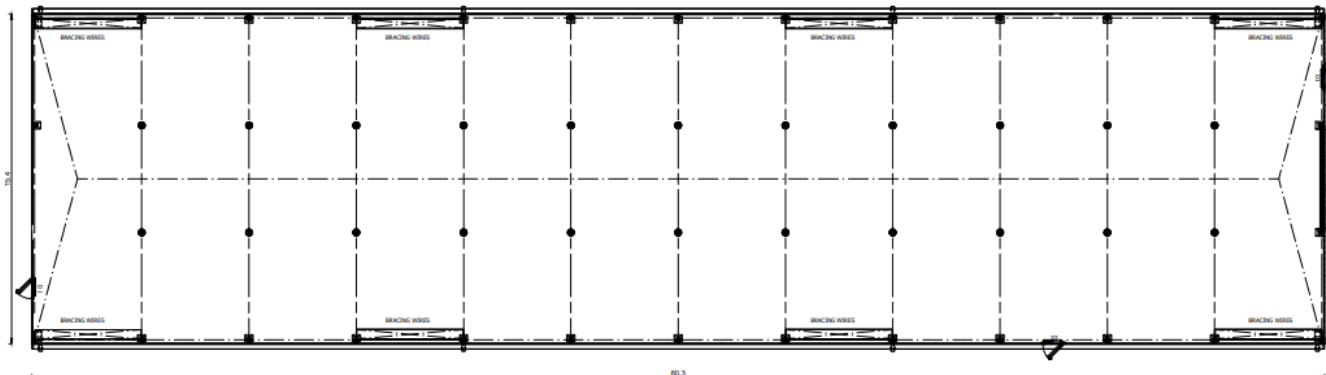
North Elevation




West Elevation



South Elevation

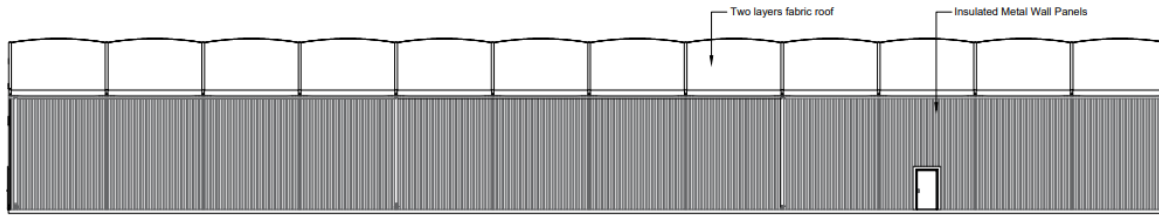


Floor Plan

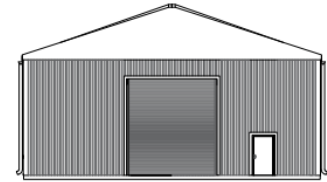
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Date: 10/2023	
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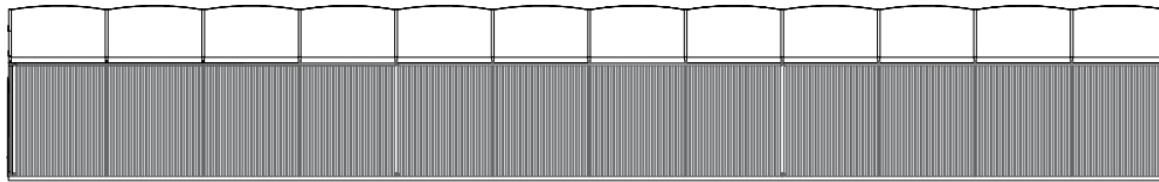
Building 11 and 13 floorplans and elevations



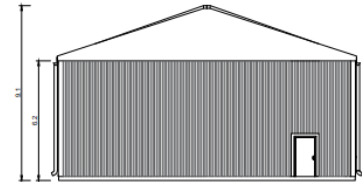
East Elevation



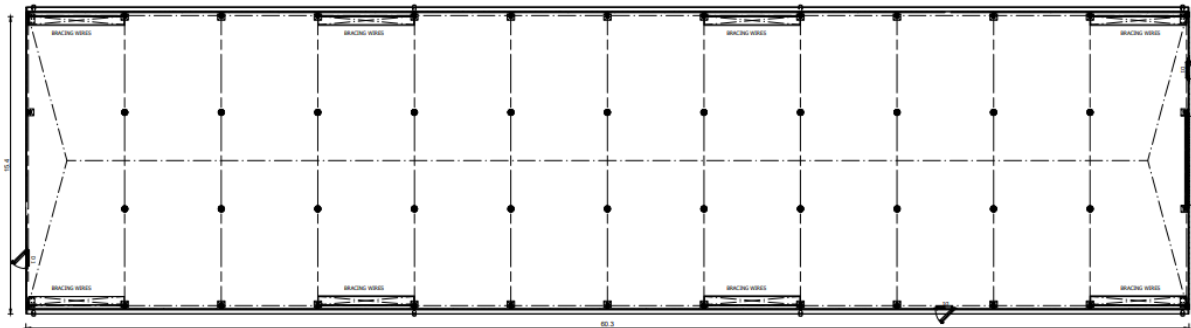
North Elevation



West Elevation



South Elevation

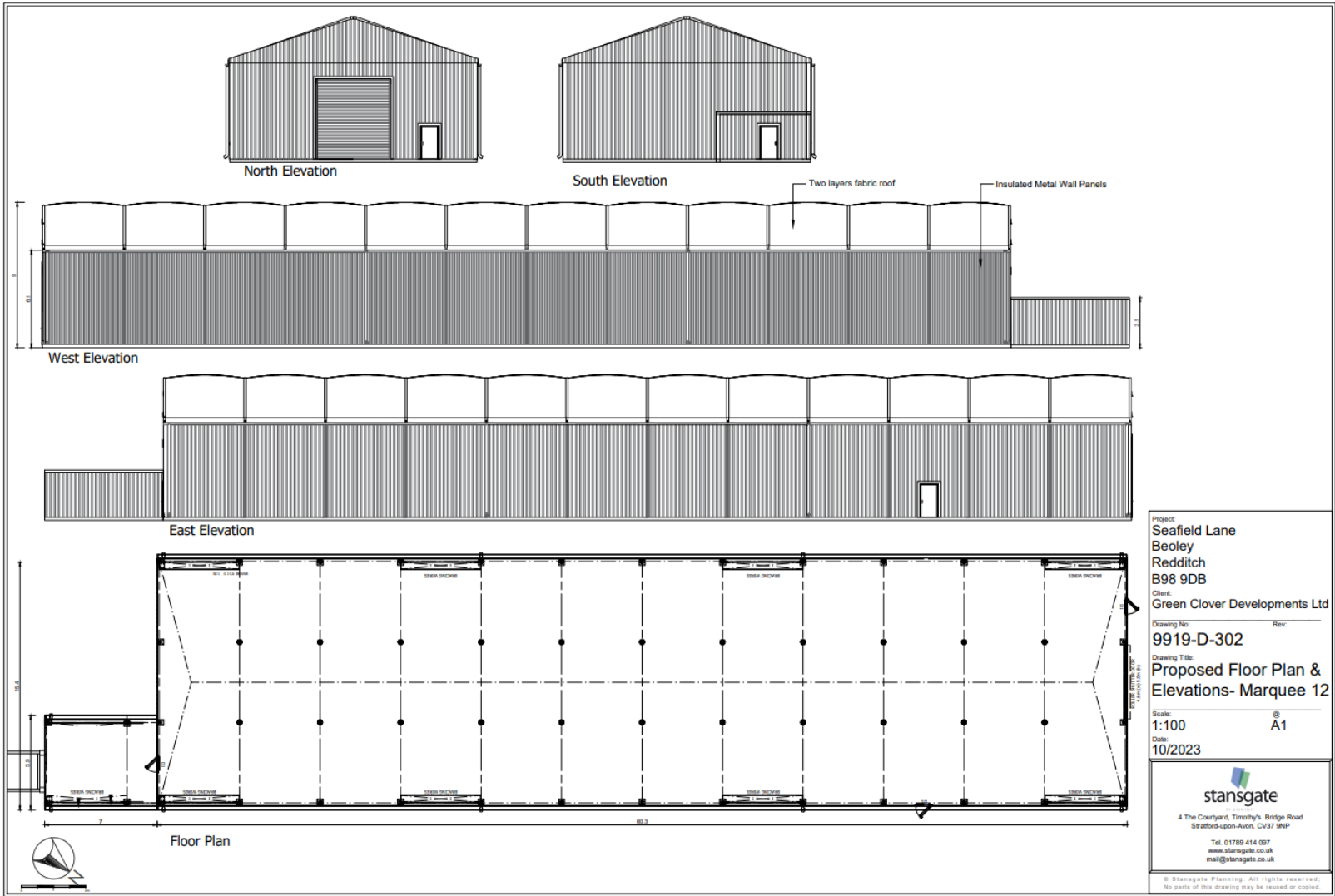


Floor Plan

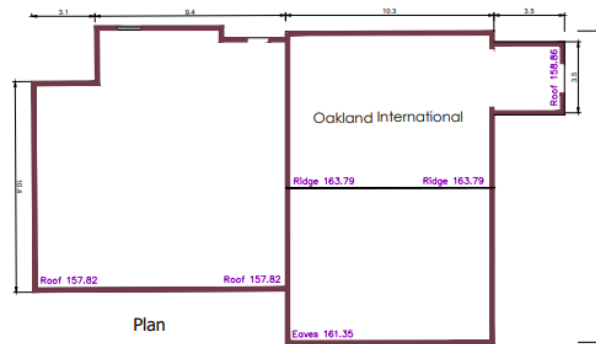
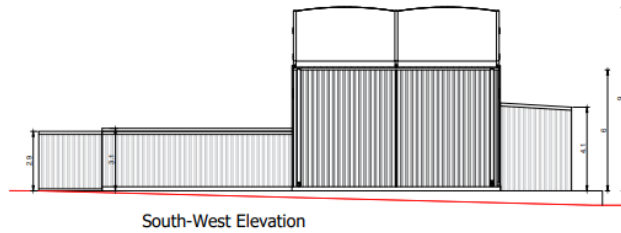
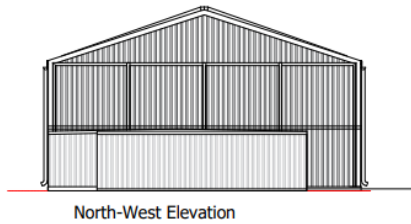
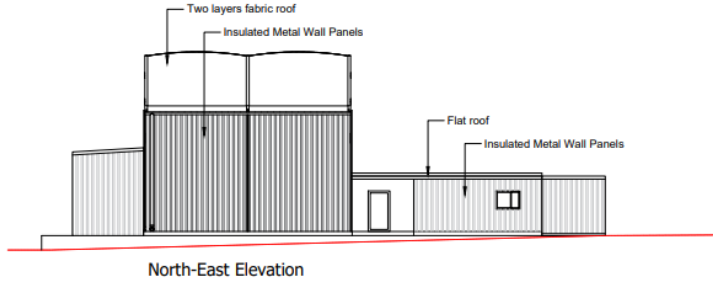
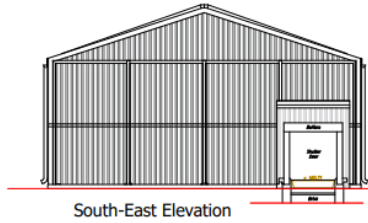



Project: Seafeld Lane Beoley Redditch B98 9DB Client: Green Clover Developments Ltd	
Drawing No: 9919-D-301	Rev: _____
Drawing Title: Proposed Floor Plan & Elevations- Marquees 11 & 13	
Scale: 1:100	© A1
Date: 10/2023	
 4 The Courtyard, Timothy's Bridge Road Stratford-upon-Avon, CV37 9NP Tel: 01789 414 097 www.stansgate.co.uk mail@stansgate.co.uk	
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Building 12 floorplans and elevations

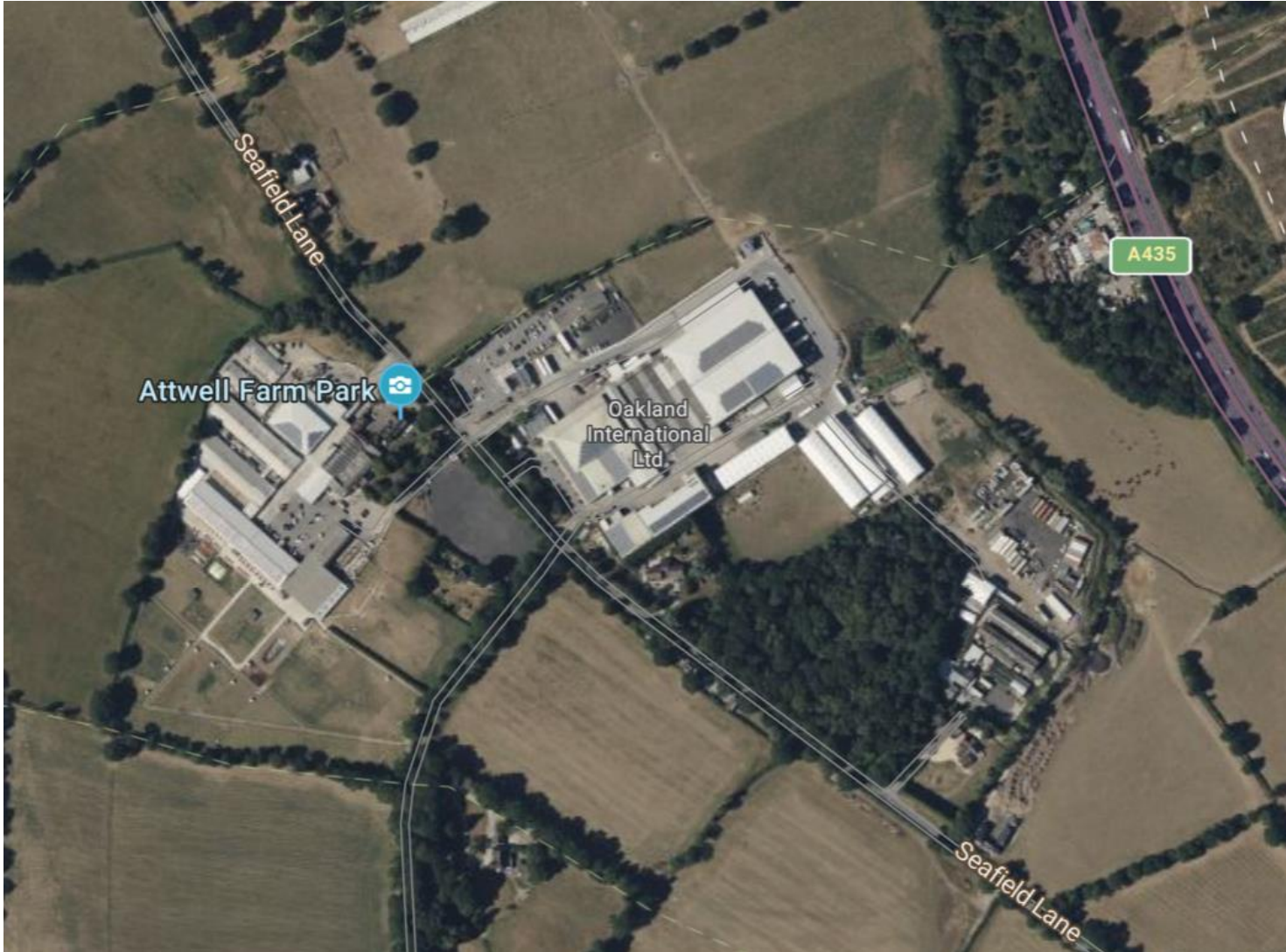


Building 14 floorplans and elevations



Project: Seafeld Lane Beoley Redditch B98 9DB	
Client: Green Clover Developments Ltd	
Drawing No:	Rev:
9919-D-303	
Drawing Title: Proposed Floor Plan & Elevations- Marquee 14	
Scale:	A1
1:100	
Date:	10/2023
 stansgate 4 The Courtyard, Timothy's, Bridge Road Stratford-upon-Avon, CV37 9NP Tel: 01789 414 097 www.stansgate.co.uk mail@stansgate.co.uk	
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Satellite view



Satellite view: Enlarged



Buildings 10, 11, 12, 13 and 14



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Agenda Item 7

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