

Public Document Pack



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

TUESDAY 15TH OCTOBER 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. E. Lambert, B. McEldowney, S. R. Peters, J. Robinson and
J. D. Stanley

Members are asked to note that the membership of the Planning Committee will change at the Council meeting due to take place on 9th October 2024 due to changes to the political balance.

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 3rd September 2024 (Pages 7 - 10)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. Tree Preservation Order (12) 2024 - Trees on land at 98 New Road, Bromsgrove, B60 2LB (Pages 11 - 34)
6. 23/00993/REM - Reserved Matters (Layout; scale; appearance and landscaping) to outline planning permission 16/1132 (granted on appeal APP/P1805/W/20/3245111) for the erection of 120 dwellings with associated car parking, landscaping and other infrastructure within the northern section of Site A, Land at Whitford Road, Bromsgrove. Miller Homes (Pages 35 - 78)
7. 23/01390/FUL - Temporary rural workers dwelling, agricultural building with yard and alterations to the access (retrospective). Oak Tree Farm, Storage Lane, Alvechurch, Worcestershire, B48 7EP. Mr. J. Allison & Ms. S. Rafferty (Pages 79 - 98)
8. 24/00753/S73 - Variation of condition 35 of planning permission 19/00976/HYB dated 01/11/2021: FROM: No more than 128 dwellings hereby approved shall be brought into use until the highway improvements to the Dagnell End Road / A441 Birmingham Road junction as shown in the PJA Drawing Ref: 2809 P 12 Rev P4, or similar scheme acceptable to the Highway Authority, has been approved in writing and completed to the satisfaction of the Local Planning Authority (in consultation with the Local Highway Authority) and is open to traffic. The junction is to include Microprocessor Optimised Vehicle Actuation (MOVA) signal control. AMEND TO: No more than 200 dwellings hereby approved shall be brought into use until the highway improvements to the Dagnell End Road / A441 Birmingham Road junction as shown in the PJA Drawing Ref: 2809 P 12 Rev P4, or similar scheme acceptable to the Highway Authority, has been approved in writing and completed to the satisfaction of the Local Planning Authority (in consultation with the Local Highway Authority) and is open to traffic. The junction is to include Microprocessor Optimised Vehicle Actuation (MOVA) signal control. (Cross boundary application with Redditch BC 24/00740/S73). Development Site at Weights Lane, Redditch, Worcestershire. Persimmon Homes South Midlands Ltd. (Pages 99 - 112)
9. 24/00838/S73 - Variation of condition 4 (Approved Plans) following grant of planning permission 19/00976/HYB (Hybrid planning application for up to 960 dwellings consisting of a full application for 128 dwellings accessed off Weights Lane, new public open space, drainage system, engineering operations and associated works and an outline application for the construction of the remaining dwellings with access points off Cookridge Close, Hawling Street and Weights Lane and including a new District Centre, new play facilities, new highway network, public open space, new drainage system and surface water attenuation, engineering operations and all associated works including landscaping) Substitution of HQI 73 House Type with HQI 50 House Type on Plots 80-83 and reorientation of Plots 84-85 in order to address gradients onsite. (Cross boundary application with Redditch BC 24/00839/S73) Development Site at Weights Lane, Redditch, Worcestershire. Persimmon Homes South Midlands Ltd (Pages 113 - 124)
10. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the

commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting.

SUE HANLEY
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

7th October 2024

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

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

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

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

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

[Planning Committee Live Streaming Link](#)

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 Friday 11th October 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 Friday 11th October 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

TUESDAY 3RD SEPTEMBER 2024, AT 6.00 P.M.

PRESENT: Councillors H. J. Jones (Chairman), A. Bailes, D. J. A. Forsythe, E. M. S. Gray (during Minute No. 40/24), R. E. Lambert, P. M. McDonald (substituting for Councillor M. Marshall), B. McEldowney, S. R. Peters and J. Robinson

Officers: Mr. D. M. Birch, Mr. A. Hussain, Mr. G. Boyes, Ms. H. Johnston and Mrs. P. Ross

35/24 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors S. J. Baxter, J. D. Stanley, and M. Marshall, with Councillor P. M. McDonald in attendance as the substitute Member for Councillor M. Marshall.

36/24 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

37/24 **MINUTES**

The minutes of the Planning Committee meeting held on 6th August 2024, were received.

RESOLVED that the minutes of the Planning Committee meeting held on 6th August 2024, be approved as a correct record.

38/24 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING**

The Chairman announced that there were no Committee Updates.

39/24 **TREE PRESERVATION ORDER (7) 2024 TREES ON THE LAND AT 20 AND 28 FENTON ROAD, HOLLYWOOD, B47 5LS**

The Committee considered a report which detailed proposals to consider the confirmation without modification Tree Preservation Order (TPO) (N0.7) 2024, relating to trees on land at 20 and 28 Fenton Road, Hollywood, B47 5LS.

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The Senior Arboricultural Officer provided a detailed presentation and in doing so drew Members' attention to the recommendation, as detailed on page 7 of the main agenda pack.

Members were informed that the provisional order was raised on 4th April 2024, as shown at Appendix 1 to the report; in response to information received which highlighted that the owner of 20 Fenton Road had intended to fell the two Oak trees, T1 and T2 of the provisional order.

A Tree Evaluation Method for Preservation Orders (TEMPO) was carried out on the trees, as detailed at Appendix 2 to the report. The TEMPO showed that the assessment of the trees had achieved a suitable score worthy of justifying consideration of a TPO protection.

Four objections had been received in respect of the provisional TPO having been raised. The officers' comments in relation to the points raised in those objections were detailed on page 8 of the main agenda pack and referred to: -

- Public Amenity Value.
- Bird Fouling.
- Leaf, Seed and Debris Fall.
- Shading.
- Poor Historic Management of Trees.

The Senior Arboricultural Officer concluded that the trees were visible to the public and contributed to the public amenity value of the area.

At the invitation of the Chairman, Mr. Sturdy, who had submitted an objection to the provisional TPO addressed the Committee.

Members then considered the TPO.

Members had noted the comment made by Mr. Sturdy that the trees had been inspected from a distance by the Senior Arboricultural Officer and had not been inspected / viewed in his back garden; some Members asked if this was correct.

In response the Senior Arboricultural Officer explained that the trees had been seen extensively from the bedroom windows of neighbouring properties and that he was happy with his assessment of the trees.

Members commented that they did not doubt that the trees were healthy but on balance were they a danger to the residents at No. 20 and 28 Fenton Road. Mr. Sturdy had expressed some concern when addressing the Committee, as to the safety of his children when using the back garden. Members further commented that this restricted family life. Mr. Sturdy had highlighted that the back garden was small and that the size and scale of the trees were not suitable for a small back garden.

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Members further questioned the three chainsaw incisions referred to by Mr. Sturdy, and how these incisions could be physically inspected from the bedroom windows of neighbouring properties. Could these incisions be dangerous in a major storm?

In response the Senior Arboricultural Officer explained that usually ivy on a tree was removed with no serious in-depth incisions. However, he would agree that it would have been more prudent to inspect the trees more closely.

In response to further questions from the Committee with regard to maintaining trees that were subject to a TPO, the Senior Arboricultural Officer explained that maintenance / management could be allowed and would be dependent on the tree type and species, with any proposed maintenance / management being agreed with the Council.

Members again reiterated their concerns that the trees were having a detrimental effect on residents as the trees were too large for the environment they were situated in, within small back gardens.

The Senior Arboricultural Officer stated that the trees were in good condition with no disease and that the only constraints were the physical elements of the site. The trees could be pruned to be safe / acceptable size for the area, but also taking into consideration the ability of the trees to survive being pruned.

Members commented that as stated earlier that the trees were too big for a residential area and blocked out sunlight. With regard to special amenity value. Members were of the opinion that having viewed the photographs, that the trees could only be seen over the top of the houses, so should the trees be pruned to a reasonable size, the trees would not be seen by the public.

Members then questioned if the provisional TPO could be modified by removing trees T1 and T2?

The Senior Arboricultural Officer highlighted that the provisional TPO could be modified should Members be minded to modify it.

In response to further questions from Members with regards to the distance that the trees were inspected from and the three chainsaw incisions. The Senior Arboricultural Officer informed the Committee that the trees were viewed from the bedroom windows of neighbouring properties that were located approximately 15 metres away. It was quite common to see lazy tree marks / scoring, these were usually superficial bark scoring. The Senior Arboricultural Officer further commented that whilst he sympathised with residents, he was just trying to protect the healthy trees. He had visited the properties a number of times in order to gain access to inspect the trees, however, he had been unsuccessful as the residents were not at home.

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Members stated that it was important to make the site safe for residents using their back gardens.

The Senior Arboricultural Officer stated that officers could work with the owners of the trees in order to consider a level of management of the trees that was justified.

Members stated that the tree species was far too large for gardens of that size and that a balance had to be reached, with this in mind,

On being put to the vote, it was

RESOLVED that provisional Tree Preservation Order (No.7) 2024 relating to trees on land at 20 and 28 Fenton Road, Hollywood, B47 5LSW, be confirmed **with** modification, in that trees T1 and T2 be removed from the provisional order, with T3 being made permanent.

40/24

24/00756/HHPRIO - SINGLE STOREY FLAT ROOFED SIDE/REAR EXTENSION - 41 OLD STATION ROAD, BROMSGROVE, WORCESTERSHIRE, B60 2AE

The Application had been brought to the Planning Committee as the applicant was related to a Council employee.

Officers presented the report and in doing so, drew Members' attention to the presentation slides as detailed on pages 32 to 35 of the main agenda pack.

The application was for a single storey flat roofed side/rear extension. The proposal related to a prior approval application for the erection of a single-storey extension to form a utility room at the rear of the property. The proposed extension dimensions were 6 metres by 2.2 metres with a height of 3 metres. The eaves height would be 3 metres.

Members then considered the application, which officers had highlighted in the report, that prior approval was not required.

In response to Members, officers confirmed that two letters had been sent to adjoining neighbours and that no objections had been received.

On being put to a vote it was:

RESOLVED that prior approval was not required, and that permission be granted subject to the condition as outlined on page 29 of the main agenda pack.

The meeting closed at 6.40 p.m.

Chairman

PLANNING COMMITTEE

15th October 2024

Tree Preservation Order (12) 2024: 98 New Road, Bromsgrove B60 2LB

| | |
|------------------------------|---|
| Relevant Portfolio Holder | Cllr Kit Taylor |
| Portfolio Holder Consulted | No |
| Relevant Head of Service | Head of Planning and Environmental Services |
| Ward(s) Affected | Aston Fields |
| 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 (12) 2024 Trees on land at 98 New Road, Bromsgrove B60 2LB

2. RECOMMENDATIONS

- 1.2** It is recommended that provisional Tree Preservation Order (12) 2024 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 17th May 2024 as shown in appendices (1) in response to the site being offered for sale which was formally a family support centre owned by Worcestershire County Council. The concern being that once sold the site may be redeveloped which could represent a potential risk to trees on the site being damage or removed.

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A TEMPO (Tree Evaluation Method for Preservation Orders) was carried out on the trees included within the order by Gavin Boyes on 25th April 2024 which can be seen in appendix (2) showing that on this assessment the trees achieved a suitable score to justify consideration for TPO protection.

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

- Email dated 10th June 2024 from the residents of 96 New Road as shown in appendix (3).

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

Firstly, it needs to be noted that the tree reference in the objection is T1 of the order which is a Lime tree and not a Sycamore.

Safety Risk Represented By Tree:

On visual inspection the tree has been found to be in good health and vigour showing no visual signs of any physiological issues or structural defects. There was no visual evidence to suggest any instability in the root plate. The crown is well shaped and balanced containing no overextended or over weighted boughs or branches. There is an expected volume of minor stature growth habit deadwood within the crown and extensive epicormic growth on the buttressing and mainstem of the tree, which is typical of this species, both of which could be easily managed under a general maintenance pruning of the tree. Therefore, in view of the condition and health of T1 Lime I would consider the risk of it being potentially uprooted or to suffer any major structural failure is low.

Blockage Of Light:

There is no legal right to light in relation to the development of deciduous trees. T1 stands to the south adjacent to the front of 96 New Road, therefore the tree will cast shade on the property as the sun arcs around the tree from east to west but only for limited periods of the morning or early afternoon not throughout the whole day.

Seed And Leaf Fall:

Seed and leaf fall is part of the natural life cycle of deciduous trees and due to the proximity T1 to the local public path, roadway and properties there would be a degree of debris fall from this tree on these features. However, there are many other trees and hedges within this location that would also contribute to this issue which can easily be managed by periodic clearing up of this debris which if undertaken would be expected to prevent the risk of damage to a driveway or path.

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Support:

Three Letters of support one accompanied by a 35 signature petition were received in response to the raising of the provisional TPO as shown in appendix (4)

- Letter dated 25th May 2024 from the residents of 3 Clive Road B60 2AY
- Letter dated 28th May 2024 from the residents of 117 New Road B60 2LJ
- Letter dated 28th May 2024 from the resident of 2 Drayton Court B60 2LB, accompanied by 35 signature petition, from residents of the properties listed below;

2 Drayton Court
4 Drayton Court
6 Drayton Court
8 Drayton Court
96 New Road
106A New Road
118 New Road
119 New Road
123 New Road
1 Marlborough Avenue
5 Marlborough Avenue
17 Marlborough Avenue
19 Marlborough Avenue
22A Marlborough Avenue
Unknown Number Marlborough Avenue
45A Wellington Road
52 Wellington Road
53 Wellington Road
54 Wellington Road
55 Wellington Road
64 Wellington Road
1 Clive Road
2 Clive Road
2A Clive Road
3 Clive Road

PLANNING COMMITTEE

15th October 2024

- 3.6 Policy Implications- None
HR Implications- None
Council Objective 4- Environment, Priority C04 Planning
- 3.7 Climate Change / Carbon/ Biodiversity- The proposal in relation to confirming the TPO can only be seen as a positive impact on the environment.

Customer / Equalities and Diversity Implications

- 3.8 The customers have been provided with the relevant notification and the responses received are attached in the appendices. The customers will receive notification by post of the decision of the committee.
- 3.9 Equalities and Diversity implications- None

4. RISK MANAGEMENT

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

5. APPENDICES

List Appendices.

Appendix (1) Schedule and Plan of Provisional Order as raised
Appendix (2) Tempo Assessment
Appendix (3) Letter of Objections
Appendix (4) Letters of Support
Appendix (5) Photographs of trees

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order
TEMPO – Tree Evaluation Method for Preservation Orders

PLANNING COMMITTEE

15th October 2024

7.1 Conclusion and recommendations:

The trees included within the order are visible from a public perspective as shown by the photos within the report they contribute to the character of the area and I feel that any nuisance they may cause is greatly outweighed by the amenity and landscape benefits they bring to the area and site.

Therefore, I recommend to the committee that Tree Preservation Order (12) 2024 is confirmed and made permanent without modification as shown in appendix (1) of this report.

AUTHOR OF REPORT

Name: Gavin Boyes

Email: Gavin.Boyes@bromsgroveandRedditch.gov.uk

Tel: 01527 883094

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

Bromsgrove District Council Tree Preservation Order (12) 2024
Tree/s on land at 98 New Road, Bromsgrove, Worcestershire, B60 2LB,

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 (12) 2024**

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,

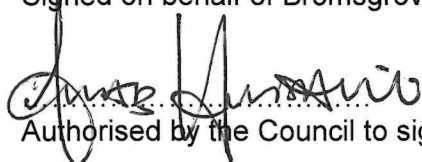
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

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 *17th day of May 2024*

Signed on behalf of Bromsgrove District Council



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 | Lime | 396668, 269848 | On Eastern boundary of site with New Road |
| T2 | Lime | 396626, 269844 | Northern boundary with 1 Clive Road B60 2AY |
| T3 | Sweet Chestnut | 396620, 269842 | Northern boundary with 3 Clive Road B60 2AY |
| T4 | Pine | 396624, 269818 | Western boundary of site |
| T5 | Pine | 396629, 269820 | Western boundary of site |
| T6 | Sweet Chestnut | 396640, 269822 | Western boundary of site |
| T7 | Lime | 396663, 269826 | Western boundary of site in Drayton Court |

Trees specified by reference to an area

(within a dotted black line on the map)

| <u>No. on Map</u> | <u>Description</u> | <u>NGR</u> | <u>Situation</u> |
|-------------------|--------------------|------------|------------------|
|-------------------|--------------------|------------|------------------|

NONE

Groups of Trees

Agenda Item 5

(within a broken black line on the map)

| <u>No. on Map</u> | <u>Description</u> | <u>NGR</u> | <u>Situation</u> |
|-------------------|--------------------|------------|------------------|
|-------------------|--------------------|------------|------------------|

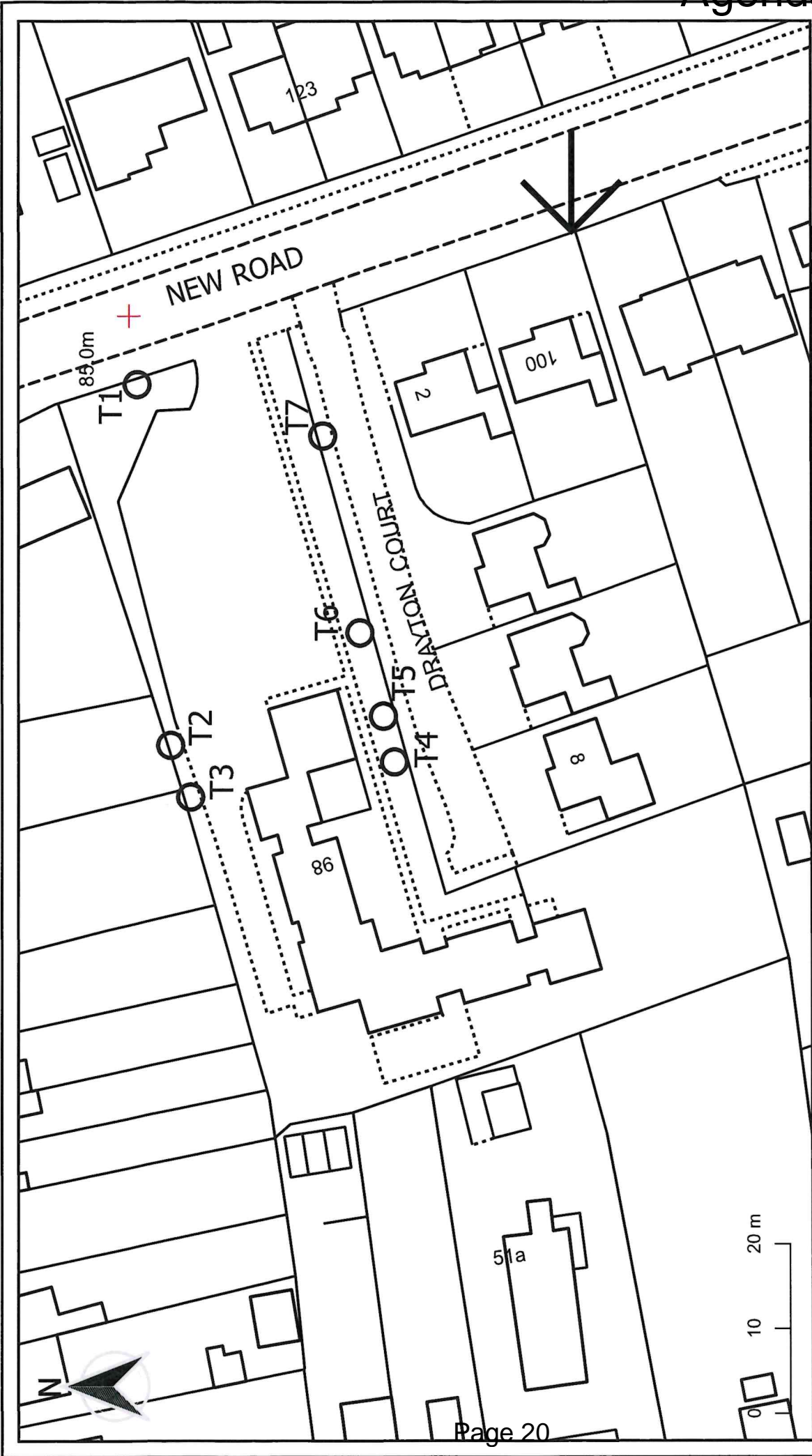
NONE

Woodlands

(within a continuous black line on the map)

| <u>No. on Map</u> | <u>Description</u> | <u>NGR</u> | <u>Situation</u> |
|-------------------|--------------------|------------|------------------|
|-------------------|--------------------|------------|------------------|

NONE



Stuart Murray
17/05/2024
Approved/ISED Signatures

| | |
|---|---|
| <p>Environmental Services Town Hall Walter Stranz Square Redditch Worcecs B98 8AH</p> | <p>@ Crown copyright and database rights 2024 Ordnance Survey 100023252</p> |
| <p>Gavin Boyes - Drawn: rboricukur Team</p> | <p>1:600 Scale: @A4 Date: 5.2024</p> |
| <p>Bromsgrove Council TPO (12) 2024</p> | <p>98 New Road Bromsgrove B60 2LB 1 of 1 Drawing No.:</p> |

Bromsgrove
District Council
www.bromsgrove.gov.uk



REDDITCH BOROUGH COUNCIL
making difference
www.redditchbc.gov.uk

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

APPENDIX (2)

Evaluation by: Georn Ranges Date: 25/4/2024 Sheet No. 1 of 1

Address/Site Details: The Birkles, 98 New Road, Browns Grove

| Tree Ref | Species | DBH (mm) | Amenity Assessment | | | Sub | d - other factors | Expediency | Score | TPO Y/N? | Notes |
|----------|----------------|----------|--------------------|---------------|----------------|-----|-------------------|------------|-------|----------|--|
| | | | a - Condition | b - Longevity | c - Visibility | | | | | | |
| T1 | Lime | 700 | 5 | 4 | 5 | 14 | 1 | 2 | 17 | Y | Economic growth at base some deadwood in crown |
| T2 | Lime | 800 | 3 | 4 | 4 | 11 | 1 | 2 | 14 | Y | |
| T3 | Sweet Chestnut | 800 | 3 | 4 | 4 | 11 | 1 | 2 | 14 | Y | Previous crown reduction pruning |
| T4 | Pine | 8700 | 5 | 4 | 3 | 12 | 1 | 2 | 15 | Y | |
| T5 | Pine | 700 | 5 | 4 | 3 | 12 | 1 | 2 | 15 | Y | |
| T6 | Sweet Chestnut | 700 | 3 | 4 | 3 | 10 | 1 | 2 | 13 | X | Wound on main stem no decay |
| T7 | Lime | 800 | 3 | 4 | 4 | 11 | 1 | 2 | 14 | Y | Previous crown reduction pruning |

Part 1: Amenity assessment

- a) Condition
 - 5) Good (highly suitable)
 - 4) Fair (suitable)
 - 1) Poor (unlikely)
 - 0) Unsafe
 - 0) Dead
- b) Longevity
 - 5) 100+
 - 4) 40 - 100
 - 2) 20 - 40 (suitable)
 - 1) 10 - 20 (just suitable)
 - 0) <10 (unsuitable)

Part 2: Expediency assessment

- c) Relative public visibility
 - 5) Very large trees, or large trees that are prominent features (V/ige=200sqm+)
 - 4) Large trees, or medium trees clearly visible to the public (ige=100-200sqm)
 - 3) Medium trees, or larger trees with limited view only (Suitable, med=25-100sqm)
 - 2) Small trees, or larger ones visible only with difficulty (Unlikely, small = 5-25sqm)
 - 1) Young/ small or not publicly visible regardless of size (prob unsuitable, <5sqm)
- d) Other factors
 - 5) Principal components of arboricultural features, or veteran trees
 - 4) Members of groups of trees that are important for their cohesion
 - 3) Trees with significant historical or commemorative importance
 - 2) Trees of particularly good form, especially if rare or unusual
 - 1) Trees with none of the above additional redeeming features

- Part 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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Gavin Boyes - Arboricultural Team

From: [REDACTED]
Sent: 10 June 2024 09:26
To: Gavin Boyes - Arboricultural Team
Subject: Tree Preservation Order (12) 2024: Trees on the land at 98 New Road, Bromsgrove, B60 2LB

IMPORTANT NOTICE: This email originated from outside the organisation.

STOP: Were you expecting this Email? Does it appear genuine?

THINK: Be cautious before clicking on links or opening attachments.

If you suspect this is a phishing email, forward it to 'KnowBe4' using the 'Phish Alert button' and you will receive analysis.

If you've already clicked on any links, contact the ICT helpdesk on [REDACTED] or ext. 1766, failure to do so breaches the Information Security Policy.

Dear Gavin

We have received the Formal Notice from Bromsgrove District Council of the Tree Preservation Order being placed which is next door to us. My husband and I live in 96 New Road, Bromsgrove, B60 2LB. We submit some objections and comments related to Regulation 6 of the Town and County Planning (Tree Preservation) (England) Regulations 2012.

While we love nature, we wish to submit a formal objection in accordance with 13.2 in the Guide to that is enclosed with the Notice.

There is a Sycamore Tree on the land at 98 New Rd, that is at least 40 feet tall and is close to New Road itself. This tree has caused us considerable anxiety ever since we moved into our house in July 2014, and continues to do so as we feel that this tree poses a serious safety risk not only to us, but also to adjacent properties, vehicles and persons using New Road.

If this tree should become uprooted or damaged for any reason and the tree subsequently falls, then it is most likely to land on our house, destroy our roof and potential kill us as our bedroom is directly underneath. This tree also excludes a considerable amount of light to our house and garden. It also spreads its seeds all over the off road parking area at the front of our house which has caused us to resurface it once since we moved here 9 years ago and we are in the process of exploring replacing the driveway again.

In the past we have voiced our concerns over the lack of maintenance and growth control of all trees and bushes on the site of 98 New Road, we strongly believe this needs to be addressed.

We look forward to meeting you to discuss this at our house if you so wish, to do so, this is so you can see for yourself the issues involved.

I look forward to hearing from you at your earliest convenience.

Best wishes

[REDACTED]
P.S. Want some tips personal to you to boost your resilience and confidence?

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Agenda Item 5,
3 Clive Road,
Bromsgrove,
B60 2AY

25 May 2024

The Tree Team,
Crossgate House,
Crossgate Road,
Redditch,
B98 7SN

Tree Preservation Order (12) 2024

Trees on land at: 93 New Road, Bromsgrove, B60 2LB

Dear Gavin Boyes,

We are completely in favour of tree (13) being subject to a preservation order - hopefully permanently. The sweet chestnut tree is in the hedgeline of our back garden at number 3, Clive Road and is an important feature in our garden.

We trust the other trees listed will also be subject to preservation.

Yours sincerely

Agenda Item 5

117 New Road
BROMSGROVE
Worcs
B60 2LJ

28th May 2024

Gavin Boyes
Environmental Services
Bromsgrove District Council
Crossgate House
Crossgate Road
REDDITCH
B98 7SN

Dear Mr. Boyes,

Re: Tree Preservation Order (12) 2024 on trees around 98 New Road, BROMSGROVE, B60 2 LB

We have lived opposite no.98, in no. 117 New Road, since 1988 and know these trees very well. All these trees add to the varied townscape here, not to mention their oxygen-production and CO₂-consumption, so we would strongly urge their conservation. Certain members of this tree-community need special mention viz:

(T1) this magnificent Lime is certainly the “master tree” for the area and is always used as a key point by the area’s birds, particularly as a pre-roost gathering-site in autumn through to spring. The numbers involved can be quite impressive: up to 70 Jackdaws, 60 Greenfinches (now undergoing a resurgence in numbers) and 80 Goldfinches at slightly different times and different dates/years. Blackcaps and Chiffchaffs sing in and around this and the other trees in the spring, in addition to the resident Blackbirds, Robins, Wrens, Dunnocks, Blue Tits, Great Tits and Goldcrests.

We love this tree but we do have some concerns: in recent years it has been showing some age and a big clump of mistletoe now grows in the top part. It has a number of mid-size branches which are now dead or have died and dropped: there is a pavement and road below on the east side. We have to admit we do look at it with concern in the (increasing) days of high winds: it would reach our house if it fell.

In summary, this tree is important both to ourselves and much wildlife and must be kept but probably needs reducing in stature for safety.

(T4) and (T5) these mature Scots Pines are beautiful trees, particularly as a characterful pair worthy of the Caledonian Pine Forest. They seem strong and well-proportioned. They also are important to local wildlife: a pair of Ravens have nested in them and local Sparrowhawks use them as vantage-points for example. They must surely be kept for the scenic grandeur they bring to the whole area.

We believe these specified trees and their ‘supporting cast’ of Limes and Sweet Chestnuts (i.e. (T2), (T3), (T6), (T7)) are Key environmental and amenity features of the area, decades in the making: we strongly urge the Tree Preservation Order be made permanent.

Yours sincerely,



Agenda Item 5

28th May 2024


2 Drayton Court
New Road
Bromsgrove
Worcestershire
B60 2LB

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

Dear Mr Boyes,

Thank you for putting in place the Tree Preservation Order (TPO) for the trees on land at **98 New Road, Bromsgrove, Worcestershire, B60 2LB**. As the owner of 2 Drayton Court, New Road, I am the direct neighbour to number 98 New Road and I write to you to express my gratitude that you have put in place a TPO for the beautiful trees on this site. It is a concern for myself and many local residences, that these trees may be at risk if and when development on this site takes place.

I and the local residence (who have provided their personal contact details), firmly believe that this TPO should be made permanent and more importantly, maintained by the new owners of 98 New Road. We feel that any planning granted to this site should stipulate the proper maintenance of these trees. I have been informed by neighbours who have lived nearby for 30+ years, that they have never been maintained whilst under the ownership of Worcestershire County Council and because of their size pose potential significant risk to houses number 4, 6 and 8 Drayton Court if they were to ever fall.

Outlined below are the reasons why we feel the TPO should be made permanent:

Environmental Benefits:

The trees have played a crucial role in our local ecosystem; absorbing carbon dioxide and releasing oxygen, significantly improving air quality. They also act as natural filters, trapping dust, pollutants, and other harmful particles, which helps in reducing pollution levels.

Biodiversity and Habitat:

The trees in question provide essential habitats for a variety of wildlife, including birds, insects, and squirrels. Preserving these trees would help maintain biodiversity and ensures that these species have a place to live and thrive.

Aesthetic and Community Value:

The trees significantly enhance the beauty and appeal of our neighbourhood. They provide shade, reduce noise pollution, and create a serene and aesthetically pleasing environment. The presence of

mature trees can also increase property values and attract residents and visitors alike. For many in our community, these trees hold sentimental value and are an integral part of our local heritage.

Public Health and Well-being:

Numerous studies have shown that access to green spaces and nature positively impacts mental and physical health. Trees and green areas encourage outdoor activities, reduce stress, and promote overall well-being. By making the TPO permanent, we are investing in the health and happiness of our community members.

Long-Term Planning and Climate Resilience:

As we face the growing impacts of climate change, preserving mature trees is more important than ever. Trees play a critical role in mitigating climate change. A permanent TPO ensures that we are building a resilient community capable of withstanding environmental challenges.

In conclusion, the permanent preservation of the trees on 98 New Road is not just a matter of environmental stewardship but also a commitment to the well-being and quality of life of our community. We urge all those who are involved in the decision-making process to consider the long-term benefits and irreplaceable value that these trees bring to our area and to make the Tree Preservation Order permanent. We also urge that planning stipulates the care and maintenance of these trees so that they can be enjoyed by many generations to come, in safety.

I enclose the names, addresses and signatures of all the residence that are in favour of the TPO being made permanent for the reasons outlined in this letter. Please note that the absence of signatures from other surrounding houses is not an indication that they do not support this TPO but that they were merely not at home at the time where views were canvassed.

Thank you for your attention to this important matter.

Yours sincerely,

A dark, rectangular redaction box covering the signature of the sender.

T1 Lime view from North
On New Road



T7 Lime view from north of tree from New Road







T1 Lime veiw from
South on New Rd



10/09/2024 10:44

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| Name of Applicant | Proposal | Expiry Date | Plan Ref. |
|-------------------|---|-------------|--------------|
| Miller Homes | Reserved Matters (Layout; scale; appearance and landscaping) to outline planning permission 16/1132 (granted on appeal APP/P1805/W/20/3245111) for the erection of 120 dwellings with associated car parking, landscaping and other infrastructure within the northern section of Site A. Land At, Whitford Road, Bromsgrove | 18.12.2023 | 23/00993/REM |

RECOMMENDATION:

- (a) Minded to **APPROVE** the Reserved Matters of layout, scale, appearance and landscaping
- (b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure to determine the Reserved Matters of layout, scale, appearance and landscaping following the receipt of a suitable and satisfactory legal mechanism in relation to affordable housing type and mix.
- (b) And that **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure to agree the final scope and detailed wording and numbering of conditions as set out in the summary list at the end of this report

Consultations

Worcestershire Highways - Bromsgrove

- No objection.
- Recommends conditions: turning /parking facilities; visibility splays; cycle parking; CEMP
- The proposed road layout accords with the adopted Streetscape Design Guide. Forward visibility at the bends (25m) and junction visibility at all the side roads (25m) will be provided in accordance with the required standard. The full extent of the visibility splays are provided within the extents of the future adoptable public highway.
- All proposed footways adjacent to properties are 2m wide. The proposed turning heads are designed in accordance with the Streetscape Design Guide and there are 1m service margins provided at the back of all turning heads.
- The proposed 20mph design speed will be achieved across the site by appropriate horizontal alignment with the exception of the western roadway. On this road, the 20mph design speed will be controlled by the use of priority build-outs forming a continuous and compatible arrangement where the roadway joins the consented phase 1 parcel.

- There is a deficit of four spaces across the site. Whilst this is not ideal, it is noted that these plots are dispersed across the site and are away from pinch points such as bends in the roads.
- A series of footpath connections through the public open space - Please note that this will not form part of the future adoptable highway extents. At the northern, the supporting plan shows an indicative access to Timberhonger Lane. The Local Planning Authority have confirmed that this arrangement is indicative and will be subject to more detailed technical evaluation as part of a future Discharge of Condition planning application (Condition 32) where this will be supported by details of surfacing, visibility splays and a supporting Road Safety Audit 1 / 2.

National Highways

- No objection.

Housing Strategy

- No objection.
- Agreeable to proposed amendment to affordable housing type and mix. Pepper potting of affordable units around the site is acceptable. Supportive of amended layout which increases private garden areas and vehicle manoeuvring space for affordable units.
- Supportive of revised internal layout of 'Peyton' which provides improved useable space and privacy.

Place Services (Urban Design)

- The layout for the scheme is largely in accordance with the indicative masterplan, the development areas parameters plan and the principles described in the Design and Access Statement.
- The layout has much improved with built form and active frontage now being provided in continuous perimeter blocks as set out in the masterplan, and with much reduced parking dominance to the Main Street and Green Edge Character Areas
- There is also a clear difference in the typologies proposed in each of the three character areas, with the Main Street and Green Edge providing detached dwellings, the Neighbourhood providing semi-detached and terraced properties and the Landscape Edge forming largely continuous terraces which work in concert with the positive proposal for a landscaped bund and acoustic fence to guard against the noise pollution from the M5.
- We commend the introduction of the coach house at plot 105 to ensure the rear parking court is well observed. We would strongly recommend that the second poorly observed parking court to the rear of plots 64 to 67 is securely gated and a key fob operation or equivalent is instigated for safety and security reasons.
- Unable to support the architecture for the Landscape Edge; there is a missed opportunity to establish and maintain a fully coherent rhythm between the higher and lower dwellings and there is a missed opportunity to fully express the gables of the taller properties by ensuring that the ridgeline runs from front to back. Instead, by running the roof pitches from front to back and projecting a lower gable from them, the gables remain subservient to an overall higher ridge line, leading to a roof dominant composition.

- It is unfortunate that the first-floor fenestration of the Peyton Village house type remains imbalanced, being a two-window range, and is therefore not expressive of the main bedroom it is serving. There is a missed opportunity to provide a central, generously proportioned single window to line through with the smaller window above. It is also considered that the relationship of the single second-floor window has an uncomfortable relationship with the first floor and the ungenerous gable roof above.

WRS - Noise

- No objection
- The revised proposed layout appears satisfactory in terms of minimising noise levels in the rear external amenity areas and is in line with the approved Outline layout. In terms of the acoustic barrier(s), in line with the approved Outline plan the barrier should extend further in a northeasterly direction in order to minimise noise impacting the most northerly dwellings.

WRS - Contaminated Land

- No objection
- WRS would raise no adverse comments in respect of this Reserved Matters application but would highlight that the stated contaminated land condition still applies to the outline application for this area of the site.

WRS - Air Quality

- No objection

North Worcestershire Water Management

- No objection
- Since conditions 11, 16 and 17 of the outline planning permission 16/1132 cover the CEMP, SuDS maintenance and drainage I do not believe it is necessary to request that information now, however I would like to point out that condition 17 is a pre-occupation condition.
- Suggest replacement pre-commencement condition for surface water drainage

Severn Trent Water Ltd

- No objection
- The submitted Drainage Strategy Addendum – 17th December 2021, surface water is to discharge to a nearby ditch course, to which we would have no comment and advise discussing with the LLFA. Foul sewage is shown to discharge to the public foul sewer, please note the pumped rate and frequency will need to be agreed with STW via the connections application.
- Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991.

Environment Agency

- No objection
- Refer to existing conditions attached to the outline (9, 10, 11 and 20) and highlight clarification should be provided over the use of materials to make up site levels.

Arboricultural Officer

- Consulted: views awaited on the revised Arboricultural Assessment and landscape plans that have been submitted.

Community Safety Manager

- Recommends use of 'secure by design'.
- Supportive of: the speed restriction that is built into layout; the closed cul-de-sacs; the positive block design with gardens abutting one another. Recommends maximising natural surveillance between the site and Timberhonger Lane (including through the existing landscaping). Natural surveillance generally good. Prefers parking that is well lit dusk to dawn/overlooked.

Waste Management

- Clarification awaited regarding bin collection points located in different positions on different plans, otherwise OK from a waste perspective.

Worcestershire Archive And Archaeological Service

- The land (northern parcels) for which this Reserved Matters application relates has not yet been archaeologically investigated (parcels to the south underwent archaeological evaluation and targeted excavation in 2022). A condition for a programme of archaeological works has been conditioned as part of planning application 16/1132 - (granted on appeal APP/P1805/W/20/3245111) and therefore no development should 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, as per the condition wording for planning application 16/1132.

Worcestershire County Council Countryside Service

- No comments.

Publicity

1017 letters sent 22 September 2023 (expires 16 October 2023)

Site Notices displayed 27 September 2023 (expire 19 October 2023)

Press Notice published 29 September 2023 (expires 16 October 2023)

8 representations received raising the following principal concerns:

- Object to housing development on the site
- Gridlocked traffic and roadworks
- A Western bypass is required.
- Difficulty in obtaining doctors appointments/dentist appointments/school placements.
- Impact on flora and fauna / re-consider the land use from housing to re-wilding

- No compensation for existing local residents for upheaval and devaluing of their houses
- Houses should be designed and built to include energy efficiency measures; should provide fewer car parking spaces.
- Lack of community areas.
- Concern at impact on existing soakaway on the site that serves existing dwellings.
- Concern at possible flooding.

The Bromsgrove Society

- Please regard the comments as being a neutral representation.
- The Society identifies some of the gardens are less than minimum standards of HQDSPD. Mitigation of noise from the M5 should be given substantial weight when the acoustic barrier proposals are considered.

Cllr David Hopkins

Wishes to speak at Planning Committee due to the important nature of the plans.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP3 Future Housing and Employment Development
BDP5A Bromsgrove Town Expansion Sites
BDP7 Housing Mix and Density
BDP19 High Quality Design
BDP21 Natural Environment
BDP24 Green Infrastructure

Others

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

Relevant Planning History

The application site forms part of a larger site that was the subject of a planning appeal (APP/P1805/W/20/3245111). The appeal was allowed in 2021 granting outline planning permission for:

site A—(land off Whitford Road), provision of up to 490 dwellings, class A1 retail local shop (up to 400sqm), two new priority accesses onto Whitford Road, public open space, landscaping and sustainable urban drainage; on site B (Albert Road), demolition of the Greyhound public house, provision of up to 15 dwellings, an new priority access onto Albert Road, landscaping, and sustainable drainage

The Planning Inspector also considered and allowed the Reserved Matter of Access. This included consideration of traffic movement and highway safety together with a proposed mitigation package and approved 2 vehicular access points into the site from Whitford Road.

The appeal was allowed subject to a s106 Obligation that secured a number of contributions and mitigation measures and conditions that set out a number of requirements to be addressed as part of the Reserved Matters application.

s106 Obligation contributions and mitigation measures including:

- Provision of Affordable housing;
- Healthcare contribution;
- Education contribution towards improving/providing First School and High School education provision;
- Provision of Public Open Space within the development site;
- Scout and Guide Contribution;
- Contribution for improvements to Sanders Park;
- Waste Management Contribution;
- Financial contribution towards the cost enhancement of pedestrian & cycle links through Bromsgrove Town Centre and capacity and infrastructure improvements on key corridors including Market Street;
- A38 Bromsgrove Route Enhancement Contribution to deliver improvements and upgrade works to the A38 corridor between the junction of the A38 Eastern Bypass (Lydiate Ash) and the B4094 Worcester Road to the South and M5 junction 4 to the north Hanbury Turn; junction improvement works at Market Street/St Johns street and St Johns Street/Hanover street/Kidderminster Road;
- Personal Travel Plan contribution to promote more sustainable means of travel
- Public Transport Contribution;
- Sustainable Infrastructure contribution towards the Active Travel Infrastructure and Whitford Road Cycle Route.

Condition requirements to be addressed as part of the Reserved Matters submission:

- Condition 4 of the outline consent requires development to be carried out in accordance with composite location plan 16912/015; location plan for Whitford Road 16912/1004, proposed site access Whitford Road (north) 7033-SK-032 rev A, proposed site access Whitford Road (south) 7033-SK-032 rev A, informal pedestrian crossing Whitford Road ref 7033- SK-033 rev A; potential toucan crossing location ref 7033-SK009 rev B; Fox Lane/ Rock Hill schematic proposed arrangement 7033-SK-005 rev F; potential mitigation for Rock Hill/Charford Road mini-roundabout ref 7033-SK-013 rev E; potential A448 signalised crossing ref 7033-SK-105 rev A, Whitford Road/Perryfields Road proposed junction arrangement ref 461451-D-014.
- Condition 5 of the Outline permission requires that the Reserved Matters accord with the indicative masterplan 16912/1012 rev B, development parameters plan 16912/1017B and the principles described in the DAS dated 7th January 2016 and the addendum dated 3rd January 2018. This condition requires that any RM application shall include a statement providing an explanation as to how the design of the development responds to the relevant DAS.
- Condition 6 requires the reserved matters submitted to be in accordance with the maximum scale parameters for buildings as set out in paragraph 5.5.4 of section

5.5 of the Design & Access Statement. 5.5.4. The majority of the built form will be two storeys (approximately 5m to eaves, 8-9m to ridgeline), with opportunities to consider rising to two and a half storeys where variations in building heights will help create a more interesting street-scene. Conditions 12 and 21 stipulate that the first RM relating to layout shall include a plan identifying the number and location of open market and affordable housing units which should also identify the size, type and tenure.

- Condition 14 necessitates details of facilities for the storage of refuse to be provided.

Recent Applications

| | | |
|--------------|---|---|
| 22/00090/REM | Reserved Matters (layout; scale; appearance and landscaping) to outline planning permission 16/1132 (granted on appeal APP/P1805/W/20/3245111) - for the erection of 370 dwellings with associated car parking, landscaping and other infrastructure within the southern section of Site A Non Material Amendment to condition 1 landscaping drawings of Reserved Matters approval 22/00090/REM: Replacement of translocated hedge. New hedge planting along Whitford Road | Approved 08.07.2022 |
| 24/00150/REM | Reserved Matters application (Layout, Scale, Appearance and Landscaping) to outline planning permission 16/1132 (granted on appeal APP/P1805/W/20/3245111) for the erection of a retail unit and associated infrastructure within Site A. | Delegated by Planning Committee 08.08.2024 Awaiting Legal Agreement |

Other applications currently under consideration on Site A

| | |
|--------------|--|
| 24/00117/S73 | Variation of condition 25 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132): FROM: No part of the development shall be occupied until the junction of Fox Lane/ Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/ Rock Hill schematic ref 7033-SK-005 revision F. AMEND TO: No more than 39 dwellings shall be occupied until the junction of Fox Lane/Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/Rock Hill schematic scheme ref 7033-SK-005 revision F |
|--------------|--|

| | |
|---------------------|---|
| <p>24/00516/S73</p> | <p>Variation of condition 22 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132): FROM: 22) No dwelling shall be occupied until the acoustic fencing on the north-western part of the site has been erected in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The acoustic fencing shall be retained thereafter. AMEND TO: 22) No dwelling shall be occupied on the north-western part of the site Phase 2 (Miller Homes Area) as indicated on drawing number 16912/1004 N01 until the acoustic fencing on the north-western part of the site to which it relates, has been erected in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The acoustic fencing shall be retained thereafter. In relation to the remainder of the site, Phase 1 as indicated on drawing number 16912/1004 N01 (Bellway Homes Area) a noise mitigation measures scheme shall be submitted to and approved in writing by the local planning authority. (enclosed with this application)</p> |
|---------------------|---|

The Site and its Surroundings

The site forms part of the Bromsgrove Town Expansion Site BROM3 allocated for development in the District Plan. It comprises approximately the northern third of part of a larger site (Site A) granted outline planning permission by The Planning Inspectorate on 9th February 2021.

It is located to the south and west of Timberhonger Lane, to the east of the M5 and north of the site of residential development approved under 22/00090/REM in 2022 (Bellway Homes Ltd) and the site of a proposed retail unit and associated infrastructure (24/00150/REM) both within Site A.

The topography of the site is undulating; the site slopes from the south west by the motorway to the north east (Timberhonger Lane). Topographical information submitted with the application shows a levels difference of approximately 23m across the site. An existing water main crosses the site from north to south through the western section. It enters the site approximately half way along the north western boundary and leaves the site at the southernmost tip just above the hedgerow with the Bellway Homes part of Site A. The site is mostly grass with trees and hedgerow to most of the site boundaries.

Proposal

Following the granting of outline planning permission and the approval of the Reserved matter of Access by the Planning Inspector, this application seeks consent for the remaining 4 Reserved Matters for the erection of 120 dwellings together with associated car parking and other infrastructure on the northern third of site A.

The 4 Reserved Matters to be considered relate to:

- **Layout** - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- **Scale** - the height, width and length of each building proposed within the development in relation to its surroundings.
- **Appearance** - the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture; and
- **Landscaping** - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—
 - (a) screening by fences, walls or other means;
 - (b) the planting of trees, hedges, shrubs or grass;
 - (c) the formation of banks, terraces or other earthworks;
 - (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
 - (e) the provision of other amenity features.

For clarity, the matter of external **Access** has already been determined and approved, thus does not fall to be considered as part of the current application.

The proposed layout and landscaping are such that Green Infrastructure forms a horseshoe around the western, northern and eastern edges of the site with the residential dwellings contained within this area and sharing an existing hedgerow to the southern edge with the Bellway Home development beyond.

Sustainable Urban drainage, pedestrian / cycle access to Timberhonger Lane and noise mitigation are indicated within the proposal, though details on these matters and levels are to be addressed under conditions attached to the outline planning permission by the Inspector.

A mix of 1, 2, 3 and 4 bed units are proposed with a combination of terraced, semi-detached, detached, apartments and bungalows as set out in the table below, along with information on tenure. Most dwellings are 2 storey in height, with some 2.5 storey (3 floors) and 6 bungalows are proposed.

The development is arranged in 3 character areas:

- Landscape Edge – faces onto natural green space along the western side of the site and forms part of the acoustic barrier to the M5.
- Neighbourhood – central elements and typically includes the tertiary street network.
- Main Street Green Edge – incorporates north edges and the central primary street.

The following table sets out the housing mix and tenure:

Agenda Item 6

Plan reference

| Housing Mix and Tenure | Tenure | No. of Bedrooms | Dwelling Type | Total of Each Dwelling Type | Combined Total Each Dwelling | Total Affordable Housing by type | Overall Total | | | | |
|------------------------|-------------------------------------|--------------------|---------------------------|-----------------------------|------------------------------|----------------------------------|----------------|----|-----|---------------------|----|
| Market Housing | Private | 2 | L255 Delmont | 13 | 13 | | 72 | | | | |
| | | | 3 | L356 Denton | | | | 22 | 39 | | |
| | | L358 Whitton | | 4 | | | | | | | |
| | | L361 Braxton | | 5 | | | | | | | |
| | | L363 Hampton | | 8 | | | | | | | |
| | | 4 | L459 Glenwood | 12 | 20 | | | | | | |
| | | | L463 Cherrywood | 2 | | | | | | | |
| | | | L464 Chesterwood | 6 | | | | | | | |
| | | Affordable Housing | Shared ownership | 2 | 201 Greymontsp | | | 3 | 8 | 19 shared ownership | 48 |
| | | | | | 201 Finstall | | | 1 | | | |
| AL22 Shermont | 4 | | | | | | | | | | |
| 3 | AL31 Peyton | | | 11 | 11 | | | | | | |
| Social rent | 1 | | AL11 Bungalow | 2 | 4 | 6 | 29 social rent | | | | |
| | | | AL12 Bungalow | 4 | | | | | | | |
| | 2 | | 201 Greymontsp | 2 | 9 | | | | | | |
| | | | 201 Finstall | 1 | | | | | | | |
| | | | L256 Glenmont (FoG 3 per) | 2 | | | | | | | |
| | | | AL22 Shermont | 4 | | | | | | | |
| | 3 | | AL30 Hayton | 7 | 12 | | | | | | |
| | | | AL31 Peyton | 5 | | | | | | | |
| | 4 | | AL40 Taywood | 2 | 2 | | | | | | |
| | Market housing + affordable housing | | | | | | | | 120 | | |

Assessment of Proposal

Principle of Development

The principle of the proposed development has been established through the granting of outline permission 16/1132 allowed on appeal. The proposal for 120 dwellings plus the 370 dwellings already approved under 22/00090/REM complies with the number of dwellings (granted by the outline planning permission up to 490 dwellings on Site A). Thus, I have attached very little weight to objections raised by residents with regards to the release of this site for housing provision, traffic and highway issues external to the site, the impact on infrastructure including schools, doctors and dentists, drainage and flood risk and wildlife issues, as the principle of development on this site has already been established by the outline permission. These matters were addressed by the Planning Inspector and cannot be reconsidered under this Reserved Matters application.

Therefore, the issues for consideration by Members are limited to matters of the internal vehicular access arrangement, layout, scale, appearance and landscaping.

Phasing

The proposal relates to approximately one third of what is referred to in the appeal as Site A. In determining the appeal, the Inspector anticipated development taking place on a phased basis and this is reflected in the wording of many of the conditions. The submission of a RM application for only part of site A is acceptable.

Layout

The outline planning permission granted on appeal is subject to a condition that the Reserved Matters shall be in accordance with the indicative masterplan and the development areas parameters.

Public open space is proposed to the western boundary and continues in a horseshoe arrangement around the edges of the site, development is set back behind landscaping along Timberhonger Lane, a SUDS pond is proposed within a landscaped area to the eastern section of the site and the hedgerow along the southern boundary is shown as retained. These accord with the masterplan.

The terrace form of housing along the western edge together with an inner Neighbourhood Area and dwellings looking outwards towards the horseshoe arrangement of the open space also accords with the masterplan. The use of a primary loop road, with Main Street Green Edge, connecting with the Bellway site and the incorporation of a hierarchical highway network again reflects the masterplan.

There are some differences in the proposal compared with the master plan and parameters plan, for example in the position of the terrace. Dwellings are generally set further back from the western boundary with the M5 in the current proposal, resulting in a wider area of green space. The greater distance is considered to offer more scope for an acoustic mitigation scheme that integrates more sympathetically with the streetscene and offers the potential for an improved outlook for residents living along the western Landscape Edge. The masterplan indicates 2 sections of 4m high acoustic fencing located directly opposite

dwellings. Whilst performing an important acoustic function there is a risk that a 4m high acoustic fence could appear prominent and alien in the streetscene and adversely impact on the outlook for those dwellings. It is considered that this helps in achieving a well-designed and beautiful plan as required by the NPPF and policy BDP19.

In the north-west corner, development does extend slightly closer to Timberhonger Lane compared to the masterplan and parameters plan. However, it is aligned with the northern part of the Main Street Green Edge and sits comfortably within its setting. This also has the benefit of enabling more generous rear gardens for plots at this part of the site. This aspect of the proposal is considered acceptable.

In summary, the differences between the current proposal and the masterplans and parameters plan are not considered to be significant and overall the proposed is considered to meet those requirements.

There is a variety of garden sizes and not all meet the 70sm size set out in the High Quality Design Guidance. The gardens of 42 out of 120 dwellings have rear gardens of less than 70sqm and this relates to both market and affordable units. Several are just below, and others have gardens that exceed this figure. The topography of the site is challenging, there is ready access to open space immediately adjoining the residential dwellings and overall, the proposal does comply with the masterplan. On balance and taken as a whole, any identified shortfall is considered acceptable.

Although details of levels are to be dealt with under planning conditions, it is clear from the information submitted with the application that some retaining structures will be required. This is most evident in part of the site where the natural levels fall away quite steeply – close to the hedgerow that divides the Miller Homes site from Bellway Homes and between plots 68-75 and the dwellings in the row behind (plots 35-40). This is in part due to the existing topography and also the need to secure satisfactory highway levels. The information submitted indicates a retaining wall of up to approximately 5m. This affects a mix of both market and affordable plots. The Inspector did not restrict the use of such retaining walls. Due to topography, retaining walls are also employed on the adjoining Bellway Homes site. Relatively few dwellings would be affected though it will appear as a substantial structure at the end of those gardens. It will simultaneously provide privacy and it is considered that daylight and sunlight would still permeate the gardens of those dwelling due their orientation. On balance this is considered acceptable.

The layout includes a variety of parking arrangements, some are on-plot, others are within rear parking courts. The spaces are located relatively close and the properties and there is gated access between the individual gardens and the parking at the rear. This arrangement has the benefit of enabling a strong streetscene, particularly along the western Landscape Edge where it ensures a consistence with the position of buildings with the Bellway site and enables the creation of a terrace form of development that is integral to noise mitigation for rear gardens as per the masterplan. The parking courts would be overlooked by windows from the residential properties themselves and solid gates are shown across the entrances through vehicular gaps in the ground floor of the terraces. In the case of the parking court to the rea of plots 103-108, a dwelling would be located within the parking area providing direct surveillance. Whist there are some sections of the neighbourhood where several parking spaces are located in a line, this is for relatively short stretches and on balance is considered acceptable.

The layout plan includes an indicative link onto Timberhonger Lane. This accords in principle with planning condition 32. However, full details will be required under that condition. The Highway Authority has stated within its comments that technical details surfacing, visibility splays and a supporting Road Safety Audit 1 / 2 will be required as part of the condition submission.

Scale

Condition 6 requires that the Reserved Matters accord with the maximum scale parameters for buildings as set out in paragraph 5.5.4 of section 5.5 of the Design & Access Statement. This states that the majority of the built form will be two storeys (approximately 5m to eaves, 8-9m to ridgeline), with opportunities to consider rising to two and a half storeys where variations in building heights will help create a more interesting street-scene. The majority of proposed dwellings are 2-storey and comply with the heights specified. A selection of house type plans has been included in the officers presentation however elevations and floor plans for all proposed house types are available to view on the Council's website under the application reference.

The Peyton house type is 2.5 stories. As a result, it is taller than the specified heights (approximately 10m high). It performs an important role in mitigating noise from the M5 permeating rear garden areas. This is a material planning consideration. This function is envisaged in the masterplan layout and the resultant height is considered acceptable in the street scene. A tall roof is a feature of some of the house types and this is again related to noise mitigation. The majority of the dwellings meet the heights specified, those that are taller serve an important role in noise mitigation. In this context and on balance the scale of the dwellings is considered acceptable.

Appearance

The Council's Urban Design Consultant is supportive of the different character areas. As can be seen from the house type table above there are several different house types. For a development of this size, it is considered that this ensures sufficient variety in the streetscene yet enough similarities to ensure a consistent and coherent design for the development.

It is intended that key corner plots be occupied by rendered dwellings while others will be brick. There is a variety in roof forms: hips and gables to maintain interest and quality in the streetscenes. No material samples have been provided and although a materials plan has been submitted the information of the products is limited. Therefore, a condition is proposed to require samples to ensure the satisfactory appearance of the development. This is consistent with the approach taken in the adjacent Bellway scheme.

With regard to the Peyton house type, the Council's Urban Design Consultant has expressed a preference for a single window at first floor to reflect the fact that this is one room. They have also expressed a preference that the orientation of the roof of this dwelling type be switched from parallel with the highway to running front to back with the front gable being fully expressed. Whilst the aesthetic benefits of this approach are acknowledged, the applicant as explained such a roof orientation would reduce the amount of built form to the detriment of the noise strategy set out under the outline scheme. This is a material planning consideration. The house type has been amended to improve both the internal layout and to increase the gable height to improve the elevation and in turn the appearance of the

terrace and as a consequence the streetscene. The orientation of the roof design is considered acceptable given the implications for satisfactory noise management. The window sizes have been adjusted in the revised design and align with the ground floor windows and doors. This is considered acceptable. The use of 2 windows to serve one room is not unusual and in the context of the external appearance of other house types is not considered harmful.

Subject to a materials condition the external appearance of the dwellings is considered acceptable.

Housing Mix

Policy BDP5A7.a) states that a high portion of 2- and 3-bedroom properties are required to be provided to reflect local need. A total of 73 units of 2-3 bedroom are proposed as part of the development; the proposed housing mix is acceptable and accords with the policy.

The applicant has proposed an amendment to the affordable housing type and mix and shown in the table below. This will require a Deed of Variation to the existing s106 Legal Agreement attached to the outline planning permission. The Housing Officer has advised the proposed change is acceptable. The proposed change will still secure the same number of affordable units – the existing mix would change as set out, however there is need for these properties and following advice from the Housing Officer, the change is considered acceptable.

| Tenure | Type | Mix (no. of units) existing | |
|------------------|---|---------------------------------|----------|
| | | Existing proposed to be changed | Proposed |
| Social rent | 1 bed 2 person flat | 18% | 2 units |
| | 1 bed 2 person bungalow | 4% | 6 units |
| | 2 bed 3 person bungalow | 4% | 0 |
| | 2 bed 4 person house | 30% | 7 units |
| | 3 bed 5 person house | 39% | 12 units |
| | 4 bed 7 person house Instead provide 4 bed 6 person house | 5% | 0 2 |
| Shared ownership | 2 x 4 person house | 40% | 8 units |
| | 3 x 5 person house | 60% | 11 units |
| | | | |

Landscaping

The location of the public open space and main green infrastructure is in accordance with the masterplan.

The boundary treatment plan shows a combination of wall and fence to most corner plots. The exception is plot 96. It is considered appropriate that this should also be provided with a wall/fence to ensure consistency throughout the development, and that it appears satisfactory in views into the site from Timberhonger Lane. The detailed design of boundary treatments will be subject to a condition to ensure these are satisfactory and a high quality development is achieved.

A bund is indicated on the submitted drawing within the western area of open space. Whilst there is no objection in principle, full details will be subject to conditions. There are existing conditions on the outline planning permission which are relevant with regard to engineering (condition 20) levels (30) and an acoustic scheme (condition 22).

The Council's Arboricultural Officer has indicated that the range of planting will provide a suitable degree of seasonal interest and the size of stock and density of planting to give suitable degree of landscape structure to the site. The applicant has submitted a revised Arboricultural Assessment to address the indicative proposal for a pedestrian /cycle link onto Timberhonger Lane to accord with condition 32 of the outline approval and has amended the landscape plans accordingly. The Tree Officer is currently reviewing the submission, and I will update Members at the meeting on this issue.

The hedgerow between the application site and the Bellway Homes site to the south is to be retained as indicated on the submitted plans and section drawings. The section drawings suggest that retaining walls may be required either side of the hedge adjacent to plot 75. However, full details are not currently available and clarification is required on the implications for the hedgerow. It is noted that the masterplan does include for the removal of part of the hedgerow. I will update Members at the meeting on this issue.

Ecology

The applicant's Ecologist has stated that the hedgerow will still provide connectivity through the site along the hedge for wildlife to use for commuting purposes although inevitably the presence of the dwellings will make this route less desirable. There is, however, suitable and adequate connectivity to the brook via the Green Infrastructure and open space on the site, and therefore there is more than one opportunity in addition to the hedgerow for wildlife including protected species to use on site. This is an allocated housing site with outline planning permission. The required LEMP under condition 29 and the suitable mechanism via Natural England Licensing will ensure satisfactory protection for protected species.

The applicant has stated that their ecologist is monitoring protected species known to visit the site and will apply to Natural England for any necessary licences to ensure suitable protection is in place. Natural England is the appropriate authority to issue any necessary licences in relation to protected species and it is usual that a planning permission (outline plus Reserved Matters) is required to be in place to support such Licence applications

Drainage

NWWM has requested a condition in place of condition 17 of the outline planning permission as this is a pre-occupation condition. However, conditions 16 and 17 attached to the outline planning application address drainage matters. These were imposed by the Inspector and it is not considered reasonable to impose more onerous conditions on Reserved Matters submission without clear justification. The imposed conditions state:

- 16) No development shall take place on a particular phase of site A or on site B until a sustainable urban drainage system (SUDS) has been constructed on that land in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The scheme shall include measures to secure the on-going maintenance of the SUDS following the completion of the development. Thereafter, the SUDS shall be maintained in accordance with the approved scheme.
- 17) No dwelling shall be occupied on a particular phase of site A or on site B until a drainage system for the disposal of foul and surface water on that land has been completed in accordance with a scheme which has been submitted to and approved in writing by the local planning authority.

Condition 16 in particular requires no development until the SUDS has been constructed. These are considered satisfactory and the requested condition from NWWM is not deemed to be necessary.

Impact on the Amenity of Existing Properties

There are 2 existing dwellings along Timberhonger Lane. These pre-exist both the allocation for the site for development in the District Plan and the granting of the outline planning permission.

Under the current application no dwellings are proposed to abut these properties. Instead, an area of open space is proposed. In both the masterplan and the current proposal, a SUDS pond is proposed to be located within the area of open space. There is no concern in this arrangement. One of the residents has referred to an existing soakaway that serves the properties and which is located on the proposed open space. This is a civil matter between the landowners and any easement which may exist.

Details of the proposed drainage and the SUDS arrangement will be dealt with under conditions 16 and 17 arising from the appeal decision and this may include revised arrangements for the existing soakaway.

There is also an adjoining parcel of land that originally formed part of Site A in the outline planning permission. It fronts onto Timberhonger Lane. That land is currently used for grazing and is itself subject to a planning application for three dwellings (23/01224/OUT). There is no concern regarding the impact of the development on this adjoining land.

There is no concern regarding the impact on the amenity of properties along Whitford Road or Deansway given the distance. The relationship between the proposed dwellings and those on the Bellway Homes site is considered acceptable and raises no concerns.

Overall, the impact of the development on the amenity of future residents is considered satisfactory.

Highways and Parking

The Highway Authority has been consulted and following the submission of amend plans has raised no objection. The layout is deficient in 4 parking spaces when assessed against the WCC parking standards. However, the Highway Authority has raised no concerns given the location of the affected plots dispersed around the site and away from key junctions. This slight deficiency is not considered to cause a level of harm that itself would justify a refusal and is therefore considered acceptable.

The WCC Highway Officer has recommended conditions. The conditions relating to the approved plans and requiring the provision of the turning area, parking facilities and visibility splays are considered appropriate. However, there are existing conditions attached to the outline planning application that address the other matters raise (cycle parking and CEMP). These are not considered necessary to impose.

Other Matters

Members will note that Waste Management are seeking clarification on bin collection points. I will update Members on this issue at the meeting.

Conclusion

This is an allocated development site and outline planning permission with the Reserved Matter of Access has been allowed on appeal. Whilst it is acknowledged that some of the plots will be impacted by sizable retaining walls, the Inspector did not restrict this and, given the site topography, it is not unexpected. Similarly, some of the private rear gardens are less than the spacing standard set out in the High Quality Design SPD. However, when assessed holistically against the policies of the District Plan the proposal is considered to comply.

The four Reserved Matters under consideration are found to comply with the relevant conditions imposed by the Planning Inspector and to adhere to the masterplan, the principles of the Design and Access Statement and to the NPPF.

In the planning balance and taking account of material planning considerations, the development as a whole is considered to be acceptable and subject to the conditions set out below, is recommended for approval

RECOMMENDATION:

- a) Minded to **APPROVE** the Reserved Matters of layout, scale, appearance and landscaping
- (b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to determine the Reserved Matters of layout, scale, appearance and landscaping following the receipt of a suitable and satisfactory legal mechanism in relation to affordable housing type and mix.

- (c) And that **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to agree the final scope and detailed wording and numbering of conditions as set out in the summary list at the end of this report

Conditions to include

- Timing condition
- Plans
- Provision of parking/turning/visibility splays
- External materials
- Details of boundary treatments
- Details of bund

Case Officer: Jo Chambers Tel: 01527 881408
Email: jo.chambers@bromsgroveandredditch.gov.uk

23/00993/REM

Land At Whitford Road Bromsgrove

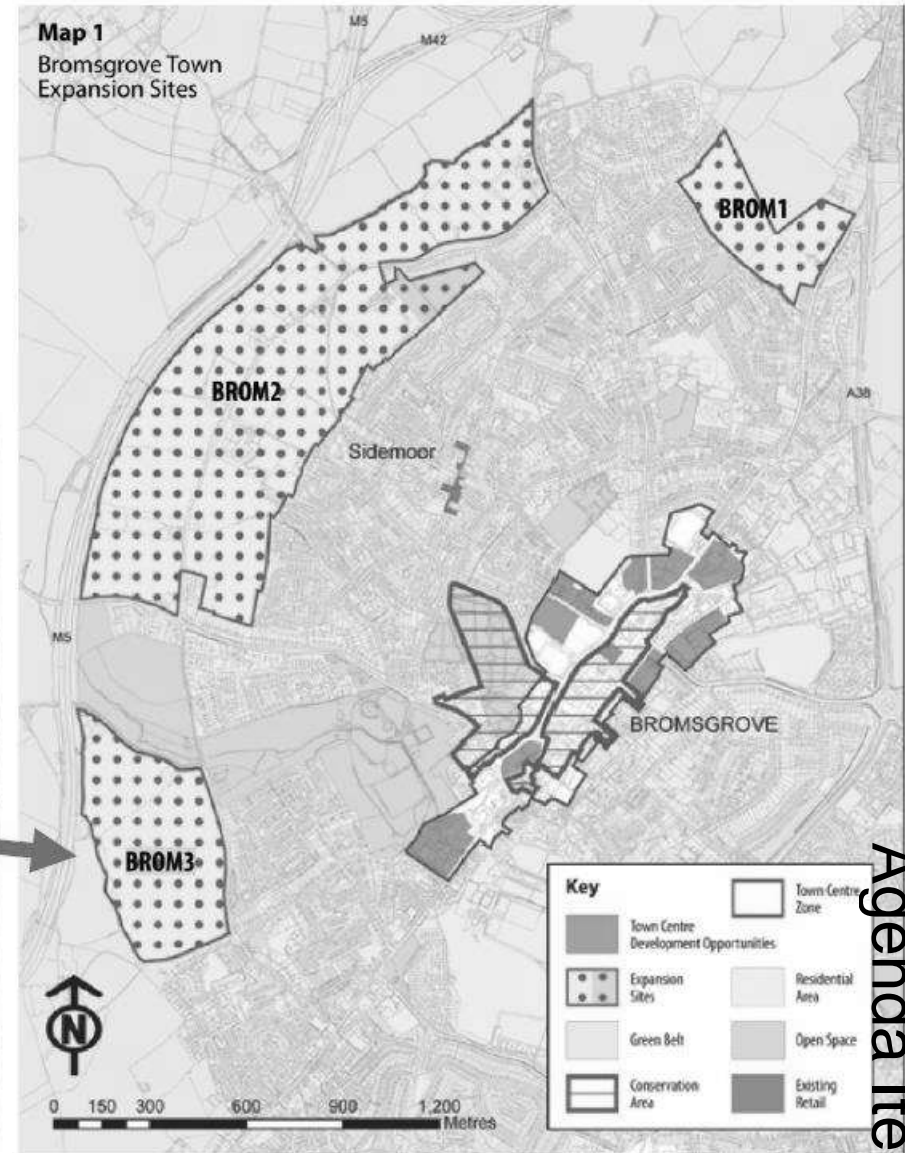
Reserved Matters (Layout; scale; appearance and landscaping) to outline planning permission 16/1132 (granted on appeal APP/P1805/W/20/3245111) for the erection of 120 dwellings with associated car parking, landscaping and other infrastructure within the northern section of Site A.

Recommendation: Minded to GRANT, delegated powers













Aerial View and Location Plan



Application site in relation to Bromsgrove District Plan site – BROM 3



Site Layout

- KEY:
-  SITE BOUNDARY
 -  BLOCK PAVING
 -  1.8m BRICK & TIMBER WALL
 -  1.8m TIMBER FENCE
 -  EXISTING HEDGEROW PLANTING
 -  BIN COLLECTION POINT
 -  Dual Aspect side windows
 -  GATES
 -  PLOT NUMBER
 -  PLOT PARKING NUMBER
 -  WOODEN SHED TO PROVIDE A SECURE/COVERED CYCLE STOR
 -  S106 RENTED/SHARED OWNERSHIP UNITS



Site Layout





Overlay

Character Areas



Indicative Amount and Uses

Key



Site Application Boundary



Adjoining Site Ownership Boundary



Residential



POS and Landscape



Materials

KEY:



SITE BOUNDARY

| Main Brick | |
|------------------------|---|
| | Facing Brick - Forterra Worcester Red Multi Red smooth contrasting brick |
| | Facing Brick - Ibstock Alderley Russet Blend Red smooth contrasting brick |
| | Facing Brick - Ibstock Mercia Orange Multi Red smooth contrasting brick |
| | Weberpral M. Smooth Cast Render |
| | Hardie Plank Wood Effect Black Boarding |
| Roof Tiles | |
| | Roof Tile - Russell Grampian Brown |
| | Roof Tile - Russell Grampian Slate Gray |
| Elevation Enhancements | |
| | HOUSE TYPE ELEVATION STYLE: VILLAGE Canopies - Black flat GRP canopies |
| | HOUSE TYPE ELEVATION STYLE: COTTAGE Canopies - White apex GRP canopies with plain roof tiles |
| | Wooden paneled Gate |
| Doors to rear | White UPVC |
| Front doors | Black |
| Rainwater goods | Black |
| Garage door | Black |



Affordable Tenure Plan





Visibility Splay Plan

Garden sizes


























| Plot | Garden Area (m2) | Plot | Garden Area (m2) |
|---------|------------------|----------|------------------|
| Plot 1 | 91.7 | Plot 61 | 94.31 |
| Plot 2 | 86.3 | Plot 62 | 95.74 |
| Plot 3 | 78.38 | Plot 63 | 112.29 |
| Plot 4 | 76.3 | Plot 64 | 79.07 |
| Plot 5 | 86 | Plot 65 | 76.07 |
| Plot 6 | 87 | Plot 66 | 76.75 |
| Plot 7 | 61.2 | Plot 67 | 68.24 |
| Plot 8 | 82.45 | Plot 68 | 41.35 |
| Plot 9 | 129.82 | Plot 69 | 49.11 |
| Plot 10 | 97.47 | Plot 70 | 49.54 |
| Plot 11 | 104.75 | Plot 71 | 48.8 |
| Plot 12 | 68.78 | Plot 72 | 51.13 |
| Plot 13 | 74.69 | Plot 73 | 49.8 |
| Plot 14 | 80.57 | Plot 74 | 50.25 |
| Plot 15 | 89.73 | Plot 75 | 53.68 |
| Plot 16 | 71.04 | Plot 76 | 70.66 |
| Plot 17 | 42.58 | Plot 77 | 73.12 |
| Plot 18 | 39.1 | Plot 78 | 84.06 |
| Plot 19 | 47.59 | Plot 79 | 83.26 |
| Plot 20 | 53.22 | Plot 80 | 68.68 |
| Plot 21 | 52.55 | Plot 81 | 126.75 |
| Plot 22 | 50.36 | Plot 82 | 151.85 |
| Plot 23 | 66.62 | Plot 83 | 88.39 |
| Plot 24 | 54.4 | Plot 84 | 61.92 |
| Plot 25 | 71.28 | Plot 85 | 64.86 |
| Plot 26 | 64.27 | Plot 86 | 75.4 |
| Plot 27 | 64.67 | Plot 87 | 75.15 |
| Plot 28 | 61.74 | Plot 88 | 72.83 |
| Plot 29 | 115.01 | Plot 89 | 167.69 |
| Plot 30 | 60.08 | Plot 90 | 128.92 |
| Plot 31 | 86.1 | Plot 91 | 140.06 |
| Plot 32 | 86.57 | Plot 92 | 70.46 |
| Plot 33 | 58.88 | Plot 93 | 112.1 |
| Plot 34 | 60.47 | Plot 94 | 91.45 |
| Plot 35 | 50.03 | Plot 95 | 115.96 |
| Plot 36 | 68.3 | Plot 96 | 70.37 |
| Plot 37 | 67.44 | Plot 97 | 69.11 |
| Plot 38 | 75.45 | Plot 98 | 67.14 |
| Plot 39 | 93.51 | Plot 99 | 69 |
| Plot 40 | 81.47 | Plot 100 | 71.52 |
| Plot 41 | 96.89 | Plot 101 | 79.21 |
| Plot 42 | 68.95 | Plot 102 | 71.2 |
| Plot 43 | 82.33 | Plot 103 | 70.69 |
| Plot 44 | 71.28 | Plot 104 | 70.33 |
| Plot 45 | 135.15 | Plot 105 | 60.24 |
| Plot 46 | 75.91 | Plot 106 | NA |
| Plot 47 | 112.68 | Plot 107 | 53.11 |
| Plot 48 | 86.69 | Plot 108 | 53.84 |
| Plot 49 | 70.17 | Plot 109 | 50.68 |
| Plot 50 | 97.1 | Plot 110 | 71.7 |
| Plot 51 | 101.07 | Plot 111 | 105.01 |
| Plot 52 | 58.06 | Plot 112 | 72.28 |
| Plot 53 | 73.81 | Plot 113 | 67.86 |
| Plot 54 | 88.54 | Plot 114 | 73.94 |
| Plot 55 | 74.31 | Plot 115 | 92.89 |
| Plot 56 | 67.22 | Plot 116 | 81.54 |
| Plot 57 | 57.76 | Plot 117 | 68.87 |
| Plot 58 | 77.9 | Plot 118 | 78.42 |
| Plot 59 | 70.1 | Plot 119 | 79.23 |
| Plot 60 | 94.83 | Plot 120 | 82.04 |



Landscaping

KEY

Soft Landscape Proposals - POS

-  Overall Site Boundary
-  Private Ownership
-  Existing trees/vegetation to be retained & protected during construction (in accordance with SS5837 2012)
Refer to drawing 21001/102 & 103 Tree protection & Removal Phase 2A/2C
-  Existing vegetation to be removed
-  Proposed specimen tree
-  Proposed evergreen/deciduous specimen shrubs
-  Proposed clipped deciduous/evergreen hedgerows
-  Proposed clipped native hedgerows
-  Proposed woodland area
-  Proposed deciduous/evergreen ornamental & native shrubs planting
-  Proposed deciduous/evergreen ornamental perennial & grass planting
-  Proposed bulb planting within grassed areas
-  Proposed amenity turf grass to house frontages
Rakem Medillon turf or similar
-  Proposed strong lawn mix: Emergale EG22 Strong grass mixture, sowing rate 25g m².
-  Proposed strong lawn mix with clover: Emergale EG22C strong lawn grass mixture with clover, sowing rate 25g m².
-  Existing grass to be oversown with tussock grass: Emergale EM10 Tussock mixture, sowing rate 6g m².
-  Proposed tussock grass mix: Emergale EM10 Tussock mixture, sowing rate 6g m².
-  Proposed Grass & Wildflower Mix seeding: EM0 Special General Purpose Meadow Mixture, sowing rate 6g m².
-  Proposed tussock grass with wildflowers mix: Emergale EM10F Tussock Wildflowers mixture, sowing rate 6g m².
-  Proposed attenuation basin seed mix: Emergale EP1 Paved Edge mixture, sowing rate 6g m².
-  Proposed mown footpath
-  Acoustic fence
-  Areas of gravel
-  Easement
-  Tree Root Barrier Locations



| Item No. | Description | Quantity | Unit | Notes |
|----------|--|----------|------|-------|
| 1 | Overall Site Boundary | | | |
| 2 | Private Ownership | | | |
| 3 | Existing trees/vegetation to be retained & protected during construction | | | |
| 4 | Existing vegetation to be removed | | | |
| 5 | Proposed specimen tree | | | |
| 6 | Proposed evergreen/deciduous specimen shrubs | | | |
| 7 | Proposed clipped deciduous/evergreen hedgerows | | | |
| 8 | Proposed clipped native hedgerows | | | |
| 9 | Proposed woodland area | | | |
| 10 | Proposed deciduous/evergreen ornamental & native shrubs planting | | | |
| 11 | Proposed deciduous/evergreen ornamental perennial & grass planting | | | |
| 12 | Proposed bulb planting within grassed areas | | | |
| 13 | Proposed amenity turf grass to house frontages | | | |
| 14 | Proposed strong lawn mix | | | |
| 15 | Proposed strong lawn mix with clover | | | |
| 16 | Existing grass to be oversown with tussock grass | | | |
| 17 | Proposed tussock grass mix | | | |
| 18 | Proposed Grass & Wildflower Mix seeding | | | |
| 19 | Proposed tussock grass with wildflowers mix | | | |
| 20 | Proposed attenuation basin seed mix | | | |
| 21 | Proposed mown footpath | | | |
| 22 | Acoustic fence | | | |
| 23 | Areas of gravel | | | |
| 24 | Easement | | | |
| 25 | Tree Root Barrier Locations | | | |

| Item No. | Description | Quantity | Unit | Notes |
|----------|--|----------|------|-------|
| 1 | Overall Site Boundary | | | |
| 2 | Private Ownership | | | |
| 3 | Existing trees/vegetation to be retained & protected during construction | | | |
| 4 | Existing vegetation to be removed | | | |
| 5 | Proposed specimen tree | | | |
| 6 | Proposed evergreen/deciduous specimen shrubs | | | |
| 7 | Proposed clipped deciduous/evergreen hedgerows | | | |
| 8 | Proposed clipped native hedgerows | | | |
| 9 | Proposed woodland area | | | |
| 10 | Proposed deciduous/evergreen ornamental & native shrubs planting | | | |
| 11 | Proposed deciduous/evergreen ornamental perennial & grass planting | | | |
| 12 | Proposed bulb planting within grassed areas | | | |
| 13 | Proposed amenity turf grass to house frontages | | | |
| 14 | Proposed strong lawn mix | | | |
| 15 | Proposed strong lawn mix with clover | | | |
| 16 | Existing grass to be oversown with tussock grass | | | |
| 17 | Proposed tussock grass mix | | | |
| 18 | Proposed Grass & Wildflower Mix seeding | | | |
| 19 | Proposed tussock grass with wildflowers mix | | | |
| 20 | Proposed attenuation basin seed mix | | | |
| 21 | Proposed mown footpath | | | |
| 22 | Acoustic fence | | | |
| 23 | Areas of gravel | | | |
| 24 | Easement | | | |
| 25 | Tree Root Barrier Locations | | | |

| Item No. | Description | Quantity | Unit | Notes |
|----------|--|----------|------|-------|
| 1 | Overall Site Boundary | | | |
| 2 | Private Ownership | | | |
| 3 | Existing trees/vegetation to be retained & protected during construction | | | |
| 4 | Existing vegetation to be removed | | | |
| 5 | Proposed specimen tree | | | |
| 6 | Proposed evergreen/deciduous specimen shrubs | | | |
| 7 | Proposed clipped deciduous/evergreen hedgerows | | | |
| 8 | Proposed clipped native hedgerows | | | |
| 9 | Proposed woodland area | | | |
| 10 | Proposed deciduous/evergreen ornamental & native shrubs planting | | | |
| 11 | Proposed deciduous/evergreen ornamental perennial & grass planting | | | |
| 12 | Proposed bulb planting within grassed areas | | | |
| 13 | Proposed amenity turf grass to house frontages | | | |
| 14 | Proposed strong lawn mix | | | |
| 15 | Proposed strong lawn mix with clover | | | |
| 16 | Existing grass to be oversown with tussock grass | | | |
| 17 | Proposed tussock grass mix | | | |
| 18 | Proposed Grass & Wildflower Mix seeding | | | |
| 19 | Proposed tussock grass with wildflowers mix | | | |
| 20 | Proposed attenuation basin seed mix | | | |
| 21 | Proposed mown footpath | | | |
| 22 | Acoustic fence | | | |
| 23 | Areas of gravel | | | |
| 24 | Easement | | | |
| 25 | Tree Root Barrier Locations | | | |

Hedge



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Agenda Item 6

Boundary Treatment Plan

KEY:



SITE BOUNDARY



1.8m TIMBER FENCE



WALL & FENCE



GATES



Streetscene



Street Scene A



Street Scene D



Streetscene



Street Scene B



Street Scene C

Elevations and Floor Plans – selection of proposed dwellings



Elevations and Floor Plans – selection of proposed dwellings



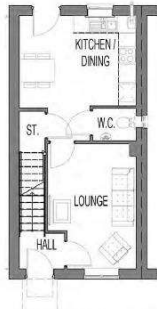
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



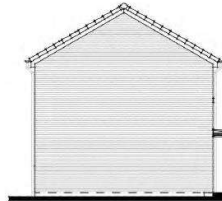
GROUND FLOOR PLAN



FIRST FLOOR PLAN



FRONT ELEVATION



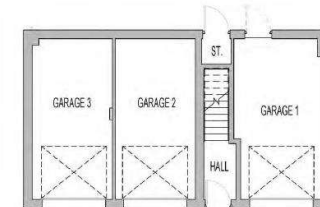
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

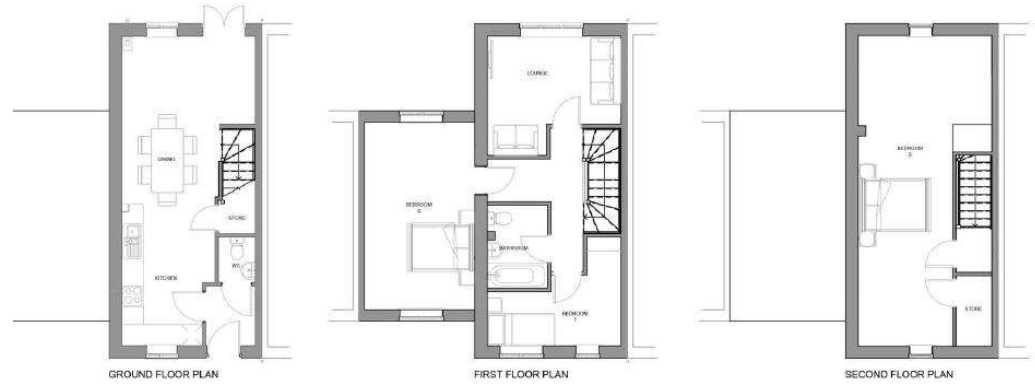
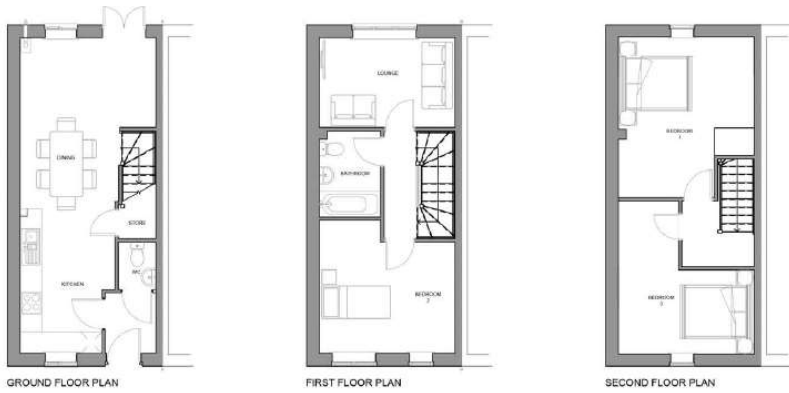
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Elevations and Floor Plans – selection of proposed dwellings

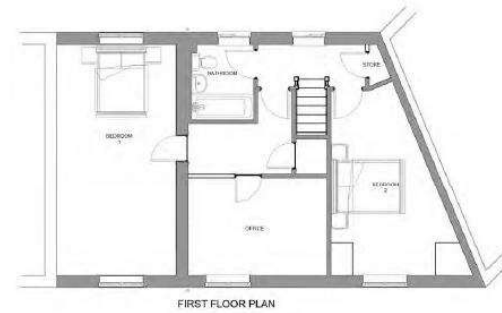


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House Type AL31 PEY Peyton

Elevations and Floor Plans – selection of proposed dwellings



home | House Type V-201L FIN DT Fininstall



Elevations and Floor Plans – selection of proposed dwellings



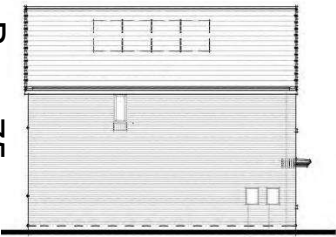
FRONT ELEVATION



SIDE A ELEVATION



REAR ELEVATION



SIDE B ELEVATION



GROUND FLOOR PLAN

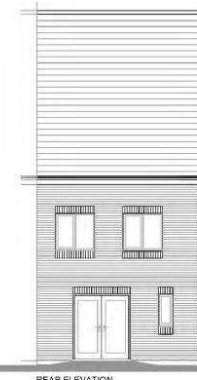


FIRST FLOOR PLAN

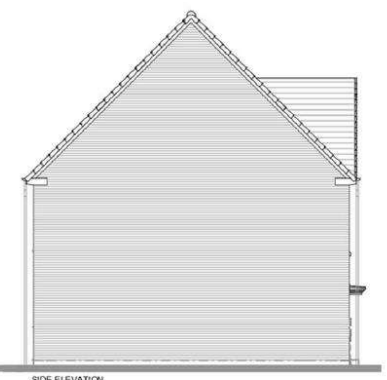
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FRONT ELEVATION



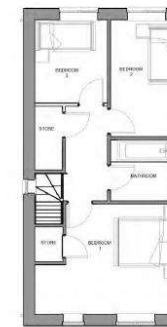
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



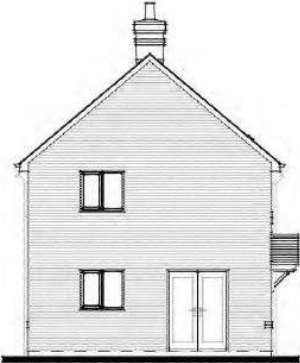
FIRST FLOOR PLAN

House Type L356 DEN Denton Gable
Floor Plans & Elevations

Elevations and Floor Plans – selection of proposed dwellings



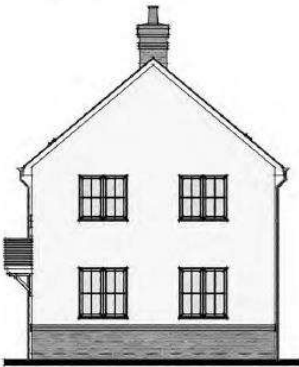
FRONT ELEVATION



SIDE A ELEVATION



REAR ELEVATION



SIDE B ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

Elevations and Floor Plans – selection of proposed dwellings



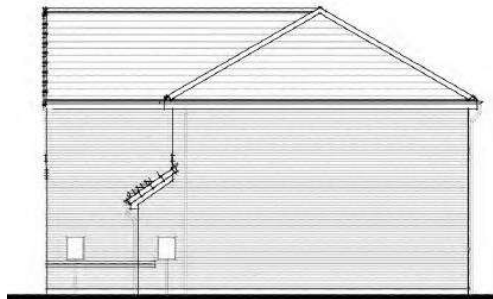
FRONT ELEVATION



SIDE A ELEVATION



REAR ELEVATION



SIDE B ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

SCALE 1:100 @ A3
0 1m 2m 3m 4m 5m

allan homes | House Type L463 CHE Cherrywood

Photographs



Views from
Timberhonger Lane



Views from Whitford Road

| Name of Applicant | Proposal | Expiry Date | Plan Ref. |
|---|---|-------------|--------------|
| Mr Jack Allison & Ms. Samantha Rafferty | Temporary rural workers dwelling, agricultural building with yard and alterations to the access (retrospective) Oak Tree Farm, Storage Lane, Alvechurch, Worcestershire, B48 7EP | 24.05.2024 | 23/01390/FUL |

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

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

Consultations

Arboricultural Officer

No objection to the development on the site in view of any hedge or tree related issues.

Worcestershire Highways - Bromsgrove

No objection. The applicant's proposal to build a new dwelling in a rural area has been reviewed, and it has been determined that a speed survey is not necessary due to the sufficient visibility at the site. It has been acknowledged that future occupiers of the site would be car dependant due to the distance from amenities. However, given the nature of the proposal, as an agricultural workers dwelling, no objection is raised.

North Worcestershire Water Management

The proposed development site is situated in the catchment of Dagnell Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. The EA's flood mapping also indicates that there is no surface water flood risk to the site but there is some minimal risk indicated along Storage Lane. The applicant has undertaken infiltration tests to demonstrate that a suitable soakaway could be used for drainage onsite and therefore no objection is raised subject to condition.

Beoley Parish Council

Objection. A residential use should not be supported in this location and the application should be refused in line with similar applications locally.

Kernon Countryside (External Agricultural specialists)

It is concluded that the proposed business development, facilitated by the off-site grazing of alpacas, is feasible. This assessment supports the need for on-site living accommodation. While there are some concerns about the potential optimism of the budget estimates, it is believed that the enterprise will be financially viable if it develops as planned. Given the temporary nature of the proposed dwelling, these budget concerns can be addressed through the trial period. Therefore, the proposal is deemed to meet the necessary criteria outlined in paragraph 83 of the NPPF

Concerns are raised about the retention of the existing agricultural building given its internal layout including a first floor and internal subdivisions would limit its use. However,

this matter can be secured via a condition for its removal if it is no longer required for agricultural purposes.

Public Consultation

A site notice was placed onsite on 17th January 2024 and expired 10th February 2024.

10 letters of support have been received and 3 objections as part of the public consultation. The contents of these representations are summarised as follows;

Support

- Family/young people should be supported into farming
- Good upbringing for children
- Innovation in farming should be supported.
- It is essential to live onsite with alpacas
- Ample visibility on access
- Impressive layout
- Importance of local produce
- Fence needed to contain livestock
- Applicants should be given the chance to expand the business
- Buildings blends in with surroundings
- No affect on neighbouring residents at Poplar Cottages

Objection

- Barn is too big
- 'eyesore' in countryside
- Inaccuracies in application form and submission
- No information on existing use
- Protected species
- Inappropriate development in the Green Belt

Councillor Bailes

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

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP12 Sustainable Communities

BDP15 Rural Renaissance

BDP19 High Quality Design

Others

National Planning Policy Framework (2023)

Bromsgrove High Quality Design SPD

SPG6 Agricultural Dwellings & Occupancy Conditions

Relevant Planning History

19/00009/FUL Agricultural building and access track Granted 17.05.2019

Background

Planning permission was granted in 2019 (reference 19/00009/FUL) for the construction of an agricultural building. However, the building that was subsequently erected deviated from the approved plans. Additionally, the site has been used for unauthorised purposes, including the storage of caravans and vehicles, and the creation of hardstanding areas. This application seeks part-retrospective planning permission to regularise some of these unauthorised developments.

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

The site

The site is a 2.5-hectare grass land located in Beoley. The site is located approximately 4 miles away from Redditch town centre and 6 miles from the town of Bromsgrove. The site is grassland with an existing vehicular access from Storage Lane in its south-east corner and hedgerow along its southern boundary with the road. It was purchased in 2018 and originally intended for horse grazing. However, the owners have since pursued the site and outlined an intention to use it as a rural business with alpacas, chickens, and hay making.

As existing onsite there is hardstanding, an agricultural barn, a caravan, Portaloo and fencing along the southern boundary with Storage Lane. These structures do not currently benefit from planning permission.

Assessment of Proposal

This application seeks planning permission for the retention of an existing barn, alterations to the site's access, and the temporary provision of a rural worker's dwelling using the existing on-site mobile home. The site is located within the Green Belt, a protected area. The proposal also includes reducing the fencing along the southern boundary with Storage Lane height to 1 metre, aligning with permitted development allowances.

Planning permission was granted on site reference 19/00009/FUL for an agricultural building. The building had an open bay and was proposed to store farm machinery, agricultural sundries and temporary livestock accommodation and the open section would be used primarily for the storage of hay. The existing barn onsite subject to this planning application was not built in accordance with the approved 2019 permission and as such has no permission or fallback. The Applicants now intend using the land and building to establish a herd of 25 Breeding Female Alpacas and a small flock of 200 laying hens and

will produce some hay to sell on. The intentions on site are for the breeding and rearing of alpacas for sale, the sale of alpaca yarn and products and poop.

New buildings in the Green Belt are considered to be inappropriate development subject to a closed list of exceptions as outlined in paragraphs 154 and 155 of the National Planning Policy Framework (NPPF). The relevant exception in this case is 154(a) which allows for buildings for agriculture and forestry. Advice has been sought from Kernon Countryside Consultants.

Barn

The barn as existing onsite is an enclosed structure comprising of metal cladding, and brick with a large single opening. The building has two floors with a staircase. The applicant contends the building is required for the storage of hay, the applicants farm equipment including a tractor, trailer, tools, fencing, and a small workshop area.

Internal stud walls have been erected along with insulation neither of which are appropriate nor necessary for agricultural purposes. The building also has internal steel uprights which prohibit the full use of the building. Modern agricultural buildings are clear span enabling the entirety of the building to be used without the risk of stanchions being hit by tractors etc. The installation of a second floor along with the internal sub-divisions also limits the overall use of the building. With both the height restrictions and the sub-division making the building very difficult to be utilised by farm machinery.

The Applicant has submitted photographs showing that the building is being used for agricultural purposes. They also seek to explain why the building is insulated stating that "insulation has also been installed in the roof of the agricultural building to regulate the temperature so that the condition in the roof of the chicken feed, eggs and egg boxes can be regulated." Although the Council are of the view internally the building has been over-engineered, it is clear it could be used for the purposes put forward under this application and internal work can be done without planning permission. Taking all this onto consideration, in this case, on balance the design of the building alone is not reason for refusing the application.

Agricultural working dwelling (Caravan)

Planning policy relating to essential worker's dwellings is set out in the NPPF at paragraph 83. Paragraph 83 states that "planning policies and decisions should avoid the development of new isolated homes in the countryside unless . . . there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside".

Guidance issued on the online Planning Practice Guidance resource in Paragraph: 010 Reference ID: 67-010-20190722 states that: "Considerations that it may be relevant to take into account when applying paragraph 79 a) [now paragraph 83] of the NPPF could include:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24 hours a day and where otherwise there

- would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.

It is intention for the applicants to share the workload and retain the ability to live on the holding to manage and monitor properly the processes and livestock on the unit. The Council accept the need to live onsite when looking after alpacas as unlike sheep and cattle, their birthing patterns can be much less predictable, and the crias (baby alpaca) need very close supervision. However, the Council are required to consider a functional need, potential use of existing dwellings, financial sustainability and siting and size.

Functional need

Stocking rates for Alpacas, as per the Farm Management Pocketbook are 10 per hectare. Based on the figures set out on page 12 of the Reading Agricultural Consultants Rural Workers Dwelling Appraisal submitted by the applicants, (RAC report) by Year 3 there will be a total of 55 adults and 76 head in total on the holding. The adult numbers alone would have a requirement for 5.5 hectares of land. The Applicant's holding extends to 2.5 hectares however once an allowance for the building and yard area has been deducted along with an area for the poultry there will be approximately 2.2 hectares available for the alpaca enterprise. This clearly falls very short of the 5.5 ha requirement based on the Reading Agricultural Consultants stocking numbers. Initially the Council Agricultural Consultee raised concerns on the functional need given a significant proportion of the animals would be kept offsite and the offsite provision was based on zero rent land which had not been justified.

The applicant has responded to these concerns. RAC have now accepted in paragraph 2 of their letter dated 5th April 2024 that there will be a need for some alpacas to be grazed away from the main holding. They now state that "the pre peri, peri and post birth females and their cria need the closet supervision and will be kept at Oak Tree Farm". In their letter they refer to there being 25 breeding females that need to be kept at Oak Tree Farm whereas in the original report the table under paragraph 4.13 referred at to there being 31 breeding females and two Stud Males in Year 3 and that going forward there will be 30 breeding females on the holding i.e. 32 adult alpacas that would need to be kept at Oak Tree Farm. Even using the higher stocking level, which given the nature of the soil type would in our opinion be difficult to achieve, the holding would only just be able to accommodate this number of stock. However, on balance it is accepted that the main breeding animals could be kept at Oak Tree Farm. Now that it has been acknowledged that some alpacas will be grazed away from the main holding we are more confident that

the business will be able to develop to the planned levels of 25-30 breeding females. On that basis we are satisfied that there is likely to be a functional need to live on site once the enterprise has expanded as proposed.

Existing dwellings

There are no other dwellings onsite apart from the mobile home subject to this application and as such the Council is satisfied there is no onsite alternative.

Financial sustainability

It is generally accepted that in order to be considered financially viable the business must, in the case of either a sole trader or partnership, generate a profit which is capable of providing an adequate return on any unpaid labour. Or in the case of a Limited Company that the Director's Remuneration along with any dividends are commensurate with a full-time wage. The budgets for the alpaca are largely based on the 51st edition of the John Nix Pocketbook for Farm Management, which provided figures for camelids. The 54th edition, which was published in September 2023, has reintroduced Gross Margin Figures for alpaca which are different, and costs are generally higher, than those used in the applicants budget.

The Council initially expressed concerns that the budgets put forward in the original submission may not be achievable.

In particular the Council had concerns about:

- level of egg sales;
- costs associated with renting additional land;
- costs of purchasing / selling breeding females

We calculate that a hen will lay 268 eggs per year, which is just over 22 dozen per year. Using the RAC sale figure of £2.50 per dozen this equates to egg sales of £56/ bird not the £62.50 per bird as set out in the RAC budgets. This reduces the egg sales from £12,500 to £11,160.

Concerns were also raised that there was no allowance with the budgets for renting additional land. The Applicant's have now provided details of the extra land that they have available to rent and that the rent to be paid is £1 / acre. Concerns were also raised that the same figure had been used for buying breeding females with cria at foot as had been used for selling pregnant females. RAC acknowledge our concerns but state under paragraph 7 of their response that "the likely purchase cost of the alpacas is an estimated figure and is based on securing a negotiated agreement for 20 breeding females with, effectively the cria at foot provided free of charge." On that basis RAC state that our concerns about reduced values are "unwarranted".

This response from the applicant is noted and although "we have some concerns that the budgets may not be achievable, based on the figures used. This is, however, an application for a temporary dwelling for a trial period, and those budget concerns of themselves would be tested through the temporary dwelling process". The main concern was "regarding long term availability of land" and that affected "how confident we can be that the enterprise will become financially viable".

Given that RAC are now acknowledging that there will be a need for some alpacas to be grazed away from the main holding then our concerns as to whether the enterprise will develop as proposed have been overcome. Although the Agricultural Advisor is still of the opinion that the budgets are on the high side, this is an application for a temporary dwelling for a trial period, therefore those budget concerns would be tested through the temporary dwelling period. In summary we are now satisfied that the proposal meets the financial sustainability test set out in the NPPF.

Character

Policy BDP19 requires new development to enhance the character and distinctiveness of the local area. The site is located on a narrow country lane and for the most part there are trees and hedges fronting the lane. The proposed fencing/gate at the entrance of the site is a 1.8m high close boarded fence. Such a feature is more typical of an urban area. Although it is noted that boundary treatments would be required to keep any livestock secured, the level of the fencing within the site is excessive as most rural access points suffice with a simple five bar gate and post and rail fencing. The applicant has confirmed that the fencing will be reduced to 1 metre in height in line with Permitted Development allowances. This matter will be conditioned to ensure the character of the countryside is maintained. Although a five bar gate would be preferable, given the height would fall within Permitted Development allowance, the Council cannot control the style.

The barn as existing is grey cladding on block work and its external appearance is not particularly out of keeping with its countryside location. The mobile home is temporary and something one would expect for temporary agricultural accommodation in the countryside and they have been sited to the edge of the field close to the access for ease of access and reduction in driveway.

Highways

The Highways Authority has reviewed the applicant's proposal to construct a new dwelling in a rural location. A speed survey was deemed unnecessary due to adequate site visibility. Recognising the potential for future residents to rely on personal vehicles due to the distance from amenities, no objection is raised to the proposal, as an agricultural workers dwelling given its proposed use.

Sustainability

The site is in an unsustainable location off a classified road, the site has an existing vehicular access with sub-standard visibility in both directions. Storage Lane has no footways or street lighting, and no parking restrictions are in force in the vicinity. The site is not located within walking distance of amenities, bus route and bus stops.

Paragraph 84 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more circumstance as listed apply. Paragraph 84(a) allows an agricultural workers dwelling. Therefore, the lack of street lighting and footways will deter journeys on foot, given the agricultural nature of development which is required to be in this countryside location it is not considered reasonable to refuse the application on these grounds.

Trees

The infrastructure installed on the site including a static mobile home, barn and associated services and access road and parking has had no adverse impact on any hedge line or trees either within the site or on any immediately adjoining land.

Drainage

The proposed development site is situated in the catchment of Dagnell Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. The EA's flood mapping also indicates that there is no surface water flood risk to the site but there is some minimal risk indicated along Storage Lane.

Concerns have been raised that currently surface water is being discharged into the highway verge at an unrestricted rate. If this is the case, there is the potential for this to exacerbate the flood risk that has already been identified along Storage lane and would not be something we find acceptable.

The application form indicates that a soakaway is proposed for discharging surface water and a package treatment plant is proposed for discharging foul. While in principle we have no issue with this, mapping indicates that the underlying soil is slowly permeable seasonally wet loamy and clayey soils with impeded drainage. This means that there are concerns that the site might not be suitable for any infiltration. The application has carried out infiltration tests to demonstrate that the use of a soakaway is acceptable at this location.

North Worcestershire Water Management have therefore raised no objection subject to condition requiring suitable soakaways be installed within 3 months of planning permission being granted.

Public consultation

Most of the matters raised during the public consultation have been considered within this report. Young farmers are supported through planning policy however must be viable as enterprises for onsite accommodation as outlined above. In respect of protected species, this is grazing land and no impact has been found to trees. A protected species survey has not been requested in this instance.

Five Year Land Supply

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

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

The development would represent appropriate development in the Green Belt and as such the 'tilted balance' would apply.

It is understood that the applicant's family currently reside onsite. Article 3.1 of the United Nations Convention on the Rights of the Child provides that "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration". It is important to note that a child's best interest is not determinative of the planning issue and may be outweighed by the cumulative effect of other considerations provided that the adverse impact on the child of any decision is proportionate.

In this case, the agricultural enterprise has been justified on a temporary basis whilst the budgets are tested. Further permission would be required in three years for continued use living on the site. In such time, the proposed business will have had the opportunity to establish itself and its future success clearer so that a view can be taken on whether thus complies with planning policy.

RECOMMENDATION: That planning permission be **GRANTED**

Conditions

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

JA-HJ-01 Location Plan
JA-JH-02 Site Plan
JA-JH-03 Plans and Elevations of barn

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

- 2) The caravan hereby permitted shall be occupied only by Mr Jack Allison and Ms. Samantha Rafferty and any associated family dependents for their use in the management of the alpaca enterprise at Oak Tree Farm, Storage Lane, Alvechurch, Worcestershire and shall be for a period of three years from the date of this decision.

When the caravan ceases to be occupied by Mr Jack Allison and Ms. Samantha Rafferty and or at the end of three years, whichever shall first occur, the use hereby permitted shall cease and the caravan shall be removed.

Upon removal of the caravan, the land shall be restored to its former condition in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

Reason: In order to ensure the appropriate occupation of the site to meet the needs of the agricultural business and comply with policy BDP4 of the Bromsgrove District Plan (2017) and the NPPF.

- 3) The fencing serving the site located to the southern boundary with Storage Lane shall be reduced to 1m in height as shown on Site Plan reference JA-JH-02 within 2 months of the date of this approval.

Reason - To protect the Green Belt and the character of the area

- 4) The residential caravan as shown on Site Plan reference JA-JH-02 annotated as 'caravan' shall be moved into the approved position and the second caravan, portaloo and black water storage container (as existing) removed from site within 4 months of the date of this permission.

Reason - The permission relates to a single caravan and the justification for an agricultural workers dwelling has been made on these grounds.

- 5) The barn building hereby approved shall be used solely for agricultural purposes and for no other use whatsoever. If the use of the barn for the purposes of agricultural within the unit permanently ceases within 10 years from the date of this consent, then unless the local planning authority have otherwise agreed in writing, the caravan and/or building must be removed from the land and the land must, so far as is practicable, be restored to its condition before any development within the application site took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.

Reason: To ensure the building onsite is only used for an agricultural purpose as proposed.

- 6) Surface water from the development shall discharge to soakaway drainage designed to cope with a 1 in 100 year event plus 40% allowance for climate change. If it emerges that infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus 40% allowance for climate change. An as built plan shall be provided with proof of installation. The drainage scheme shall be implemented within 3 months of the decision notice and thereafter maintained.

Reason – To ensure the site does not result in surface water flooding

Case Officer: Emily Darby Tel: 01527 881657
Email: emily.darby@bromsgroveandredditch.gov.uk

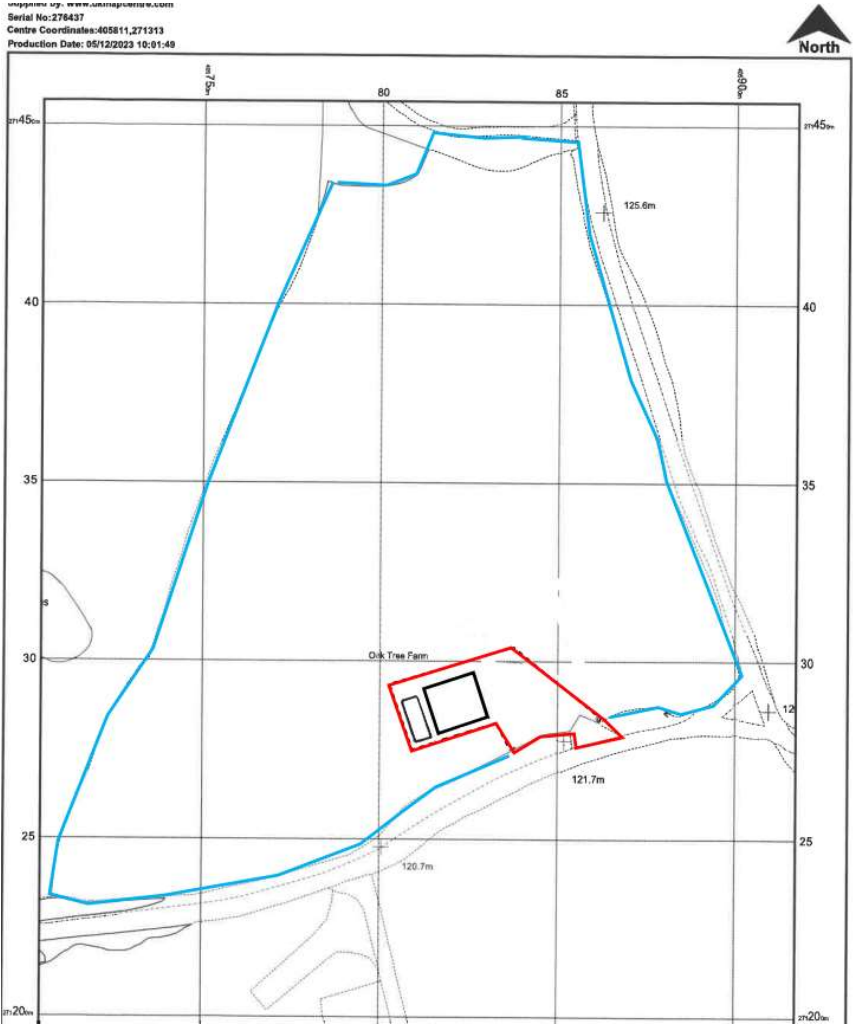
23/01390/FUL

Oak Tree Farm Storage Lane Alvechurch
Worcestershire B48 7EP

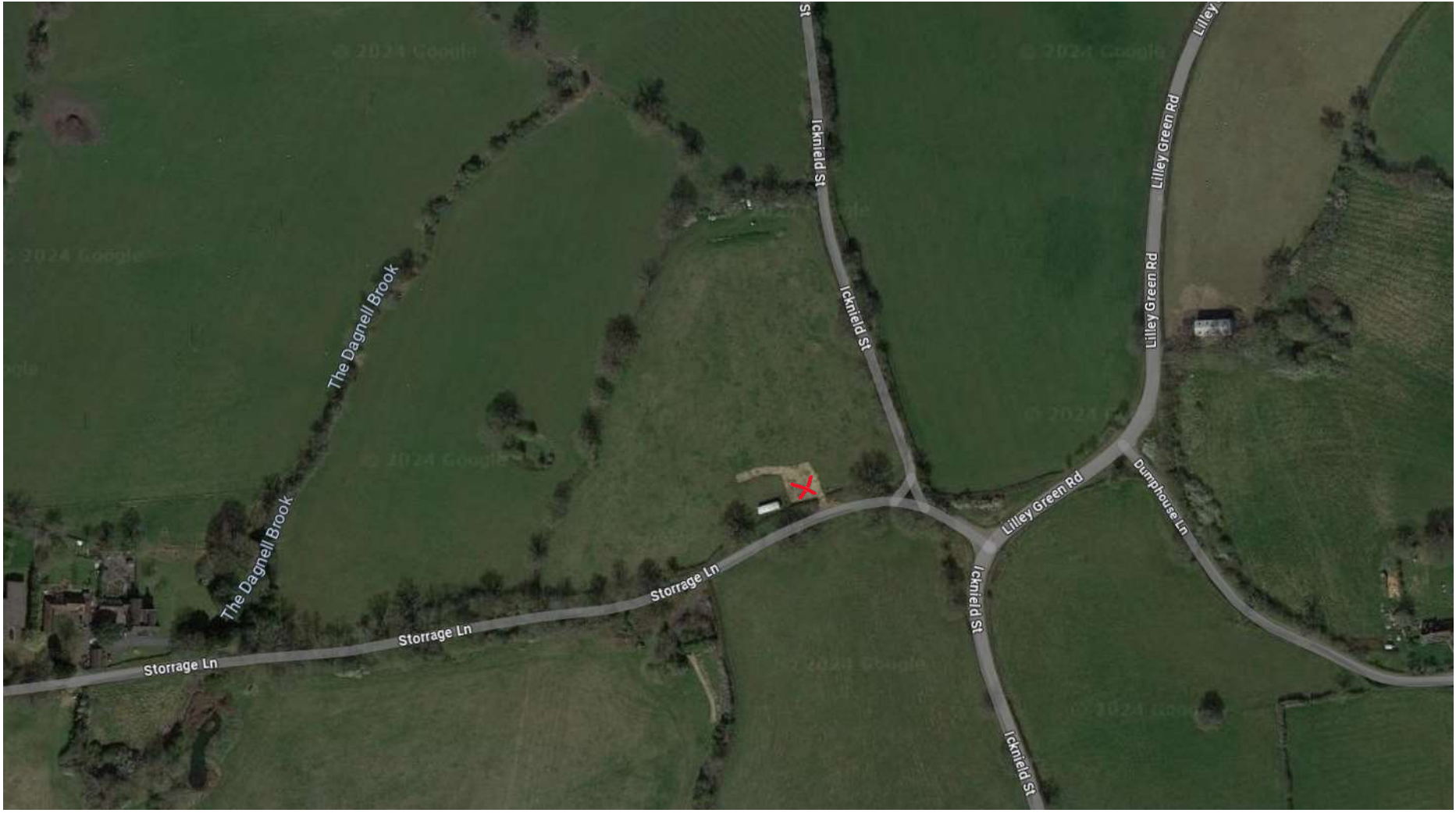
Temporary rural workers dwelling, agricultural building
with yard and alterations to the access (retrospective)

Recommendation: Approval

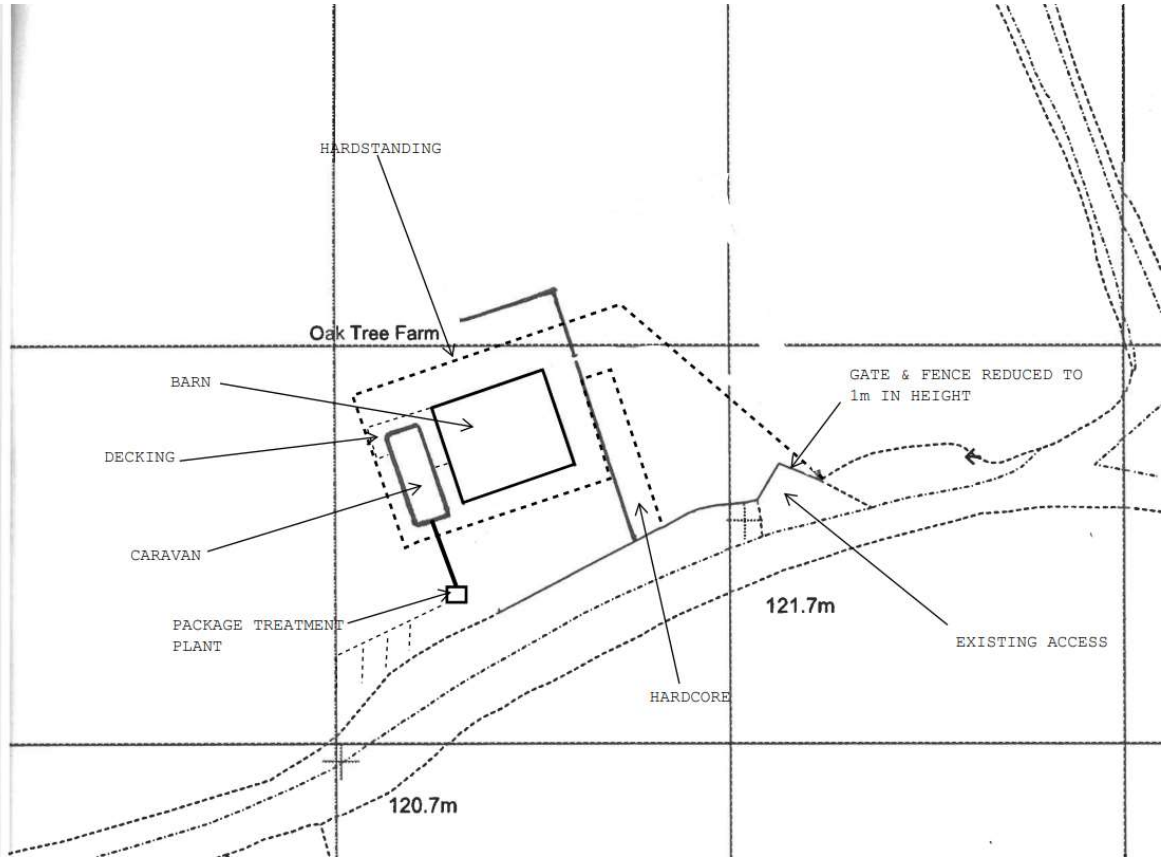
Site Location Plan



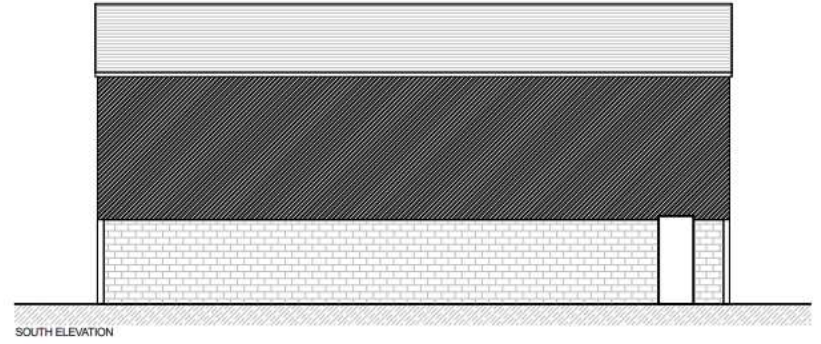
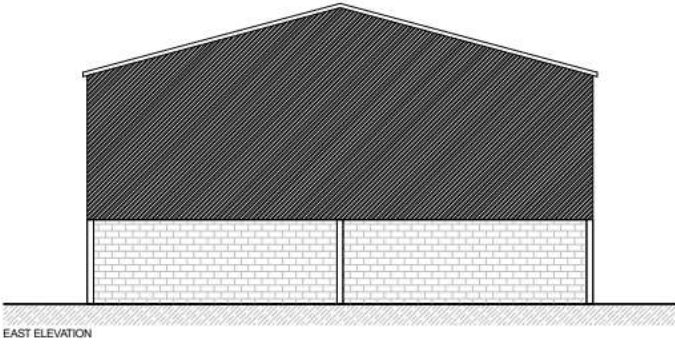
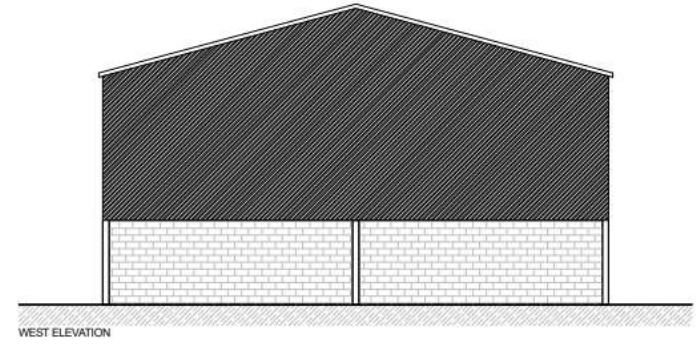
Aerial Photograph of site



Proposed Site Plan

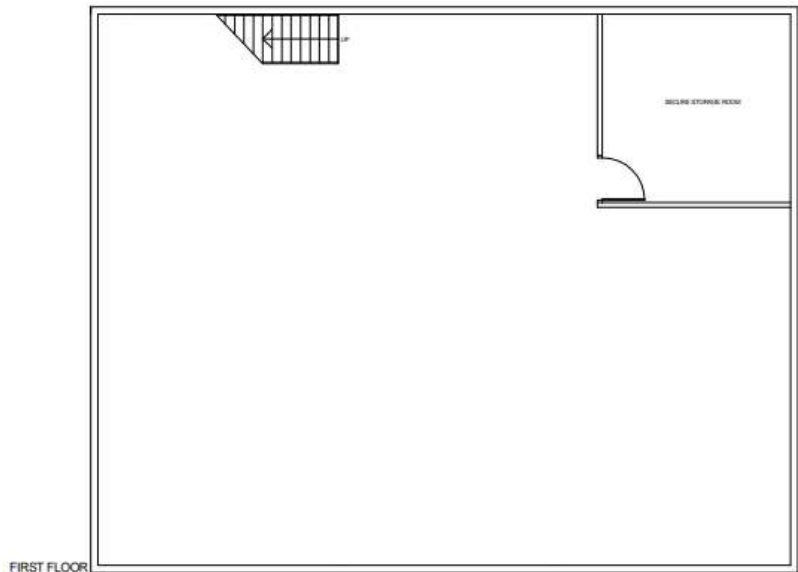
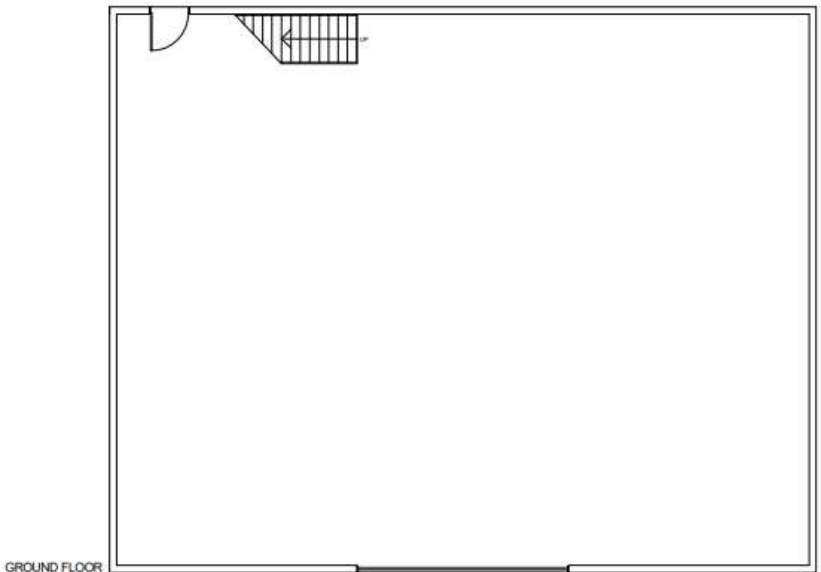


Agricultural building – Elevations



Agricultural Building - floor plan

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Site Photographs



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Site Photographs



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Site Photographs



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| Name of Applicant | Proposal | Expiry Date | Plan Ref. |
|---|--|-------------|---------------------|
| <p>Persimmon Homes South Midlands Ltd</p> | <p>Variation of condition 35 of planning permission 19/00976/HYB dated 01/11/2021: FROM: No more than 128 dwellings hereby approved shall be brought into use until the highway improvements to the Dagnell End Road / A441 Birmingham Road junction as shown in the PJA Drawing Ref: 2809 P 12 Rev P4, or similar scheme acceptable to the Highway Authority, has been approved in writing and completed to the satisfaction of the Local Planning Authority (in consultation with the Local Highway Authority) and is open to traffic. The junction is to include Microprocessor Optimised Vehicle Actuation (MOVA) signal control. AMEND TO: No more than 200 dwellings hereby approved shall be brought into use until the highway improvements to the Dagnell End Road / A441 Birmingham Road junction as shown in the PJA Drawing Ref: 2809 P 12 Rev P4, or similar scheme acceptable to the Highway Authority, has been approved in writing and completed to the satisfaction of the Local Planning Authority (in consultation with the Local Highway Authority) and is open to traffic. The junction is to include Microprocessor Optimised Vehicle Actuation (MOVA) signal control. (Cross boundary application with Redditch BC 24/00740/S73)</p> <p style="text-align: center;">Development Site At, Weights Lane, Redditch, Worcestershire</p> | | <p>24/00753/S73</p> |

RECOMMENDATION:

- a) Minded to **GRANT** Hybrid Planning Permission.
- b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to determine the planning application following the receipt of a suitable and satisfactory legal mechanism.

c) And that **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to update conditions relating to 19/00976/HYB and to agree the final scope, detailed wording and numbering of conditions.

Consideration and Determination of Cross Boundary Application

Two identical applications have been submitted, which include land within two LPA boundaries (Bromsgrove and Redditch).

The consideration of the impacts of a development proposal is not altered by political boundaries and cannot be considered in isolation. Members need to consider the application as a whole, (not just that part of the development within its own administrative boundary) and come to a decision based upon that consideration. However, Members will only be determining the application in so far as it relates to the administrative boundary of Bromsgrove.

The Redditch equivalent s73 application 24/00740/S73 will be considered at a future planning committee meeting.

A second s73 planning application for the variation of the approved plans for the full element of the hybrid permission 24/00838/S73 will be considered at a later item of the committee meeting.

Consultations

Worcestershire Highways - Bromsgrove

No objection to the variation of condition

Tutnall And Cobley Parish Council

Tutnall and Cobley Parish Council cannot support this application. We feel that the developers should stick to the original approval and carry out the road improvements.

The application appears to be a blatant attempt to postpone the commitment of the developers to do the accepted works at the junction. This will cause more people to be inconvenienced by the works.

Public Consultations

264 letters sent 29 July 2024 (expired 22 August 2024)

Site notices displayed 24 July 2024 (expired 17 August 2024)

Press notices published 02 August 2024 (expired 19 August 2024)

11 objections have been received in total, summarised as follows:

- Highway concerns
- The alteration to Condition 35 has the potential to increase the number of occupied dwellings to 200, which will result in a detrimental impact on the A441/Dagnell End Road traffic signal junction, thus causing additional traffic queues and vehicle delays to an already congested junction.
- The criteria for reviewing traffic flow arising from the scheme should be reassessed

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

Relevant Policies

Bromsgrove District Plan

RCBD1: Redditch Cross Boundary Development
BDP1 Sustainable Development Principles
BDP3 Future Housing and Employment Development
BDP7 Housing Mix and Density
BDP8 Affordable Housing
BDP12 Sustainable Communities
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP20 Managing the Historic Environment
BDP21 Natural Environment
BDP22 Climate Change
BDP24 Green Infrastructure

Others

NPPF National Planning Policy Framework (2023)
NPPG National Planning Practice Guidance
National Design Guide
High Quality Design Supplementary Planning Document (June 2019)

Relevant Planning History

The application site forms part of a larger site that was the subject of a cross boundary hybrid planning applications for the following proposal.

Hybrid applications 19/00976/HYB and 19/00977/HYB for up to 960 dwellings consisting of a full application for 128 dwellings accessed off Weights Lane, new public open space, drainage system, engineering operations associated works and an outline application (with all matters reserved with the exception of access) for the construction of the remaining dwellings with access points off Cookridge Close, Hawling Street and Weights Lane and including a new District Centre, new play facilities, new highway network, public open space, new drainage system and surface water attenuation, engineering operations and all associated works including landscaping.

This was approved at Bromsgrove Planning Committee on 1st February 2021 subject to the signing of s106 agreement. Following the signing of the s106 agreement, the Bromsgrove decision (19/00976/HYB) was issued on 1st November 2021.

The s106 agreement included the following contributions, highways (including bus service and infrastructure), education contribution on a per plot basis, off site open space contribution, Redditch town centre contribution, Bromsgrove and Redditch CCG Contribution and Worcestershire Acute Hospitals Trust.

Other Planning History

- Phase 1 (2011/177/OUT): Mixed use development of 171 dwellings, public open space (no matters reserved) and outline application for 4,738 square metres of Class B1 (Business) floorspace and access. Planning consent was granted on 3rd October 2011.
- Phase 2 (2014/256/OUT): Mixed use development of 296 dwellings, play area, Community House and public open space and outline application for up to 3,100 square metres of Class B1 (Business) floorspace and access. Planning consent was granted on 29th March 2017.
- New School: (16/000007/REG3) New two-form entry First School with associated external areas including access road, hard play, grass pitches, forest schools area, and parking. County application planning consent was granted on 13th October 2016.
- Land at Weights Lane (2012/120/OUT) Mixed use development of up to 200 dwellings, 5,000 sqm (gross) Class B1 office floorspace with associated open space and access arrangements. Planning permission was granted on 11th March 2014.
- Land at Weight Lane (reserved matters): (2015/265/RM) Layout, appearance, scale and landscaping for the erection of 200 no. dwellings with associated infrastructure and landscaping and the discharge of conditions 5, 9, 15 and 16 of the outline application reference 2012/120/OUT. Planning Permission was granted 16th December 2015.
- Phase 4 (22/00255/REM). Application for reserved matters approval (appearance, landscaping, layout and scale) for the construction of 72 dwellings and associated works and infrastructure, pursuant to the hybrid planning permissions 19/00976/HYB and 19/00977/HYB (Cross boundary application with Redditch BC 22/00359/REM). Reserved Matters was granted 26th August 2022.
- Phase 6 (22/01608/REM) Application for reserved matters approval (appearance, landscaping, layout and scale) for the construction of 109 dwellings and associated works and infrastructure, pursuant to the outline planning permissions 19/00976/HYB and 19/00977/HYB.0977/HYB. (Cross boundary application with Redditch BC 22/01553/REM). Reserved Matters was granted 2nd August 2023.
- Phase 5 (24/00077/REM) Reserved matters approval (appearance, landscaping, layout and scale) for the construction of 241 dwellings and associated works and infrastructure, pursuant to the outline planning permissions 19/00976/HYB and 19/00977/HYB (Cross boundary application with Redditch BC 24/00083/REM). Reserved Matters was granted 19th July 2024.

Assessment of Proposal

Site Description

The application site forms part of the Brockhill allocation, which is a greenfield site extending to circa 56ha and is irregular in shape, comprising heavily grazed improved grassland and large arable field parcels typically subdivided by fencing. The allocation site's boundaries extend adjacent to Brockhill Lane to the west, Weights Lane to the north, the Redditch/Birmingham railway line to the east, Phase I (Pointer's Way) and Phase II (Meadow View) to its south, and Phase 3 and Phase 4 which are a continuation of Phase 2. These phases have been or are being built by Persimmon. To the north of the application site, off Weights Lane, is an area of employment development known as Weights Farm Business Park.

Proposal Description

This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' of the PPG.

In deciding an application under Section 73, the Local Planning Authority must only consider the disputed condition that is the subject of the application – it is not a complete re-consideration of the application.

In this case the applicant is seeking a variation to the wording of a condition through the use of a Section 73 application.

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subjects to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Under section 73 applications, conditions attached to the original consent are carried across to the new section 73 application where those conditions continue to have effect.

This application seeks the variation of Condition 35 and seeks to amend the 128-dwelling trigger point to a new 200-dwelling trigger point relating to highway improvements to the Dagnell End Road / A441 Birmingham Road.

Highways Matters

Policy RBCD1.4 criterion II states that – “An overall Transport Assessment will be produced taking account of the prevailing traffic conditions and the individual and

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cumulative effects of development on transport infrastructure. This will define the mitigation necessary to protect the safety and operation of the road network, including sustainable travel measures and any new and improved access arrangements”.

A detailed Transport Assessment (TA) has been prepared by PJA in support of the hybrid planning application.

In the consideration of the Dagnell End Road / A441 Birmingham Road Junction the Committee Report made the following comments in paragraph 8.4-8.7. This are outlined below:

8.4 The junction currently experiences congestion during weekday peak hours and is located on a primary route connecting Redditch to the wider areas to the north, including Birmingham and access to the M42. A mitigation scheme has been identified for the junction, providing a ‘nil-detriment’ situation in terms of capacity, with wider benefits to the local community by providing a signal-controlled pedestrian crossing, operated by push button.

8.5 The junction scheme utilises land purchased by the applicant from the Local Planning Authority for the sole purpose of delivering a junction improvement in this location, in what is a constraint location in terms of land ownership. The improvement scheme is shown in the PJA Drawing Ref: 2809 P 12 Rev P4.

8.6 In terms of the phasing this work, the full element of the Hybrid can be started prior to the Dagnell End Road improvement scheme being required. This is justified to ensure sufficient time for the applicant team to obtain full technical approval for the junction scheme, without halting the delivery of construction on site. There is also a need to build in space between the Weights Lane improvements finishing and the Dagnell End Road works starting.

8.7 The Highway Authority accepts this position in retaining people in jobs and housing continuing to be built (also affecting the wider supply chain) at a time of recession relating to Covid-19. It is acknowledged that this will place some minor additional traffic impacts on an already congested junction for a short time, but on the premise that an improvement scheme is to be delivered in the medium term. As few network safety issues are identified at the junction, and the scale of impact being relatively small and typical of daily variation movements, the Highway Authority believes this balanced view and way forward to be acceptable.

As part of this application, a Technical Note (TN) by the applicant’s Highway Consultant (PJA) has been provided to justify this proposal.

The TN states WCC has recently stipulated that the applicant will not be allowed to commence the required Dagnell End Road/A441 Birmingham Road junction improvement works until March 2025, for several reasons including:

- To allow a break in roadworks in the area to benefit local residents;
- To undertake works during a period of improved ground conditions; and
- To allow necessary agreements, including with utility providers, to be implemented.

The TN advises that the applicant expects to be at the 200th occupation by the time the roadworks are completed. Hence, the purpose of submitting this Section 73 planning application to amend Condition 35, increasing the trigger for highway improvement works to the 200th occupation in line with development progress.

The issue is if it would be reasonable to require the applicant to suspend house building until March 2025 or to accept some short-term impact on the local highway network, including the Dagnell End Road / A441 Birmingham Road junction. An understanding of the level of impact is required and as part of WCC Highways Assessment, the following comments have been provided:

Trip Generation

The TN calculates that there would be an extra 51 two-way AM trips and an additional 54 two-way PM trips for the 200 figure after taking into account the difference in trip generation for 128 and 200 dwellings.

Before any improvements were made, this would result in about 20 two-way AM trips and 22 two-way trips at the intersection of Dagnell End Road and A441 Birmingham Road, according to the agreed-upon trip distribution.

As new housing is finished and occupied, these extra trips would accumulate.

Baseline Flows

According to the TN, a baseline traffic survey was conducted in June 2019 in order to bolster the initial planning request. This determined the baseline flows to be 2,291 peak two-way trips in the AM and 2,482 peak two-way trips in the PM.

The TN notes a Redditch planning application (ref: 21/01830/FUL) for a David Wilson Homes development at Hither Green Lane, Redditch. This application included a TA Addendum that was submitted in 2023 and contained turning count survey data that was collected on Tuesday 15 November 2022 at the intersection of Birmingham Road and Dagnell End Road. As baseline flows, 1,671 AM peak two-way trips and 1,741 PM peak two-way trips were recorded.

Comments submitted as part of the publicity process have suggested on-going roadworks in the area might have affected the November 2022 results. The Highway Authority would contest the notion that November is a neutral month with a higher probability of lower traffic volumes. An independent traffic count at the junction was conducted on 12 March 2024, during the morning peak hour of 0800-0900. 2,253 two-way trips were recorded, which is 38 fewer than in the June 2019 survey.

This was acknowledged in the Highway Authority's official response to the David Wilson Homes application:

“Compared to the background traffic flows surveyed and used in the LinSig model for the Brockhill Phase 3, traffic flows have since slightly reduced post-covid and this has been confirmed by the Highway Authority’s own permanent traffic counter, which is positioned

on the A441 to the north of the Dagnell End Road junction (the northern arm of the junction). Several months' worth of data was obtained to verify this."

According to the TN, the decrease in traffic flows that WCC refer to is consistent with the declines seen in the surveys that have been finished since 2019. Therefore, in the years after the Land at Brockhill East application, it has been widely acknowledged that there has been a slight decrease in general traffic past the junction.

Junction Impact

The TN states that traffic flows in 2024 have been demonstrated to be lower than when the Land East of Brockhill application was submitted. The reductions in local traffic flows are greater than the additional 20 AM and 22 PM trips predicted to be generated by a 200-dwelling trigger point, therefore the total traffic flows will be lower than those assessed as part of the original application.

It is considered that there will not be any negative effects on the junction before any highway improvement projects are finished if Condition 35 is changed as part of the Section 73 application. When base traffic flows are reduced, the effect of a small increase in development trips is deemed insignificant.

The Highway Authority concurs that neither the local highway network nor the junction would suffer appreciably from the minor increase in development trips. The recommended increases in development trips fall comfortably within the range of daily variations in baseline flows at the junction that are considered acceptable. Therefore, the Highway Authority has no justification for objecting to the proposed increase in the trigger point threshold from 128 to 200 dwellings.

On that basis the Highway Authority offers no objection to the variation of condition 35. Therefore there are no justifiable grounds on which an objection could be maintained on highway grounds. As a consequence, it is considered that the proposed development would deliver sustainable development in accordance with the requirements of Policy RCBD1.9 (II-IV), and BDP16 of the BDP.

Legal Agreement

A section 106 agreement (s106) was completed for the hybrid application. However, the legal agreement did not include wording that if a s73 consent was granted then the obligations in the s106 legal agreement (such as affordable housing, education, off site open space, etc) should relate to the new s73 consent.

Therefore, if approved a supplemental deed to the legal agreement is required in this case to ensure that the obligations still apply.

Other Matters

Technical matters regarding the number of affordable housing units, flood risk, drainage, ecology and biodiversity, air quality, noise, and contaminated land were assessed in detail on the previous applications and were considered acceptable (subject to relevant conditions). Officers consider the proposed condition change under this application do not

result in any material change to these matters, subject to relevant conditions under 19/00976/HYB being imposed.

Conclusion

In conclusion, whilst Officers note that the variation will add to existing traffic on the local road network, the detailed transport note accompanying the application has been reviewed by the Highway Authority and it has been concluded that the impacts of the development arising from the variation of Condition 35 cannot reasonably be described as severe. In accordance with paragraph 115 of the NPPF, the development should not be refused on highways grounds.

The proposal is therefore recommended for approval.

RECOMMENDATION:

- a) Minded to **GRANT** Hybrid Planning Permission
- b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to determine the planning application following the receipt of a suitable and satisfactory legal mechanism.
- c) And that **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to update conditions relating to 19/00976/HYB and to agree the final scope, detailed wording and numbering of conditions.

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

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24/00753/S73

Development Site At, Weights Lane, Redditch,
Worcestershire

Page 109 Variation of condition 35 of hybrid planning permission
19/00976/HYB

Recommendation: Minded to GRANT, delegated
powers

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Approved Framework Plan

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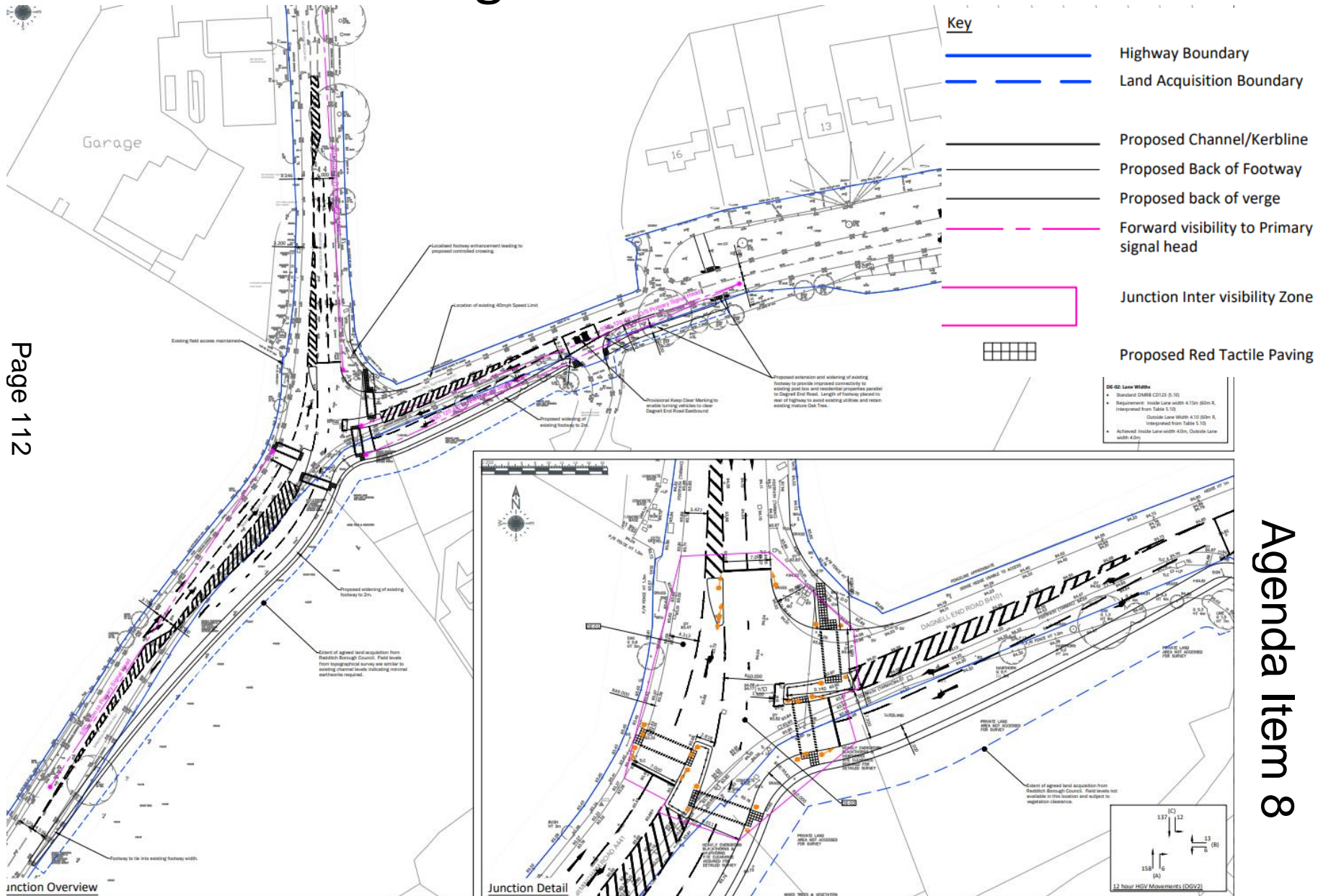


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Site Location Plan



Approved Signalised Junction Improvements - PJA Drawing Ref: 2809 P 12 Rev P4



| Name of Applicant | Proposal | Expiry Date | Plan Ref. |
|---|---|-------------|---------------------|
| <p>Persimmon Homes South Midlands Ltd</p> | <p>Variation of condition 4 (Approved Plans) following grant of planning permission 19/00976/HYB (Hybrid planning application for up to 960 dwellings consisting of a full application for 128 dwellings accessed off Weights Lane, new public open space, drainage system, engineering operations and associated works and an outline application for the construction of the remaining dwellings with access points off Cookridge Close, Hawling Street and Weights Lane and including a new District Centre, new play facilities, new highway network, public open space, new drainage system and surface water attenuation, engineering operations and all associated works including landscaping) Substitution of HQI 73 House Type with HQI 50 House Type on Plots 80-83 and reorientation of Plots 84-85 in order to address gradients onsite. (Cross boundary application with Redditch BC 24/00839/S73)</p> <p style="text-align: center;">Development Site At, Weights Lane, Redditch, Worcestershire</p> | | <p>24/00838/S73</p> |

RECOMMENDATION:

- a) Minded to **GRANT** Hybrid Planning Permission.
- b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to determine the planning application following the receipt of a suitable and satisfactory legal mechanism.
- c) And that **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to update conditions relating to 19/00976/HYB and to agree the final scope, detailed wording and numbering of conditions.

Consideration and Determination of Cross Boundary Application

Two identical applications have been submitted, which include land within two LPA boundaries (Bromsgrove and Redditch).

The consideration of the impacts of a development proposal is not altered by political boundaries and cannot be considered in isolation. Members need to consider the application as a whole, (not just that part of the development within its own administrative

boundary) and come to a decision based upon that consideration. However, Members will only be determining the application in so far as it relates to the administrative boundary of Bromsgrove.

The Redditch equivalent s73 application 24/00839/S73 will be considered at a future Redditch Planning Committee meeting.

Consultations

Worcestershire Highways - Bromsgrove

No objection to the variation of condition 4.

Housing Strategy

Note that the tenure and number of affordable dwellings does not change, but the size of the units is reduced from 4 two bedroom units to 4 one bedroom units. The loss of the 2 bedroom units is acceptable given the overall level of affordable housing provided on the wider site.

Arboricultural Officer

No objection

North Worcestershire Water Management

Having reviewed the changes, I have no further comment make.

Tutnall And Cobley Parish Council

No comments received to date

Public Consultations

Site notice displayed 22 August 2024 (expired 15 September 2024)

Press notice published 30 August 2024 (expired 16 September 2024)

No comments received

Relevant Policies

Bromsgrove District Plan

RCBD1: Redditch Cross Boundary Development
BDP1 Sustainable Development Principles
BDP3 Future Housing and Employment Development
BDP7 Housing Mix and Density
BDP8 Affordable Housing
BDP12 Sustainable Communities
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP20 Managing the Historic Environment
BDP21 Natural Environment
BDP22 Climate Change
BDP24 Green Infrastructure

Others

NPPF National Planning Policy Framework (2023)
NPPG National Planning Practice Guidance
National Design Guide
High Quality Design Supplementary Planning Document (June 2019)

Relevant Planning History

The application site forms part of a larger site that was the subject of a cross-boundary hybrid planning applications for the following proposal.

Hybrid applications 19/00976/HYB and 19/00977/HYB for up to 960 dwellings consisting of a full application for 128 dwellings accessed off Weights Lane, new public open space, drainage system, engineering operations associated works and an outline application (with all matters reserved with the exception of access) for the construction of the remaining dwellings with access points off Cookridge Close, Hawling Street and Weights Lane and including a new District Centre, new play facilities, new highway network, public open space, new drainage system and surface water attenuation, engineering operations and all associated works including landscaping.

This was approved at Bromsgrove Planning Committee on 1 February 2021 subject to the signing of s106 agreement. Following the signing of the s106 agreement, the Bromsgrove decision (19/00976/HYB) was issued on 1 November 2021.

The Section 106 agreement included the following contributions, highways (including bus service and infrastructure), education contribution on a per plot basis, off site open space contribution, Redditch Town Centre contribution, Bromsgrove and Redditch CCG Contribution and Worcestershire Acute Hospitals Trust.

Other Planning History

- Phase 1 (2011/177/OUT): Mixed use development of 171 dwellings, public open space (no matters reserved) and outline application for 4,738 square metres of Class B1 (Business) floorspace and access. Planning consent was granted on 3rd October 2011.
- Phase 2 (2014/256/OUT): Mixed use development of 296 dwellings, play area, Community House and public open space and outline application for up to 3,100 square metres of Class B1 (Business) floorspace and access. Planning consent was granted on 29th March 2017.
- New School: (16/000007/REG3) New two-form entry First School with associated external areas including access road, hard play, grass pitches, forest schools area, and parking. County application planning consent was granted on 13th October 2016.
- Land at Weights Lane (2012/120/OUT) Mixed use development of up to 200 dwellings, 5,000 sqm (gross) Class B1 office floorspace with associated open space and access arrangements. Planning permission was granted on 11th March 2014.

- Land at Weight Lane (reserved matters): (2015/265/RM) Layout, appearance, scale and landscaping for the erection of 200 no. dwellings with associated infrastructure and landscaping and the discharge of conditions 5, 9, 15 and 16 of the outline application reference 2012/120/OUT. Planning Permission was granted 16th December 2015.
- Phase 4 (22/00255/REM). Application for reserved matters approval (appearance, landscaping, layout and scale) for the construction of 72 dwellings and associated works and infrastructure, pursuant to the hybrid planning permissions 19/00976/HYB and 19/00977/HYB (Cross boundary application with Redditch BC 22/00359/REM). Reserved Matters was granted 26th August 2022.
- Phase 6 (22/01608/REM) Application for reserved matters approval (appearance, landscaping, layout and scale) for the construction of 109 dwellings and associated works and infrastructure, pursuant to the outline planning permissions 19/00976/HYB and 19/00977/HYB.0977/HYB. (Cross boundary application with Redditch BC 22/01553/REM). Reserved Matters was granted 2nd August 2023.
- Phase 5 (24/00077/REM) Reserved matters approval (appearance, landscaping, layout and scale) for the construction of 241 dwellings and associated works and infrastructure, pursuant to the outline planning permissions 19/00976/HYB and 19/00977/HYB (Cross boundary application with Redditch BC 24/00083/REM). Reserved Matters granted 19th July 2024.

Assessment of Proposal

Site Description

The application site forms part of the Brockhill allocation, which is a greenfield site extending to *circa* 56ha and is irregular in shape, comprising heavily grazed improved grassland and large arable field parcels typically subdivided by fencing. The allocation site's boundaries extend adjacent to Brockhill Lane to the west, Weights Lane to the north, the Redditch/Birmingham railway line to the east, Phase I (Pointer's Way) and Phase II (Meadow View) to its south, and Phase 3 and Phase 4 which are a continuation of Phase 2. These phases have been or are being built by Persimmon. To the north of the application site, off Weights Lane, is an area of employment development known as Weights Farm Business Park.

Proposal Description

This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' of the PPG.

In deciding an application under section 73, the Local Planning Authority must only consider the disputed condition that is the subject of the application – it is not a complete re-consideration of the application.

In this case the applicant is seeking a variation to the approved plans through the use of a section 73 application.

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subjects to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Under section 73 applications, conditions attached to the original consent are carried across to the new section 73 application where those conditions continue to have effect.

This application seeks the variation of approved plans (condition 4) for the full element of the hybrid permission, which related to the set of approved plans. The applicant seeks to substitute consented HQI 73 House Type (2 bedroom semi-detached) with HQI 50 House Type (4 one bedroom maisonettes) on Plots 80-83 and reorientate Plots 84-85.

The number of approved dwellings remains 128 for the full element of the hybrid. 44 affordable dwellings (split between shared ownership and affordable homes for rent) does not change as a result of this application.

Assessment

The changes in the house types are considered acceptable. The elevational and layout changes to facilitate the dwellings are satisfactory. The height, scale and massing of the development does not alter substantially from the approval.

The comments from consultee including the change in the size of the affordable housing are noted. Overall, the changes in terms of affordable housing and design are acceptable. The proposed development is in accordance with the BDP7, BDP8, BDP19, the Bromsgrove High Quality Design SPD and the NPPF.

Highways

The Highway Authority notes HQI 73 House Type is a 2-bedroom dwelling, whilst the HQI 50 House Type is a 1-bedroom dwelling. The submitted scheme proposals layout drawing shows the previous two car parking spaces per dwelling, at Plots 80-83, being amended to provide one car parking space per new dwellings. This parking provision is in line with the requirements set out in the WCC Streetscape Design Guide. The proposed changes, including the reorientation of Plots 84/85, would have no significant impact on the local highway network.

Legal Agreement

A section 106 agreement (s106) was completed for the hybrid application. However, the legal agreement did not include wording that if a s73 consent was granted then the obligations in the s106 legal agreement (such as affordable housing, education, off site open space, etc) should relate to the new s73 consent.

Therefore, if approved a supplemental deed to the legal agreement is required in this case to ensure that the obligations still apply.

Other Matters

Technical matters regarding flood risk and drainage are acceptable. Other matters relating to ecology and biodiversity, air quality, noise, and contaminated land were assessed in detail on the previous applications and were considered acceptable (subject to relevant conditions). Officers consider the proposed condition change under this application do not result in any material change to these matters, subject to relevant conditions under 19/00976/HYB being imposed.

Conclusion

In conclusion, the proposed changes are considered to comply with Bromsgrove District Plan policies, the Bromsgrove High Quality Design SPD and the provisions of the NPPF. Therefore, in conclusion, the application is recommended for approval, subject to conditions.

Under section 73 applications, conditions attached to the original consent are carried across to the new section 73 application where those conditions continue to have effect. The recommendation below together with conditions, where they are required to be amended, reflects this.

RECOMMENDATION:

- a) Minded to **GRANT** Hybrid Planning Permission
- b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to determine the planning application following the receipt of a suitable and satisfactory legal mechanism.
- c) And that **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to update conditions relating to 19/00976/HYB and to agree the final scope, detailed wording and numbering of conditions.

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24/00838/S73

Development Site At, Weights Lane, Redditch,
Worcestershire

Page 119 Variation of condition 4 of hybrid planning permission
19/00976/HYB

Substitution of HQI 73 House Type with HQI 50 House
Type on Plots 80-83 and reorientation of Plots 84-85 in
order to address gradients onsite.

Recommendation: Minded to GRANT, delegated
powers

Approved Framework Plan

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Agenda Item 9

Site Location Plan



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Agenda Item 9

Approved Site Layout under 19/00976/HYB



Proposed Site Layout (B&W)





Front Elevation



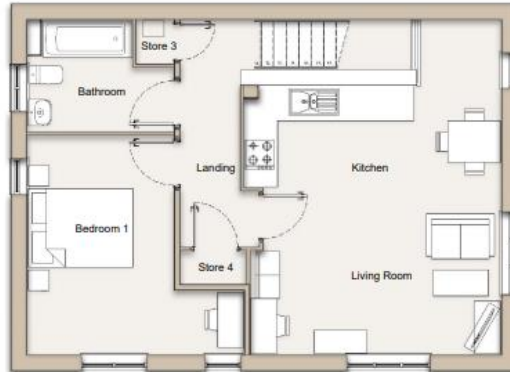
Side Elevation



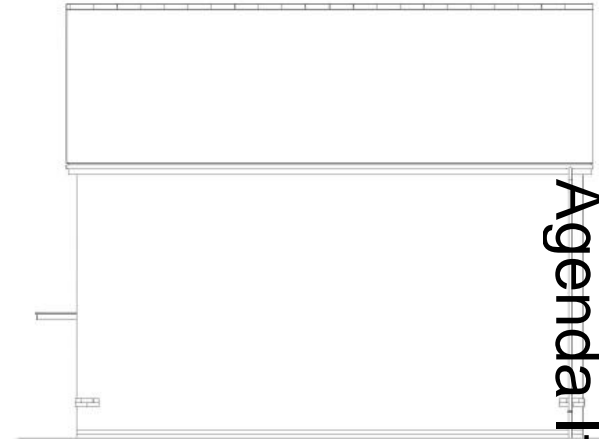
Side Elevation



Ground Floor Plan



First Floor Plan



Rear Elevation

HQI 50 1 Bedroom Maisonettes Social rent